



Project No. 1847

April 27, 2018

Planning and Growth Management Committee
Toronto City Hall
100 Queen Street West
Toronto, ON, M5H 2N2

Dear Chair and Members of the Committee:

**Re: *Proposed Official Plan Amendment – Downtown Plan
Starlight Investments***

We are the planning consultants for Starlight Investments (“Starlight”). On behalf of our clients, we have reviewed the proposed Downtown Plan and proposed Official Plan Amendment No. 406, which is to come before your Committee on May 1, 2018. Starlight has an interest in eight properties (“the Starlight Properties”) within Downtown Toronto (as defined by the proposed boundary in the Downtown Plan), all of which are occupied by existing rental residential buildings. **Attachment 1** identifies the location of the Starlight Properties on an annotated version of a proposed Downtown Plan schedule.

Based on our review of the Plan in the context of the Starlight Properties, we respectfully request of the Committee that three modifications to the proposed Downtown Plan be made:

1. Redesignate 77 Wellesley Street East to *Mixed Use Areas 2 – Intermediate*;
2. To be consistent with the Official Plan and Official Plan Amendment No. 320, update Section 4 of the Downtown Plan to acknowledge the potential for infill development within *Apartment Neighbourhoods* designations; and
3. Provide more clear direction regarding the applicability of the requirements for a Complete Community Assessment (proposed Policy 5.3) and the bedroom mix (proposed Policy 11.1).

Our analysis in support of these requested modifications is provided below.

1. 77 Wellesley Street East as Mixed Use Areas 2

77 Wellesley Street East is located at the southeast corner of Wellesley Street East and Church Street. It is currently occupied by a 4-storey mixed-use building, comprised of rental residential uses and commercial uses at-grade along both frontages. The site is approximately 1,350 square metres in size. The site is

currently designated *Mixed Use Areas* and is subject to Official Plan Site and Area Specific Policy (“SASP”) 155 and SASP 382. In this area, Wellesley Street East has a right-of-way width of 20 metres and Church Street has a right-of-way width of 20 metres.

It is important to understand the site and its context when considering the proposed Downtown Plan. To the immediate east (81 Wellesley Street East) is a parcel of land that is currently vacant but has approved zoning for a 28-storey building. A private driveway extends south from Wellesley Street along the west perimeter of this property. East of this is a 9-storey rental apartment building, and further east is a 7- and 15-storey building.

To the immediate south is a 2-storey commercial building. Immediately north of the site is a three-storey rental apartment building with at-grade retail uses; further east along Wellesley Street (on the north side) are three rental apartment buildings that are 13, 8 and 28 storeys.

At the southwest corner of Church Street and Wellesley Street is a 5-storey office building with commercial uses at-grade; immediately west of this is a 9-storey residential building; west of this building is Sunnybrook Hospital, which is approximately 9 storeys in height.

At the northwest corner of Church and Wellesley is the property know as 64-66 Wellesley Street East & 552-570 Church Street. An application has been submitted to the City for an Official Plan Amendment and rezoning to permit a 39-storey building on this site. The latest resubmission of this proposal was submitted to the City in February 2018 and the application has also been appealed.

The Downtown Plan proposes to redesignate the 77 Wellesley Street East site from *Mixed Use Areas* to *Mixed Use Areas 3 – Main Street*. Based on proposed Policy 6.28, development within *Mixed Use Areas 3* is to generally be in the form of low-rise and mid-rise buildings, with retail and service commercial uses at grade and residential, office and/or institutional uses above. Development in *Mixed Use Areas 3* is to be in keeping with the mid-rise building policies of the Plan included in proposed Policy 9.29, which includes having heights generally equivalent to the right-of-way widths it fronts onto and maintaining angular planes. Proposed Policy 9.13.2 specifies that tall buildings will not be permitted on sites within *Mixed Use Areas 3*.

The policies result in a more prescriptive land use framework than what is currently in force. Further, it is our opinion that this proposed change in land use permissions is not consistent with Provincial Policy (Provincial Policy Statement (PPS), 2014) nor does it conform to the Growth Plan (2017). One of the key policy

directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit. In particular, Policy 1.1.3.2 of the PPS supports densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities, and which are transit-supportive where transit is planned, exists or may be developed. Policy 1.1.3.3 provides that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment, where this can be accommodated, taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities.

With respect to housing, Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other matters, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and public transit. The efficient use of infrastructure (particularly public transit) is a key element of provincial policy (Section 1.6). With respect to transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation.

The Growth Plan policies have been strengthened as they apply to the integration of land use and infrastructure planning, and the importance of “optimizing” the use of the land supply and infrastructure. In this respect, the Growth Plan has been revised by adding more detail about the objectives of a “complete community” and requiring minimum density targets for major transit station areas along priority transit corridors and existing subways.

The Growth Plan (2017) includes a number of additional policies applying to “major transit station areas”. In particular, Policy 2.2.4(2) requires the City of Toronto to delineate the boundaries of “major transit station areas” on priority transit corridors or subway lines “in a transit supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station”. Policy 2.2.4(3)(a) goes on to require that “major transit station areas” served by subway to be planned for a minimum density target of 200 residents and jobs combined per hectare. Policy 2.2.4(9) provides that, within all “major transit station areas”, development will be supported, where appropriate, by:

- planning for a diverse mix of uses to support existing and planned transit service levels;
- providing alternative development standards, such as reduced parking standards; and
- prohibiting land uses and built form that would adversely affect the achievement of transit supportive densities.

The site is within a Major Transit Station Area in the Growth Plan (approximately 200 metres from the Wellesley subway station), and therefore is in an area where growth should be prioritized.

The in-force *Mixed Use Areas* designation provides that height and density is anticipated, particularly within the *Downtown*, subject to achieving appropriate massing and transition. Although SASP 382 provides that development within the Church Street Village Character Area should be “low-scale sensitive infill”, it does not specify height or density, but rather emphasizes the importance of development respecting and reinforcing the general physical character of the area, among other considerations.

In addition to policy, the site has been identified within applicable guideline documents as suitable for more intensified development. The *Downtown Tall Buildings: Vision and Supplementary Design Guidelines* identifies this portion of Wellesley Street East as a High Street that is appropriate for heights within the range of 62 metres to 107 metres (20 storeys to 35 storeys) (Map 2), with a Tower – Base Form typology (Map 3).

The site is also within a development context that has traditionally supported a more dense built form than currently exists on the site. In addition to the approved 28-storey building adjacent to the subject site, there is also a 13-storey building to the northeast of the site (80 Wellesley Street East) and a 28-storey building at the corner of Wellesley and Jarvis Streets. In addition, a number of tower development applications have also been filed in proximity to the site including 66 Wellesley Street East (39 storeys), 100 Wellesley Street East (10 storey infill building) and 572 Church Street (16 storeys).

Based on the foregoing, we have reviewed the development potential of the subject site and have concluded that it could accommodate a taller building than would be permitted through the *Mixed Use Areas 3* designation in the proposed Downtown Plan allows. By limiting the height of a proposed building to the width of the adjacent right-of-way, only 6 storeys could be achieved. However, based on the dimensions of the site and contextual considerations, in our opinion a taller mid-rise building could be accommodated, at least in the range of 11 to 14-storeys.

A taller height would be an appropriate form of intensification within a major transit station area, would be consistent with the character of the Church Street Village and could be massed to ensure appropriate stepping to the properties to the south with maintenance of sunlight on the Church Street sidewalks. In addition, a building could be massed to fit appropriately with the building at 81 Wellesley Street East, when it develops, and could facilitate a better built form transition to the Church Street corridor.

Further, the Provincial Policy Statement and the Growth Plan emphasize the importance of optimizing the use of land and infrastructure in built-up areas, particularly in urban growth centres and major transit station areas.

Based on the foregoing, it is our opinion that the redesignation of the subject site from *Mixed Use Areas* to Mixed Use Areas 3 is not consistent with the provincial policy nor does it conform with the Growth Plan.

For these reasons, we recommend that the Downtown Plan be modified to provide more flexibility with respect to future redevelopment by applying the designation of *Mixed Use Areas 2 – Intermediate* at 77 Wellesley Street East. This would allow for a more appropriate transitional built form which is contextually sensitive and consistent with Provincial policies and conforms to the Growth Plan.

2. Growth in Apartment Neighbourhoods

Five of the Starlight Properties are currently designated *Apartment Neighbourhoods* and the proposed Downtown Plan is not proposing to modify these designations. However, the proposed Downtown Plan does not include *Apartment Neighbourhoods* as lands to be targeted for growth (refer to Policy 4.2). While the current Official Plan includes language regarding the stability of *Apartment Neighbourhoods*, the policies do permit infill development (and therefore growth), subject to certain conditions. This potential for more intensified growth within the *Apartment Neighbourhoods* designation is outlined in the proposed Official Plan Amendment No. 320 (“OPA 320”).

In contrast, there is no direction in the proposed policies of the Downtown Plan that speak to the potential for infill development (whether residential or non-residential) within *Apartment Neighbourhoods*. Although Section 1.2 of the proposed Plan provides that the policies are to be read together with the Official Plan policies, in our opinion more clarity is required with respect to how the existing *Apartment Neighbourhoods* policies will relate to those of the Downtown Plan, including OPA 320. We also note that Section 1 of the Downtown Plan does not

specify whether the Official Plan or the Downtown Plan would take precedence in the case of a conflict.

Sensitive infill development can provide opportunities for introducing a greater mix of uses on a site, can enhance the livability of a building's surrounding and contribute to the achievement of a complete community. For example, at 155 Wellesley Street East (one of the Starlight Properties), a medical clinic is being proposed as an infill project at the base of an existing 18-storey apartment building. This proposal has been recommended for approval by Staff and will be before Community Council in May. Further, infill development on *Apartment Neighbourhood* sites can also add new dwelling units to a site and therefore to the Downtown, which will contribute to the range of available housing. As currently proposed, the permission for development within *Apartment Neighbourhood* sites is unclear in the Downtown Plan. We recommend that the Plan be modified to ensure that opportunities for infill development on lands designated *Apartment Neighbourhoods* are protected.

3. Clarification on Requirements

Certain policies of the proposed Downtown Plan require clarification regarding how and when they would be applied. In our opinion, the following are two examples of where infill development should be more adequately considered.

Policy 5.3 requires the submission of a Complete Community Assessment to address how development will achieve the goals of complete communities within the existing and planned context. It is not clear from the Downtown Plan what scale of change would trigger this requirement. We recommend providing more clear direction in the Plan because the analysis should differ between smaller-scale infill development and larger-scale new development.

Policy 11.1 includes requirements for bedroom mix that will apply to development containing more than 80 residential units. There may be opportunities, particularly within *Apartment Neighbourhoods*, to add new residential units to sites that already contain 80 residential units or more. However, in these instances it may not be feasible or appropriate to apply the indicated unit mix to the infill development. For this reason, we recommend that the Downtown Plan be modified so that this policy only applies where development contains more than 80 new residential units, which we believe is the intent of the policy.

Conclusions

We are continuing to review the available documentation and can provide supplementary correspondence as required. However, based on the foregoing, it is our opinion that the proposed amendments should not be adopted in their current form. If you have any questions, please do not hesitate to ask the undersigned or Caitlin Allan of our office at (416) 947-9744.

Yours truly,

Bousfields Inc.



Emma West, MCIP RPP

cc. *Howard Paskowitz, Starlight Investments*
Andrew Jeanrie, Bennett Jones LLP



 Downtown Plan Boundary

 Central Waterfront Secondary Plan

- 1** 15 Dundonald Street
- 2** 245 Howland Avenue
- 3** 50 Spadina Road
- 68** 16 St. Joseph Street

- 5** 35 Walmer Road
- 4** 77 Wellesley Street East
- 6** 80 Wellesley Street East
- 7** 155 Wellesley Street East