



STAFF REPORT ACTION REQUIRED

10-16 Wellesley Street West, 5-7 St. Nicholas Street and 586 Yonge Street – Zoning Amendment – Refusal Report

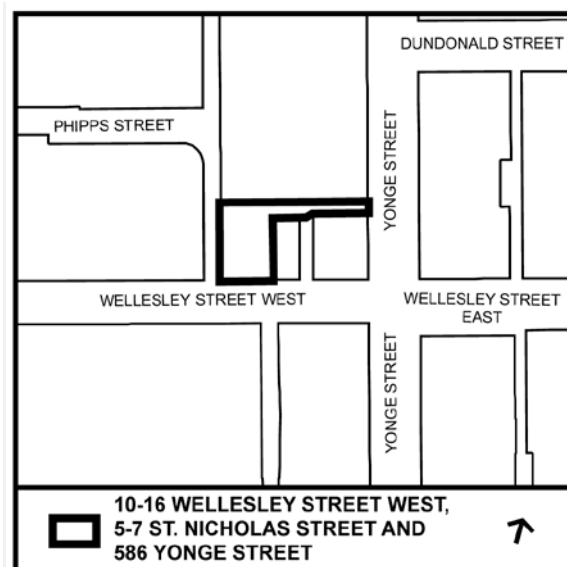
Date:	February 6, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	17 267875 STE 27 OZ

SUMMARY

This application proposes to amend the Zoning By-law to permit a 64-storey (199.7 metres, including mechanical penthouse) mixed-use building at 10-16 Wellesley Street West, 5-7 St. Nicholas Street and 586 Yonge Street, consisting of a 4-storey (18.0 metre) podium element and a 60-storey tower element. The proposal includes 466 residential units and 153 square metres of retail uses at grade. A total of 47 parking spaces are proposed in a 3-level underground parking garage accessed from St. Nicholas Street. The proposed development would retain the listed heritage building at 586 Yonge Street and retain the façades of the listed heritage buildings at 10-16 Wellesley Street West. The buildings at 5 and 7 St. Nicholas Street would be demolished.

This report reviews and recommends refusal of the application to amend the Zoning By-law.

This application is not appropriate for the site. The site is not large enough to accommodate a tall building with appropriate setbacks, stepbacks, and separation distances to surrounding properties. The proposed development does not adequately conserve the cultural heritage value of the site and the Historic Yonge Street Heritage Conservation District. It does not conform to the Official Plan, including OPA 352 for tall buildings in the Downtown and OPA 183 for the North Downtown Yonge Area; is inconsistent with Council-approved guidelines and the Historic



Yonge Street Heritage Conservation District policies; and does not fit within the existing and planned context for the area.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Zoning By-law Amendment at 10-16 Wellesley Street West, 5-7 St. Nicholas Street and 586 Yonge Street for the reasons contained in this report.
2. City Council authorize the City Solicitor together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event that the application is appealed to the Ontario Municipal Board.
3. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Zoning By-law Amendment appeal for the subject lands until such time as:
 - a. The owner has provided draft by-laws to the Board in a form and with content satisfactory to the Director, Community Planning, Toronto East York District and the City Solicitor;
 - b. The owner and the City has secured appropriate community benefits in consultation with the Ward Councillor together with any matters to be secured as a matter of convenience with the final allocation and distribution determined by the Chief Planner and Executive Director, City Planning, and enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the *Planning Act*;
 - c. The owner has entered into Heritage Easement Agreements with the City for the properties at 10, 12, 14 and 16 Wellesley Street West, 5 St. Nicholas Street, and 586 Yonge Street (including 586A Yonge Street and 7 St. Nicholas Street) to the satisfaction of the Senior Manager, Heritage Preservation Services including execution and registration of such agreements to the satisfaction of the City Solicitor;
 - d. The owner has provided a Conservation Plan prepared by a qualified heritage consultant for the properties at 10, 12, 14 and 16 Wellesley Street West, 5 St. Nicholas Street, and 586 Yonge Street (including 586A Yonge Street and 7 St. Nicholas Street) to the satisfaction of the Senior Manager, Heritage Preservation Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At the meeting of November 13, 2013, City Council adopted Official Plan Amendment 183 (OPA 183) relating to the North Downtown Yonge Site and Area Specific Policy 382 (SASP 382), and approved the North Downtown Yonge Urban Design Guidelines for the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street. OPA 183 was appealed to the Ontario Municipal Board (OMB). On June 21, 2016 and November 18, 2016, the OMB modified certain aspects of the area-specific policies and brought many provisions into effect.

At the meeting of October 5-7, 2016, City Council adopted OPA 352 to update the setback requirements for tall buildings in the Downtown. These policies, as well as the associated implementing by-laws, are currently under appeal to the OMB.

On March 10, 2016, City Council enacted By-law 235-2016 that designates the Historic Yonge Street Heritage Conservation District (HCD) under Part V of the Ontario Heritage Act. The designation applies to almost all properties fronting onto Yonge Street between Bloor Street and College/Carlton Street. The By-law also adopts the "Historic Yonge Street Heritage Conservation District Plan" dated January 2016. Currently the HCD Plan is under appeal to the Ontario Municipal Board and is not in force.

Pre-Application Consultation

A pre-application meeting was held on October 31, 2017 with City staff and the applicant. The concept plans reviewed at the pre-application meeting proposed demolition of all buildings on the site, including the heritage-listed properties, and showed a mixed-use building at 199 metres in height. Following the meeting, revised concept plans were provided dated November 3, 2017, showing façade retention of the heritage-listed buildings along Wellesley Street West and two scenarios with differing tower setbacks to the west property line (2.5 metres and 6.5 metres).

An e-mail was sent to the applicant on November 9, 2017, with the requested complete application checklist and preliminary comments advising that City staff do not believe that this is a tall building site and that staff would recommend refusal of the application if submitted as proposed. The applicant was also advised that:

- Staff recommend the research and evaluation of the on-site and adjacent properties be done internally prior to submission of an application as a determination by staff that the properties need to be conserved would greatly impact the proposed development;
- The Historic Yonge Street Heritage Conservation District Plan requires a 10 metre tower setback from the face of the building on Wellesley Street West where there are heritage properties;
- The policies of Official Plan Amendment 183 require a minimum setback of 20 metres from the Yonge Street frontage property line to the tower portion of any tall building

development, where heritage properties are present on site, as well as an angular plane drawn from the Yonge Street lot line, commencing at a height of 18 metres above the street level, and then angling upwards at an angle of 75 degrees away from Yonge Street over the site; and

- A minimum setback of 12.5 metres is required from a tower to the property lines, as outlined in the City's Tall Building Guidelines and Official Plan Amendment 352.

Additional comments were also provided with respect to rental housing, parkland dedication, unit mix, and amenity space requirements.

Notwithstanding the concerns raised by City staff, an application was submitted on November 27, 2017.

ISSUE BACKGROUND

Proposal

The application proposes a new 64-storey (199.7 metres, including mechanical penthouse) mixed-use building with commercial uses on the first floor (153 square metres) and residential uses above, including 466 units, at 10-16 Wellesley Street West, 5-7 St. Nicholas Street and 586 Yonge Street. The overall density proposed is 29.3 times the area of the site.

The front and side façades of the listed heritage buildings at 10-16 Wellesley Street West would be incorporated into the 4-storey (18 metre) base building which is built to the property lines along Wellesley Street West and the corner of St. Nicholas Street, other than small angled setbacks between bay windows. Retail uses on the first floor are located along the Wellesley Street West frontage and accessed using the existing entrance doors at 10-16 Wellesley Street West.

The inset entrance to the residential lobby is located along the St. Nicholas Street frontage and is setback 1.9 metres from the property line. Access to the underground parking garage and loading spaces are also taken from St. Nicholas Street. The 3-level underground parking garage contains 47 vehicular parking spaces.

The second storey is entirely occupied by bicycle parking. Indoor and outdoor amenity space is provided on the fourth and 40th floors, with additional outdoor amenity space on the 54th, 56th, 57th, and 64th floors.

The following table summarizes the development statistics. See Attachment 13: Application Data Sheet for more information.

Table 1: Site Statistics

Category	Proposed Development
Site Area	1,176 square metres
Building Height	64 storeys (199.7 metres including mechanical)
Base Building Height	4 storeys (18 metres)
Base Building Setbacks	
– South	0-2.1 metres
– West	0-6.7 metres
– North	0 metres
– East	0-23.5 metres
Tower Floor Plate	Up to 720 square metres
Tower Stepbacks	
– South	3.0 metres
– West	0-2.2 metres
– North	3.0 metres
– East	28.0 metres
Gross Floor Area	
– Residential	34,293 square metres
– Retail/Commercial	153 square metres
– Total	34,446 square metres
Number of Dwelling Units	
– 1 Bedroom	283 (60%)
– 2 Bedroom	138 (30%)
– 3 Bedroom	45 (10%)
– Total	466
Vehicle Parking	
– Residential	47
– Residential Visitors	0
– Commercial	0
Bicycle Parking	
– Residential	470
– Residential Visitors	0
– Commercial	0
Residential Amenity Space	
– Indoor	932 square metres
– Outdoor	932 square metres

Site and Surrounding Area

The site is located within the northwest quadrant of the intersection of Yonge Street and Wellesley Street West.

The site is irregular in shape and has a total area of 1,176 square metres with frontage along Wellesley Street West of 22.15 metres, 37.78 metres on St. Nicholas Street, and 5.93 metres on Yonge Street. The following table describes the properties which make up the site.

Table 2: Site Description

Address	Description
10 Wellesley Street West	3-storey building with commercial uses at grade (salon) and a 3-bedroom rental unit on the upper floors
12 Wellesley Street West	3-storey building with commercial uses at grade (wellness centre) and a 4-bedroom rental unit on the upper floors
14 Wellesley Street West	3-storey building with commercial uses at grade (dentist) and a 3-bedroom rental unit on the upper floors
16 Wellesley Street West	3-storey building with commercial uses at grade (gallery) and a 4-bedroom rental unit on the upper floors
5 St. Nicholas Street	2-storey commercial building, currently vacant (formerly a restaurant)
7 St. Nicholas Street	3-storey commercial building with retail (leather shop) at grade and an associated workshop on the upper floors
586 Yonge Street	3-storey commercial building with restaurant at grade and office uses on the upper floors

Note: 7 St. Nicholas Street is an entrance address for 586 Yonge Street, which technically comprise one property.

The surrounding uses are as follows:

- North: To the immediate north of the site is a Part IV designated 6-storey building currently occupied by a mix of commercial, office and live-work studios (9 St. Nicholas Street), north of which is a private lane. Further north at the southeast corner of St. Nicholas Street and St. Joseph Street is a 48-storey mixed use building which was completed in 2015 and includes the retention of the heritage buildings on Yonge Street, St. Joseph Street, and St. Nicholas Street (Application No. 08 213136 STE 27 OZ) (5 St. Joseph Street). At the southwest corner of St. Nicholas Street and St. Joseph Street is an 18-storey residential building which includes the retention of the Part IV designated 4-storey building on St. Joseph Street (11 St. Joseph Street). To the west on St. Joseph Street is a 5-storey Toronto Community Housing Corporation building (21 St. Joseph Street).
- South: On the south side of Wellesley Street West is a 60-storey mixed-use building currently under construction (Application No. 13 138607 STE 27 OZ) (11 Wellesley Street West). To the west and south is the site of the future 1.6 acre Dr. Lillian McGregor Park (25 Wellesley Street West). On the south side of Wellesley Street West opposite the site is a 2-storey commercial building currently occupied by restaurant and service uses (3 Wellesley Street West). Along the west side of Yonge Street are a series of 2- to 3-storey commercial buildings with a mix of retail, restaurant, and service uses and some residential and office uses on upper floors. St. Luke Lane is located at the rear of the properties fronting on Yonge Street.
- East: To the immediate east of the site are 2-storey commercial buildings currently occupied by restaurant, retail, and service uses (2-8 Wellesley Street West). Along the west side of Yonge Street are a series of 2 ½ to 3-storey commercial buildings with a mix of retail, restaurant, and service uses and some residential and office uses on upper floors (570-584 Yonge Street and 588-618 Yonge Street). A public lane is located at the rear of the properties on the south end of the block. The entrance to Wellesley Station (TTC Line 1 and multiple bus routes) is located on the east side of Yonge Street.
- West: On the west side of St. Nicholas Street is a 29-storey mixed-use building which includes a variety of commercial uses at grade including restaurants, service uses, and a grocery store and residential uses above (24 Wellesley Street West, "Century Plaza"). Further west at the northeast corner of Bay Street and Wellesley Street West is a 41-storey mixed use building currently under construction (Application No. 12 133688 STE 27 OZ) (955 Bay Street, "The Britt", formerly known as "Sutton Place Hotel"). At the southeast corner of Bay Street and St. Joseph Street is a 35-storey mixed-use building with commercial uses at grade and residential uses above (1001 Bay Street).

Planning Act, Provincial Policy Statement and Provincial Plans

The *Planning Act* guides development in the Province. Under the *Planning Act*, Section 2 sets out matters of Provincial interest that Council shall have regard to in making decisions under such Act, including among other matters, the conservation of features of significant architectural, cultural, historical, archaeological and scientific interest; and the promotion of built form that is: well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Provincial Policy Statement (2014) provides direction on land use planning and development related to cultural heritage matters province wide:

Policy 1.1.3.3 states 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 infrastructure and public service facilities; and that intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3.

Policy 2.6.1 of the Provincial Policy Statement (PPS) states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. In addition, Policy 2.6.3 of the PPS states that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site

alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Conserving and promoting cultural heritage resources to support the social, economic, and cultural well-being of all communities;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan for the Greater Golden Horseshoe (2017) provides clear direction on heritage matters stating that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. Among other things, the Growth Plan requires municipalities to work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan places the site within the *Downtown and Central Waterfront* on Map 2 "Urban Structure". The policies for the Downtown describe a healthy and attractive place to live and work which will continue to evolve through new development. However, the growth will not be spread uniformly across the whole of Downtown. The architectural and cultural heritage of Downtown will be preserved by designating buildings, districts and open spaces with heritage significance and by working with owners to restore and maintain historic buildings. Design guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings (refer to Policies 2.2.1.5 and 2.2.1.6). In this case, the North Downtown Yonge Street Urban Design Guidelines have been prepared to implement Policy 2.2.1.6.

The site is designated "*Mixed Use Areas*" on Map 18 – Land Use Plan in the Official Plan and is subject to Policy 4.5. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that directs the form and quality of development in this land use designation. It is the intent that development will:

- a. create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b. provide for new jobs and homes for Toronto's growing population on underutilized lands in areas such as in the *Downtown* and designated *Mixed Use Areas*;
- c. locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d. locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e. locate and mass buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f. provide an attractive, comfortable and safe pedestrian environment;
- g. have access to schools, parks, community centres, libraries, and childcare;
- h. take advantage of nearby transit services;

- i. provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j. locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k. provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The commentary section of Section 3.1.2, Built Form, identifies that most of the City's future development will be infill and redevelopment sites and, as such, will need to fit in, respect and improve the character of the surrounding area. It also states that developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.1 states that new development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a. generally locating buildings parallel to the street, or along both adjacent street frontages on a corner site to give prominence to the corner;
- b. locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- c. providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d. preserving existing mature trees wherever possible and incorporating them into landscaping designs.

Policy 3.1.2.2 states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- a. using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts;
- b. consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- c. integrating services and utility functions within buildings where possible;

- d. providing underground parking where appropriate;
- e. limiting surface parking between the front face of a building and the public street or sidewalk; and
- f. integrating above-ground parking structures, where permitted or appropriate, with building design, and have usable building space at grade facing adjacent streets, parks and open spaces.

Policy 3.1.2.3 states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- a. massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- b. incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c. creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d. providing for adequate light and privacy;
- e. adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- f. minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 states that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

The commentary section of Section 3.1.3, Built Form – Tall Buildings, notes that tall buildings are desirable in the right places but they don't belong everywhere. When poorly located and designed, tall buildings can physically and visually overwhelm adjacent streets, parks and neighbourhoods. They can block sunlight, views of the sky and create uncomfortable wind conditions in adjacent streets, parks and open space and create traffic congestion. The open space created on poorly designed sites is often residual, unsafe and uncomfortable to use.

The policies of Section 3.1.3 make it clear that tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their

existing and/or planned context and limit local impacts, additional built form principles will be applied to the location and design of tall buildings.

Policy 3.1.3.1 requires that tall buildings should be designed to consist of three parts, carefully integrated into a single whole:

- a. base building – provide definition and support at an appropriate scale for adjacent streets, parks and open spaces, integrate with adjacent buildings, minimize the impact of parking and servicing uses;
- b. middle (shaft) – design the floor plate size and shape with appropriate dimensions for the site, locate and orient it on the site and in relationship to the base building and adjacent buildings in a manner that satisfies the provisions of this Section; and
- c. top – design the top of tall buildings to contribute to the skyline character and integrate roof top mechanical systems into the design.

Policy 3.1.3.2 requires tall building proposals address key urban design considerations, including:

- a. meeting the built form principles of the Plan;
- b. demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- c. demonstrating how the proposed building and site design relate to the existing and/or planned context;
- d. taking into account the relationship of the site to topography and other tall buildings;
- e. providing high quality, comfortable and usable publicly accessible open space areas; and
- f. meeting other goals and objectives of the Plan.

Official Plan area-specific policy, OPA 352, which applies to tall buildings in the Downtown, was adopted by City Council on October 5-7, 2016. The policy is implemented by associated Zoning By-laws (i.e. By-law Nos. 1106-2016 and 1107-2016), enacted on November 9, 2016. These policies and regulations are currently under appeal and not in force and effect; however, they inform staff's position on the proposal, reflect the Tall Building Guidelines, and represent City Council-adopted policy on appropriate built form.

Policy B (i) of OPA 352 indicates that tall building development will provide setbacks from the lot line to the building face of the tower. The tower setbacks will ensure that individual tall buildings within a block and the cumulative effect of multiple tall buildings within a block

contribute to building strong and healthy communities by fitting in with the existing and/or planned context.

Providing adequate space between towers within the block will:

- a. provide a high-quality, comfortable public realm;
- b. consider development potential, where appropriate, of other sites within the block;
- c. provide appropriate access to sunlight on surrounding streets, parks, open spaces, school yards, and other public or civic properties;
- d. provide appropriate access to natural light and a reasonable level of privacy for occupants of tall buildings;
- e. provide appropriate pedestrian-level views of the sky between towers as experienced from adjacent streets, parks and open spaces;
- f. encourage a reasonable level of views between towers for occupants of tall buildings; and
- g. limit the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties to appropriate levels.

Further, Policy B(iii) of OPA 352 states that not every site in the Downtown can accommodate a tall building and that proposed tall buildings that do not meet the intent of Policies B(i) and B(ii) present a significant concern for building strong healthy communities in the Downtown and as such those sites are not considered suitable for tall building development.

The Zoning By-laws associated with OPA 352 include the following minimum standards for tower setbacks and separation distances between towers:

- minimum tower setback of the greater of 3.0 metres from a lot line that abuts a street or 12.5 metres from the centre line of that abutting street; and
- 12.5 metres to a lot line which neither abuts a street, nor a public lane.

Section 3.1.5 provides polices regarding heritage conservation. Policy 3.1.5.5 states that proposed development on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. Policy 3.1.5.26 requires that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it. Similarly, with regard to Heritage Conservation Districts (HCDs), Policy 3.1.5.32 states that the impact of new development within or adjacent to HCDs is to be assessed to ensure that the integrity of the district's heritage values, attributes, and character are conserved.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. The site currently contains fewer than six rental housing units, therefore the rental housing replacement policies do not apply.

Policy 5.6.1 indicates that the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

Staff reviewed the proposed development against the policies in the Official Plan, including those in the Downtown, Mixed Use Areas, Built Form, and Heritage sections of the Plan.

North Downtown Yonge Site Specific Policy 382 and North Downtown Yonge Street Urban Design Guidelines

At its meeting of November 13, 2013, City Council adopted the North Downtown Yonge Area Specific Policy 382, known as Official Plan Amendment 183 (OPA 183), and approved the North Downtown Yonge Urban Design Guidelines for the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street.

OPA 183 directs how development should respond to its historic main street context, reinforcing a pedestrian friendly micro-climate and retail uses along the street. OPA183 represents the most recent thinking and examination of the planning framework and principles for the area. Parts of OPA 183 were adopted by the OMB in a Phase I hearing and are in full force and effect; however, the remainder of OPA 183 remains under appeal at the OMB and a Phase II hearing, which is not yet scheduled, will deal with outstanding matters and will follow the hearing for the Historic Yonge Street HCD By-law.

The site is located within the Yonge Street Character Area which runs north-south along both sides of Yonge Street from the south side of Charles Street to the north side of Grenville Street/Wood Street.

The commentary section of Section 5.3, Yonge Street Character Area, notes that while tall buildings are generally not appropriate throughout this Character Area due to the prevalence of heritage properties and the existing low-rise built form character, exceptions will be recognized, where lot size, depth, specific location and context characteristics (such as heritage value) are able to accommodate a tall building and its servicing and parking requirements.

The site is located within the 'Height Core Area' of Yonge Street, which is intended to conserve, maintain and enhance the existing character, cultural heritage values, attributes and scale of the existing heritage properties and their context. Policy 5.3.9 states that the maximum height within the Height Core Area of the Yonge Street Character Area will be in the range of 4 storeys or 18 metres. Buildings higher than 18 metres may only be permitted if:

- a. no part of the building is located above the angular plane drawn from the Yonge Street lot line, commencing at a height of 18 metres above the street level, and then angling upwards at an angle of 75 degrees away from Yonge Street over the site; and

- b. where the site contains a heritage property, the heritage property can be retained in its entirety and appropriately incorporated into the development/redevelopment.

OPA 183 contains several specific policies for the Yonge Street Character Area (currently under appeal), including the provision of sidewalk zones which are at least 6 metres wide, a minimum setback of 20 metres from the Yonge Street frontage property line to the tower portion of any tall building development where heritage properties are present on site, and a requirement to demonstrate as part of the development application review process, that best efforts have been made to not cast any new net shadow on the linear park system to the east of Yonge Street between Charles Street East and Dundonald Street during the day for all seasons of the year.

Most of the area-wide policies in OPA 183 were adopted by the OMB in the Phase I hearing. With respect to parks and open space, for the area west of Yonge Street and north of Wellesley Street West, it is the objective of Council to provide opportunities for on-site dedications and new and improved publicly accessible open space as part of the development/redevelopment application review process. With respect to urban design, floorplate sizes, setbacks and tower separation distances will be important considerations in the evaluation of tall building development/redevelopment in order to address sunlight, shadow, sky view and privacy. Tall buildings will not generally be permitted on sites where development/redevelopment is not able to provide floorplate sizes, tower separation distances, setbacks and setback distances that achieve the policies as set out in OPA 183.

The North Downtown Yonge Urban Design Guidelines provide further direction for implementation of the policies outlined above. Within the Yonge Street Character Area the North Downtown Yonge Urban Design Guidelines provide a block-by-block analysis for Yonge Street from College/Carlton Streets to Charles Street. The subject site is within Block 5, which contains a large concentration of heritage properties which will be conserved and maintained. Block 5 on the west side of Yonge Street has already undergone intensification with the new tower at 5 St. Joseph Street. The Urban Design Guidelines note that what makes 5 St. Joseph Street a suitable built form within the core area is the depth of the lot that has easily accommodated for a 30 metre setback from Yonge Street while complying with the 18 metre streetwall height and the 75 degree angular plane guideline. Additionally, heritage buildings have been restored and the orientation of the proposed tower on this property has minimized the shadow impact on the nearby public open spaces and Neighbourhoods. Other developments on this block must conform to the 18 metre streetwall height and 75 degree angular plane and shall maintain a minimum tower separation distance of 12.5m to the north property lines.

Historic Yonge Street Heritage Conservation District

On March 10, 2016, City Council enacted By-law 235-2016 that designates the Historic Yonge Street Heritage Conservation District (HCD) under Part V of the Ontario Heritage Act. The designation applies to almost all properties fronting onto Yonge Street between Bloor Street and College/Carlton Street. The By-law also adopts the "Historic Yonge Street Heritage Conservation District Plan" dated January 2016. Currently the HCD Plan is under appeal to the Ontario Municipal Board and is not in force.

The existing buildings at 5 and 7 St. Nicholas Street and 586 Yonge Street are identified as contributing properties and are located within the Historic Yonge Character Area. The demolition of buildings or structures on contributing properties within the HCD is not permitted (refer to Section 5.3). Additions are to be physically and visually compatible with the contributing property and must conserve the historic fabric and integrity of the contributing property (refer to Section 5.7). Specifically, a minimum setback of 10 metres is required from all elevations of a building on a contributing property that are adjacent to a street, and additions must remain within a 75 degree angular plane measured from a height of 12 metres for each elevation of a building adjacent to and parallel with a street within the HCD (refer to Section 5.8).

The existing buildings at 10-16 Wellesley Street West are identified as over-clad properties and are located within the 'Residential Pockets Character Area' where residential buildings (sometimes occupied by retail stores) read similar to the buildings within St. Nicholas Village and provide a historical context to the mixed-use and commercial development along Yonge Street. For the purposes of the HCD Plan, over-clad properties have been identified as contributing for their contextual value, and the policies for contributing properties apply.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

The Guidelines state that the City of Toronto values its heritage properties and requires that they be protected and that new development conserve the integrity of their cultural heritage value, attributes, and character, consistent with accepted principles of good heritage conservation (see Appendix A: Heritage Conservation Principles).

The Guidelines state that tall buildings should be located and designed to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties and Heritage Conservation Districts (HCDs). Heritage properties should be conserved and integrated into tall building developments in a manner that is consistent with accepted principles of good heritage conservation, as described in Appendix A of the Guidelines. Within an HCD, tall buildings should conserve the integrity of the cultural heritage values, attributes, character, and

three-dimensional form of an on-site heritage building or structure or property. Façade retention alone is not an acceptable method of heritage preservation (refer to Section 1.6).

The tower floorplate size should be limited to 750 square metres or less per floor, including all built area within the building but excluding balconies. The tower floor plate should be located and articulated to minimize shadow impacts and negative wind conditions on surrounding streets, parks, open space, and properties; minimize loss of sky view from the public realm; allow for the passage of natural light into interior spaces; create architectural interest and visually diminish the overall scale of the building mass; and present an elegant profile for the skyline.

Tower placement is addressed in Sections 3.2.2 and 3.2.3 of the Guidelines. Tall building towers should be set back 12.5 metres or greater from the side and rear property lines or centre line of an abutting lane. The tower, including balconies, should step back 3 metres or more from the base building along all street frontages. Tower stepbacks greater than 3 metres are encouraged and may be required for tall buildings to fit harmoniously within an existing context, including sites that contain or are adjacent to heritage properties. Sites that cannot provide the minimum tower setbacks and stepbacks may not be appropriate for tall buildings. On small sites, the Guidelines recommend applying the recommended minimum tower setbacks and stepbacks to determine the resultant floor plate size and feasibility of the site dimensions to accommodate a tall building.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context. The Downtown Vision and Supplementary Design Guidelines were used together with the city-wide Tall Building Design Guidelines in the evaluation of this tall building proposal.

On Map 1 - High Streets Map - Wellesley Street West is shown as a High Street and Yonge Street is shown as a Special Character Street.

On Map 2 - Downtown Vision Height Map - a height range of 62-107 metres (20-35 storeys) is applied to Wellesley Street West. Within the Yonge Street Special Character Street area tower heights of current/new tall building proposals will be determined on a site-by-site basis.

Map 3 - High Streets Typologies Map - applies a Tower-Base Form to Wellesley Street West. Within the Yonge Street Special Character Street area appropriate building typologies for current/new tall building proposals will be determined on a site-by-site basis.

Map 4 - Yonge Street is identified as a Priority Retail Street.

Section 1.3 states that three mitigating factors take precedence over heights assigned to High Streets if a tall building on a particular site negatively impacts heritage properties located on or adjacent to the development site, sunlight on parks and open spaces, and views of prominent and

heritage properties, structures and landscapes. Also, some sites are simply too small to meet the separation and set back distance requirements of the city-wide and Supplementary Downtown Tall Building Design Guidelines. These "small sites" cannot accommodate a tall building without compromising the Downtown vision and diminishing development rights or adjacent sites and should not be developed with tall buildings.

Within the Special Character Street area, tall building proposals are subject to a tower setback guideline requirement of 20 metres where heritage properties are present on site (refer to Section 1.7.1 and Section 3.7).

Section 3.2 directs that tall buildings be located and designed to not cast new net shadows on parks located within the Downtown between 12 noon and 2:00 PM on September 21st.

Section 3.4 sets out parameters for Heritage Properties and Heritage Conservation Districts respecting the location and design of all tall buildings. The Guidelines state that tall buildings should be located and designed to:

- Respect and complement the scale, character, form and setting of on-site and adjacent heritage properties;
- Respect the character and values of downtown area Heritage Conservation Districts;

Furthermore, the guidelines make reference to the Historic Yonge Street HCD Study Area. The HCD Plan for the Historic Yonge Street area has since been developed and was enacted by Council in 2016 (under appeal). The guidelines states: "All development within a Heritage Conservation District must adhere to the policies and guidelines of the District Plan and in the event of any conflict between the city-wide and Supplementary Downtown Tall Buildings Design Guidelines and an approved HCD Plan, the HCD Plan policies and guidelines will prevail.

Growing Up Draft Urban Design Guidelines

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing Up Draft Urban Design Guidelines are available at <https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-103920.pdf>

The Growing Up Draft Urban Design Guidelines were considered in the review of this proposal.

TOcore: Planning Downtown

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a

pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city. TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured. The study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north, and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

Map 11 of the new Proposed Downtown Plan designates this site as Mixed-Use Area 1 – Growth. Development within Mixed Use Areas 1 will include a diverse range of building typologies, including tall buildings, with height, scale and massing dependent on the site characteristics. Development will also achieve a higher proportion of non-residential uses within new mixed use developments, specifically by limiting residential dwelling units to floors above the 4th storey in any mixed use building.

The Tower Separation Distance sidebar explains that developments must meet the purpose and intent of separation distances contained within OPA 352. Tall buildings come with opportunities to improve the livability of the Downtown; however, not every site in the Downtown can accommodate a tall building. Not all sites are large enough to accommodate a tall building that fits with the existing and/or planned context and provides sufficient setbacks to ensure adequate light, sky view and privacy. Land assembly may be required in order to create a site large enough to accommodate a tall building. Tall buildings proposed on sites that are too small can

detract from building strong, livable and healthy communities downtown, which is one of the primary goals in the Provincial Policy Statement's vision for Ontario's land use planning system.

The Built Form policies in Section 6 contain requirements for providing transition in scale between adjacent built form as well as streets through setbacks, stepbacks, angular planes, separation distance, stepping, and orientation. The built form policies also speak to many other considerations including interface with and improvements to the public realm, shadow and wind impacts, and private amenity space.

The Housing policies in Section 11 require a minimum of 30% of the total number of units to be 2-bedroom units and 20% to be 3-bedroom units where the development contains more than 50 residential units. Development containing more than 60 residential units will provide a minimum amount of on-site affordable housing in the form of 10% of the total residential gross floor area as Affordable Rental Housing or 15% of the total residential gross floor area as Affordable Ownership Housing.

Zoning

The site is zoned CR T3.0 C2.0 R3.0 in Zoning By-law 438-86, which permits a mix of commercial and residential uses. The maximum permitted height is 18 metres with a maximum base height at the Yonge Street lot line of 16 metres and a 44 degree angular plane applied from the Yonge Street frontage (Section 12(2)260). The maximum permitted density is 3 times the lot area. Other site specific permissions and exceptions from Section 12(2)132 and 12(2)259 also apply which prohibit commercial parking garage uses and require street-related retail and services uses fronting onto Yonge Street, respectively.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. Planning Act applications submitted after May 9, 2013, are subject to the new Zoning By-law. The site is zoned CR 3.0 (c2.0; r3.0) SS1 in Zoning By-law 569-2013, with (x1387) applied to 10-16 Wellesley Street West and 5 St. Nicholas Street, and (x2546) applied to 7 St. Nicholas Street and 586 Yonge Street (refer to Attachment 12 – Zoning Map). The CR zone permits a range of uses similar to the former designation under Zoning By-law 438-86. The (x1387) and (x2546) provisions indicate site specific permissions and exceptions that are carried over from Zoning By-law 438-86.

Site Plan Control

The application is subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

Reasons for Application

The proposal requires an amendment to the Zoning By-law for an increase in building height and density, penetration of the 44 degree angular plane, reduction in parking space rates, and other development standards that will require site specific zoning provisions.

Application Submission

The following reports/studies were submitted in support of the applications:

- Boundary and Topographical Survey;
- Planning Report;
- Architectural Plans;
- Landscape Plan;
- Rental Housing Demolition and Conversion Declaration of Use & Screening Form;
- Shadow Study;
- Housing Issues Letter;
- Community Services & Facilities Study;
- Draft Zoning By-law Amendment;
- Public Consultation Plan;
- Heritage Impact Assessment;
- Traffic Impact Study;
- Qualitative Pedestrian Level Wind Assessment;
- Functional Servicing Report
- Stormwater Management Report;
- Geotechnical Report;
- Geohydrology Assessment;
- Noise and Vibration Impact Study;
- Energy Strategy;
- Toronto Green Standards Development Checklist; and
- Arborist Declaration.

A Notice of Complete Application was issued on December 13, 2017, deeming the application complete as of November 27, 2017.

Community Consultation

A Community Consultation Meeting was held by City Planning, in consultation with the Ward Councillor, on February 5, 2018 at the Central YMCA. The meeting was attended by approximately 75 people. Planning staff presented the policy framework, an overview of the application and the reasons for recommending refusal of the application. Following the presentations, City staff facilitated a question and answer period.

The following provides a summary of the comments, issues and concerns expressed both at the meeting and individually submitted to City Planning:

Relating to Built Form:

- site is too small for a building of this height
- building setbacks are too small, including the setback to St. Nicholas Street and the setbacks to surrounding properties
- proximity of the tower to 24 Wellesley Street West and 5 St. Joseph Street will impact privacy and access to sunlight
- shadow impacts

- wind impacts, including the wind tunnel between the buildings on Wellesley Street and the buildings on Dundonald Street and St. Joseph Street
- proportion of two- and three-bedroom units should be greater, and units should be larger
- proposed density is too high
- no green space provided on the site
- inadequate regard for City guidelines

Relating to Heritage and Neighbourhood Character:

- concerns about the proliferation of tall buildings in a heritage area
- significance of former Bohemian Embassy café (7 St. Nicholas Street) and former TTC shed on St. Nicholas Street
- preserving the character of the side streets

Relating to Streets, Sidewalks, Traffic and Parking:

- high volumes of vehicular, bicycle, and pedestrian traffic currently experienced on Wellesley Street West and St. Nicholas Street, resulting long queues and difficulty making turns
- existing traffic issues would be exacerbated by the proposed development, as well as the cumulative impacts of development in the area
- existing issues with congestion on St. Nicholas Street, including difficulties passing within the narrow right-of-way, difficulties accessing the parking garage entrances for neighbouring buildings, blockages caused by deliveries and garbage collection, and access for Wheel Trans service
- adequacy of St. Nicholas Street to service the development, especially with both pedestrian and vehicular access located within a narrow lane with no sidewalk
- proposed parking supply is too small, and visitor parking should be provided
- subway is overcrowded
- no vehicular traffic should be allowed on Wellesley Street West
- the development should utilize two access points
- potential for access to the public lane to the west

Related to Community Considerations:

- the area is being over developed, especially with tall buildings
- the proposal does not provide a positive contribution to the area
- concerns about gentrification and the need for progressive development
- impact on development potential of neighbouring properties (including properties on Yonge Street)
- concerns about fire safety and emergency access
- tall buildings are blocking line-of-sight transmission for cell phones
- concerns about the developer's prior experience constructing tall buildings in Toronto

Relating to Construction:

- location of construction staging areas and impacts on the sidewalk and bicycle lane
- truck traffic and congestion on surrounding streets

- access to the small site and truck manoeuvring
- damage to cobblestones on St. Nicholas Street during construction
- damage to neighbouring properties (including properties on Yonge Street) during construction
- construction noise

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

This section provides an overview of planning considerations used in the evaluation of the proposed rezoning. The comments draw on input from City and agency staff, technical studies, applicable planning policies and guidelines, and an analysis of the proposed development, surrounding context and historical context.

Planning Act, Provincial Policy Statement and Provincial Plans

Staff are of the opinion that the proposed development application does not have regard to relevant matters of provincial interest in section 2 of the *Planning Act*, is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017).

In particular, the proposed development does not have regard to relevant matters of provincial interest in section 2 of the *Planning Act* as the proposal does not provide for a built form that is well-designed given the constraints of the site, and the proposal does not adequately conserve identified features of historical interest, specifically the on-site and adjacent heritage properties.

The proposal is not consistent with the Provincial Policy Statement (PPS) 2014. Policy 1.7.1 states that "long-term economic prosperity should be supported by [...] encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes." Policy 2.6.1 states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved." Policy 2.6.3 states that "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage properties except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved." Both the PPS and the Growth Plan indicate that built heritage resources are generally located on a property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

The Official Plan is the most important vehicle for implementation of the PPS as per Policies 4.7 and 4.8. The City has implemented this requirement through the adoption of OPA 183 which identifies areas where substantial growth can occur and also areas where growth should be more modest. The Official Plan, design guidelines and applicable zoning provide direction on the appropriate scale, massing, height and separation distances between buildings for this site. As

the proposed development has not addressed the policy direction in the Official Plan and its supporting documents, the proposal is not consistent with the PPS (2014).

Policy 2.2.3(2) of the Growth Plan establishes that a minimum density target of 400 residents and jobs combined per hectare will be achieved by 2031 in the Downtown Urban Growth Centre (UGC). Currently, the Downtown UGC is on track to exceed this density target. The Growth Plan target density is the average for the entire Downtown UGC area, and it is not for any one particular area within Downtown. The proposed development is not required to meet or contribute to the minimum density target for the Downtown UGC. However, the Plan also recognizes in Section 5.2.4 that development is permitted beyond the minimum density targets provided that the type and scale of built form is contextually appropriate.

In planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities are directed by Policy 5.2.5.6 to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. The City has implemented this requirement through the adoption of a number of policies and guidelines including OPA 183 for North Downtown Yonge, OPA 352 for tall buildings in the Downtown, and the Tall Building Design Guidelines.

In this instance, the built form is not contextually appropriate and fails to meet the City's Official Plan policies and guidelines for tall buildings and appropriate built form. A detailed review of the built form is provided in the following sections. The proposal also fails to satisfy the heritage policies of the City's Official Plan. Heritage considerations are discussed in the Heritage Preservation section, below.

Land Use

The site is designated *Mixed Use Areas* in the Official Plan. It is intended that *Mixed Use Areas* achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces. *Mixed Use Areas* are to be areas where residents will be able to live, work, and shop in the same area, or even in the same building, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe at all hours of the day and night. Although *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service uses in the City, not all *Mixed Use Areas* will experience the same scale or intensity of development.

While tall buildings are certainly anticipated within the *Mixed Use Areas* of the Downtown, the applicable policies contained within the in-force Official Plan (including the relevant sections of OPA 183), pending policies in OPA 352 and TOcore, as well as the Tall Building Design Guidelines explicitly state that not every site in the Downtown can accommodate a tall building that fits with the existing and/or planned context and provides sufficient setbacks, stepbacks and tower separation distances to ensure adequate light, sky view and privacy and achieve the overall urban design objectives of the City.

With respect to the residential uses contained in the proposal, a range of unit sizes is proposed including 10% 3-bedroom units and 30% 2-bedroom units, which generally supports the objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan's growth management and housing policies to accommodate within new development a broad range of households, including families with children. More detailed plans will be required to assess the actual unit sizes. Policies in the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe as well as the Official Plan also note the significant public interest for including affordable housing units within this new development.

The non-residential component of the proposal accounts for 0.4% of the total gross floor area. The emerging policies of TOcore will require mixed use development to achieve a higher proportion of non-residential uses, especially within the first 4 storeys of a mixed use building.

Density, Height, Massing

This is not an appropriate site for a tall building as the site area is too small to accommodate a tower with appropriate setbacks and stepbacks.

The Official Plan notes that infill and redevelopment in the City must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façades fit within the existing and/or planned context of the neighbourhood and the City. New development is to be massed and designed to fit harmoniously into its existing and/or planned context by considering a number of factors listed under Section 3.1.2.3, including taking into account the relationship of the site to topography and other tall buildings. Within the Downtown context, the City of Toronto has determined that a minimum separation distance of 25 metres between towers constitutes an appropriate relationship between tall buildings, which is typically achieved by tower setbacks of at least 12.5 metres or greater from the side and rear property lines or centre line of an abutting lane or street on each tower site, as outlined in the Tall Building Guidelines, and now required by OPA 352 and By-law Nos. 1106-2016 and 1107-2016 (under appeal).

The proposed tower is setback at varying distances to the property lines and overall provides insufficient tower separation distances. The tower is setback 2.5 metres from the western property line from floors 5-30, then steps outward to a setback of 0 metres. The minimal tower setback results in a separation distance of approximately 14.5 metres between the proposed tower and the closest point of 24 Wellesley Street West, measured from the outside face of the inset balcony, which is unacceptable as it does not provide for a suitable degree of privacy, sky view and daylight on the public realm and neighbouring properties. The tower setbacks of 3.0 metres on the north and south sides are also substandard.

Many of the proposed tower stepbacks are also substandard and do not result in a building which frames the streets with good proportion, as required by the Official Plan. The Tall Building Guidelines note that the tower, including balconies, should step back 3 metres or more from the base building along all street frontages. Tower stepbacks greater than 3 metres are encouraged and may be required for tall buildings to fit harmoniously within an existing context, including sites that contain or are adjacent to heritage properties. In this instance, a 10 metre stepback is required by the HCD Plan (under appeal) where there are heritage properties on the site.

The proposed building provides a setback of 5.0 metres at the 3rd floor and 3.0 metres for the floors above on the Wellesley Street West frontage, whereas a setback of 10 metres would be required by the HCD Plan to give proper emphasis to the retained heritage façades. On the St. Nicholas Street frontage, the building steps back only 2.2 metres from the face of the base building, then cantilevers back out to the property line above the 30th floor.

The proposed building does not provide appropriate tower separation distances, setbacks, or setbacks required for tall buildings in the Official Plan, Tall Building Guidelines and Supplementary Downtown Tall Building Guidelines. As stated in the Tall Building Guidelines, tall buildings on sites that are too small to provide the minimum tower setbacks and setbacks results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for building occupants, and the overall liveability of the City. The above demonstrates that this proposal is not meeting the Tall Building Guidelines.

The policies of OPA 183 (under appeal) note that while tall buildings are generally not appropriate throughout the Yonge Street Character Area due to the prevalence of heritage properties and the existing low-rise built form character, exceptions will be recognized, where lot size, depth, specific location and context characteristics (such as heritage value) are able to accommodate a tall building and its servicing and parking requirements.

The policies of OPA 183 require a minimum setback of 20 metres from the Yonge Street frontage property line to the tower portion of any tall building development where heritage properties are present on site. A setback of 28 metres to the eastern face of the tower is proposed, which satisfies this policy.

With respect to building height, OPA 183 specifies that buildings higher than 18 metres may only be permitted if:

- a. no part of the building is located above the angular plane drawn from the Yonge Street lot line, commencing at a height of 18 metres above the street level, and then angling upwards at an angle of 75 degrees away from Yonge Street over the site; and
- b. where the site contains a heritage property, the heritage property can be retained in its entirety and appropriately incorporated into the development/redevelopment.

The proposed building generally conforms to the angular plane requirement, apart from a portion of the top two floors and the mechanical penthouse, as well as balconies in several locations on the east side of the building which extend beyond the setback plane. Full compliance with the angular plane requirement should be achieved through minor height reductions at various points on the building to eliminate these protrusions. The retention and incorporation of heritage properties is discussed further in the following sections.

The appropriate height for a building on this site should be determined by applying the relevant massing controls such as setbacks, setbacks, and angular planes. With respect to the project as proposed, the building height generally complies with the requirements of the angular plane; however, it does not provide acceptable setbacks and setbacks. Adherence to all of these

requirements would result in a buildable area which would accommodate only a very small building footprint and tower floor plate. As proposed currently, the tower floorplate size is variable, up to a maximum size of 720 square metres, which meets the tower floorplate sizes of the Tall Building Guidelines but are still larger than it would be if proper setbacks and stepbacks were applied. Notwithstanding the foregoing, a reduction in height is not sufficient to achieve an appropriate tall building; tower separation and stepbacks must also be met.

Sun, Shadow

Official Plan policies 3.1.2.3 and 4.5.2 state that new development should be located and massed to limit shadowing on neighbouring streets, properties and open spaces, neighbouring parks and adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Additionally, the Downtown Tall Buildings Design Guidelines state that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publicly accessible parks, open spaces, natural areas and other shadow sensitive areas.

The site is located in close proximity to the future Dr. Lillian McGregor Park, though the site is north of the park and accordingly will not contribute any shadow impacts. However, due to the height of the proposal, a Shadow Study prepared by Rafael + Bigauskas Architects shows that the proposed building will shadow James Canning Gardens at 2:18 PM and Barbara Hall Park at 4:18 PM on March 21st and September 21st. During this timeframe shadows will also move across the area of Gloucester/Dundonald designated *Neighbourhoods*.

Policy 5.3.5 of OPA 183 (currently under appeal) requires any development/redevelopment to demonstrate as part of the development application review process that best efforts have been made to not cast any new net shadow on the linear park system to the east of Yonge Street between Charles Street East and Dundonald Street during the day for all seasons of the year. This goal is also contained in Supplementary Design Guideline #2 of the Downtown Tall Building Design Guidelines which directs that tall buildings be located and designed to not cast new net shadows on parks located within the Downtown between 12 noon and 2:00 PM on September 21st. At 2:18 PM on March 21st and September 21st the proposed building completely shadows the southern half of the park. Based on supplementary shadow modelling prepared by City Planning, shadows are cast on the park for approximately 1 ½ hours during the afternoon, although there are no new net shadows between 12:00 PM and 2:00 PM. Section 5.7, Church Street Village Character Area, of OPA 183 states that "the 519 Church Street community hub and surrounding park should be protected from new net shadow impacts of development and redevelopment." Further, Policy 5.7.3 states "development/redevelopment will cast no new net shadow on the parkland forming part of 519 Church Street community hub for a period of 6 hours generally between the hours of 10:00 AM and 4:00 PM on March 21st and September 21st." Both of these policies are in full force and effect and were settled as part of the Phase 1 OMB hearing for OPA 183. The Shadow Study does not show the exact extent of new shadows on 519 Church Street and Barbara Hall Park during this timeframe; however, the supplementary shadow modelling prepared by City Planning indicates that there is no new net shadow between 10:00 AM and 4:00 PM.

Wind

Official Plan policies 3.1.2.3 and 4.5.2 state that new buildings should be located, massed and designed to maintain comfortable wind conditions on neighbouring streets, properties, parks and open spaces. The Pedestrian Level Wind Assessment prepared by Gradient Wind Engineering Inc. (GWE) provides a qualitative assessment of pedestrian level wind comfort in order to identify any significant massing features or design elements which may adversely impact pedestrian activities.

Wind conditions along the Wellesley Street West sidewalk are expected to be suitable for standing during the summer, and for walking throughout the rest of the year. However, for certain high-probability wind directions the proposal may produce additional channelling effects along the Wellesley Street West corridor, and downwash of prominent westerly winds impacting the broad west façade of the tower will contribute to increased wind speeds at the base of the building along the south elevation.

Wind conditions along St. Nicholas Street are expected to be comfortable for standing throughout the year. However, the broad west façade of the tower and the limited step-back at the 5th floor may result in downwash of higher-level winds onto St. Nicholas Street.

The outdoor amenity area on the 4th floor is sheltered from prominent winds; however, the outdoor amenity areas on the upper floors of the building (floors 40, 54, 56, 57, and 64) will be exposed to prominent westerly and northerly winds and will likely require mitigation such as wind barriers and canopies to ensure conditions are suitable for sitting and other sedentary activities during the warmer months.

Heritage Preservation

The development site includes 586 Yonge Street (including 586A Yonge Street and 7 St. Nicholas Street) and 10-16 Wellesley Street West that were included on the City's Heritage Register by City Council in March, 1974. These properties, along with 5. St Nicholas Street, are identified as contributing buildings within the Historic Yonge Street Heritage Conservation District Plan.

The site is located to the south, and adjacent to a 6-storey building at 9 St. Nicholas Street that is designated under Part IV of the Ontario Heritage Act.

A Heritage Impact Assessment (HIA) prepared by Goldsmith Borgal & Company Ltd. Architects dated November 24, 2017 identifies the heritage resources on the site; however, it does not provide an appropriate conservation strategy for the properties that are included on the Heritage Register with regard to the heritage policies in the Official Plan.

As described in the Historic Yonge Street Heritage Conservation District Plan, the proposal needs to conserve 586 Yonge Street (including 586A and 7 St. Nicholas Street), 10-16 Wellesley Street West and 5 St. Nicholas Street with regard to, but not limited to, massing, façade pattern and features, windows and fenestration, roofs, materiality and wall design of each of the heritage buildings and contributing buildings identified in the Historic Yonge Street Heritage Conservation District. The HCD Plan also requires a tower stepback of 10 metres from all elevations of a building adjacent to and parallel with a street within the HCD. For these reasons, the proposed development site is not an appropriate tower site.

Parking

The plans show a total of 47 residential parking spaces in three levels of underground parking, which results in a rate of 0.1 parking spaces per unit. No parking spaces are proposed for residential or commercial visitors. The proposed parking supply has been reviewed by Transportation Services staff and is currently unacceptable.

Servicing

A Functional Servicing Report was submitted with the Zoning By-law Amendment application and has been reviewed by Staff and is currently unacceptable and requires further revisions.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential portion of this proposal is subject to a 2% parkland dedication while the residential portion is subject to a 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above-grade building permit.

Streetscape

OPA 183 and the North Downtown Yonge Urban Design Guidelines provide direction regarding public realm and streetscape, particularly with respect to providing 6 metre wide sidewalk zones and new and improved publicly accessible open space on site.

Sidewalk zones for the proposed development are 3.3 metres along Wellesley Street West and 1.3-1.8 metres along St. Nicholas Street; however, it is acknowledged that the presence of on-site heritage buildings which will be retained as part of the development constrains any opportunities to set the face of the building back from the property line on Wellesley Street West to allow for enhanced streetscape design and wider sidewalks.

The design of the ground floor appropriately organizes the various commercial, residential, and service functions. The ground floor retail space is directly accessible from Wellesley Street West through the existing entrances. The residential entrance fronts onto St. Nicholas Street close to the corner. Access to parking, loading and service functions has been located on the north side of the lobby entrance on the St. Nicholas Street frontage which will minimize conflicts between vehicles and the pedestrian entrance to the building. A Landscape Plan prepared by NAK Design Strategies shows a variety of unit pavers along the public sidewalk, on St. Nicholas Street, and in front of the residential entrance spilling out into St. Nicholas Street. This would be

examined more closely at the site plan stage as it does not conform to the City's Streetscape Manual.

The constrained size of the site does not provide opportunities for on-site dedications or new publicly accessible open space as part of the development. This is a further indication of the excessive scale and intensity of the development which builds out to each lot line of the site with no opportunity for expanded sidewalks, onsite landscaping, or publicly accessible open spaces.

Toronto Green Standard

In 2013, City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. If the rezoning application is appealed to the Ontario Municipal Board (OMB) and the OMB ultimately approves an increase in height and/or density, the site specific zoning by-law will secure development standards in compliance with Tier 1 of the TGS. TGS performance measures may also be secured through the Site Plan Control process.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are established in consultation with the Ward Councillor if the project is considered to be good planning and recommended for approval.

In the event that some form of development is approved by the Ontario Municipal Board and the Ontario Municipal Board grants additional height and/or density beyond that which is permitted in Zoning By-law 438-86 and City-wide Zoning By-law 569-2013, the City will request that the Ontario Municipal Board withhold their final order on the Zoning By-law until the City has an agreement with the applicant to secure appropriate community benefits.

Conclusion

City staff are recommending that the application be refused, as the proposal does not represent good planning, does not have regard for matters of provincial interest in section 2 of the Planning Act, is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017). The proposal does not respect the existing or planned built context for the site and the surrounding area, does not conform to the built form and heritage policies of the Official Plan including the policies of OPA 183, and does not meet the City's Tall Building Guidelines and the North Downtown Yonge Street Urban Design Guidelines. Further, the application does not align with the emerging policy direction presented through TOcore for the new Downtown Secondary Plan. The proposal represents over-development of the site.

CONTACT

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Tel. No. (416) 397-1761
E-mail: Katherine.Bailey@toronto.ca

SIGNATURE

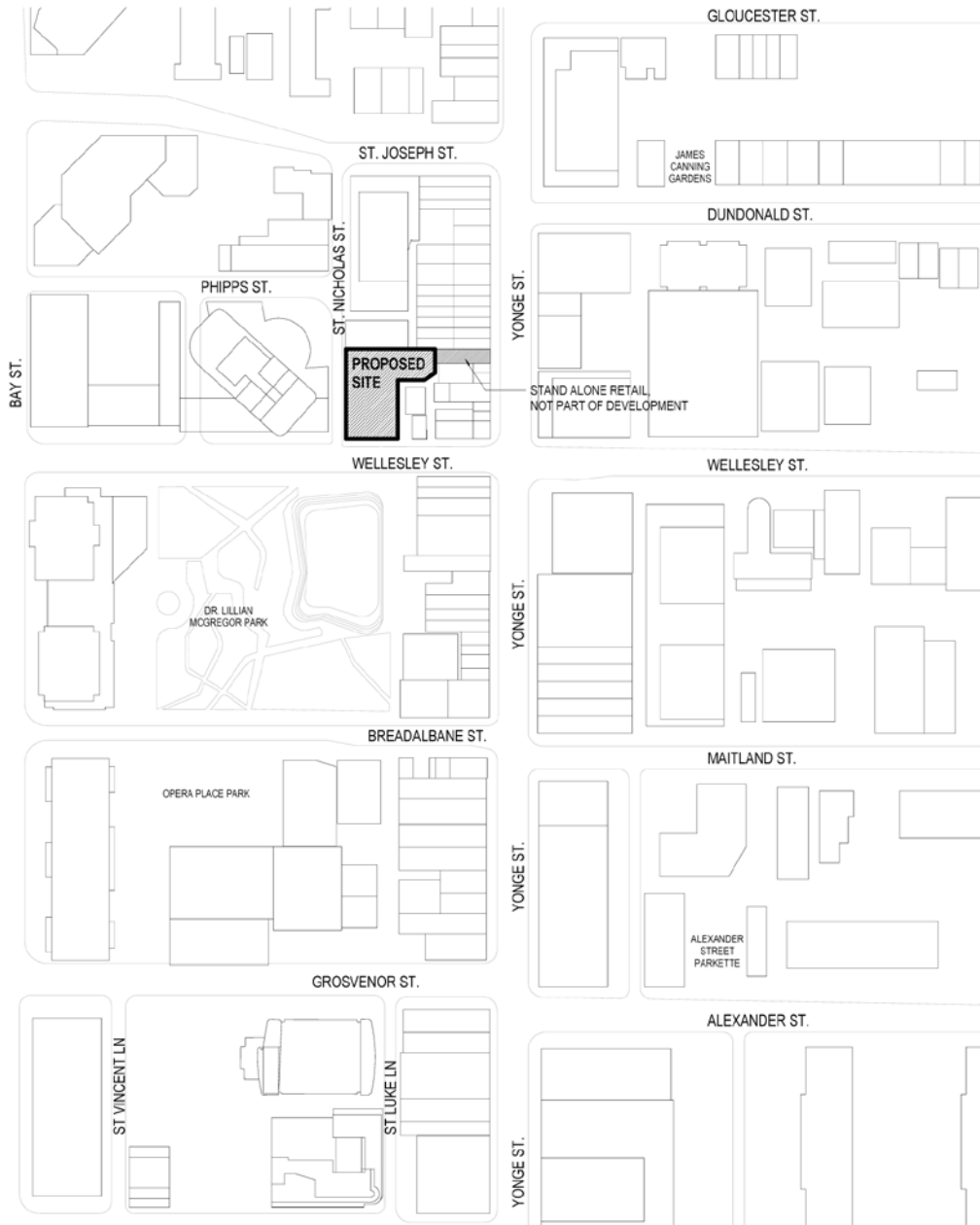
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Context Plan
Attachment 2: Site Plan
Attachment 3: South Elevation
Attachment 4: West Elevation
Attachment 5: North Elevation
Attachment 6: East Elevation
Attachment 7: Ground Floor Plan
Attachment 8: Existing Official Plan
Attachment 9: OPA 183 (SASP 382) Boundary Map
Attachment 10: OPA 183 (SASP 382) Map 1: Character Areas
Attachment 11: OPA 183 (SASP 382) Map 2: Open Space Network and Height Areas
Attachment 12: Existing Zoning
Attachment 13: Application Data Sheet

Attachment 1: Context Plan



Context Plan

Applicant's Submitted Drawing

Not to Scale 

12/13/2017

10-16 Wellesley Street West,
5-7 St. Nicholas Street and 586 Yonge Street

File # 17 267875 STE 27 OZ

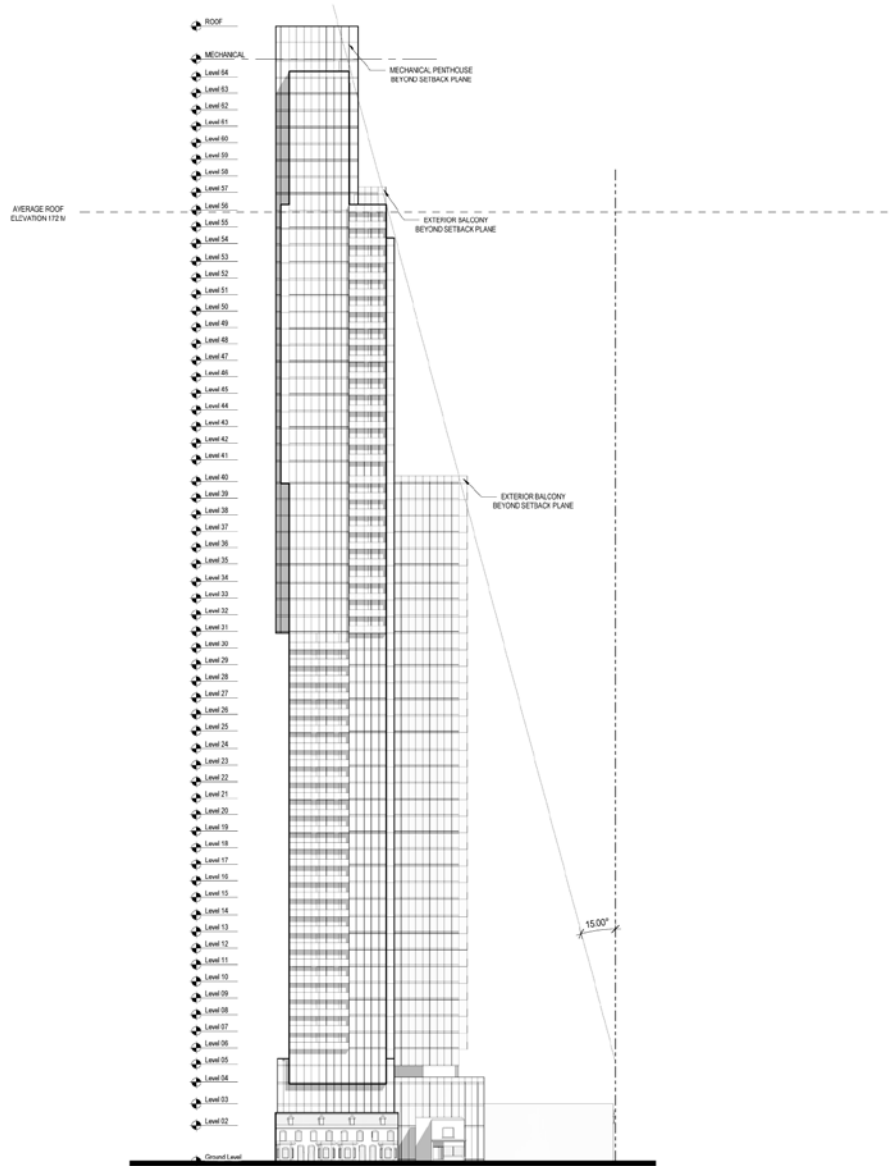
Attachment 2: Site Plan



Site Plan
Applicant's Submitted Drawing
 Not to Scale
 12/13/2017

**10-16 Wellesley Street West,
 5-7 St. Nicholas Street and 586 Yonge Street**
 File # 17 267875 STE 27 0Z

Attachment 3: South Elevation



South Elevation

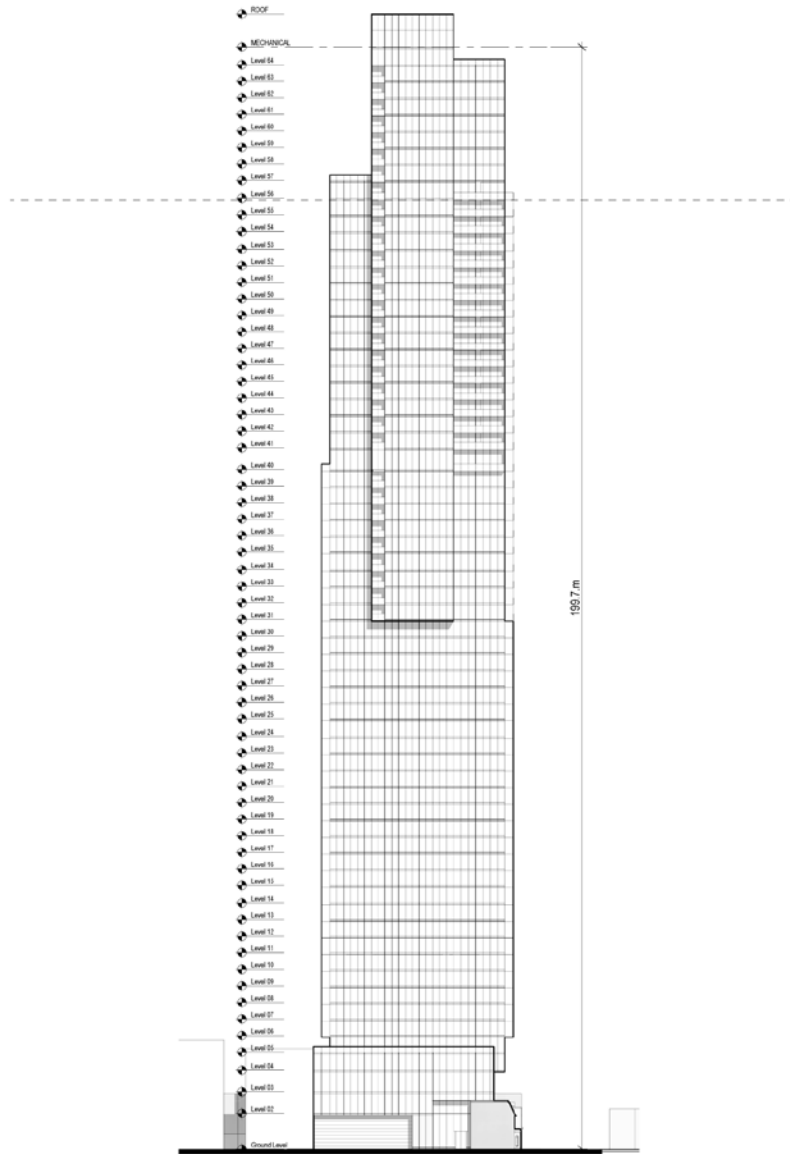
Applicant's Submitted Drawing

Not to Scale
12/13/2017

10-16 Wellesley Street West,
5-7 St. Nicholas Street and 586 Yonge Street

File # 17 267875 STE 27 OZ

Attachment 4: West Elevation



West Elevation

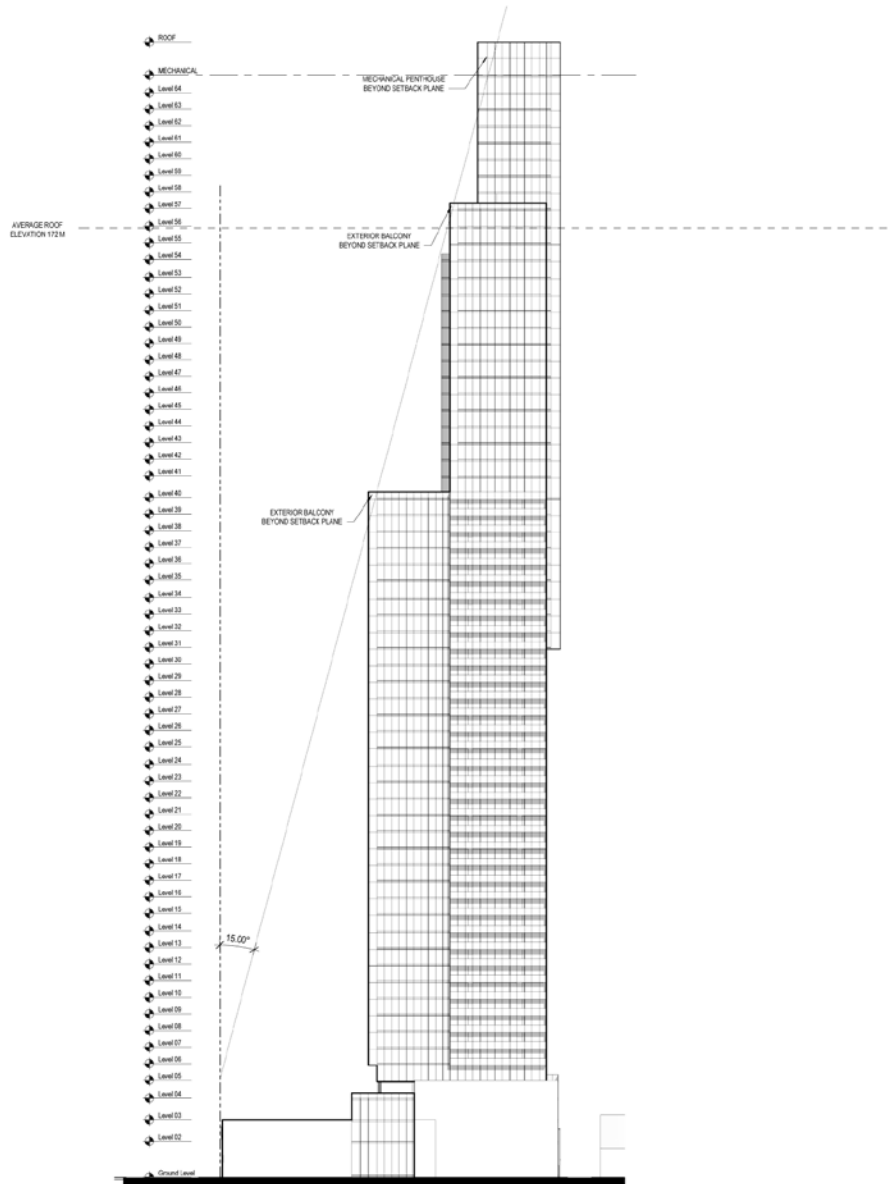
Applicant's Submitted Drawing

Not to Scale
12/13/2017

10-16 Wellesley Street West,
5-7 St. Nicholas Street and 586 Yonge Street

File # 17 267875 STE 27 0Z

Attachment 5: North Elevation



North Elevation

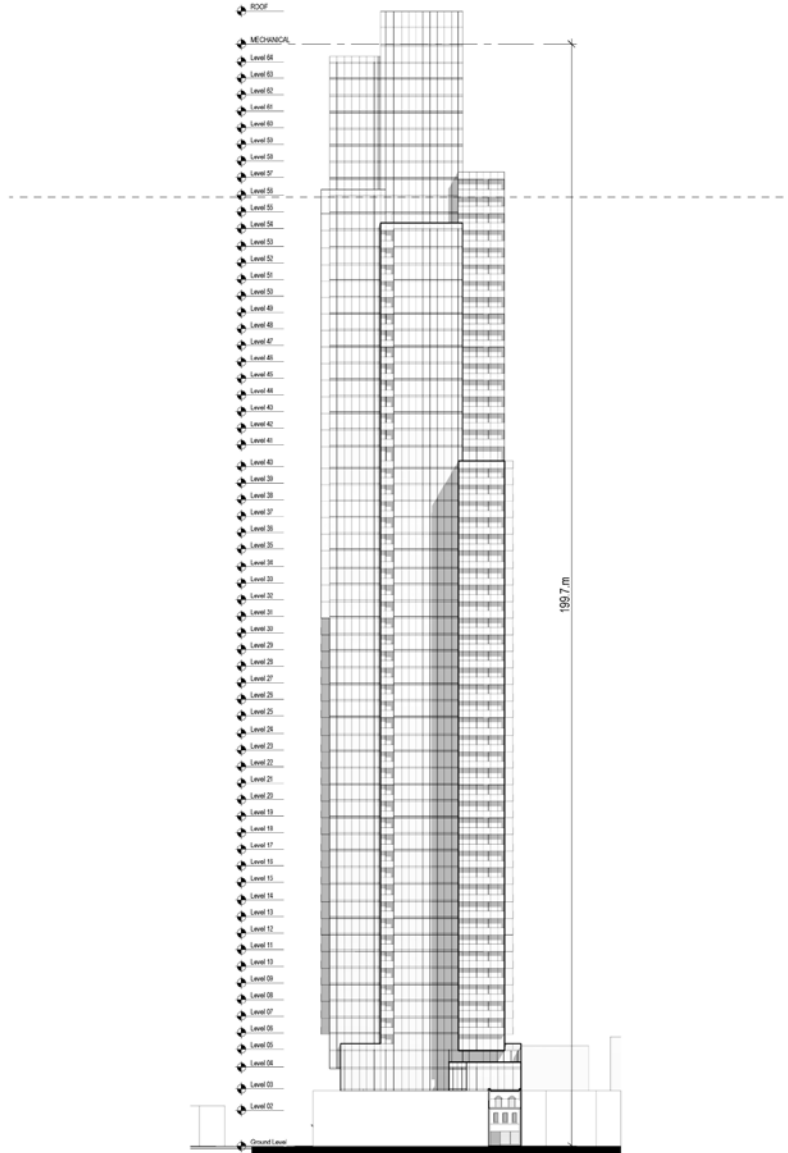
Applicant's Submitted Drawing

Not to Scale
12/13/2017

10-16 Wellesley Street West,
5-7 St. Nicholas Street and 586 Yonge Street

File # 17 267875 STE 27 OZ

Attachment 6: East Elevation



East Elevation

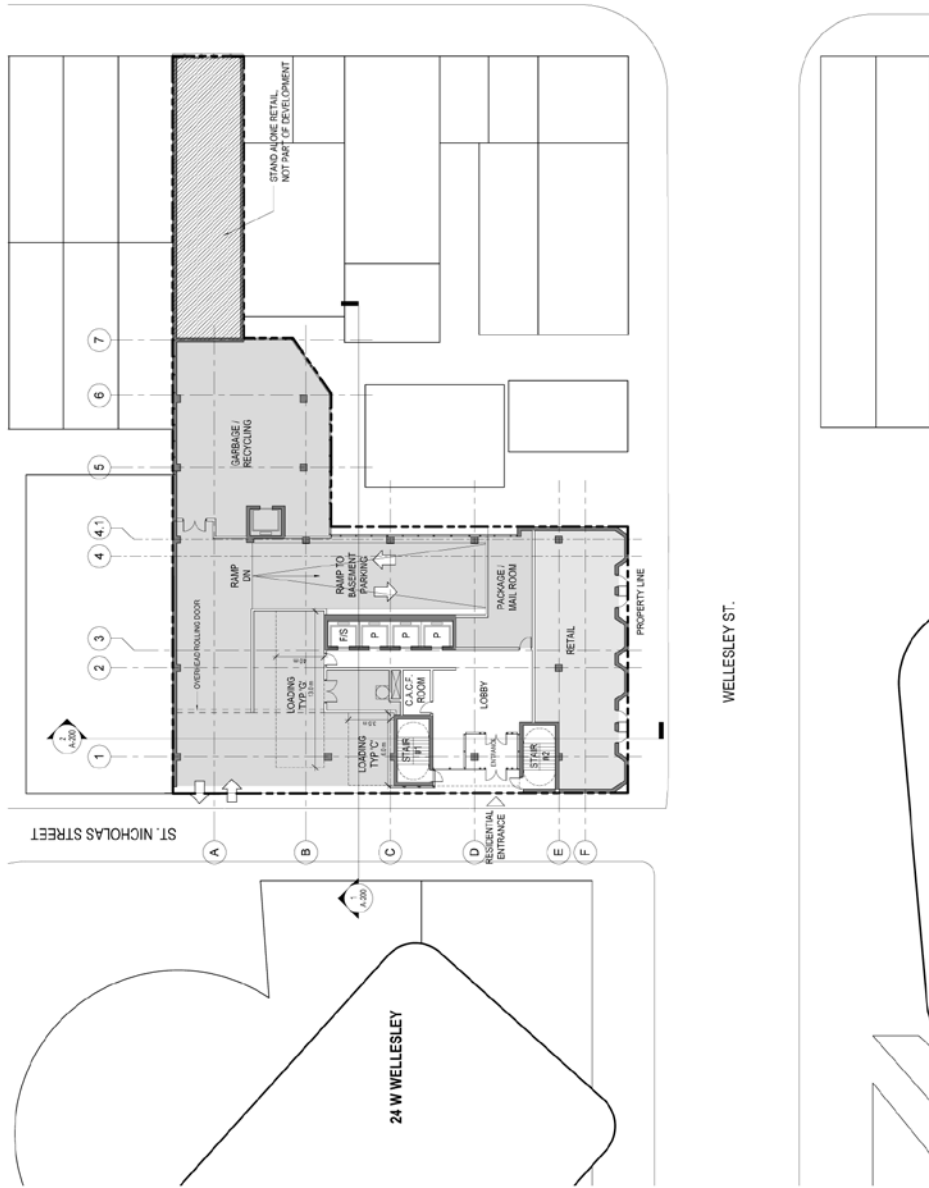
Applicant's Submitted Drawing

Not to Scale
12/13/2017

10-16 Wellesley Street West,
5-7 St. Nicholas Street and 586 Yonge Street

File # 17 267875 STE 27 OZ

Attachment 7: Ground Floor Plan



Ground Floor Plan
Applicant's Submitted Drawing
 Not to Scale
 12/13/2017

**10-16 Wellesley Street West,
 5-7 St. Nicholas Street and 586 Yonge Street**
 File # 17 267875 STE 27 0Z

Attachment 8: Existing Official Plan



Toronto
 Extract from Official Plan

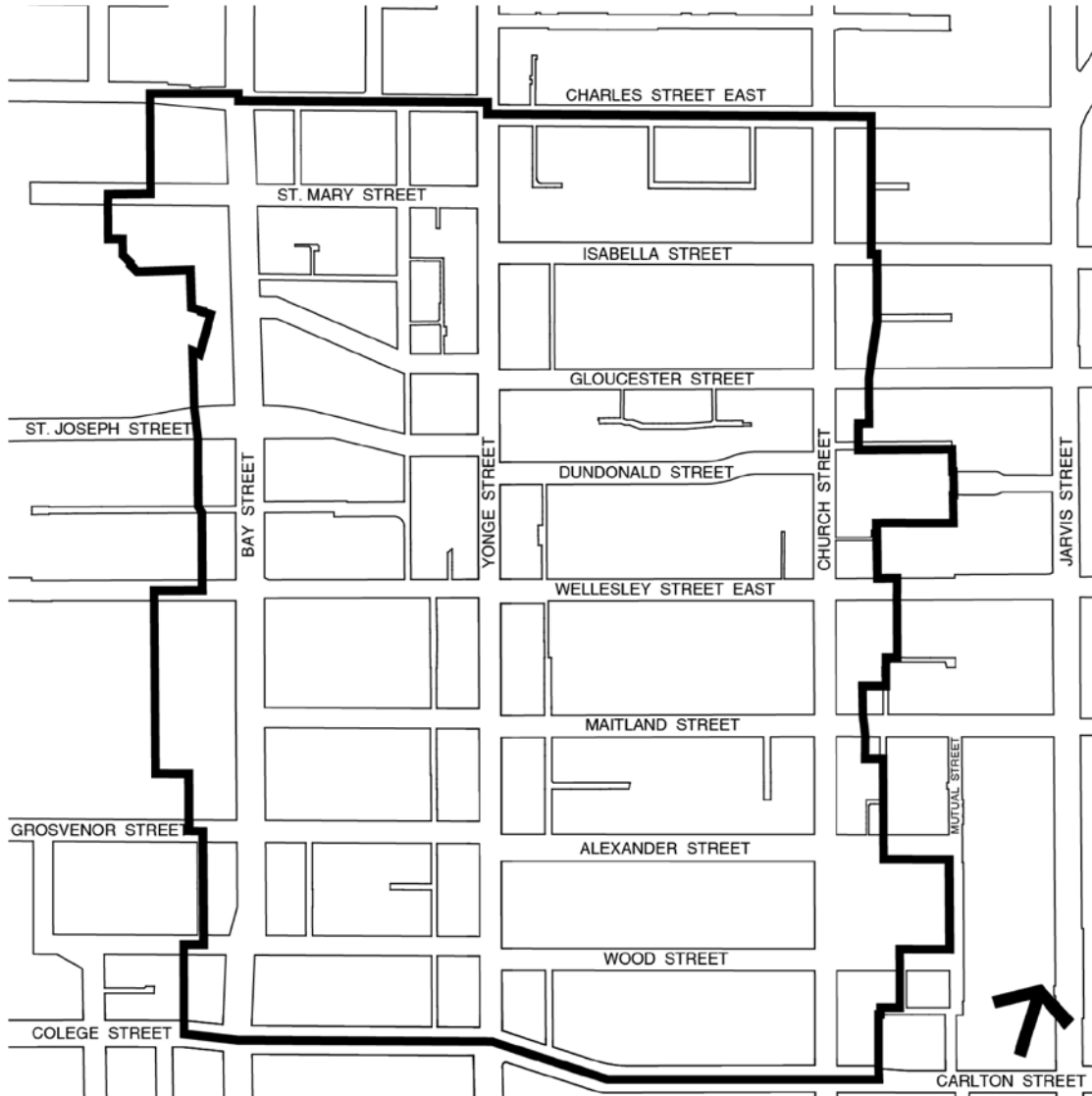
10-16 Wellesley Street West,
 5-7 St. Nicholas Street and 586 Yonge Street

File # 17 267875 STE 27 0Z

- | | | |
|--|--|---|
|  Site Location |  Parks & Open Space Areas |  Institutional Areas |
|  Neighbourhoods |  Parks | |
|  Apartment Neighbourhoods | | |
|  Mixed Use Areas | | |


 Not to Scale
 12/13/2017

Attachment 9: OPA 183 (SASP 382) Boundary Map



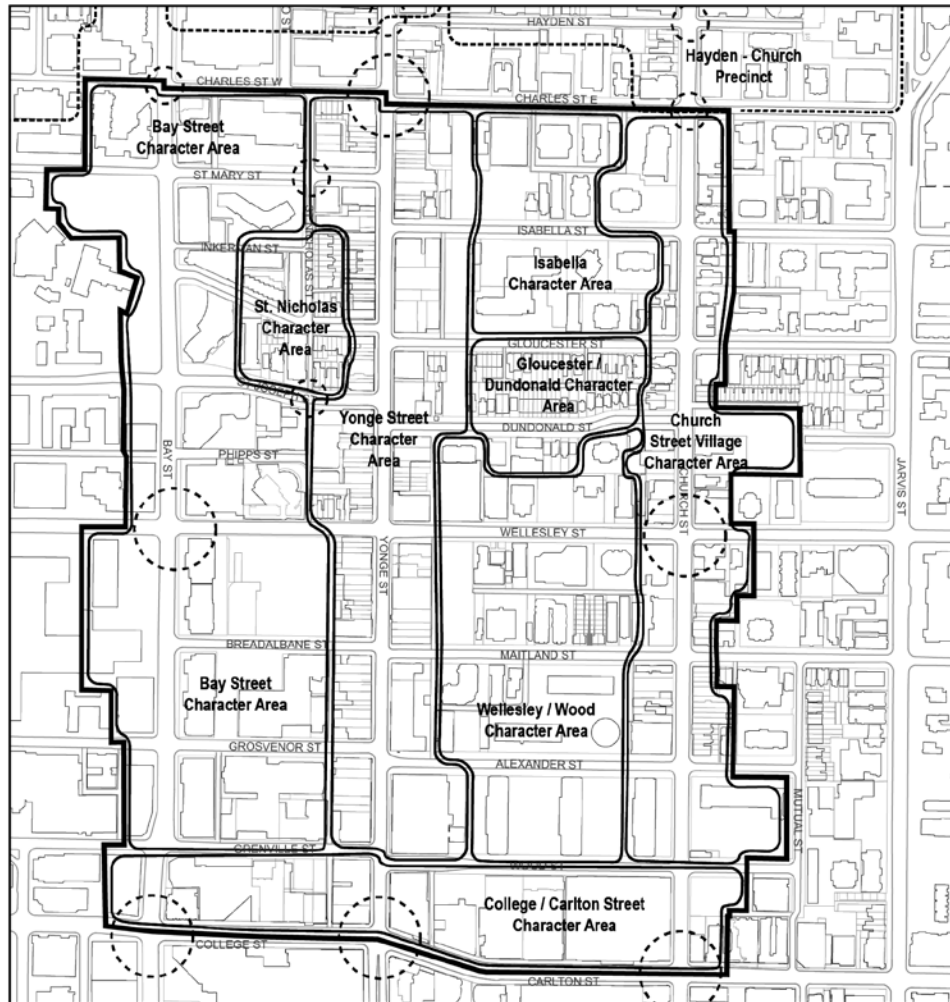
OPA 183 Boundary

**10-16 Wellesley Street West,
5-7 St. Nicholas Street and 586 Yonge Street**

Not to Scale
12/13/2017

File # 17 267875 STE 27 OZ

Attachment 10: OPA 183 (SASP 382) Map 1: Character Areas



TORONTO City Planning
Official Plan Amendment #183
Map 1: Character Areas

North Downtown Yonge
Planning Framework Study
 File # 11 247686



Not to Scale
 08/22/2013

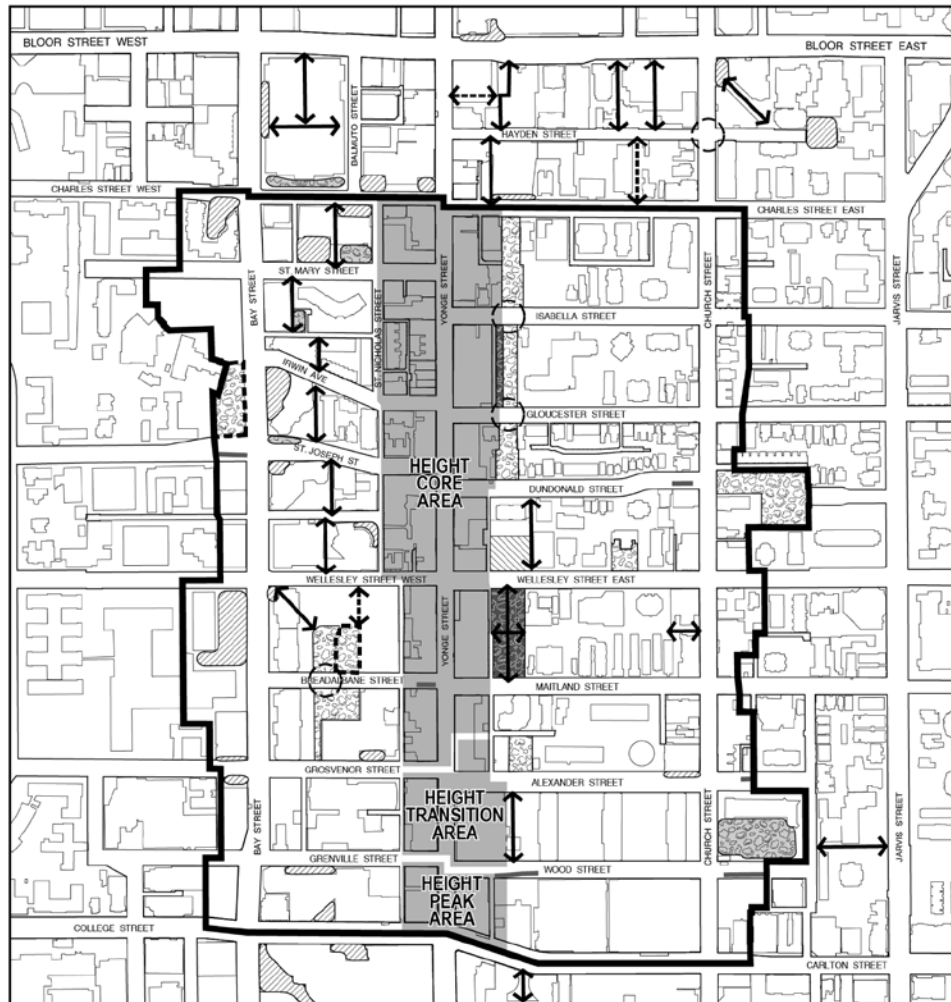
OPA 183 Character Areas

**10-16 Wellesley Street West,
 5-7 St. Nicholas Street and 586 Yonge Street**

Not to Scale
 12/13/2017

File # 17 267875 STE 27 OZ

Attachment 11: OPA 183 (SASP 382) Map 2: Open Space Network and Height Areas



TORONTO City Planning

**Official Plan Amendment #183
Map 2: Open Space Network and Height Map**

**North Downtown Yonge
Planning Framework Study**

File # 11 247686



**OPA 183 Open Space Network
and Height Map**

**10-16 Wellesley Street West,
5-7 St. Nicholas Street and 586 Yonge Street**

Not to Scale
12/13/2017

File # 17 267875 STE 27 OZ

Attachment 13: Application Data Sheet

Application Type	Rezoning	Application Number:	17 267875 STE 27 OZ
Details	Rezoning, Standard	Application Date:	November 27, 2017
Municipal Address:	10 WELLESLEY ST W		
Location Description:	PLAN 203E LOT 10 **GRID S2707		
Project Description:	A Zoning By-law Amendment to allow the redevelopment of the site with a new 64-storey mixed-use building with 466 dwelling units, 47 parking spaces, and 470 bicycle parking spaces. A total of 34,446 m ² is proposed comprised of 153 m ² of non-residential GFA and 34,293 m ² of residential GFA. The site includes 10-16 Wellesley Street West, 5-7 St. Nicholas Street, and 586 Yonge Street.		

Applicant:	Agent:	Architect:	Owner:
WELLESLEY ST NICHOLAS RESIDENCES INC		WELLESLEY ST NICHOLAS RESIDENCES INC	2019287 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 382, Historic Yonge St Heritage Conservation District Plan
Zoning:	CR 3.0 (c2.0; r3.0) SS1 (x1387)	Historical Status:	Y
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1176	Height:	Storeys:	64
Frontage (m):	22.5		Metres:	199.7
Depth (m):	37.8			
Total Ground Floor Area (sq. m):	794			Total
Total Residential GFA (sq. m):	34293		Parking Spaces:	47
Total Non-Residential GFA (sq. m):	153		Loading Docks	2
Total GFA (sq. m):	34446			
Lot Coverage Ratio (%):	67.5			
Floor Space Index:	29.3			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	34293
Bachelor:	0	Retail GFA (sq. m):	153
1 Bedroom:	283	Office GFA (sq. m):	0
2 Bedroom:	138	Industrial GFA (sq. m):	0
3 + Bedroom:	45	Institutional/Other GFA (sq. m):	0
Total Units:	466		

CONTACT: PLANNER NAME: Katherine Bailey, Planner
TELEPHONE: (416) 397-1761

