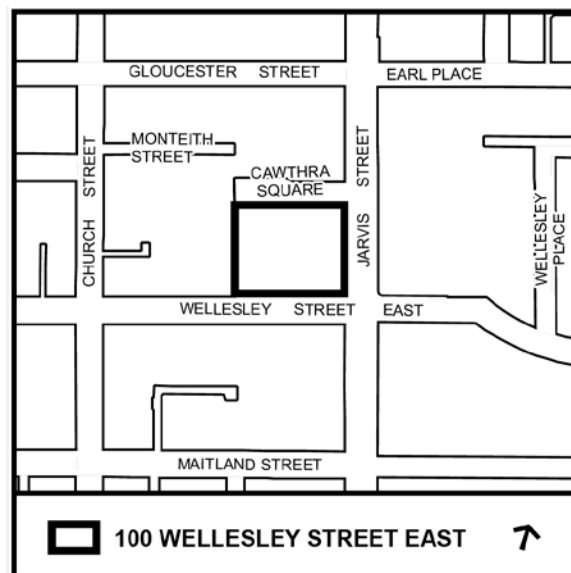


**100 Wellesley Street East – Zoning By-law Amendment and Rental Housing Demolition & Conversion Applications – Request for Direction Report**

<b>Date:</b>	June 25, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	17 198670 STE 27 OZ & 17 198686 STE 27 RH

**SUMMARY**

This application proposes to construct a 10-storey (36 metres, including mechanical penthouse) infill building along Jarvis Street in a 'U' shape configuration extending along Wellesley Street East to the south, Jarvis Street to the east, and Cawthra Square to the north. Along Wellesley Street East, the proposed new building steps down to a 7-storey building to the west and along Cawthra Square the addition steps down to a 6-storey addition to the west. A new non-residential space with an area of 457.7 square metres is proposed at the ground level on the corner of Jarvis Street and Wellesley Street East. The existing 28-storey rental apartment building containing 427 rental units on the site would be retained. The proposed infill building would be integrated and connected into the existing rental apartment building on site. The application as proposed would require the demolition of 3 existing rental units and reconfiguration of another 23 units. The application also proposes to develop eight 3-storey townhouses along Cawthra Square, immediately east of Barbara Hall Park. In total, 128 new rental residential units are proposed.



On March 8, 2018, the applicant appealed its Zoning By-law Amendment application to the Local Planning Appeal Tribunal (the "Tribunal") citing Council's failure to make a decision within the time allotted by the *Planning Act*. This report recommends that Council direct the City Solicitor, together with appropriate City Staff, to oppose the proposal at the Tribunal. The proposal is not acceptable for the reasons outlined in this report.

Planning staff have considered the application within the context of the in-force policy framework, including section 2 of the *Planning Act*, the Provincial Policy Statement, the Growth Plan and the Official Plan, as well as the emerging policy framework of Official Plan Amendment No. 320 and Official Plan Amendment No. 352. The proposed development does not have regard for matters of provincial interest under 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 conform to the City's Official Plan, in particular the Apartment Neighbourhoods, Healthy Neighbourhoods, Built Form or Natural Environment policies of the Official Plan. Further, the proposed development does not adequately address the City's Tall Building Design Guidelines, or the intent of those guidelines.

An application for Rental Housing Demolition under Chapter 667 of the Toronto Municipal Code has been filed to permit the demolition of 3 existing rental units at 100 Wellesley Street East. Staff recommend that Council withhold making a decision on this application, as the proposed development is not supported by City Planning staff. Council's decision on this matter is not appealable to the Tribunal. Should the Tribunal approve the Zoning By-law Amendment appeals in whole or in part, the Chief Planner would have delegated authority under Chapter 667 of the Toronto Municipal Code to approve the Rental Housing Demolition permit application and impose conditions.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor, together with the appropriate staff, to attend the Local Planning Appeal Tribunal (the "Tribunal") hearing to oppose the applicant's appeal respecting Zoning By-law Amendment application (File No. 17 198670 STE 27 OZ) for 100 Wellesley Street East for the reasons contained in the report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and appropriate staff to seek revisions to the applications and continue discussions with the applicant in an attempt to resolve issues outlined in the report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York District regarding 100 Wellesley Street East, to the satisfaction of the Chief Planner and Executive Director, City Planning and to report back to City Council on the outcome of discussions, if necessary.

3. In the event that the Tribunal allows the appeal in whole or in part, City Council authorize a stratified conveyance of on-site parkland to the satisfaction the General Manger, Parks, Forestry and Recreation should the City require on-site parkland dedication pursuant to Section 42 of the *Planning Act* as set out in the report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York District.
4. In the event that the Tribunal allows the appeal in whole or in part, City Council approve a development charge credit against the Parks and Recreation component of the development charges for the design and construction, by the owner, of above base park improvements for an on-site parkland dedication, all to the satisfaction of the General Manager, Parks, Forestry and Recreation if the City requires an on-site parkland dedication pursuant to Section 42 of the *Planning Act* as set out in the report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York District. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the above base park improvements, as approved by the General Manager, Parks Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for such development in accordance with the City's Development Charges By-law, as may be amended from time to time.
5. City Council withhold making a decision on Rental Housing Demolition application No. 17 198686 STE 27 RH under Chapter 667 of the Toronto Municipal Code to demolish 3 existing residential rental dwelling units at 100 Wellesley Street East, until such time as a decision is made on the Zoning By-law Amendment application and a Tenant Consultation meeting has been held.
6. In the event that the Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request the Tribunal 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 a satisfactory Functional Servicing Report, Transportation Impact Study, and Hydrogeological and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Transportation Services;
  - b. The owner makes satisfactory arrangements, including entering into a financially secured agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to this infrastructure to support this development, according to the Functional Servicing Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- c. The Chief Planner, under delegated authority, has dealt with the Rental Housing Demolition application No. 17 210154 STE 27 RH under Chapter 667 of the Toronto Municipal Code to demolish 3 existing rental dwelling units at 100 Wellesley Street East
- d. The Tribunal has been advised by the City Solicitor that the final form and content of the draft by-laws are satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning; and
- e. The Tribunal has been advised by the City Solicitor that a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, in consultation with the Ward Councillor, has been executed and registered to the satisfaction of the City Solicitor, which will secure among other matters:
  - i. all existing rental units to be retained on site, tenant relocation and assistance, and any other rental housing related matters in conformity with Chapter 667 of the Toronto Municipal Code and Policy 3.2.1.5 of the Official Plan, and the owner has entered into and registered a Section 37 Agreement with the City incorporating language securing the above all to the satisfaction of the City Solicitor;
  - ii. Tier 1 Toronto Green Standard requirements; and
  - iii. securing appropriate matters, services and facilities to be provided by the owner at its expense pursuant to section 37 of the *Planning Act* and any other matters necessary to support the development.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

In 1967, a site-specific By-law 1967-0378 was passed by the Ontario Municipal Board to allow the construction of the existing 28-storey residential apartment building on the property. The By-law contains specific provisions related to a maximum gross floor area, a minimum landscaped area to be provided and maintained on the lot, and the number of parking spaces.

Pre-application consultations meetings were held with the applicant on April 18, 2016 and October 24, 2016, to discuss the proposal and complete application submission requirements. Staff concerns regarding the proposed development related to the scale of intensification, building heights, massing and separation distances were communicated to the applicant. The application was submitted on July 14, 2017. Some revisions to the

proposal were made following the pre-application meetings; however, the proposal was not substantially different from what was presented originally in the meetings.

On November 14, 2017, Toronto and East York Community Council considered a Preliminary Report for 100 Wellesley Street East recommending that staff schedule a community consultation meeting to discuss the proposal with local residents.

The Preliminary Report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.40>

## **ISSUE BACKGROUND**

### **Proposal**

The applicant has submitted a Zoning By-law Amendment application and Rental Housing Demolition application to develop a new rental residential building containing a total of 128 units to be integrated into the existing 28-storey (84.8 metres) residential apartment building at 100 Wellesley Street East. Along Jarvis Street, the building is 10-storeys in height and extends along Wellesley Street East, Jarvis Street and Cawthra Square in a 'U' shape. Along Wellesley Street East, the 10-storey building steps down to 7-storeys to the west and along Cawthra Square the 10-storey building steps down to 6-storeys to the west, with varying step backs. At the northwest corner of the site, along Cawthra Square, eight 3-storey townhouse units are proposed.

A total of 12,087 square metres of gross floor area is proposed and when combined with the existing gross floor area of the 28-storey apartment building, the total gross floor area on site will be 41,789 square metres. A non-residential space with an area of 457.7 square metres is proposed at the corner of Wellesley Street East and Jarvis Street. A portion of this space is proposed to be used as the new rental office for the building with the remainder of the space proposed for commercial use. The existing floor space index of the site is 4.5 times the area of the lot and with the proposed building and townhouses; the total floor space index is proposed to be 6.3 times the area of the lot. In total, 128 new rental residential units are proposed. In total, including the existing units, the site would provide a total of 552 rental residential units.

The proposed infill would require the demolition of 3 existing rental units and renovation of another 23 units. The 3 existing rental units proposed to be demolished (units 109, 110 and 204) are located on the ground and second floors. The demolition of the ground floor units is required to connect the ground floor interior hallways of the existing and proposed buildings. The second floor unit proposed to be demolished would be converted into an indoor amenity space. The 23 existing rental units proposed to be reconfigured and renovated are located on floors 2 through 13 on the eastern end of the building.

The proposal contains the following unit breakdown:

Unit Count					
Existing 100 Wellesley Street East	<b>Type</b>	<b>Existing Rental Units</b>	<b>Rental Units to be Reconfigured</b>	<b>New Rental Units</b>	<b>Overall Total</b>
	Studio	53		1	54
	1B/1B+D	268			268
	2B/2B+D	106	23		103
	3B				0
	<b>Total</b>	<b>427</b>			<b>425</b>
Proposed Development	<b>Type</b>	<b>Existing Rental Units</b>	<b>Rental Units to be Reconfigured</b>	<b>New Rental Units</b>	<b>Overall Total</b>
	1B/1B+D			12	12
	2B/2B+D			81	81
	2B Townhouse			5	5
	3B			21	21
	3B Townhouse			8	8
				<b>127</b>	<b>127</b>
<b>Combined Total</b>				<b>552</b>	

Along Wellesley Street East, the building is proposed to be setback between 2.7 and 4.2 metres from the property line, between 1.4 and 5.2 metres along Jarvis Street, and between 1.8 metres and 4.2 metres from Cawthra Square. The eight proposed townhouse units are setback 4.2 metres from the property line along Cawthra Square.

The south wing of the building extends in an east-west direction along Wellesley Street East and provides an internal facing condition of 12.7 metres window to window and 11 metres balcony to window to the existing building. Similarly, along Cawthra Square, the north wing extends in an east-west direction along Cawthra Square and provides an internal facing condition of 11.7 metres window to window and 11 metres balcony to window to the existing building.

The existing apartment building currently has a total of 322 square metres of indoor amenity space and 322 square metres of outdoor amenity space. It is proposed to add 437 square metres of indoor amenity space on Levels 1, 2 and 9 of the proposed addition and 828 square metres of outdoor located at grade and on Levels 2 and 9. In total, to serve all 552 units, 759 square metres (1.4 square metres per unit) of indoor amenity space is proposed and 1,150 square metres (2 square metres per unit) of outdoor amenity space is proposed. All amenity areas are proposed to be shared between existing and new tenants.

The application proposes to reconfigure the existing underground parking garage to accommodate both the existing and proposed residential units and non-residential use. Access to the underground parking will remain in its current location, with driveway access off Wellesley Street East. It is proposed to reconfigure the current drop-off loop driveway and create an additional access onto Wellesley Street East to create a one-way access in and out of the site. Three car-share spaces are proposed within the drop-off loop (see Attachment 1 – Site Plan).

A total of 408 parking spaces are proposed, consisting of 332 residential, 57 visitor, 16 non-residential spaces and three car share spaces. All residential and visitor parking spaces will be located within the existing three level underground parking garage. The three car share spaces are proposed to be located on ground level.

The site currently has 60 existing bicycle parking spaces which will be retained. In total, to serve the existing and proposed units 329 bicycle spaces (316 long-term/occupant and 13 short-term/visitor) are proposed. The long-term bicycle parking spaces will be located on P1, the first level of underground parking, and the short-term bicycle parking spaces will be located both at grade and on P1.

The application proposes one Type G and one Type C loading space, both accessed from Cawthra Square. The Type G space will be internalized at the rear of the townhouse units on the north wing of the building and the Type C space will be located at the north side of the existing apartment building.

The following chart summarizes the development statistics. See Attachment 9: Application Data Sheet for more information.

<b>Category</b>	<b>Proposed Development</b>
Site Area	6,595.6 square metres
Gross Floor Area	
– Existing	29,702 square metres
– Proposed	12,087 square metres
– Total	41,789 square metres

<b>Category</b>	<b>Proposed Development</b>
Floor Space Index <ul style="list-style-type: none"> <li>- Existing</li> <li>- Proposed</li> <li>- Total</li> </ul>	4.5 1.8 6.3
Building Heights <ul style="list-style-type: none"> <li>- Jarvis Street</li> <li>- Wellesley Street East (South Wing)</li> <li>- Cawthra Square (North Wing)</li> <li>- Cawthra Square (Townhouses)</li> </ul>	10-storeys (36 metres, including mechanical) 7 to 10-storeys (23 metres – 36 metres) 6 to 10-storeys (20 metres – 32 metres) 3-storeys (12.5 metres)
Building Setbacks <ul style="list-style-type: none"> <li>- Jarvis Street</li> <li>- Wellesley Street East</li> <li>- Cawthra Square</li> </ul>	1.4-5.2 metres 2.7-4.2 metres 1.8-4.2 metres
Townhouse units	4.2 metres to Cawthra Square
Building Separation Distances to Existing Building <ul style="list-style-type: none"> <li>- South Wing (along Wellesley Street East)</li> <li>- North Wing (along Cawthra Square)</li> <li>- Townhouse Units</li> </ul>	12.7 metres (11 metres to balcony) 11.7 metres (11 metres to balcony) 12.5
Number of Dwelling Units <ul style="list-style-type: none"> <li>- Existing</li> <li>- Proposed</li> <li>- Existing Units to be Reconfigured</li> <li>- Units to be Demolished</li> </ul>	427 128 23 3
- Vehicle Parking Total	408
Bicycle Parking <ul style="list-style-type: none"> <li>- Residential</li> <li>- Visitor</li> <li>- Total</li> </ul>	316 13 329
Loading	1 – Type G and 1 – Type C



Category	Proposed Development
Residential Amenity - Indoor - Outdoor	759 square metres (1.4 square metres per unit) 1,150 square metres (2 square metres per unit)

### Site and Surrounding Area

The site is rectangular in shape and measures approximately 6,590 square metres. The site slopes down gradually towards Wellesley Street East. The site is currently occupied by an existing 28-storey rental residential building containing 427 units. According to the information provided by the applicant, the unit mix and rent classification for all existing rental units were as follows:

- 63 bachelor units: all 63 units had high-end rents;
- 267 one-bedroom units: 256 units with mid-range rents and 11 units with high-end rents; and
- 106 two-bedroom units: 95 unit with mid-range rents and 11 with high-end rents.

At the time of application, all but six of the existing rental units were occupied by tenants.

The entrance to the existing below-grade parking garage and main entrance to the building are accessed from Wellesley Street East. There is a secondary entrance accessed from Cawthra Square. Garbage pick-up and loading occur in this area as well.

Surrounding uses and buildings near the site include:

**North:** Across Cawthra Square are 2.5-storey and 3-storey detached and semi-detached brick residential houses. At the northwest corner of Jarvis Street and Cawthra Square is the G.H. Gooderham House, a Part IV-heritage designated 3-storey Victorian mansion. Further north along Jarvis Street, south of Gloucester Street, are detached Victorian mansions that are listed or designated on the City's Heritage Register.

**South:** Across Wellesley Street East at the southwest corner of Wellesley Street East and Jarvis Street is a 15-storey mixed-use building with retail uses at grade. Further west are 7-storey and 9-storey residential apartment buildings at 91 and 85 Wellesley Street East. At the southeast corner of Wellesley Street East and Jarvis Street is the Jarvis Collegiate Institute at 487 Jarvis Street, which is a heritage-listed building.

East: Across Jarvis Street is an existing Petro-Canada gas station. North of the gas station, is a 3-storey, Part IV-heritage designated, Victorian mansion currently occupied by 'The Keg Mansion' restaurant and parking lot. The adjacent property at 519 Jarvis Street is another Part IV designated 3-storey Victorian mansion.

West: To the west is an 8-storey apartment building at 88 Wellesley Street East. The building is setback 6.8 metres from Wellesley Street East and 6.8 metres from the east property line (adjacent to the site). Further west at 80 Wellesley Street East is a 13-storey apartment building that is setback roughly 6.5 metres from Wellesley Street East. At the northeast corner of Church Street and Wellesley Street East is a 3-storey mixed-use building with a 1-storey addition to the north side containing retail uses. The buildings at 68-70 Wellesley Street East are heritage-listed.

### **Provincial Land-Use Policies: Planning Act, Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Under the *Planning Act*, section 2 sets out matters of Provincial interest that a council of a municipality shall have regard to. These include:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (p) the appropriate location of growth and development; and
- (r) the promotion of built form that,
  - (i) is well designed;
  - (ii) encourages a sense of place; and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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;
- 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 builds upon the policy foundation provided by the PPS 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.

In accordance with section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

### **Toronto Official Plan**

The Official Plan designates the subject site as *Apartment Neighbourhoods* and locates it within the *Downtown and Central Waterfront*, as shown on Map 2, the Urban Structure map of the Official Plan. Lands to the north across Cawthra Square and on the east side of Jarvis Street are designated *Neighbourhoods*.

*Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas. However, compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. The Plan includes criteria that direct the form and quality of development in this land use designation.

### **Apartment Neighbourhood Policies**

The Official Plan criteria to evaluate development in *Apartment Neighbourhoods* is set out in Policy 4.2.2 and Policy 4.2.3.

Policy 4.2.2 states that: "Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a. locating and massing 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 setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- b. locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c. locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d. including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e. locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f. providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g. providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- h. providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities."

Policy 4.2.3 states that: "Significant growth is generally not intended within *Apartment Neighbourhoods*. However, compatible infill development that may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Infill development that may be permitted on a site containing an existing apartment building will:

- a. meet the development criteria set out in Section 4.2.2 for apartments;
- b. maintain an appropriate level of residential amenity on the site;
- c. provide existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of the Plan;
- d. maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;

- e. organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- f. front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- g. provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- h. preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- i. consolidate loading, servicing and delivery facilities; and
- j. preserve or provide adequate alternative on-site recreational space for residents."

### **Healthy Neighbourhood Policies**

In the preamble of Policy 2.3.1, it states that "a cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood." Policy 2.3.1.1 states that "*Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas and that development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas."

The Healthy Neighbourhoods policies of the Official Plan (Policy 2.3.1.2) identify that development in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will:

- a. be compatible with those *Neighbourhoods*;
- b. provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c. maintain adequate light and privacy for residents in those *Neighbourhoods*;  
and
- d. attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Further, Policies 2.3.1(6) and 2.3.1(7) support the enhancement of community and neighbourhood amenities by improving and expanding existing parks and improving quality the quality of existing stock of housing and building a range of new housing.

### **Built Form Policies**

The development criteria in the *Apartment Neighbourhoods* and Healthy Neighbourhood policies are supplemented by additional development criteria in the Official Plan's Built Form policies, including policies that specifically address tall buildings. The Built Form policies, contained in Section 3.1.2 of the Official Plan emphasize the importance of

ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

The Built Form policies (Policy 3.1.2) identify the importance of urban design as a fundamental element of City building. They require that new development:

- be located and organized to fit with its existing and/or planned context;
- locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk
- frame and support adjacent streets, parks and open spaces;
- locate and organize vehicular and service areas in such a way to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context and to limit its impact by, among other things, creating appropriate transitions in scale as well as adequately limiting the resulting shadowing and wind conditions on neighbouring streets, properties and open spaces;
- be massed to define edges of streets, parks and open spaces;
- provide amenity for adjacent streets and open spaces for pedestrians; and
- provide indoor and outdoor amenity space for residents.

Section 3.1.3 defines tall buildings as those whose height is greater than the width of the adjacent road allowance. Policies of Section 3.1.3 also makes 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.

### **Heritage Policies**

Section 3.1.5 provides policies regarding heritage conservation, which were recently updated through Official Plan Amendment No. 199 that is now in force and effect.

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."

The following heritage properties are adjacent to the site and are on the City's Heritage Register:

<b>Address</b>	<b>Status</b>	<b>By-law</b>
95 Wellesley Street East	Part IV	201-88
487 Jarvis Street	Listed	N/A
515 Jarvis Street	Part IV	464-75, 932-2002
519 Jarvis Street	Part IV	412-00, 908-2002
504 Jarvis Street	Part IV	228-76

**Housing Policies**

The Official Plan also contains policies addressing the need to preserve and increase the City’s supply of rental and affordable housing. Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. The Plan states that "the existing stock of housing will be maintained and replenished. New housing supply will be encouraged through intensification and infill that is consistent with this Plan."

Policy 3.2.1.5 states that for significant new development on sites containing six or more rental units, where existing rental units will be maintained, the existing units which have affordable and mid range rents will be secured as rental housing and any needed improvements and renovations to the existing rental housing may also be secured without the pass-through of such costs to tenants. The Official Plan indicates that Section 37 agreements may be used to secure any needed improvements to the existing rental building.

**Parkland Acquisition and Tree Preservation Policies**

Section 3.2.3, Parks and Open Spaces, of the Official Plan provides policy direction for maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties (shadows, wind, etc.) will be minimized to preserve their utility. The policies outline a parkland acquisition strategy, grant authority to levy a parkland dedication or alternative cash-in-lieu, and call for the expansion of the existing network of parks and open spaces.

Policy 8 of Section 3.2.3 states that parkland to be conveyed to the City should: be free of encumbrances unless approved by Council; be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park; be of a usable shape, topography and size that reflects its intended use; be consolidated and linked with an existing or proposed park or green space or natural heritage system; and meet applicable Provincial soil regulations and/or guidelines for residential/parkland uses.



Policy, 3.4.1 (d) of the Official Plan states that "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on:

d) preserving and enhancing the urban forest by:

- i) providing suitable growing environments for trees;
- ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and
- iii) regulating the injury and destruction of trees."

Further, Official Plan Amendment 262 (OPA 262) undertaken as part of the Official Plan Five Year Review is now in full force and effect as of June 10, 2016. OPA 262 strengthens existing environmental policies and addresses Council's direction on climate change.

New Policy 3.4.1 (h) requires the promotion of green infrastructure to complement infrastructure.

Green Infrastructure is defined in OPA 262 to refer to natural and human-made elements that provide ecological and hydrological functions and processes. Components may include natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Additionally, the Official Plan recommends policies that have been adopted by City Council to increase tree canopy coverage. City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. As of 2013, the Every Tree Counts document adopted by City Council identifies the Church-Yonge Corridor, where this site is located, with a 9.3% average tree canopy coverage rate.

### **Official Plan Amendment No. 320**

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized Apartment Neighbourhoods sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. The applicant has obtained party status at the Ontario Municipal Board (now Local Planning Appeal Tribunal) hearing for OPA 320. On December 13, 2017 the Ontario Municipal Board issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions

of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: [www.toronto.ca/OPreview/neighbourhoods](http://www.toronto.ca/OPreview/neighbourhoods). These policies although not determinative, inform Staff's position on the proposal and represent City Council's adopted policy on appropriate built form.

OPA 320 states that "most of Toronto's existing apartment buildings are located within built up *Apartment Neighbourhoods* which are stable areas where only limited infill development is anticipated. Usually, apartment building(s) together with ancillary outdoor recreation facilities, pedestrian walkways, parking lots, service areas and landscape space take up/occupy the entire site. In some areas these sites are located in close proximity to each other and form clusters or larger apartment neighbourhoods. There may be sites within *Apartment Neighbourhoods* that contain space that is not well-utilized by the residents of existing apartment buildings. In some instances these sites would be improved through the addition of infill development that will enhance existing site conditions and maintain and/or improve on-site amenities for both new and existing residents."

### **Official Plan Amendment No. 352**

Official Plan Amendment 352 ("OPA 352"), which applies to tall buildings in the Downtown, was adopted by City Council on October 5-7, 2016. Policies under OPA 352 are implemented by Zoning By-laws Nos. 1106-2016 and 1107-2016, enacted on November 9, 2016. OPA 352 is currently under appeal and not in force and effect; however, the policies inform staff's consideration of the proposal, reflect the Tall Building Guidelines, and represent City Council-adopted policy on appropriate built form. As stated in the Toronto Official Plan section of this report, the proposed infill addition is subject to OPA 352 because tall buildings are defined as those whose height is greater than the width of the adjacent road allowance. OPA 352 and the implementing Zoning By-laws include the following minimum standards for the minimum tower setbacks and separation distances between towers.

### **City-Wide Tall Building Design Guidelines**

In May 2013, City Council adopted updated City-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of development applications for tall buildings. The Guidelines establish a unified set of performance measures to ensure that tall buildings fit within their context and minimize their local impacts.

Policy 5.3.2.1 - Implementation Plans and Strategies for City-Building of 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 Plan related to the design and development of tall buildings in Toronto.

The Glossary of the Tall Building Guidelines defines a tall building as a building that is generally taller than the width of the adjacent street right-of-way, or the wider of two streets if located at an intersection.

The Tall Building Guidelines implement the Official Plan Policies regarding fit and transition in scale; sunlight and sky view; the pedestrian realm and street animation, including publicly accessibly open space; servicing, access and parking; base building height, first floor height, and scale and separation distances between buildings. Specifically, the Tall Building Guidelines indicate that the height of a base building should match the existing streetwall context, a minimum tower separation of 25 metres should be achieved, with each adjacent site responsible for providing a 12.5 metre setback, and the placement of the tower on the base should achieve appropriate tower setbacks.

### **Avenues and Mid-Rise Buildings Study**

In July 2010, City Council directed staff to use the Mid-Rise Building Performance Standards contained in The Avenues and Mid-Rise Buildings Study (mid-rise guidelines) in the evaluation of new mid-rise buildings. In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum dated April 20, 2016. The Addendum is to be used together with the mid-rise guidelines during the evaluation of applicable development applications. The Addendum is approved as an interim supplement to the mid-rise guidelines until such time as City Council considers and adopts updated Mid-Rise Building Design Guidelines. The Addendum is available at: <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92709.pdf>

Given that the property is located in an *Apartment Neighbourhood* designation and the proposed design of the infill building has varying heights, the performance measures of the Mid-rise Guidelines were used as a tool in conjunction with the Tall Building Guidelines when evaluating this application to determine conformity with the Official Plan. The Mid-Rise Guidelines help quantify the Official Plan policies with respect to providing an appropriate transition in scale between a new development and *Neighbourhoods*, among other important contextual and built form considerations.

### **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. Section 3 of the Guidelines identifies ideal unit sizes to ensure their functionality and the percentage of two and three-bedroom units. The floorplans submitted with the revised proposal do not show the

bedroom types or layouts on the plans; therefore, staff are unable to determine how the proposal meets the objectives of the Growing Up Guidelines.

The Guidelines are available at:

<https://www.toronto.ca/city-government/planningdevelopment/planning-studies-initiatives/growing-up-planning-for-children-in-new-verticalcommunities/>

## **TOcore: Planning Downtown**

### OPA 406 – Downtown Plan

At its May 1, 2018 meeting, Planning and Growth Management (PGM) Committee held a Special Public Meeting pursuant to Section 26 of the *Planning Act* and adopted a staff report entitled 'TOcore: Downtown Plan Official Plan Amendment', as amended, that recommended adoption of the Downtown Plan Official Plan Amendment (OPA 406) (the "Downtown Plan"). OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

At its May 22-24, 2018 meeting, City Council adopted OPA 406, as amended. The Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Pursuant to Section 26 of the *Planning Act*, the Downtown Plan will be forwarded to the Minister of Municipal Affairs for approval. Council has directed Staff to use the policies contained with the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm and community services and facilities – is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally 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 to the east.

This OPA brings forward a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan. City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan and has regard to matters of provincial interest under Section 2 of the *Planning Act*.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **Chapter 667 - Rental Demolition and Conversion By-Law**

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner.

Pursuant to Chapter 667, Council or, where delegated, the Chief Planner may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council or, where delegated, by the Chief Planner under Chapter 667 are not appealable to the Tribunal.

On July 14, 2017, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. A Housing Issues Report has been submitted with the required application.

## **Zoning**

The former City of Toronto General Zoning By-law 438-86, as amended, currently zones the subject site R3 Z2.5 with a maximum permitted height of 30 metres and a maximum density of 2.5 times the area of the lot. The R3 zone permits a range of residential uses and non-residential uses are limited. Institutional and office uses are not permitted.

The site is also subject to a number of permissive and restrictive exceptions. Of particular relevance to this application, Section 12(2)260 requires a 44 degree angular plane measured from the base height of 16 metres from both Wellesley Street East and Jarvis Street.

Under Zoning By-law 569-2013, the site is zoned R (Residential) with a maximum permitted height of 30 metres and a maximum permitted density of 2.5 times the area of the lot. The R zone permits a wide range of residential uses including dwelling units in apartment and mixed-use buildings, as well as detached and semi-detached dwellings, townhouses, duplexes, triplexes and fourplexes and apartment buildings. See Attachment 6: Existing Zoning for additional details.

### **Site Plan Control**

The proposed development is subject to Site Plan Control. An application for Site Plan approval has yet to be submitted.

### **Reasons for Application**

The application proposes an addition to the existing apartment building with a maximum height of 10-storeys (36 metres, including mechanical) and a density of 6.3 times the area of the lot. A Zoning By-law Amendment is required to permit the increase in density and to address parking, setback, landscaping performance standards in both By-laws.

The application proposes to demolish 3 rental dwelling units. A Rental Demolition Permit pursuant to Chapter 667 of the City of Toronto Municipal Code is required to permit this demolition as the subject lands contain six or more residential units.

### **Community Consultation**

On January 23, 2018, a community consultation meeting was held by City Planning, in consultation with the Ward Councillor, at the Holiday Inn (30 Carlton Street). The meeting was attended by approximately 90 individuals, many of which were existing tenants of the building at 100 Wellesley Street East. Planning staff presented the policy framework, an overview of the application, and identified staff's preliminary concerns with the proposal. The applicant provided further details with respect to the proposal. Following the presentations, City staff facilitated a question and answer period.

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

Relating to Built Form:

- why was 10-storeys selected as an appropriate height?
- concern about the living conditions for residents adjacent to the proposed addition(s)
- concerns about access to light and sunlight for those living in the existing building
- building setbacks are too small, 25 metre tower separation is reasonable
- the proposed "mid-block" connection between Wellesley Street East and Cawthra Square will become a safety concern
- the proposed outdoor amenity on the 2<sup>nd</sup> floor overlooking Cawthra Square will look out on the proposed garbage collection access

- proposed enhancements to amenity spaces is a positive
- concerns about privacy with windows facing each other in close proximity

Relating to Tree Preservation and Green Space:

- the green space surrounding the existing building, in particular Wellesley Street East, should be maintained
- existing green space should not be characterised as "underutilized"
- trees along Wellesley Street East and Jarvis Street should be preserved
- green space is well-enjoyed by current residents of the building
- the proposed green spaces are fractured and pushed to the edge of the property
- more trees should be planted
- preserving green space is vital to keeping the city liveable

Related to Parking, Access, Servicing:

- concerns that no new parking is being added to support new residential units
- questions regarding whether fire department access, garage removal and other city services have been properly assessed

Related to Tenant and Community Considerations:

- the area is being over developed, especially with tall buildings
- is there considerations to the amount of development projects that can occur at once in any given area of the city?
- what opportunities exist for tenants to get involved?
- how will the tenants' needs be addressed?
- where will the development fees for this project be going?

Relating to Construction:

- construction impacts on the existing residents
- concerns about noise, dust and vibration during the construction period

Relating to Heritage:

- recognition of former use of the land as the Immanuel Baptist Church, appropriate commemoration, and origins of stone landscaping currently on site

## **Tenant Consultation**

As per Chapter 667-14, a tenant consultation meeting is required to be held to review the impact of the proposal on tenants residing in the existing rental dwelling units proposed to be demolished.

Staff also request that should the Tribunal approve the redevelopment in whole or in part, the applicant organize a second tenant consultation meeting with all existing tenants to review the proposed Construction Mitigation Strategy and Tenant Communication Plan.

### **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 evaluation of the proposed rezoning. The comments draw on input from the City and agency staff, technical studies, applicable planning policies and guidelines, and the analysis of the proposed development, surrounding context and historical context.

### **Planning Act, Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the *Planning Act*, PPS and the Growth Plan. Staff have determined that the proposal does not have regard to the matters of provincial interest under the *Planning Act*, is not consistent with the PPS and does not conform with the Growth Plan.

#### **Planning Act**

Section 2 of the *Planning Act* establishes a list of provincial interests that approval authorities, including the City of Toronto, shall have regard to when carrying out their responsibilities under the *Planning Act*.

The proposal, in its current form, does not have regard to 2a) as it is proposed to remove significant trees from the Jarvis Street streetscape and remove a significant portion of the open spaces on the site. The proposal also does not have regard to 2 p) and r) which speak to the appropriate location for growth and development and the promotion of built form that, (i) is well designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant and to 2 d) which speaks to the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

These provincial interests and others are further articulated through Provincial Policy Statements that are released from time to time and through other area-specific Provincial Plans, such as the Growth Plan.

#### **Provincial Policy Statement, 2014**

It is staff's opinion that the proposed Zoning By-law Amendment is not consistent with the PPS for the following reasons:



Policy 1.1.3.2 of the PPS outlines criteria for land use patterns within settlement areas and indicates that where intensification and redevelopment can be accommodated, it must be done in accordance with policy 1.1.3.3. Policy 1.1.3.3 of the PPS indicates planning authorities shall identify appropriate locations for intensification and redevelopment. Working in conjunction with the Growth Plan, this exercise was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review has resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

Policy 4.7 of the PPS directs that the Official Plan is the most important vehicle for implementation of the PPS. 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.

Policy 1.7.1 d) of the PPS states that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-design built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*. The proposal does not promote a well-designed built form that enhances the vitality of the area. The proposed built form results in insufficient building separation distances which cause negative impacts to sunlight and privacy, does not provide appropriate transition to adjacent Part IV heritage-designated properties and properties designated as *Neighbourhoods* in the Official Plan; proposes to remove significant trees from the Jarvis Street streetscape and eliminates existing open spaces on the site. As noted in Policy 4.7 above, the City's Official Plan contains built form policies that implement the policies of the PPS. Built form elements will be discussed further in the Height, Massing, and Transition section of this report.

The request for on-site parkland dedication is directed in PPS Policy 1.5.1(b) that promotes healthy, active communities by planning and providing for "publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages."

### **Growth Plan for the Greater Golden Horseshoe, 2017**

Any decision under the *Planning Act* must conform to the Growth Plan for the Greater Golden Horseshoe. It is staff's opinion that the proposed Zoning By-law Amendment does not conform with the Growth Plan for the following reasons.

Policies 2.2.2.4(a), (b), (d) and (f) of the Growth Plan speak to delineated built-up areas and states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a) encourage intensification generally to achieve the desired urban structure;
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and,
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

The proposal contemplates the intensification of a site within a delineated built-up area. While it is recognized that intensification is generally encouraged by the Growth Plan and in Urban Growth Centres, it must achieve the policy goals as outlined above. In this regard, the City has developed a strategy to achieve the minimum density targets through the City of Toronto Official Plan, which provides a greater level of detail and specificity on matters such as the built form, massing and scale of development. These policies are further informed by the existing zoning by-law and the City's Tall Buildings Guidelines, which apply to the current proposal.

The proposal in its current form does not represent an appropriate scale of development as set out in the City's Official Plan and as such does not conform to the policies of 2.2.2.4 of the Growth Plan. It is proposed to wrap the existing tower in the park typology apartment building with buildings creating insufficient separation distances creating concerns of access to sunlight and privacy for existing tenants. The proposal also eliminates existing open spaces on the site, which requires the removal of significant trees and fails to provide an adequate transition to the surrounding properties.

Policy 2.2.1.1 of the Growth Plan speaks to the population and employment forecasts contained in Schedule 3 will be used for planning and managing growth.

The site is within the urban growth centre of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2031. Additional density targets are provided for the various urban growth centres in the City at a rate of 400 pp/jobs per hectare to help achieve this overall population. The City is presently on track to meet these overall 2031 Growth Plan's forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

This single application is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown urban growth centre. The density target is to be measured across the whole of the Downtown urban growth centre (Policy 5.2.5.4 of Growth Plan). The proposal must be considered in the context of the other policies in the Growth Plan, the Official Plan, Zoning By-laws and Guidelines, and should not be rationalized solely on the basis of the density targets provided by the Growth Plan.

Policy 5.2.4.5(b) of the Growth Plan states municipalities may plan for development beyond the horizon of this Plan provided that the type and scale of built form for the development would be contextually appropriate. This proposal is not contextually appropriate. Policy 5.2.5.6 of the Growth Plan states municipalities are 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 in order achieve the minimum intensification and density targets in the Growth Plan.

The City has implemented this requirement through the adoption of built form policies and design guidelines including the Tall Building Guidelines. It is noted that Policy 2.2.3.2 (a) of the Growth Plan requires the Downtown urban growth centre will be planned to achieve a minimum density target of 400 residents and jobs combined per hectare by 2031 based on existing census data, current development proposals and future trends. The Downtown is anticipated to meet the minimum density target by 2031.

The proposal in its current form does not represent an appropriate scale of development as set out in the City's Official Plan, Zoning By-law and design guidelines and as such does not conform to the Growth Plan.

For the reasons noted above, the proposed development does not have regard to relevant matters of provincial interest in section 2 of the *Planning Act*, is not consistent with the PPS, 2014 and does not conform to the Growth Plan for the Greater Golden Horseshoe.

## **Land Use**

The proposal is located in an area designated *Apartment Neighbourhoods* in the Official Plan. The policies of the *Apartment Neighbourhoods* permit residential uses including apartment buildings, and small-scale retail, service and office uses that serve the immediate area. The proposed uses comply with the Official Plan.

## **Rental Housing Demolition**

The applicant's proposal to demolish 3 existing rental dwelling units at 100 Wellesley Street East requires a permit under Chapter 667 of the Toronto Municipal Code. Should the Zoning By-law Amendment application be approved by the Tribunal in whole or in part, the Chief Planner would have the delegated authority to issue the preliminary approval for the rental housing demolition permit and the authority to impose conditions.

Official Plan Policy 3.2.1.6 (rental housing demolition and replacement) does not apply to the proposed development and replacement of the 3 demolished rental dwelling units is not required as a condition of approval because fewer than 6 rental dwelling unit are proposed to be demolished.

### **Tenant Relocation and Assistance**

As a condition of approval for the rental housing demolition permit and the zoning by-law amendment application, the applicant would be required to provide tenants residing in the 3 existing rental dwelling units proposed to be demolished and the 23 existing rental units proposed to be reconfigured with Tenant Relocation and Assistance to the satisfaction of the Chief Planner. The Housing Issues Report submitted by the applicant indicates that impacted tenants would be provided with assistance beyond what is required under the *Residential Tenancies Act*, including assistance finding interim rental units during construction.

Should the Tribunal approve the Zoning By-law Amendment application in whole or in part, Staff would continue to work with the applicant and tenants to develop an acceptable tenant relocation and assistance plan to help mitigate tenant hardship. All of which would be secured in one or more agreements with the City.

### **Other Rental Housing Related Matters**

The Housing Issues Report submitted by the applicant confirms that all existing rental dwelling units retained on site with affordable or mid-range rents would be secured as rental housing for at least 20 years.

The Housing Issues Report states that tenants within the existing rental building would have access to new indoor and outdoor amenity space, an improved garbage room, enhanced landscaping, additional storage and bike lockers, and enhanced security as part of the development proposal.

Should the Tribunal approve the Zoning By-law Amendment application in whole or in part, staff would continue to work with the applicant and tenants to determine what additional building improvements and renovations are appropriate and needed to the existing rental building. All of which would be provided without pass through of such costs to tenants in the form of rent increases and secured in one or more agreements with the City.

The applicant would be required to develop, in consultation with staff, the councillor office and tenants, an appropriate Construction Mitigation Strategy and Tenant Communication Plan prior to the issuance of the first below grade permit for the proposed development.

### **Height, Massing, and Transition**

Staff are of the opinion that the proposed infill development does not respect the physical character of buildings, streetscapes and open space patterns of the *Apartment*

*Neighbourhood* and adjacent *Neighbourhoods*, as required by the policies of Section 2.3.1 of the Official Plan. The proposed infill is an amount of intensification that represents over-development of the site.

Section 2.2.1 of the Official Plan indicates that the *Downtown* will accommodate growth, but this growth will not be spread uniformly across the whole *Downtown*. This direction is further supported the Downtown Plan, which indicates that not all areas of the *Downtown* will experience the same amount of intensification and that growth is targeted to areas designated *Mixed Use Areas, Regeneration Areas and Institutional Areas*.

Policy 3.1.2.1 a) of the Official Plan states that new development will be located and organized to fit within its existing and/or planned context by generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. Similarly, Policy 4.2.3 (a) of OPA 320 states that infill development within *Apartment Neighbourhoods* will improve existing site conditions by locating new buildings to proportionally frame the edge of new and existing streets, parks and landscaped open spaces.

The proposed development locates buildings on three frontages of the site with minimal setbacks. The current setbacks on the property are characterized by landscaped open space setbacks that separate the existing 28-storey building from the street edge(s). The existing zoning for the 28-storey building, implemented through By-law 1967-0978, contains provisions related to the minimum amount of landscaped area. The development does not respond to the prevailing setbacks of the surrounding properties, across Jarvis Street and along Wellesley Street East and Cawthra Square.

Policy 3.1.2 1 b) of the Official Plan also outlines the importance of locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk. As proposed, the south wing extends approximately 50 metres along Wellesley Street East, which represents over 50 percent of the site's existing frontage along Wellesley Street East. At the ground level, there is a proposed "cut out" at 4.5 metres in height for vehicular and pedestrian access with 6-storeys of units above (see Attachment 3: South Elevation). While the proposed infill building creates an opening and new access, staff are of the opinion that the visibility and accessibility of the main entrance of the building at 100 Wellesley Street East is impacted negatively, which is contrary to the Policy 3.1.2.1 b) of the Official Plan.

Policies 4.2.2 a), b) and c) of the Official Plan state that development within *Apartment Neighbourhoods* will contribute to the quality of life by locating and massing new buildings to provide a transition between areas of different development intensity and scale, locating new buildings to limit shadow impacts on adjacent lower-scale *Neighbourhoods* and locating and massing new buildings to frame the edge of streets and parks with good proportion.

The Healthy Neighbourhood policies of Section 2.3.1 of the Official Plan require that development adjacent to *Neighbourhoods* will provide a gradual transition of scale and density through stepping down of buildings and setbacks to those *Neighbourhoods*. The properties on the north side of Cawthra Square are designated *Neighbourhoods* in the City's Official Plan. On the north side, at the corner of Jarvis Street and Cawthra Square, the north wing of the 10-storey addition steps down to the west towards Barbara Hall Park to a height of 6-storeys (20 metres). While the proposed addition on the north side does step down, there is a considerable amount of massing and height at the corner of Jarvis Street and Wellesley Street East, directly adjacent to the *Neighbourhoods* resulting in overlook concerns and new incremental shadowing on three properties on the north side of Cawthra between 9:18 AM and 11:18 AM. Additionally, the proposed infill results in incremental shadowing on three properties designated *Neighbourhoods* on the east side of Jarvis between 2:18 PM and 5:18 PM in March/September.

Policy 4.2.3 of the Official Plan indicates that compatible infill development is permitted in *Apartment Neighbourhoods* that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents, including maintaining adequate sunlight, open space, and amenity. While the proposed development is considered an addition by way of the connection to the existing building, the proposal introduces development to three sides of the existing site in varying heights and forms resulting in the loss of the majority of the open space on the site. The existing open spaces and setbacks from the existing 28-storey building are representative of the 'tower in the park' building typology by opening up the area at grade to create green, open spaces to offset the tower's scale and form. These spaces are not underutilized and serve a purpose in surrounding the building in a park-like setting and also serve as passive outdoor amenity areas for the existing residents of the building.

#### Mid-Rise Building Considerations

Performance standard no. 1 in the Mid-Rise guidelines states that the maximum allowable height "will be no taller than the width of the Avenue right-of-way," excluding a mechanical penthouse. The proposed maximum height of 32 metres, excluding the mechanical penthouse, exceeds the guideline for maximum height, which indicates the proposed building cannot be considered a mid-rise building. While the north and the south wing of the proposed addition does step down in height to 6-storeys, as proposed, along Jarvis Street and at the corners of Wellesley Street East and Cawthra Square, the infill building is 10-storeys (32 metres).

Performance standard no. 5D in the Mid-Rise guidelines outlines performance standards for conditions where properties are bounded along the rear by a site or sites within an *Apartment Neighbourhood*. The situation contemplated in the guidelines differs from the proposed development as the proposed infill is located on the same lot as an existing 'tower in the park' building in an *Apartment Neighbourhood*. However, the guidelines provide meaningful direction on appropriate separation distances between existing apartment buildings and mid-rise buildings. The guidelines recommend a minimum of 20 metres separation between an apartment building and a mid-rise building where there will

be facing windows. The proposed infill building proposes a separation distance of 12.7 metres with window facing conditions on the north side of the site. On the south side of the site, the proposed addition is a single loaded so there are no window to window facing conditions.

#### Tall Building Considerations

Section 1.3 of the Tall Building Design Guidelines provides direction with respect to fit and transition in scale to "ensure tall buildings fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings." The Official Plan requires that tall buildings be designed to fit within their existing and/or planned context, limit local impacts, and design the floor plate size and shape with appropriate dimensions for the site. Transition is necessary to respect the character of neighbouring buildings and to maintain access to sunlight and sky view for surrounding streets, public and private open space, and neighbouring properties. A combination of angular planes, horizontal separation distances, setbacks and/or step-backs are to be applied to provide transition.

The Official Plan and the Tall Building Guidelines define tall buildings as buildings that exceed the 1:1 relationship with surrounding streets. The width of the Jarvis Street, Wellesley Street East, and Cawthra Square road allowances are 23 metres, 20 metres, and 21 to 15 metres, respectively. At a proposed height of 36 metres, along Jarvis Street and extending westwards at decreasing heights, the proposed development exceeds the 1:1 relationship with adjacent streets. Policy direction on additions in *Apartment Neighbourhoods* is provided in Policy 4.2.4 (b) of OPA 320 that indicates that infill development will "respect the scale, including height and massing, of the existing apartment building(s) on and adjacent to the site, and not create high-rise additions to existing apartment building(s) on site."

Horizontal separation distance is the primary means to provide suitable transition between two buildings on a site and between a tall building and a *Neighbourhood*. The need for horizontal separation distance is reinforced by Official Plan Amendment (OPA) No. 352 and Zoning By-law No. 1106-2016 (under appeal), which apply to tall buildings in the *Downtown*. The OPA requires tall buildings to provide setbacks from the lot lines to fit with the existing and planned context. The by-law requires a minimum 12.5-metre separation between a proposed tower and a lot line that abuts another property, a minimum separation of 12.5 metres to the centreline of abutting streets and a minimum 3 metre setback to a lot line that abuts a street. As the proposed building's setbacks vary, along Jarvis Street, the proposed addition is setback from the centreline of the road between 12.9 metres and 16.7 metres. Along Wellesley Street East, the proposed addition is setback from the centreline of the road between 12.7 metres and 14.2 metres. Along Cawthra Square, the proposed addition is setback from the centreline of the road between 9.3 and 12 metres. On all three frontages, the building setbacks to the lot lines abutting a street are less than the required 3 metres, which is unacceptable. As per Policy 517(B)(iii) in OPA No. 352, proposed tall buildings that do not meet intent of the OPA

with regard for fitting in with the existing and planned context indicate the site is not suitable for a tall building.

The proposal to wrap the existing 28-storey building with an infill building results in a tower separation of 12.7 metres on the north side and south side, excluding balconies. At the north and south side, the separation distance from the new proposed building to the existing balconies is 11 metres. OPA 352 and the Tall Building Guidelines, states that if more than one tall building is proposed on a site, a minimum 25-metre separation is required from building face to building face, excluding balconies. The current setback requirements established through OPA 352 assume that the proposed tower would have windows on all sides. On the south side, the units facing Wellesley Street East are accessed by a single-loaded corridor, removing a window to window relationship. However, while the issue of privacy may be addressed for the new residential units facing Wellesley Street East, the insufficient tower separation distances will result in unacceptable natural light and views for the existing tenants on the north side.

Policy 4.2.3 e) of the Official Plan states that infill development will frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces. The separation distances as proposed result in two narrow areas between buildings as the two wings extend westward. Due to the lack of separation and sunlight that will reach these areas, staff are of the opinion that these two areas will be uncomfortable for passive use.

A 45-degree angular plane measured from the north property line adjacent to the *Neighbourhood* is another method to provide suitable transition in scale, which is referenced in Section 1.3 of the Tall Building Design Guidelines. The angular plane serves to "limit shadow and overlook on neighbouring properties that are lower scale, and limiting shadow and loss of sky view on adjacent streets." The proposed infill penetrates the 45-degree angular plane on both Jarvis Street and Cawthra Square.

OPA 406 – The Downtown Plan provides policy direction on building transition. Policies 9.22 to 9.28 require development to provide built form that transition in scale to areas of different character, intensity and planned contexts in order to create a more liveable environment. This proposal has not addressed the emerging policy direction of OPA 406.

## **Heritage Preservation**

Heritage Preservation Services has reviewed the drawings for the proposed development at 100 Wellesley Street East dated July 17, 2017 and the Heritage Impact Assessment (HIA) prepared by EVOQ dated October 12, 2017. HPS has provided comments on this proposal and they have been incorporated into this report.

The subject site is adjacent to four properties that have been designated under Part IV of the *Ontario Heritage Act*. These designated properties are located at 504 Jarvis Street (G.H. Gooderham House), 515 Jarvis Street (A. McMaster House), 519 Jarvis Street (Chester D. Massey House) and 95 Wellesley Street East (Charles Bedford House and



William Lawrence House). Jarvis Collegiate at 487 Jarvis Street is located adjacent to the subject site on the southeast corner of Jarvis Street and Wellesley Street East and is a listed heritage property on the City of Toronto Heritage Register. Additionally, there are several other listed and designated properties in the vicinity which contribute to the context of the area.

On the north side of the site at 504 Jarvis Street is the Gooderham Mansion. The Mansion is three storeys tall and will be impacted by the proposed development to the south. Section 3.1.5 of the Official Plan requires development adjacent to heritage properties to conserve the heritage values and attributes and mitigate visual and physical impacts. To mitigate impact, a stepback at the third storey, at the height of the eaves of the Gooderham mansion in relation to the development should be integrated into the proposed design. The height on the north portion of the proposal is also of note in relation to the built context north. Lowering the massing on the north side of the proposal would help limit the impact on the Designated and Listed properties adjacent.

Design cues from the surrounding built form should be integrated into the materials of the façade of the proposed development in order to ensure the proposed development fits in with the existing and planned context, as per policy 3.1.2 of the Official Plan. The predominant material used is brick masonry and that should be included in the materials proposed for the proposed addition.

As mentioned in the HIA, the plaque commemorating the Immanuel Baptist Church is located in the landscaped area south of the existing tower and in the footprint of the proposed development. Staff request that the plaque be carefully removed, stored and replaced, in the same location, visible as well as accessible from the public realm to maintain commemoration of a church congregation and building that once occupied the site if the development proceeds as proposed.

## **Sun/Shadow**

The proposed infill development results in new incremental shadows that are cast on existing units on the south facing side of the building, the existing and newly-created open spaces on site, and the *Neighbourhoods* to the north and east, which are unacceptable and do not meet the intent of the Healthy Neighbourhood Policies (2.3.1), Apartment Neighbourhood Policies (4.2.2), OPA 320 and the Mid-Rise and Tall Building Guidelines. The proposal casts no new incremental shadows on Barbara Hall Park.

Policy 4.2.3 (d) of the Official Plan states infill development will maintain adequate sunlight, privacy and areas of landscaped open space in good proportion. Maintaining appropriate separation distances between buildings on and adjacent to the site helps to achieve adequate sunlight for both existing and proposed units. The placement and height of tall buildings should minimize negative impacts, including adverse shadowing and blockage of sky view. Policy 4.2.3(d) of the Official Plan states that compatible infill development in *Apartment Neighbourhoods* will maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents. Additionally, Policy

4.2.4 (c) and (f) of OPA 320 states that infill development will "maintain separation distances between buildings on and adjacent to the site so as to achieve adequate sunlight and privacy" and "provide privacy, areas of landscaped open space, and maintain adequate sunlight to units, on outdoor amenity spaces and on open spaces, for both new and existing residents".

In support of the application a shadow study was prepared by CORE Architects for June 21<sup>st</sup> and March/September 21<sup>st</sup> between the hours of 9:18 AM and 6:18 PM. The study shows the incremental shadows on the existing south building face, which are the units that will be most affected by the proposed infill. Units in the proposed south wing are single loaded and will have south facing sun exposure. However, on March/September 21<sup>st</sup>, there are incremental shadows cast by the south wing impacting the south facing units of the existing building between the hours of 9:18 AM and 1:18 PM.

On June 21<sup>st</sup>, the proposed open space between the existing building and the south wing, at the corner of Wellesley Street East and Jarvis Street, is in shadow between the hours of 9:18 AM until approximately 2:30 PM. On March/September 21<sup>st</sup>, this space is in shadow from 9:18 AM until approximately 3:30 PM. The amount of time that the open space is in shadow is not acceptable.

Official Plan Policy 4.2.2 (b) states that development in *Apartment Neighbourhoods* will contribute to the quality of life by locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes. On March/September 21<sup>st</sup>, the proposal casts new incremental shadows on two properties designated as low-rise *Neighbourhoods* to the north across Cawthra Square between the hours of 9:18 PM and 11:18 PM and on the east side of Jarvis Street on three properties between 2:18 PM and 5:18 PM.

The proposal has not addressed the emerging policy direction of OPA 406 – The Downtown Plan in regards to providing a comfortable microclimate by minimizing net-new shadows. Specifically, Policy 9.17 require development to "minimize shadows to preserve the utility of sidewalks, parks, open spaces, natural areas, child care centres, playground, institutional open spaces, private open spaces, outdoor amenity spaces and POPS". This proposal will create an unacceptable amount of net-new shadows on the surrounding open spaces.

## **Wind**

A Pedestrian Wind Assessment prepared by RWDI dated July 10, 2017 was submitted with the proposal. The report measured wind at key pedestrian areas including main entrances, sidewalks, outdoor amenity areas at ground level, the roof of the garage entrance, and Levels 2 and 9. The report concludes that the wind conditions on the sidewalks along Jarvis Street, Cawthra Square, and Wellesley Street East are expected to remain similar to the existing conditions and are appropriate for the intended use. Similarly, the wind conditions at the building's main entrance, entrance to the interior amenity space and entrance to the proposed townhouse units along Cawthra Square are

appropriate for the intended use. At one of the proposed entrances to the non-residential use, at the corner of Jarvis Street and Wellesley Street East, the new building to the south results in higher than desired wind speeds in the winter months. Further exploration and implementation of wind mitigation measures is necessary to address the conclusions of the study.

### **Traffic Impact, Access, Parking**

The Applicant's transportation consultant, LEA Consulting Ltd., prepared a Transportation Impact Study (TIS), dated July 2017. In this study, the consultant estimates that the proposed development will generate approximately 169 AM and 125 PM two-way vehicular trips during peak hours. However, based on the report, the existing uses at the site generates a net total of 35 AM and 50 PM two-way trips during peak hours. Accordingly, after adjustment for the existing trips generated by the site, there will be a net increase of approximately 134 AM and 75 PM two-way trips during peak hours, as a result of the redevelopment of the site. Given this level of estimated trip generation, the consultant concludes that the proposed development will have minimal traffic impacts at the intersections within the study area. Transportation Services reviewed the documentation provided by the consultant and agrees with the conclusions of the report. As a result, traffic impacts of the proposal will be accepted.

Vehicular access to the loading spaces is proposed off Cawthra Square, which is acceptable to Transportation Services. On Wellesley Street East, the existing vehicular access and pick-up/drop off area is proposed to be re-configured by narrowing the existing site access to 6.2 metres and creating a new 4 metre access off of Wellesley Street East approximately 20 metres east of the existing access. Transportation Services objects to the proposed additional 4 metre wide access off Wellesley Street East as the new access will result in an additional conflict point with pedestrians, bicycle and vehicular traffic, which is contrary to Official Plan Policy 3.1.2.2 (b). The new access must be removed and the internal circulation and pick-up/drop off area must be re-designed.

The application proposes to re-configure the existing underground parking garage to accommodate both the existing and proposed residential units and non-residential use. A total of 408 parking spaces are proposed, consisting of 332 residential, 57 visitor, 16 non-residential spaces and three car share spaces. All residential and visitor parking spaces will be located within the existing three level underground parking garage. The three car share spaces are proposed to be located on the ground level.

The project is subject to the requirements of Zoning By-laws 438-86 and 569-2013 Policy Area PA-1. Under the City of Toronto Zoning By-law 438-86 parking standards the proposed development would require a minimum of 369 parking spaces, consisting of 332 residential, 33 visitor and four retail spaces. Under the City of Toronto Zoning By-law 569-2013 Policy Area 1 (PA-1) the proposed development would require a minimum of 396 parking spaces consisting of 332 residential, 33 visitor and four retail spaces.

According to the consultant, the existing on-site parking condition was investigated to gain a full understanding of the parking behaviour of the current residents at the site. Currently, there are a total of 425 parking spaces on site. The applicant provided the existing parking rental information and the number of occupied residential units for the month of February, 2017. Based on the information, there were 85 rented spaces for 422 occupied units (out of a total of 427 existing units). This equates to a parking demand rate of 0.20 spaces per unit for the existing site. The By-law requirement for visitor parking is 0.10/unit. Therefore, the overall existing parking demand for the site is 0.30 spaces per unit (0.20 residential spaces + 0.10 visitor spaces per unit).

As a result, the minimum parking requirement for the Subject Site is recommended at 0.20 residential spaces per unit and 0.10 visitor spaces per unit. The minimum requirement for residential spaces is based on the existing parking demand of the subject site while the requirement for visitor spaces is based on the Zoning Bylaw 569-2013 rate. The recommended parking requirement for the non-residential component is in the range of 5 to 16 spaces based on the City's By-law 569-2013. Transportation Services have reviewed the submitted documentation and concur with the consultant's recommendation with respect to residential, visitor and non-residential parking supply. As a result, the proposed parking standards (ratios) recommended by the consultant are acceptable.

Transportation Services requires that the car-share spaces currently proposed within the drop-off loop be relocated as there is likelihood that the vehicles entering and exiting the underground parking garage will conflict with these spaces.

The site currently has 60 existing bicycle parking spaces which will be retained. In total, to serve the existing and proposed units 329 bicycle spaces (316 long-term/occupant and 13 short-term/visitor) are proposed. The long-term bicycle parking spaces will be located on P1, the first level of underground parking, and the short-term bicycle parking spaces will be located both at grade and on P1.

The application proposes one Type G and one Type C loading space. The proposed loading supply complies with the minimum requirement of the Zoning Bylaw 569-2013.

## **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.

## **Unit Mix**

The proposed unit mix is acceptable. Official Plan policies state that a full range of housing in terms of form, affordability and tenure arrangements will be provided and maintained to meet the needs of current and future residents. The PPS and Growth Plan contain policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities design guidelines also

provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments.

The Official Plan housing policies, Growing-Up Guidelines and the Downtown Plan recommend a minimum of ten percent of all units as three-bedroom or greater in order to broaden the range of housing and meet the needs of families with children. A total of 128 new rental residential units are proposed in the following unit breakdown in the new building(s): 1 studio (0.7%), 12 one-bedroom (9.3%), 86 two-bedrooms (67%) and 29 three-bedroom units (23%). Overall, including the existing building, the proposed unit breakdown on the site is proposed to be: 54 studio units (9.7%), 280 one-bedrooms (50.7%), 189 two-bedrooms (34.2%), and 29 three-bedrooms (5.3%).

### **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.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,707 square metres or 33 per cent of the site area. However, for sites that are less than 1 hectare in size, a cap of 10 per cent of the development site is applied to the residential use while the non-residential use is subject to a 2 per cent parkland dedication. In total, the parkland dedication requirement is 528 square metres.

Official Plan policies support the expansion and acquisition of onsite parkland dedication. Further, one of the goals of the Downtown Plan is to improve connectivity within the *Downtown* and acquiring new, expanded and improved parkland within the *Downtown* to provide a diversity of parks and provide an inter-connected network of parks, open spaces, trails and other recreational facilities. Parks, Forestry and Recreation staff are requiring that the applicant satisfy the parkland dedication through an on-site dedication of 528 square metres. The park is to be located in the northwest corner of the property with frontage along Cawthra Square, be uniform in shape and topography, with visibility and accessibility from public roads. This is an appropriate location as it will enhance the adjacent parkland at Barbara Hall Park. As the existing underground parking garage at 100 Wellesley Street East occupies the majority of the site, the majority of the on-site parkland dedication will be strata-title. The current proposal does not include an on-site park and is not acceptable.

### **Amenity Space**

Official Plan Policy 3.1.2(6) requires that development provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. Further, the policies of OPA 320 state that infill development should

improve upon the quality of open space and outdoor amenity space for the new and existing residents. The existing building contains 322 square metres of indoor amenity space (0.8 square metres/per unit) and 830 square metres of outdoor amenity space (2 square metres/per unit). It is proposed to add 437 square metres of indoor amenity space on Levels 1, 2 and 9 of the proposed addition and 828 square metres of outdoor amenity space located at grade and on Levels 2 and 9. In total, to serve all 552 units, 759 square metres (1.4 square metres per unit) of indoor amenity space is proposed and 1,150 square metres (2 square metres per unit) of outdoor amenity space is proposed. The proposed indoor and outdoor amenity spaces are intended to serve both new and existing residents, which complies with the policy direction in OPA 320. Presently, the standard Zoning By-law requirement for indoor and outdoor residential amenity space is 2 square metres of both indoor and outdoor space per unit. While it is recognized that the proposal increases the overall supply of indoor amenity space, opportunities to provide additional indoor amenity space should be explored by the applicant.

### **Tree Preservation**

The Applicant submitted an Arborist Report and a Tree Preservation Plan, which were reviewed by Parks, Forestry and Recreation staff. The development proposes the removal of tree nos. 6, 7, 10 to 12, 14 to 26 and 29 inclusive, and the retention of tree nos. 1 to 3, 27 and 28 (see Attachment 8: Tree Preservation Plan). The proposal requires removal of significant trees, which does not conform to the intent of the Official Plan policies, Section 3.4, The Natural Environment, which promotes tree protection and increasing the City's tree canopy.

Policy, 3.4.1 (d) states that "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on:

- d) preserving and enhancing the urban forest by:
  - i) providing suitable growing environments for trees;
  - ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and
  - iii) regulating the injury and destruction of trees."

Policy 3.4.1 (h) of the Official Plan requires the promotion of green infrastructure with infrastructure. The PPS also directs through policy 1.6.2 that planning authorities should "promote green infrastructure to complement infrastructure". In achieving complete communities under the Growth Plan 2017, policy 2.2.1.4 g) also directs the integration of green infrastructure and low impact development.

Additionally, Official Plan policies have been adopted by City Council to increase tree canopy coverage. City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. Further, the Downtown Plan emphasizes that trees contribute to the quality of life and human health through improved air and water

quality, the provision of shade, and visual access to nature. Policy 7.36 of the Downtown Plan states "development will maintain existing protected trees and their above and below-grade growing space, and incorporate these trees into building and landscape designs."

Forestry staff objects to the removal of tree nos. 16 to 21 inclusive given they are large, healthy, significant trees that highly contribute to the Jarvis Street streetscape (See Attachment No. 8, Tree Preservation Plan). The location and orientation of the 10-storey building along the Jarvis Street relies on the removal of these trees. Significant modifications to the overall design of the proposal are required to address the comments from Parks, Forestry and Recreation staff.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. If the Tribunal ultimately approves the application, the City will request that the final Zoning By-law Amendment be withheld until the City secures 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 only 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 Tribunal and the Tribunal grants additional height and/or density beyond that which is permitted, the City will request that the Tribunal withhold their final order on the Zoning By-law until the City has an agreement with the applicant to secure appropriate community benefits.

### **Conclusion**

The proposal has been reviewed against the policies of the *Planning Act*, PPS (2014), the Growth Plan (2017), the Toronto Official Plan, and design guidelines. Staff are of the opinion that the proposal does not have regard for matters of provincial interest in section 2 of the *Planning Act*, is not consistent with the PPS (2014), and does not conform with

the Growth Plan (2017). The proposal does not conform to the City's Official Plan, in particular, Apartment Neighbourhoods, Healthy Neighbourhoods, Built Form, or Natural Environment policies. Further, the proposed development does not meet the intent of the City's Tall Building Design Guidelines. Also, the application does not meet the intent of the Downtown Plan (OPA 406), OPA 320 (under appeal) and OPA 352 (under appeal). It is the opinion of City Planning staff that the proposed development application, in its current form, constitutes over-development of the site, is not good planning, and is not in the public interest. It is recommended that the City Solicitor together with City Planning and other appropriate staff be directed to attend at the Tribunal hearing in opposition to the appeal.

## **CONTACT**

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## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

Attachment 4: East Elevation

Attachment 5: West Elevation

Attachment 6: Existing Zoning

Attachment 7: Official Plan

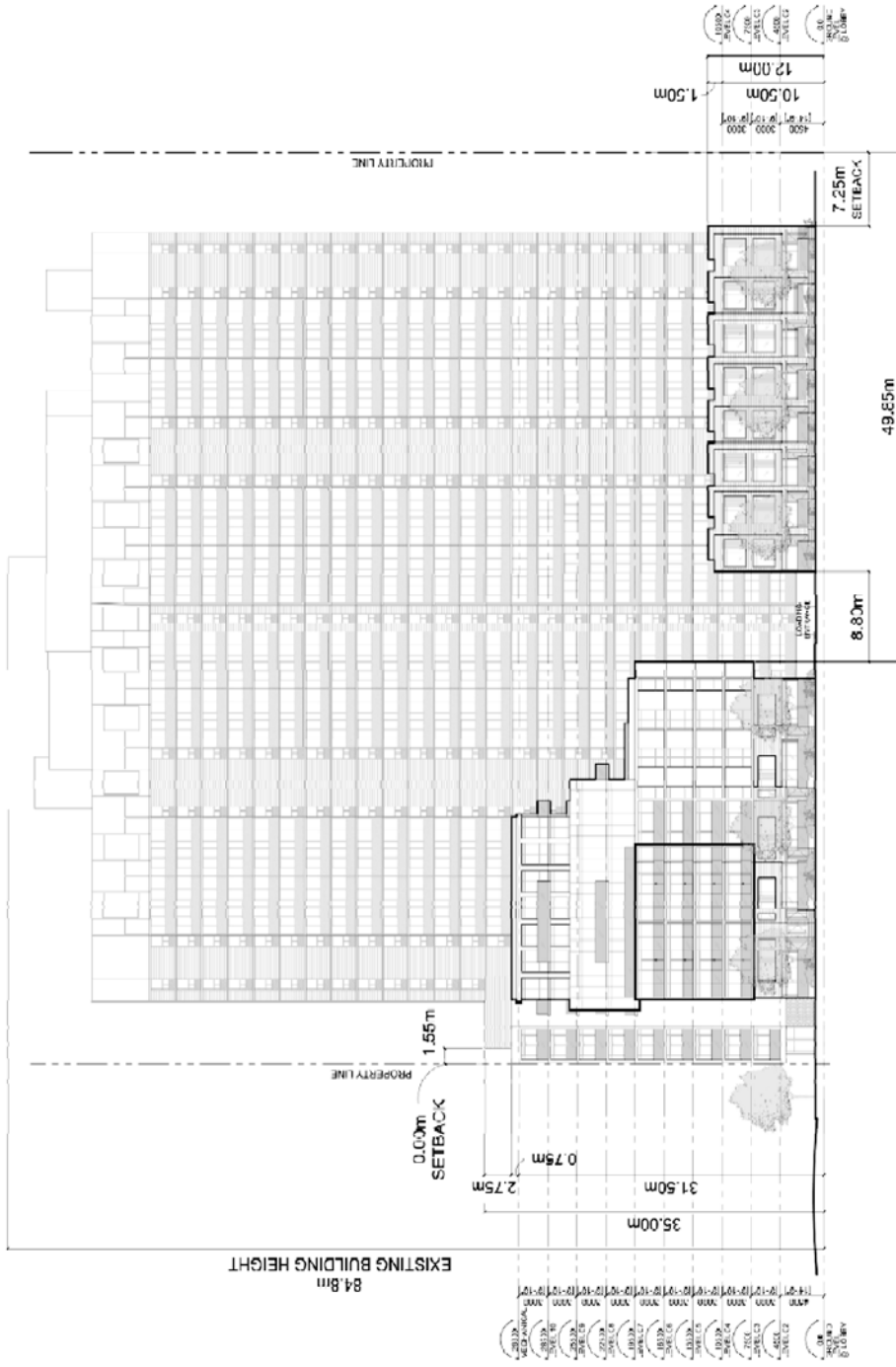
Attachment 8: Tree Preservation Plan

Attachment 9: Application Data Sheet





**Attachment 2: North Elevation**



**North Elevations**

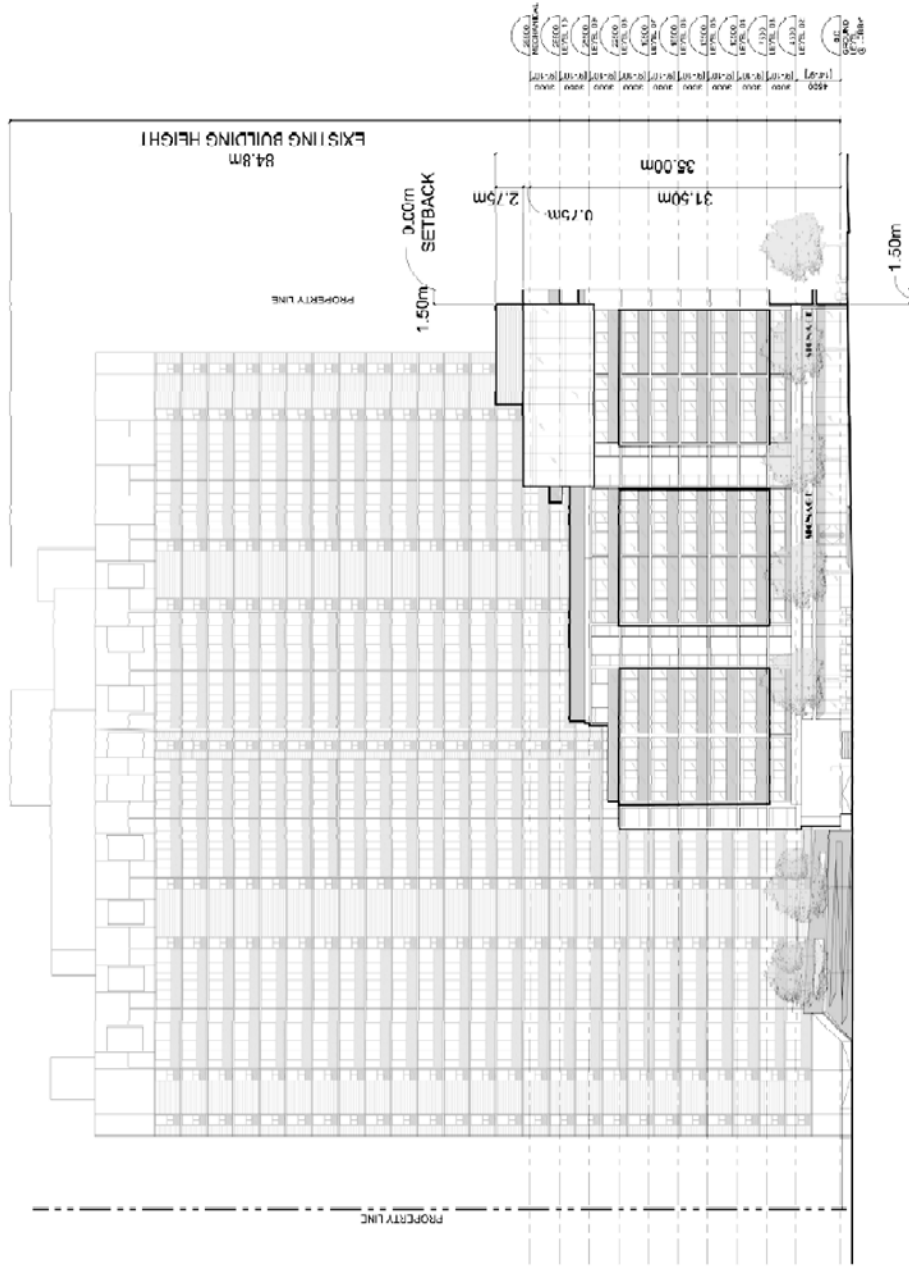
**100 Wellesley Street East**

Applicant's Submitted Drawing

Not to Scale  
08/09/17

File # 17\_198670 STE 27 0Z

**Attachment 3: South Elevation**



**100 Wellesley Street East**

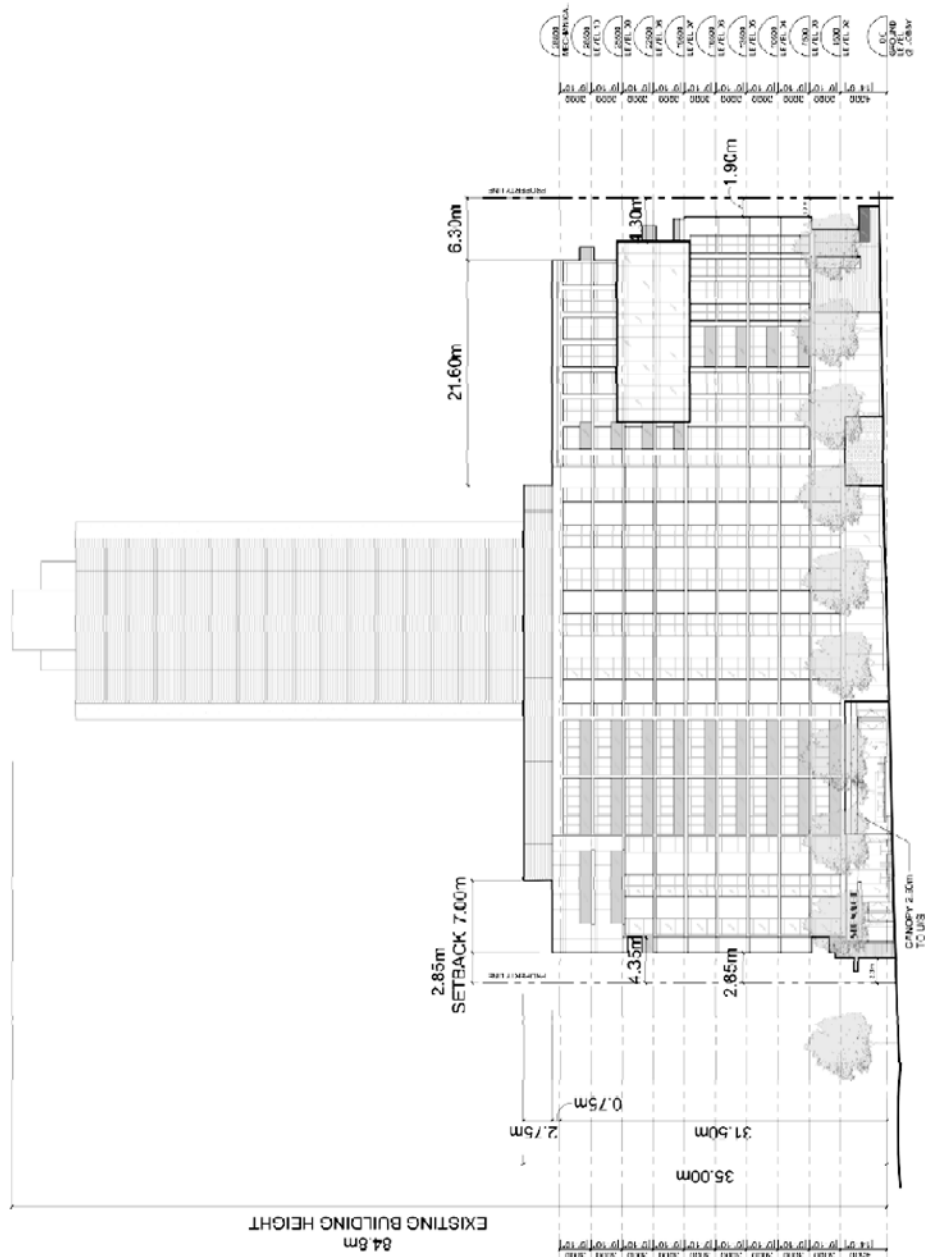
**South Elevations**

Applicant's Submitted Drawing

Not to Scale  
08/09/17

File # 17\_198670 STE 27 0Z

**Attachment 4: East Elevation**



**100 Wellesley Street East**

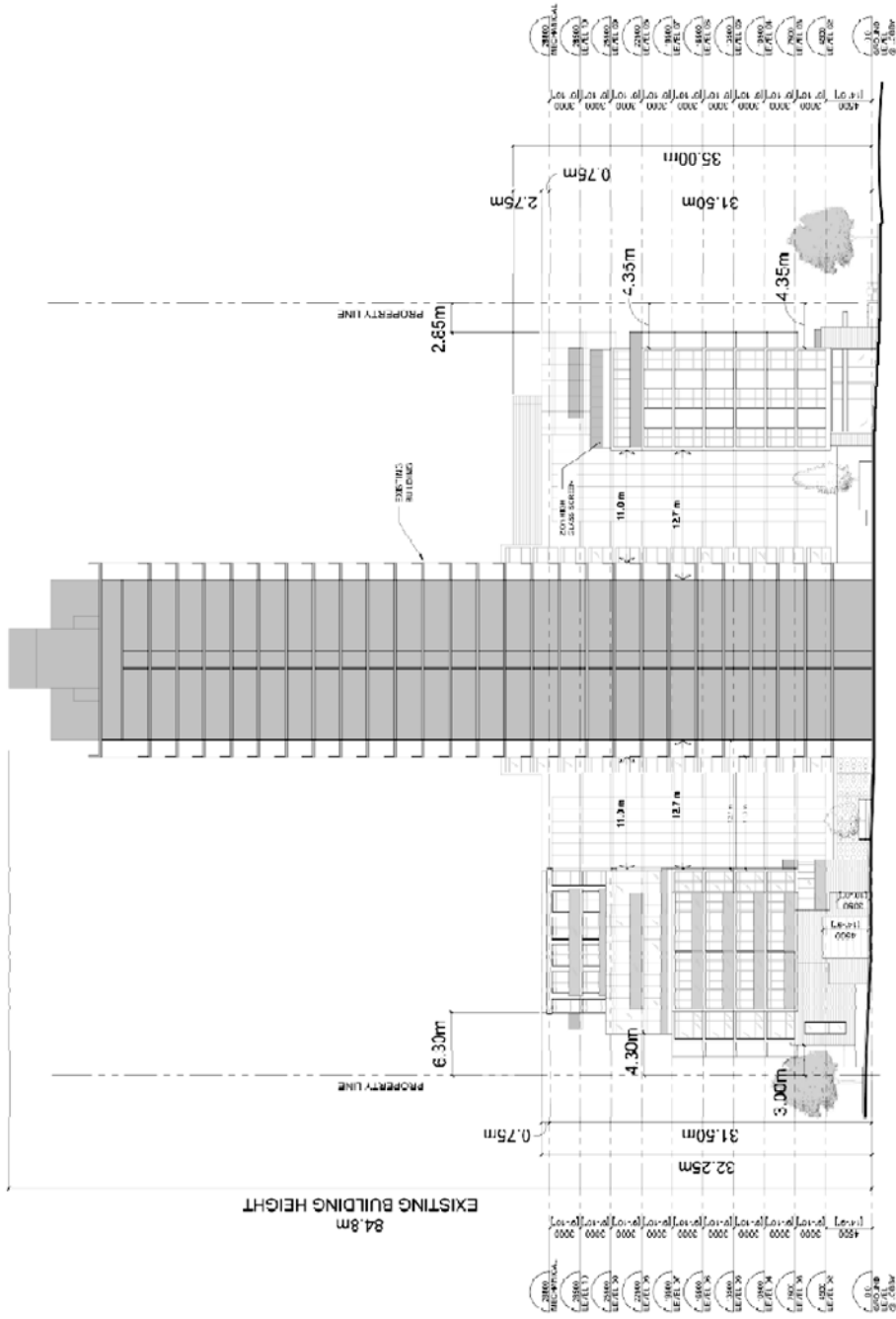
**East Elevations**

Applicant's Submitted Drawing

Not to Scale  
08/09/17

File # 17\_198670 STE 27 0Z

# Attachment 5: West Elevation



100 Wellesley Street East

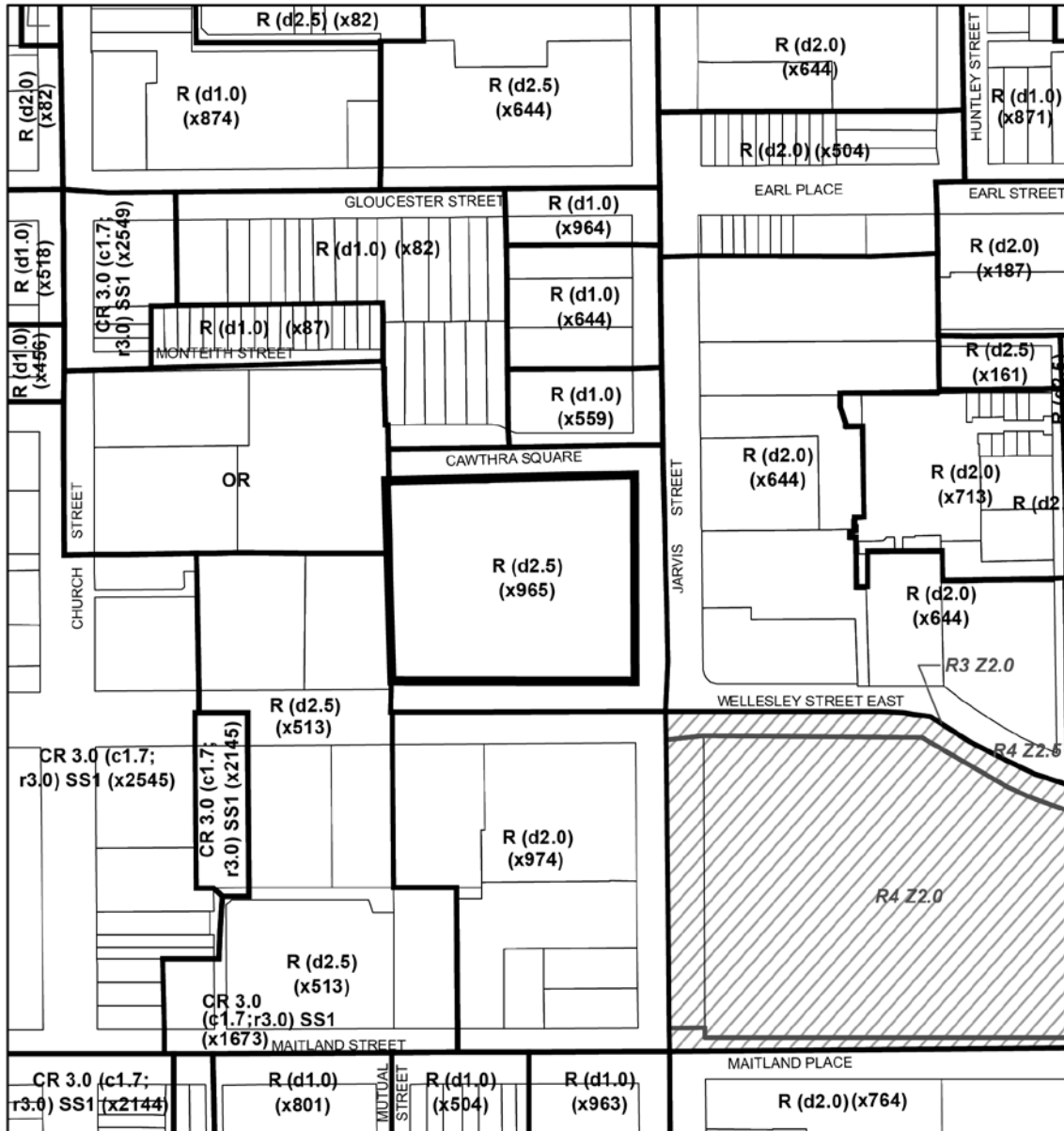
West Elevations

Applicant's Submitted Drawing

Not to Scale  
08/09/17

File # 17\_198670 STE 27 0Z

## Attachment 6: Existing Zoning



**Zoning By-Law No. 569-2013**

**100 Wellesley Street East**

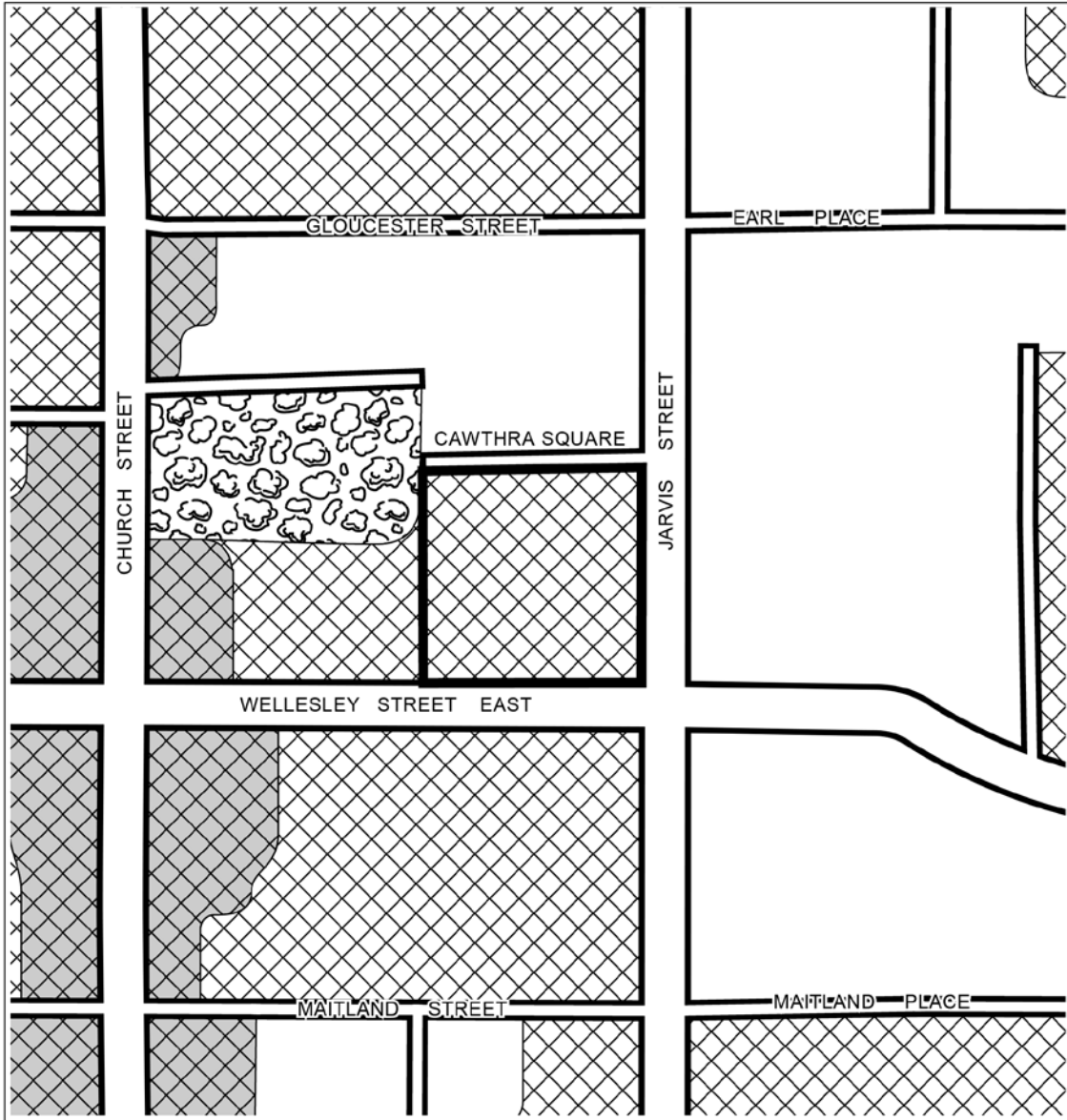
**File # 17 198670 STE 27 0Z**

- Location of Application
- R** Residential    **CR** Commercial Residential
- OR** Open Space Recreation

- See Former City of Toronto By-Law No. 438-86
- R3** Residential District
- R4** Residential District

Not to Scale  
 Extracted: 08/09/2017

### Attachment 7: Official Plan



**TORONTO** City Planning  
**Official Plan**

**100 Wellesley Street East**

File # 17\_198670 STE 27 OZ

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

  
 Not to Scale  
 08/14/2017





**Attachment 9: Application Data Sheet**

**Municipal Address:** 100 WELLESLEY ST E      **Date Received:** July 14, 2017

**Application Number:** 17 198670 STE 27 OZ

**Application Type:** OPA / Rezoning

**Project Description:** Zoning By-law Amendment to facilitate proposal to retain the existing 28-storey rental apartment building (427 units) and construct a new 10-storey mixed-use building (31.5 metres, excluding mechanical penthouse) along the Jarvis Street frontage and the easterly portions of Wellesley Street East and Cawthra Square. The proposal consists of 128 new rental units, 11,629.0 square metres RGFA, and 458 sq. m. office/retail uses. No additional parking is proposed (existing parking garage to serve both existing and proposed buildings).

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
3414493 CANADA INC	DAYNA GILBERT	CORE ARCHITECTS INC	3414493 CANADA INC

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	R (d2.5) (x965)	Heritage Designation:
Height Limit (m):	30	Site Plan Control Area:

**PROJECT INFORMATION**

Site Area (sq m):	6,596	Frontage (m):	88	Depth (m):	73
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<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	1,155	1,155	1,516	<b>2,671</b>
Residential GFA (sq m):	29,702	29,702	11,629	<b>41,331</b>
Non-Residential GFA (sq m):			458	<b>458</b>
<b>Total GFA (sq m):</b>	<b>29,702</b>	<b>29,702</b>	<b>12,087</b>	<b>41,789</b>
Height - Storeys:	28	28	28	<b>28</b>
Height - Metres:	85	85	85	<b>85</b>

Lot Coverage Ratio (%): 40.5

Floor Space Index: 6.3

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	41,331	
Retail GFA:	458	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	424	424	128	<b>552</b>
Freehold:				
Condominium:				
Other:				
<b>Total Units:</b>	<b>424</b>	<b>424</b>	<b>128</b>	<b>552</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		54	280	189	29
<b>Total Units:</b>		<b>54</b>	<b>280</b>	<b>189</b>	<b>29</b>

**Parking and Loading**

Parking Spaces: 408      Bicycle Parking Spaces: 389      Loading Docks: 2

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