



REPORT FOR ACTION

64-66 Wellesley Street East, 552-570 Church Street and City-owned Public Lane – Official Plan Amendment, Zoning Amendment, and Rental Housing Demolition Applications – Request for Directions Report

Date: January 18, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 13 – Toronto Centre

Planning Application Number: 17 210131 STE 27 OZ & 17 210154 STE 27 RH

SUMMARY

On December 5, 2017, the applications were refused by City Council and subsequently appealed to the Local Planning Appeal Tribunal (LPAT) pursuant to s. 22(7) and 34(11) of the *Planning Act*.

On February 16, 2018, the applicant submitted a revised proposal which involved the expansion of the site to include the property at 64 Wellesley Street East. A Request for Directions report dated April 24, 2018 was adopted by Toronto and East York Community Council and City Council to continue to oppose the applications at the LPAT. The report contained several recommendations which were adopted by City Council, including a recommendation requiring the applicant to provide on-site parkland dedication.

On January 21, 2019, the Toronto Preservation Board adopted staff's recommendations to designate the property at 64 Wellesley Street East under Part IV, Section 29 of the Ontario Heritage Act.

In light of the recommendations arising from Toronto Preservation Board, staff are seeking Council direction to delete one of the recommendations (Recommendation 3, item 32.19) previously adopted by City Council on May 22, 2018 and replace it with Recommendation 1 (noted below).

Further, a second recommendation (2) is also added to reflect the need for a Heritage Easement agreement in the event that the LPAT approves the Official Plan Amendment and Zoning By-law Amendment in whole or in part.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council require, in accordance with Section 42 of the Planning Act that, in the event the Local Planning Appeal Tribunal approves the Zoning By-law Amendment and the Official Plan Amendment application, in whole or in part, an on-site parkland dedication be conveyed to the City, or payment in lieu of an on-site parkland dedication be made to the City, or any combination thereof occur, all to the satisfaction the General Manger, Parks, Forestry and Recreation, or, the applicant may convey to the City an off-site parkland dedication provided the criteria of Chapter 415-26 of the Toronto Municipal Code are all met, to the satisfaction of the General Manager, Parks Forestry and Recreation.
2. City Council require that, in the event the Local Planning Appeal Tribunal approves the Zoning By-law Amendment and the Official Plan Amendment, in whole or in part, that the Tribunal's Order be withheld pending confirmation from the City Solicitor that the City and the owner have entered into a heritage easement agreement, to the satisfaction of the Senior Manager, Heritage Preservation Services and such agreement has been registered on title to the satisfaction of the City Solicitor.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On November 14, 2017, Toronto and East York Community Council adopted the Refusal Report (November 8, 2017) from the Acting Director, Community Planning, Toronto East York District and City Council on December 8, 2017 adopted the Supplementary Report (December 1, 2017) from Chief Planner and Executive Director, City Planning.

Link to Refusal Report (November 8, 2017):

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-108858.pdf>

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Link to Supplementary Report (December 1, 2017):

<https://www.toronto.ca/legdocs/mmis/2017/cc/bgrd/backgroundfile-109705.pdf>

On December 5, 2017, the applications were refused by City Council and subsequently appealed pursuant to ss. 22(7) and 34(11) of the *Planning Act*.

On February 16, 2018, the applicant submitted a revised proposal which involved the expansion of the site to include the property at 64 Wellesley Street East. A Request for Directions report dated April 24, 2018 was adopted by Toronto and East York Community Council and City Council to oppose the applications at the LPAT as the height and massing of the revised proposal do not conform to the policies of the Official Plan; do not fit within the existing and planned context of the Church Street Village Character Area; and, do not adequately address the public realm, including nearby streets, parks, and open spaces. Staff also recommended that Council defer its decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act*, as the proposed development is not supported by Planning staff.

Link to Request for Directions Report (April 24, 2018):

<http://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-114665.pdf>

On January 21, 2019, the Toronto Preservation Board adopted staff's recommendations to designate the property at 64 Wellesley Street East under Part IV, Section 29 of the Ontario Heritage Act.

Link to Notice of Intention to Designate Report (January 15, 2019):

<https://www.toronto.ca/legdocs/mmis/2019/pb/bgrd/backgroundfile-123739.pdf>

Three pre-hearing conferences have been held with the LPAT to date on June 28, 2018, October 19, 2018 and November 28, 2018. The next scheduled LPAT pre-hearing conference is on March 15, 2019. The hearing has been scheduled to commence on May 4, 2020.

ISSUE BACKGROUND AND COMMENTS

Recommendation 3 of City Council Decision Item 32.19 adopted on May 22, 2018 required that, in the event that the LPAT approves the Zoning By-law Amendment and the Official Plan Amendment application, in whole or in part, an on-site parkland dedication pursuant to Section 42 of the Planning Act be conveyed to the City, to the satisfaction the General Manger, Parks, Forestry and Recreation. The report explained that the expansion of the applicant's site to include the property at 64 Wellesley Street East resulted in the entire site

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property being adjacent to 60 Wellesley Street East, which is a city-owned property that forms part of Paul Kane House Parkette. As a result, Parks, Forestry and Recreation staff recommended that the required parkland dedication be provided on-site, along the length of the western edge of the development site forming part of the property at 64 Wellesley Street East, adjacent to 60 Wellesley Street East and with frontage on Wellesley Street East. This location was considered most appropriate as it would expand Paul Kane House Parkette.

In the Request for Directions Report from the Acting Director, Community Planning, Toronto and East York District dated April 24, 2018, Heritage Preservation Services provided comments on the property addition of 64 Wellesley Street East. Heritage Preservation Services required time to conduct an analysis of all the properties on the site.

The Heritage Impact Assessment (HIA) included an overview of the existing properties at 64 Wellesley Street East, 66 Wellesley Street East, 552-554 Church Street and 560-570 Church Street that are located within the proposed development site. In the HIA, the Appellant evaluated 64 Wellesley Street East against Provincial Regulation 9/06 and determined that this property meet three of the nine criteria used to determine cultural heritage value. It was, and remains the opinion of, Heritage Preservation Services, that the determination to demolish, rather than retain 64 Wellesley Street East, is not appropriate. The heritage status of the property municipally known as 64 Wellesley Street East is discussed in the Heritage Preservation Services Report from the Senior Manager, Heritage Preservation dated January 15, 2019.

Heritage staff have also reviewed the properties at 66 Wellesley Street East, 552-554 Church Street and 560-570 Church Street and the HIA prepared by ERA Architects Inc. for the applicants. The property at 66 Wellesley Street East is a house form building converted for commercial uses, and meets provincial criteria for cultural heritage value or interest defined in Ontario Regulation 9/06 for municipal designation under the Ontario Heritage Act under associative value as it contributes to an understanding of the historical evolution of the LGBTQ community in Toronto with two murals commissioned as part of the Church Street Mural Project (2013) to commemorate World Pride Day in Toronto (2014). The murals are located on the east elevations of the original building and the rear addition. The remainder of the complex has been heavily altered and its architectural integrity compromised.

The property at 552-554 Church Street comprises original house form buildings converted for commercial uses and meet provincial criteria for CHVI defined in Ontario Regulation 9/06 for municipal designation under the Ontario Heritage Act under associative value as it contributes to an understanding of the historical

evolution of the LGBTQ community in Toronto with three tangible murals, commissioned as part of the Church Street Mural Project (2013) to commemorate World Pride Day in Toronto (2014) on the north, south and west sides of the complex. From a design standpoint, the buildings have been heavily altered over time. Contextually, the pair comprise original buildings that, while altered, continue to anchor the northwest corner of Church and Wellesley streets, the major intersection in Toronto's historic LGBTQ neighbourhood.

Heritage staff concur with the HIA on the heritage evaluation of 560-570 Church Street not meeting provincial criteria for CHVI defined in Ontario Regulation 9/06 for municipal designation under the Ontario Heritage Act.

Since 66 Wellesley Street East and 552-554 Church Street contain a series of murals commissioned for World Pride Toronto as part of the 2014 Church Street Mural Project that celebrate the LGBTQ identity of the area, Heritage staff recommend that any proposed redevelopment of the site incorporate these murals in some manner as they are associated with historical events in the area, and contribute to its sense of place.

On January 21, 2019, the Toronto Preservation Board adopted staff's recommendations to designate the property at 64 Wellesley Street East under Part IV, Section 29 of the Ontario Heritage Act. Previously, City Council adopted recommendations requiring an on-site parkland dedication which is generally in the location of the building on the property proposed to be designated, 64 Wellesley Street East. Consequently, should City Council state its intention to designate the property at 64 Wellesley Street East, Council's previously adopted recommendation to request an on-site parkland dedication may be perceived to conflict with Council's decision on the heritage status of 64 Wellesley Street East. As a result, staff recommend that Recommendation 3 of City Council Decision Item TE32.19, requiring an on-site parkland dedication, be deleted and replaced with Recommendation 1 to this Report. Should there arise an opportunity for the City to acquire an on-site parkland dedication from the proposed redevelopment of this site, Parks, Forestry and Recreation staff will review such options. Recommendation 2 has been added to reflect the need for a Heritage Easement agreement in the event that the LPAT approves the Official Plan Amendment and Zoning By-law Amendment in whole or in part.

Absent of any change to the proposal through discussions with the applicant, and should Council state its intention to designate the property at 64 Wellesley Street East, Parks staff have indicated that the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. Alternatively, Park staff have recently indicated that in lieu of cash, the applicant may provide an off-site parkland dedication within the vicinity of the development to satisfy in whole, or in part, their parkland dedication in accordance with Chapter 415, Article III of the

Municipal Code. This option has yet to be explored with the applicant. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation and would be subject to this Division's conditions for conveyance of parkland.

CONTACT

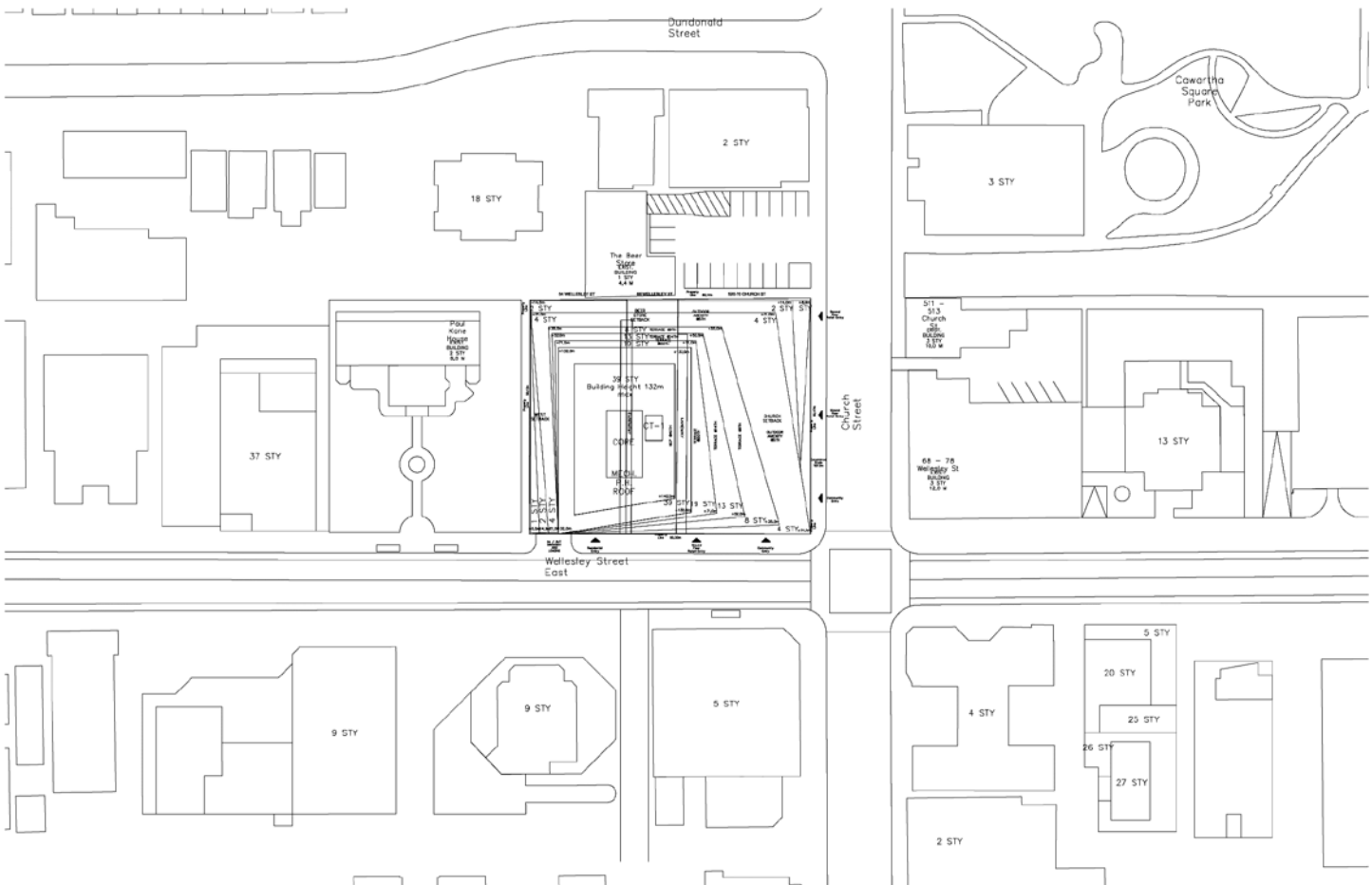
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SIGNATURE

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ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Context Plan



Context Plan

Applicant's Submitted Drawing

Not to Scale
01/08/2019 

64-66 Wellesley Street East and 552-570 Church Street

File # 17 210131 STE 27 02