

221, 225 and 227 Sterling Road – Zoning By-law Amendment, Draft Plan of Subdivision and Rental Housing Demolition Applications – Request for Direction Report

Date: November 14, 2022

To: Toronto and East York Community Council

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

Wards: Ward 9 - Davenport

Planning Application Numbers: 21 151444 STE 09 OZ & 21 151438 STE 09 SB

Related Applications: 21 151447 STE 09 RH

SUMMARY

On May 7, 2021, Zoning By-law Amendment and Draft Plan of Subdivision applications (the "applications") were submitted for the properties at 221, 225, and 227 Sterling Road (the "subject site") seeking to permit the redevelopment of the lands with three residential buildings having heights of 20, 25, and 29-storeys and collectively containing 892 residential units. A Rental Housing Demolition application was also submitted to permit the demolition of the existing rental units.

On May 30, 2022, the owner appealed the Zoning By-law Amendment and Draft Plan of Subdivision applications to the Ontario Land Tribunal (the "OLT") as a result of City Council not making a decision on the applications within the timeframes legislated by the *Planning Act*.

This report recommends that the City Solicitor, with appropriate City staff, attend the OLT in opposition of the applications in their current form and to continue discussions with the applicant in an attempt to resolve the issues outlined in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the appeals regarding the Zoning By-law Amendment and Draft Plan of Subdivision applications for the lands at 221, 225, and 227 Sterling Road, and to continue discussions with the applicant in an attempt to resolve the issues outlined in this report.

2. City Council direct the City Solicitor to seek instruction from the Chief Planner and Executive Director, City Planning pursuant to Chapter 415-18.1 of the Toronto Municipal Code, as amended, for the purpose of attendance at the Ontario Land Tribunal with respect to the proposed Draft Plan of Subdivision for the lands at 221, 225, and 227 Sterling Road and the provision of appropriate conditions of subdivision approval, including, but not limited to, conditions relating to site servicing, tree planting, and dedication of public parkland and streets.
3. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:
 - a) The final form and content of the draft Zoning By-law Amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) City Council has approved the Rental Housing Demolition application (Application No. 21 151447 STE 09 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to permit the demolition of the existing rental units on the site, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing the following:
 - i. The replacement of the existing residential and live-work rental units on the lands;
 - ii. The rents, rental tenure, unit mix, and unit sizes of the replacement rental units;
 - iii. An acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to replacement rental units on the lands at similar rents, the provision of alternative accommodation at similar rents, and other assistance to mitigate hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - iv. Any other rental housing-related matters in conformity with Policy 3.2.1.6 of the Toronto Official Plan and Chapter 667 of the Toronto Municipal Code.
 - c) The owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment and Draft Plan of Subdivision applications to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - d) The owner has provided a revised Functional Servicing Report, Stormwater Management Report, Municipal Servicing and Grading Plan, and any other reports or documents deemed necessary in support of the development to the City for review and acceptance by the Chief Engineer and Executive Director,

Engineering and Construction Services. These reports shall determine whether the municipal water, sanitary, and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required;

e) The owner has entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, at the owner's sole expense, should it be determined that upgrades are required to support the development as identified in the accepted Functional Servicing and Stormwater Management Reports or any other reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services; and

f) The submitted Compatibility Study has been peer reviewed, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning in order to determine the compatibility of the proposed sensitive residential land uses with surrounding industrial uses.

4. In the event the Ontario Land Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Land Tribunal to withhold its Order approving the Draft Plan of Subdivision until the City and the owner present the Ontario Land Tribunal with Draft Plan of Subdivision Conditions to address the technical requirements of the development as determined by the Chief Planner and Executive Director, City Planning.
5. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On July 28, 2020, City Council adopted a motion instructing the Chief Planner and Executive Director, City Planning, to undertake a study to evaluate: the appropriate built form, transportation and pedestrian networks, and public realm strategy for parks and open spaces, and potential heritage resources; establish a community consultation process; and report back to Council with a planning framework for the area generally bounded by Bloor Street West, St. Helen's Avenue, and Perth Avenue. The subject site is located within the Bloor Street Study area. The link to City Council's motion can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE16.77>

On July 14, 2021, City Council endorsed the City-initiated Bloor Street West: St. Helen's Avenue to Perth Avenue Planning Framework (the "Planning Framework") and directed

City Planning staff to review all current and future development applications against the Planning Framework. City Council also directed staff to work with the Ward Councillor, Economic Development staff, the local arts community, and the residential and commercial tenants at 221, 225, and 227 Sterling Road on means of retaining arts and culture and maker spaces throughout the study area. City Council's decision and the Planning Framework can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE26.31>.

A Preliminary Report on the Zoning By-law Amendment, Draft Plan of Subdivision, and Rental Housing Demolition applications was adopted by Toronto and East York Community Council on September 9, 2021, directing staff to conduct a community consultation meeting with an expanded notification area. The decision of Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE27.21>

On May 11, 2022, City Council indicated its intention to designate 221 Sterling Road (including active entrances at 225 and 227 Sterling Road) under the *Ontario Heritage Act*. On August 15, 2022, City Council affirmed its decision to state its intention to designate 221 Sterling Road, following a letter of objection from the landowner's legal counsel. The designation was appealed to the OLT on August 30, 2022. City Council's decision to designate the property under the *Ontario Heritage Act* can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH33.17>.

SITE AND SURROUNDING AREA

Site Description: The subject site is located south of Bloor Street West and west of the Metrolinx Barrie GO rail corridor and is accessed by a private driveway that extends south of Ruttan Street. The subject site has an area of 10,935 square metres, a width that varies between approximately 68 and 92 metres, and a depth of approximately 143 metres.

Existing Uses: The subject site is comprised of one- to two-storey industrial, factory-style buildings occupied by a number of non-residential uses, residential units, and live-work units. It is a unique example of an evolved manufacturing complex that has been adaptively reused to support the arts and has gained prominence since the 1980s as a hub for cultural activities, housing a number of creative organizations, studios, rehearsal spaces, and performance venues for visual artists, artisans, dancers, circus performers, and other creators.

Surrounding Uses:

North: To the immediate north of the site and extending east of Ruttan Street is a 10-metre-wide private laneway, known as Merchant Lane, which services 1, 11, and 21 Ruttan Street where there are three rows of four-storey back-to-back stacked townhouse blocks.

South: To the immediate south of the site at 213 Sterling Road is a two- to three-storey industrial building occupied by a range of non-residential uses that is included on the City's Heritage Register.

East: To the immediate east of the site at 2-50 Merchant Lane are six rows of four-storey back-to-back stacked townhouse blocks that are also serviced by Merchant Lane.

West: To the immediate west and northwest of the site is a consolidated development parcel at 1405-1409A Bloor Street West and 229-231A Sterling Road, with five buildings that currently consist of automotive repair uses and residential units that are currently vacant. These properties are subject to an active Official Plan and Zoning By-law Amendment application (Application No. 20 199975 STE 09 OZ) that has been appealed to the OLT. The Request for Direction Report on this application can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE28.7>.

THE APPLICATION

Description of Applications

The Zoning By-law Amendment application proposes to amend the Zoning By-laws for the properties at 221, 225, and 227 Sterling Road to permit the redevelopment of the lands with three residential buildings having heights of 20, 25, and 29 storeys that would sit atop two residential base buildings and descend in height towards the southern limit of the site. Building A (29 storeys) is the tallest of the proposed buildings and includes a four-storey base building that would be rectangular in shape and located at the north end of the site, closest to Bloor Street West. Building B (25 storeys) would be located south of Building A and includes a seven-storey base building that has an 'L' shape. Building C (20 storeys) would be the southernmost building and includes the same seven-storey base building as Building B. The application proposes 56,482 square metres of residential gross floor area and 892 residential units.

The Draft Plan of Subdivision application proposes to convey the majority of lands necessary for the southerly extension of Ruttan Street to connect to Sterling Road. A public park is proposed to the south of the intersection of the Ruttan Street extension and Sterling Road. Vehicular access would be provided off the Ruttan Street extension, between Buildings A and B, and continue east through the site and lead to an underground parking ramp, two separate loading spaces, and a roundabout adjacent to one of the residential lobbies.

The Rental Housing Demolition application proposes to demolish the existing rental units and replace them within the proposed development.

Additional Information

See Attachments 1 through 5 of this report for a location map, Application Data Sheet, three dimensional representations of the project in context, and a site plan of the proposed development. The Application Data Sheet contains additional details including

the site area and dimensions, floor area, unit breakdowns, and parking counts. All plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-informationcentre/>.

Reasons for the Applications

Amendments are required to the City of Toronto Zoning By-law 569-2013 and the former City of Toronto Zoning By-law 438-86 in order to permit the proposed building heights and density, and to amend other zoning regulations to permit the development as currently proposed.

A Draft Plan of Subdivision application is required to facilitate the conveyance of land for the proposed extension of Ruttan Street and new public park.

A Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* is required to demolish the existing rental units on the subject site.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has not been submitted.

POLICY CONSIDERATIONS

Official Plan Designation

The subject site is designated *Apartment Neighbourhoods* in Map 17 of the Official Plan, see Attachment 6: Official Plan Land Use Map.

Official Plan Housing Policy

The Official Plan states that new development that would have the effect of removing all or part of a building or related group of buildings and would result in the loss of six or more rental housing units, will not be approved unless all of the units have rents that exceed mid-range rents at the time of the application. The policy also requires an acceptable tenant relocation and assistance plan, addressing the right for existing tenants to return to a replacement unit at similar rent, the provision of alternative accommodation at similar rents, and other assistance to mitigate hardship.

Zoning

The subject site is zoned Residential 'R (d1.5) (x58)' in the City of Toronto Zoning By-law 569-213. The Residential zone permits a range of residential uses as well as a number of institutional and accessory uses subject to conditions. The Residential zone permits a maximum height of 14 metres (exclusive of an additional 5.0-metre permission for mechanical equipment) and a maximum density of 1.5 times the area of

the lot. Exception 58 provides that Section 12(2) 187 and 335 of the former City of Toronto Zoning By-law 438-86 applies, as does By-law 297-2003. Despite the Residential zoning that now applies to the site, By-law 297-2003 permits the non-residential uses existing on the subject site on or before April 16, 2003 to continue. See Attachment 7: Zoning By-law 569-2013 Map.

The subject site is zoned Residential 'R4 Z1.5' in the former City of Toronto Zoning Bylaw 438-86 which permits the same uses, maximum height, and maximum density of Zoning By-law 569-2013..

Rental Housing Demolition and Conversion By-law

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

City Council may refuse a Rental Housing Demolition application or approve an application with conditions, including conditions requiring an applicant to replace the rental units proposed to be demolished and/or to provide tenant relocation and assistance.. These conditions implement the City's rental housing protection policies in the Official Plan and must be satisfied before a demolition permit is issued. Unlike *Planning Act* applications, decisions by City Council under Chapter 667 are not appealable to the OLT.

Section 33 of the *Planning Act* also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of any demolition of a residential property that contains six or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the *Building Code Act, 1992*. Where a proposal requires Council approval of a residential demolition application under Chapter 363 and a Rental Housing Demolition application under Chapter 667, Council typically considers both applications at the same time.

The proposal for 221, 225 and 227 Sterling Road requires City Council's approval under Chapters 363 and 667 of the Toronto Municipal Code, because it involves the demolition of at least six dwelling units and at least one rental unit. On May 7, 2021, an application for a Section 111 permit was submitted under Chapter 667 of the Toronto Municipal Code to demolish the existing rental units on the lands.

COMMUNITY CONSULTATION

A virtual community consultation meeting was hosted by City staff on October 5, 2021. Approximately 35 members of the public participated, as well as the Ward Councillor and applicant team.

In addition to the community consultation meeting, staff hosted two working group meetings on October 7, 2021 and December 8, 2021 in response to Council's direction to work with the local arts community and the residential and commercial tenants at 221, 225, and 227 Sterling Road on means of retaining arts and culture and maker spaces throughout the Bloor Street Study area.

Concerns raised by members of the public included the:

- Scale and intensity of the proposed built-form and, in particular, the proposed building heights;
- Impacts of the proposed development on adjacent properties, including shadow, noise, and construction impacts;
- High number of one-bedroom units and lack of larger family-oriented units in the proposed development;
- Cumulative impact of development on the surrounding area, including environmental and climate impacts;
- Proposed removal of trees;
- Transportation impacts, including traffic impacts to Bloor Street West and the surrounding area and impacts to TTC service capacity;
- Lack of existing park space and need for dedicated pet relief areas or a dog park;
- Lack of visitor parking spaces; and
- Displacement of existing residential and commercial tenants.

In addition to the above concerns, residential and commercial tenants shared their experiences living and working at the subject site. Some shared fears of displacement and the challenges of finding affordable and functional spaces within the City, and many communicated that the subject site was one of the last remaining facilities of its kind.

Staff learned about the industrial architectural qualities of the existing buildings that enable the residential and commercial tenants to practice their crafts and run their businesses. In particular, artistic and cultural uses are facilitated by the subject site's interior scale, with many units featuring: 18 feet to 20 feet ceilings; concrete floors; infrastructure for high-power voltage; access to natural light such as through skylights; operable windows to allow ventilation; wide entries, including some garage-style openings; separate entries on the building's exterior; and easy access to outdoor spaces. Unique to the subject site is its rambling footprint, resulting from its gradual, unplanned construction to accommodate various industrial tenants over time. Its layout and siting create exterior opportunities for social connection that promote artistic collaboration and community cohesion, particularly in the eastern alleyway, where communal spaces are bordered by a retaining wall that responds to a grade change.

The issues and feedback raised through community consultation have informed staff's approach to assessing the application and the identification of issues to be resolved.

COMMENTS

Provincial Policy Statement and Provincial Plans

In reviewing the application, staff have had regard for the relevant policies of the Provincial Policy Statement, 2020 (the "PPS") and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the "Growth Plan"). The application is consistent with some, but not all, policies of the PPS and conforms to some, but not all, policies of the Growth Plan.

Both the PPS and Growth Plan recognize the importance of cultural heritage resources and direct that these resources be conserved. As currently proposed, the application proposes the demolition of all existing buildings on the subject site, with no consideration of the cultural heritage value or attributes of any of these buildings.

The PPS states that "the official plan is the most important vehicle for implementation" and that "comprehensive, integrated and long-term planning is best achieved through official plans." The preamble to the PPS further identifies that official plans shall provide clear, reasonable, and attainable policies to protect provincial interests and direct development to suitable areas.

Through the Official Plan, areas of the City that are intended for growth and areas that are intended to remain stable, are identified. Through the land use designation policies of the Official Plan, *Apartment Neighbourhoods* are recognized as stable areas where significant growth is not anticipated. Infill opportunities and the redevelopment of underutilized sites may be appropriate subject to certain criteria.

Similarly, the Growth Plan directs municipalities to develop and implement urban design and site design official plan policies, as well as other supporting documents when planning to achieve the minimum intensification and density targets of the Growth Plan. Both the Official Plan and the Planning Framework for this site direct its intensification in a way that is appropriate and fits into the existing and planned context. Staff are of the opinion that certain elements of the proposed built form, which is discussed in greater detail later in this report, do not conform to the policies of the Official Plan and are therefore not consistent with some policies of the PPS and do not conform to some policies of the Growth Plan.

Rental Housing Demolition and Rental Replacement

At the time of submission, the Rental Housing Demolition application identified 33 existing rental units. City Planning staff have since conducted two site visits and identified up to 58 existing rental units requiring replacement. Accordingly, the applications, in their current form, do not satisfy the requirements of Policy 3.2.1.6 of the Official Plan. In addition, City staff have determined that several of the existing rental units are live-work units, although the applicant's initial proposal did not contemplate

their replacement as live-work uses. Replacement of the same type of housing as currently exists, both by bedroom type and form, is a key tenet of the policy. Replacement of the existing live-work rental housing is an important objective, as this type of housing is limited in supply and fulfills a need for artists and entrepreneurs.

City Planning staff have requested the applicant to submit a Housing Issues Report addendum, along with revised rent rolls and as-built floor plans, clarifying the number and sizes of all existing residential and live-work rental units (including the number of units with structurally sound loft spaces erected by the owner that were excluded from the original as-built floor plans) and outlining a revised rental replacement strategy that satisfies the requirements of Policy 3.2.1.6 and the City's objectives of replacing existing live-work rental housing. This addendum shall include an acceptable tenant relocation and assistance plan to mitigate hardship for tenants who would need to move off-site on a temporary basis if the proposed development were approved in some form.

Should the OLT allow the appeals in whole or in part, City staff recommend that the City Solicitor request the Tribunal to ensure that any approved development proposal include full replacement of the existing rental units at similar sizes, types, and rents as those in effect at the time of application and an acceptable tenant relocation and assistance plan in accordance with Official Plan Policy 3.2.1.6, and that the Tribunal withhold its final Order until it has been advised that City Council has dealt with the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006*.

Heritage Impact and Conservation

Properties with heritage potential within the Bloor Street Study area were identified in 2021 through a Cultural Heritage Resource Assessment (CHRA) prepared by Common Bond Collective. These properties, which include the subject site and the property directly to the south at 213 Sterling Road, have since been added to the City's Heritage Register.

The Notice of Intention to Designate 221 Sterling Road notes that the property is a rare and unique example of a former industrial complex that evolved to accommodate various manufacturing uses, and later gained prominence for its adaptive reuse as an incubator of arts and culture. The property reflects the history of industrial development along Sterling Road within the lower Junction Triangle and Brockton Village areas, and contributes to a concentration of former industrial buildings, many of which now have cultural functions. The property is important in maintaining and supporting the character of Sterling Road as a former industrial streetscape, which has evolved as an area known for supporting arts and culture.

A Heritage Impact Assessment (HIA) was submitted in support of the applications recommending demolition of the entire building at 221-227 Sterling Road. However, City Planning staff are concerned that the analysis of the heritage value of the property in the HIA is limited, does not include a full analysis against the Provincial criteria for determining heritage value, and includes contradictory statements.

To facilitate the proposed development, the application proposes the demolition of all existing buildings, whereas both Provincial and City policies require that significant heritage resources be conserved. As the application does not satisfactorily incorporate the conservation of cultural values and attributes, the application does not conform to some policies of the PPS, Growth Plan, and the City's Official Plan.

Incorporation of Art and Cultural Uses

City staff's work in developing the Planning Framework and assessing the applications in the area has illuminated the prominent contributions of the subject site in supporting the City's arts and culture economy. Over time, the tenants of the existing building have gradually shifted to light industrial businesses related to arts and culture. This shift in tenancy generated what is now a thriving, organic community of visual artists, artisans, performers, and other creators who rent studios or occupy live-work units on the subject site.

Toronto's creative economy is now at a critical juncture in its evolution and creativity is at the heart of the City's economic strategy. The City must continue to attract, retain, and nurture talent and foster clustering of the surrounding innovation enterprises by ensuring the provision of sustainable long-term space for both living and working. The current application proposes entirely residential uses with no community space, or light-industrial spaces. The proposed development could promote economic development and competitiveness by supporting an appropriate mix and range of non-residential uses to meet long-term needs and build digital capacity and resiliency into cultural buildings.

The applications can achieve important objectives in nurturing creative talent and retaining space for the existing arts and culture community through the full replacement of existing live-work rental units. The full replacement of existing live-work rental units would not only address the City's rental replacement requirements, as discussed above, but also contribute to: achieving the provision of affordable and sustainable cultural space; avoiding, wherever possible, the displacement of artists and creative enterprises; and halting further loss of creative and/or art spaces in the Bloor-Sterling-Perth area. To advance objectives related to making space for the arts and culture community, staff have encouraged the applicant to explore the provision of community cultural space that would support local arts and culture programming within the proposed development.

Through the Community Benefits Charge framework, discussed later in this report, staff are interested in exploring the provision of an in-kind community cultural space that would support local non-profit arts organizations and continue to advance the site's contributions to the City's art and culture functions.

Built Form

The proposed height, massing, transition, and other built form considerations have been evaluated against the applicable sections and policies of the PPS, the Growth Plan, the Official Plan, the Planning Framework, and the City's design guidelines.

Staff are of the opinion that the proposed height and massing conflicts with the direction of certain Official Plan policies. The proposed development should be contextually appropriate and fit within the planned and built context. Although the subject site is adjacent to many existing low-scale building types, the Planning Framework directs and permits more intense built forms within the surrounding area, particularly along Bloor Street West and in the area surrounding existing and future transit infrastructure.

The Official Plan's built form policies and development criteria for development within *Apartment Neighbourhoods*, as well as the Planning Framework allow for sensitive infill and direct developments to appropriately transition towards adjacent low-scale residential areas.

Elements of the proposed built form, particularly the 29-storey tower and the seven-storey base building, fail to provide an appropriate transition between areas of different development intensity and scale. The Planning Framework specifically directs the highest densities and heights to be located east of the subject site, surrounding existing and future transit infrastructure. Specifically, the future Bloor-Lansdowne SmartTrack station will be located at 1319 Bloor Street West where City Council, in June of 2022, approved a development with 27- and 31-storey towers (Application No. 20 230587 STE 09 OZ). The future SmartTrack station will be integrated within the proposed development.

Although the subject site is in close proximity to existing and proposed transit infrastructure, it is located outside of the area where the Planning Framework directs the highest densities and heights. As a result, the proposed tower heights should be adjusted to respond to the hierarchy of heights established in the Planning Framework and to appropriately transition down to adjacent low-scale residential areas.

The Planning Framework identifies that many characteristics of the area's industrial history should remain and as a result, new development is to have consideration for heritage features and be sensitive to heritage buildings, which includes consideration and conservation of the existing buildings at the subject site. The proposed seven-storey base building and 20-storey tower would be located at the southern end of the subject site, directly abutting 213 Sterling Road which is included in the City's Heritage Register. The height and massing of this base building as well as the location of the tower does not appropriately consider the heritage features of the existing buildings and is not sensitive to the adjacent heritage building.

Southerly Extension of Ruttan Street

In the public realm analysis conducted through the Bloor Street Study, City staff identified the need to widen and extend the southern portion of Ruttan Street to intersect with Sterling Road. The extension of Ruttan Street is necessary in order to support the level of development contemplated through the applications and to satisfy Official Plan policy objectives related to the provision of well-connected walkable communities with comfortable, attractive, safe, and accessible public realms.

The Draft Plan of Subdivision application proposes to convey a 15.3-metre-wide strip of land along the western limit of the subject site, towards the southerly extension of

Ruttan Street, which currently terminates in a cul-de-sac at the northern limit of the site. The balance of the land required to facilitate the southerly extension of Ruttan Street would need to be conveyed from the adjacent development at 1405-1409A Bloor Street West and 229-231A Sterling Road.

The provision of land towards the extension of Ruttan Street is a positive element of the applications as it supports Official Plan and Planning Framework objectives to provide access and mobility options for residents and connect the subject site to the broader street network. Due to the lotting pattern of the subject site, the majority of the site does not currently have frontage on a public street, further necessitating the extension of Ruttan Street.

City staff are generally satisfied with the proposed location and alignment of the Ruttan Street extension. However, further coordination is required with the adjacent landowner to ensure the delivery of a public street that is compliant with the City's Development Infrastructure Policy and Standards (DIPS), in terms of width and landscape treatment.

Staff recommend that, in the event the OLT allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Land Tribunal to withhold its Order approving the Draft Plan of Subdivision until the City and the owner present the OLT with Draft Plan of Subdivision Conditions to address the technical requirements of the subdivision component of the proposal, as determined by the Chief Planner and Executive Director, City Planning.

Parkland

Parks are essential to making Toronto an attractive place to live, work, and visit. They offer a broad range of outdoor leisure and recreation opportunities, active transportation routes, and places for residents to interact with nature and each other. Public parks and open spaces perform a variety of critical functions that improve and maintain our City's health including helping to mitigate the effects of climate change. In the context of a rapidly growing City, it is imperative to enhance and expand the amount of public parkland for residents and visitors alike. The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. The subject site is currently in an area with 12 to 28 square metres of parkland per person, which is less than the City-wide average provision of 28 square metres of parkland per person in 2022. Given the future expected growth, both on the subject site and surrounding area, new parkland is critical to serve the future population of residents, employees, and visitors to the area.

In accordance with the public realm network plan of the Planning Framework, the subject application proposes to provide a 987.9 square metre conveyance at the southwest corner of the site as a public park. The proposed park would connect to and be designed with a 111.1 square metre parkland dedication provided as part of the adjacent development at 1405-1409A Bloor Street West and 229-231A Sterling Road. This combined park would have a total area of 1,099 square metres.

While staff are supportive of a park in this location and the applications working together to provide one large combined park, the current park size of 1,099 square metres is less

than the total required parkland requirement for both applications, as of the date of this report. The undersized park would need to be increased in order to satisfy the dedication requirements of both the subject site and 1405-1409A Bloor Street West and 229-231A Sterling Road. Staff will continue to work with both landowners to secure one large combined public park that is of an appropriate size and configuration.

Compatibility Study

In order to determine the compatibility of the proposed sensitive residential land uses with surrounding industrial uses, a Compatibility Study dated May 3, 2021, prepared by SLR was submitted in support of the applications. The purpose of the study was to assess the potential impact of nearby industrial facilities, which may be sources of pollutants, including industrial air quality, odour, dust emissions, noise, vibration, and transportation-related air pollution.

The report identifies existing and potential land use compatibility issues and identifies and evaluates options to achieve appropriate design, buffering, and/or separation distances between the proposed sensitive land uses and nearby *Employment Areas* and major facilities.

The Official Plan requires that development adjacent to, or nearby, transportation corridors and near to *Employment Areas* or within the influence area of major facilities be appropriately designed, buffered, and/or separated, as necessary, to mitigate any adverse impacts of these sources on the new development, and vice versa. The Ministry of Environment, Conservation and Parks (MECP) has established noise guidelines and air quality regulations to achieve these objectives. In 2013, new provincial noise guidelines were introduced to replace and consolidate previous guidelines. Among other matters, the 2013 guidelines provide advice on sound level limits and other guidance that may be used when land use planning decisions are made under the *Planning Act*. The guidelines are intended to minimize the potential conflict between noise-sensitive land uses and sources of noise emissions.

The noise assessment that forms part of the Compatibility Study concluded that sound from nearby industrial, commercial, and retail uses is not observable over the significant road and rail traffic noise, and that noise from these uses should not be an issue for the proposed development. Rail traffic data was used to predict future traffic sound levels on the subject site and the predicted sound levels were compared to MECP guidelines. The results of this study indicate that, with suitable noise control measures integrated into the design of the proposed buildings (such as central air conditioning and upgraded building and glazing materials), it is feasible to achieve MECP-supported sound levels.

Further, ground-borne vibration measures of the nearby GO rail corridor were performed and were found to be below the GO Transit guidelines. As a result, the study concluded that vibration mitigation is not required.

Should the OLT allow the appeals in whole or in part, City staff recommend that the Compatibility Study be peer-reviewed, at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning, prior to the issuance of any final Orders.

Infrastructure and Servicing Capacity

Functional Servicing, Stormwater Management, and Hydrogeological Reports were submitted in support of the applications and were reviewed by Engineering and Construction Services. Development Engineering staff have indicated, through their memo dated November 7, 2022, that further information and revisions to the reports are required.

As a result of the outstanding comments, should the OLT allow the appeals in whole or in part, staff recommend further revised Functional Servicing, Stormwater Management, and Hydrogeological Reports, as well as supporting documents, be submitted to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services prior to the issuance of any final Orders. Additionally, should it be determined that improvements or upgrades and/or new infrastructure are required to support the proposed development, it is recommended that the owner be required to enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, at the owner's sole expense.

Community Benefits

Changes to Section 37 of the *Planning Act* have replaced increased height and/or density bonusing with a new growth funding tool called the Community Benefits Charge (CBC). The application will be reviewed under the new Community Benefits Charges framework, once enacted. As noted above, staff are interested in exploring the provision of an in-kind community cultural space, secured through the CBC criteria.

Conclusion

The Zoning By-law Amendment and Draft Plan of Subdivision applications, in their current forms, are not supportable by City Planning staff. The applications have been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, staff are of the opinion that the applications are not consistent with certain policies of the PPS, do not conform to certain policies of the Growth Plan, and do not conform to certain policies of the Official Plan.

Staff recommend that City Council direct the City Solicitor, together with the appropriate City staff, to attend the OLT in opposition of the appeals of the applications. Staff also recommend City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in this report.

CONTACT

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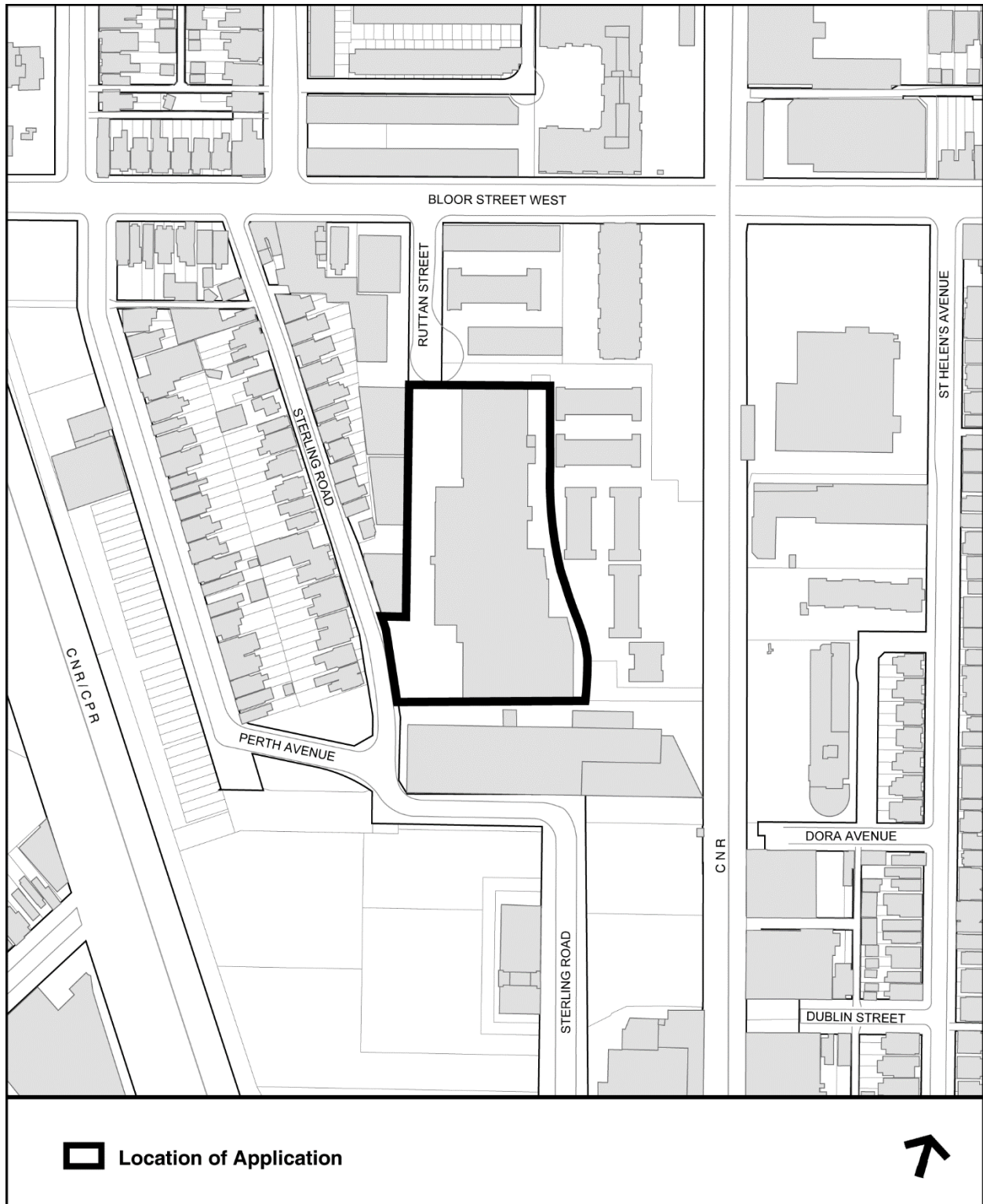
SIGNATURE

Willie Macrae, BA, MES, MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Northeast
Attachment 4: 3D Model of Proposal in Context Looking Southwest
Attachment 5: Site Plan
Attachment 6: Official Plan Land Use Map
Attachment 7: Zoning By-law 569-2013 Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 221, 225 & 227 STERLING RD
Application Number: 21 151444 STE 09 OZ, 21 151438 STE 09 SB & 21 151447 STE 09 RH
Application Type: Re-Zoning, Draft Plan of Subdivision, Rental Housing Demolition
Project Description: Applications to facilitate the development of 3 residential towers having heights of 29, 25, and 20-storeys atop two base buildings. A total of 892 residential dwelling units are proposed, of which, 33 units are rental replacement units. The total residential gross floor area on the lot is 56,482.80 square metres.

Applicant	Architect	Owner
BOUSFIELDS 200- 3 CHURCH ST TORONTO, ON M5E 1M2	TURNER FLEISCHER 67 LESMILL RD TORONTO, ON M3B 2T8	221 STERLING ROAD HOLDINGS INC 50 CONFEDERATION PKWY CONCORD, ON L4K 4T8

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision: Bloor Street: St. Helen's Ave to Perth Ave Planning Framework Heritage Designation: Designated (under appeal to OLT)
Zoning:	R (d1.5) (x58)	
Height Limit (m):	14	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 10,935 Frontage (m): 143 Depth (m): 97

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			4,038	4,038
Residential GFA (sq m):			56,483	56,483
Non-Residential GFA (sq m):				
Total GFA (sq m):			56,483	56,483

Height - Storeys:	2	29	29
Height - Metres:		90	90

Lot Coverage Ratio (%)	36.92	Floor Space Index:	5.17
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	56,278	205
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	33 (under review)		33	33
Freehold:				
Condominium:			859	859
Other:				
Total Units:	33 (under review)		892	892

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	67	591	148	86	
Total Units:	67	591	148	86	

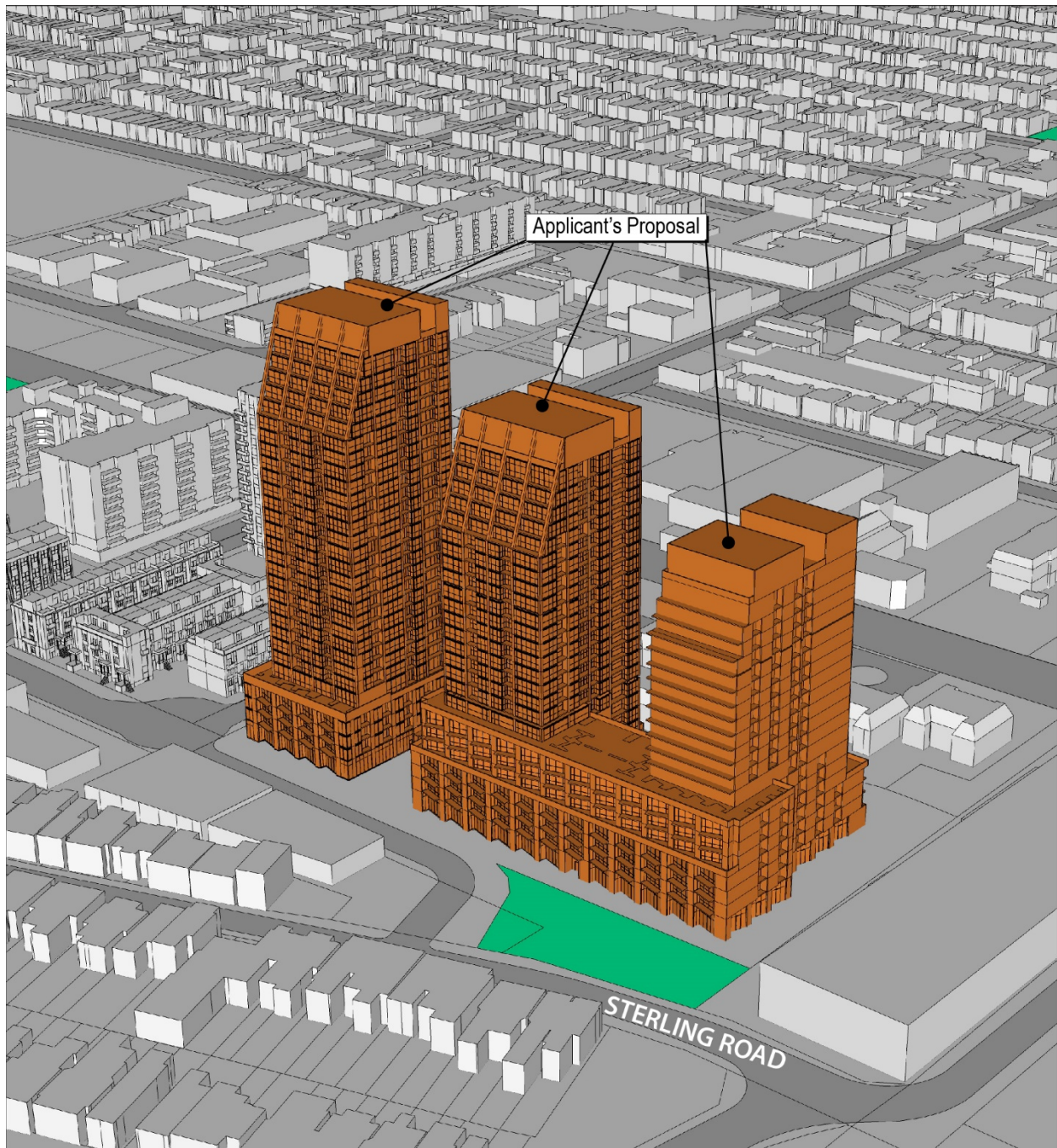
Parking and Loading

Parking Spaces:	417	Bicycle Parking Spaces:	952	Loading Docks:	3
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CONTACT:

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Attachment 3: 3D Model of Proposal in Context Looking Northeast



View of Applicant's Proposal Looking Northeast



08/04/2021

Attachment 4: 3D Model of Proposal in Context Looking Southwest



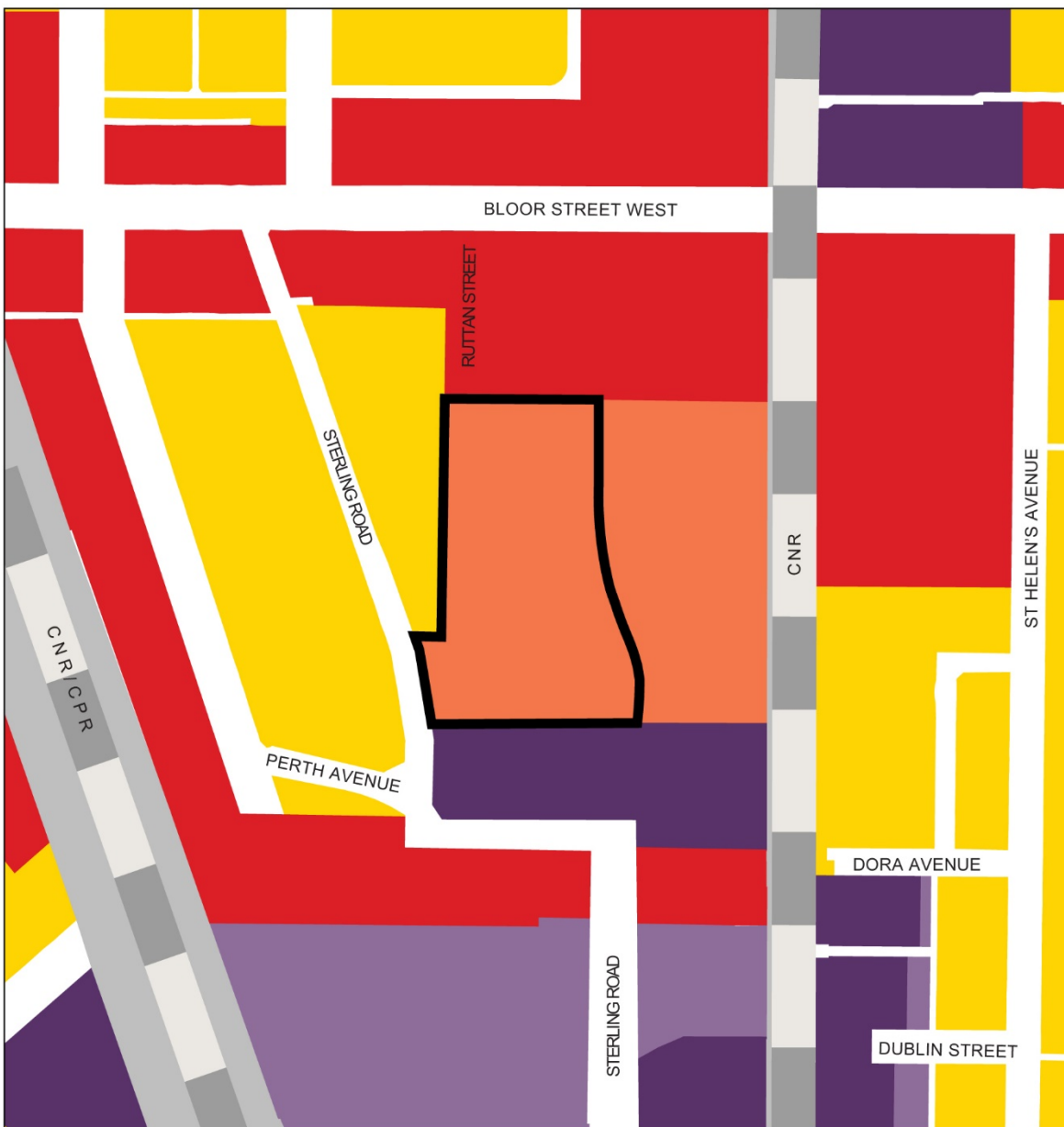
View of Applicant's Proposal Looking Southwest



08/04/2021

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Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map #18

221-227 Sterling Road

File # 21 151444 STE 09 02




 Not to Scale
 Extracted: 08/04/2021

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