

## **47-65 Huntley Street, 2-18, 24, and 26 Linden Street and 1-11 Selby Street – Official Plan and Zoning By- law Amendment – Appeal Report**

Date: January 10, 2023

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

**Planning Application Numbers:** 21 227527 STE 13 OZ, 21 238874 STE 13 RH, 22 139878 STE 13 SA

### **SUMMARY**

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On October 19, 2021, Official Plan and Zoning By-law Amendment applications were submitted seeking to permit 59- and 48-storey mixed-use buildings, containing 1,297 dwelling units and 1,100 square metres of non-residential gross floor area. The proposal includes a 3-storey institutional building planned for a childcare facility and a 460 square metre public park.

On April 29, 2022, a related Site Plan Control Application was submitted.

On July 11, 2022, the applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the applications in their current form and to continue discussions with the applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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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 current applications regarding the Official Plan and Zoning By-law Amendment appeals for the lands at 47-65 Huntley Street, 2-18, 24, and 26 Linden Street and 1-11 Selby Street and to continue discussions with the applicant in an attempt to resolve outstanding issues.

2. 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 Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) the owner has provided confirmation of water, sanitary and stormwater, and traffic capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment;

c) the owner has secured replacement of the existing rental housing, including the same number of units, bedroom type and size and with similar rents;

d) the owner has secured an acceptable Tenant Relocation and Assistance Plan addressing the right for existing and former tenants to return to a replacement rental unit 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;

e) City Council has approved the Rental Housing Demolition application 21 238874 STE 13 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 dwelling units 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 all rental housing-related matters necessary to implement City Council's decision; and

f) the owner has, at its sole expense:

i. submitted a revised Heritage Impact Assessment that includes a detailed conservation strategy for the properties at 47, 49, 51, 53, 55, 57, 59, 63, 65 Linden Street, 1, 3, 7, 9, 11 Selby Street, and 2, 16, and 18 Linden Street to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## FINANCIAL IMPACT

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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

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On April 21, 2022, a Preliminary Report was adopted by Toronto and East York Community Council directing City Staff to undertake a study of the Upper Jarvis Area generally located between Bloor Street East, Sherbourne Street, Wellesley Street East and Church Street to investigate the implications of the current development applications (10 Huntley Street and 47-65 Huntley Street, 2-18, 24, 26 Linden Street, and 1-11 Selby) on the Neighbourhoods and Apartment Neighbourhoods designated lands within the Upper Jarvis area and to develop a planning framework, as appropriate, to assist in evaluating development proposals. The study is currently in progress.

The decision of the Toronto and East York Community Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE32.41>

On September 28, 2022 City Council authorized the City Solicitor to introduce the Bill designating the properties at 47 Huntley Street (including the entrance address at 2 Linden Street), 49 Huntley Street, 51 Huntley Street, 53 Huntley Street, 55 Huntley Street, 57 Huntley Street, 59 Huntley Street, 63 Huntley Street, 65 Huntley Street, 16 Linden Street, 18 Linden Street, 1 Selby Street, 3 Selby Street, 7 Selby Street, 9 Selby Street, and 11 Selby Street under Part IV of the Ontario Heritage Act.

The City Council decision can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.CC50.1>

## THE SITE

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**Description:** The site is generally rectangular and has an approximate area of 5,034 square metres, with frontages of 59.17 metres on Huntley Street, 86.62 metres on Selby Street, and 42.66 metres on Linden Street. A 3.05 metre wide public lane runs north/south between Linden Street and Selby Street.

**Existing Uses:** 2 to 3-storey house-form buildings containing 12 owner-occupied dwelling units, 25 rental dwelling units, and 31 dwelling rooms.

**Heritage:** On September 28, 2022 City Council authorized the City Solicitor to introduce the Bill designating the properties at 47 Huntley Street (including the entrance address at 2 Linden Street), 49 Huntley Street, 51 Huntley Street, 53 Huntley Street, 55 Huntley

Street, 57 Huntley Street, 59 Huntley Street, 63 Huntley Street, 65 Huntley Street, 16 Linden Street, 18 Linden Street, 1 Selby Street, 3 Selby Street, 7 Selby Street, 9 Selby Street, and 11 Selby Street under Part IV of the Ontario Heritage Act. [An appeal of the Designating by-law has been received.](#)

## THE APPLICATION

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**Description:** A 48-storey (183 metres including mechanical penthouse) on the east side of the site and 59-storey (194.8 metres including mechanical penthouse) mixed-use building on the west side of the site.

**Density:** 17.59 times the area of the lot.

**Dwelling Units:** The proposed mixed-use buildings contain a total of 1,297 dwelling units, including 56 replacement rental units, 76 net new affordable rental units, and 1,165 market condominium dwelling units. In total, the proposed development would include 275 studio (21.2%), 603 one-bedroom (46.5%), 279 two-bedroom (21.5%), and 140 three-bedroom (10.8%) units.

**Access, Parking, and Loading:** Access to the site is proposed to be provided by a widened public lane extending between Linden Street and Selby Street. A total of 192 parking spaces are proposed to serve the development, consisting of 38 visitor parking spaces, 150 resident parking spaces and, 4 parking spaces for the non-residential uses within a 4-level underground garage. The west building proposes an internal 'Type C' loading space and an external 'Type G' loading space. The east building proposes internal 'Type G' and 'Type C' loading spaces. A total of 1,558 bicycle parking spaces are located on the ground floor, mezzanine, and P1 levels of the proposed buildings.

### Additional Information

See Attachments 2, 3 and 6 of this report for a three-dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [www.toronto.ca/47HuntleySt](http://www.toronto.ca/47HuntleySt)

### Reason for the Applications

The Official Plan Amendment application is required to redesignate Neighbourhoods to Mixed Use Areas to permit the proposed redevelopment of the site.

The Zoning By-law Amendment application is required to amend Zoning By-laws 569-2013 and 438-86 to provide relief from various performance standards, including: gross floor area and floor space index; building height; and building setbacks. Additional amendments to the Zoning By-laws may be identified as part of the application review process.

The 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 as the proposal would involve the demolition of 37 residential units, of which 25 are rental dwelling units. In addition to the rental dwelling units on the subject site, there are 31 dwelling rooms on the subject site spread across three buildings at 53 Huntley Street, 55 Huntley Street, and 8 Linden Street.

**Site Plan Control:** A Site Plan Control application was submitted on April 29, 2022.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects planning and cultural heritage matters shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

### **Official Plan**

The site is designated Neighbourhoods in the Official Plan. The City's Official Plan recognizes the importance of our cultural heritage and contains heritage conservation policies to ensure those resources can continue to contribute to the social, cultural, economic and environmental goals of the City.

See Attachment 4 of this report for the Official Plan Land Use Map. The Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Zoning**

Zoning: The site is zoned Residential with a height limit of 12 metres in both the City of Toronto Zoning By-law 569-2013 (R (d1.0) (x871)) and former City of Toronto Zoning By-law 438-86 (R3 Z1.0). See Attachment 5 of this report for the existing Zoning By-law Map. The City's Zoning By-law 569-2013 can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-lawpreliminary-zoning-reviews/zoning-by-law-569-2013-2/>.

### **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;

- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

### **Parks Canada Standards and Guidelines**

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada is the official document guiding planning, stewardship and conservation approaches for all listed and designated heritage resources within the City of Toronto. The Standards and Guidelines can be found here:

<http://www.historicplaces.ca/en/pages/standards-normes.aspx>

### **Toronto Green Standard**

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. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

## **COMMUNITY CONSULTATION**

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The planning applications were appealed to the Ontario Land Tribunal prior to a Community Consultation Meeting being scheduled.

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Both documents establish standards for the conservation of heritage, which have not been satisfied by the proposal.

### **Heritage Conservation**

The applicant is proposing to entirely demolish a significant heritage property at 47-49 Huntley Street and 2 Linden Street. The applicant is proposing to retain portions of buildings on significant properties at 51, 53, 55, 57, 59, 63, and 65 Huntley Street, 1, 3, 7, 9, 11 Selby Street, and 16-18 Linden Street. The proposed conservation strategy

does not conform with the Official Plan. Staff are seeking a revised proposal that conserves the values and attributes of the significant heritage properties comprising the site.

### **Site Organization**

The proposed site organization requires revisions to accommodate heritage conservation, parkland dedication, and to minimize impacts from vehicular access and loading.

### **Built Form**

The proposed development does not conform to the Official Plan, the Downtown Plan, or the Tall Building Design Guidelines. The proposal contemplates the redesignation of Neighbourhoods, where new buildings taller than four storeys are not permitted. If it is determined that the proposed redesignation to Mixed Use Areas is appropriate, the proposed massing, including, height, setbacks, step backs, base building design, tower separation, and tower floorplate would require revision.

### **Streetscape**

City Planning will continue to work with applicant to ensure the proposed streetscape is consistent with the public realm objectives of the Official Plan.

### **Tree Preservation**

The proposed development would result in the removal and replacement of approximately 35 mature trees. Materials have not been submitted to sufficiently determine if the proposed replacement tree planting locations are viable. City staff will continue to work with the applicant to ensure that mature healthy trees are preserved where possible.

### **Shadow**

Height and massing should be revised to adequately limit shadowing on St. Jamestown West Park and the Rosedale Ravine.

### **Wind**

A Pedestrian Level Wind Impact Study prepared by RWDI and dated October 8, 2021, identifies negative wind impacts of the proposed development. Negative wind impacts are identified on entrances on Huntley, Selby, and Linden Streets, on the proposed parkland, and on the proposed amenity area adjacent to the public lane. The proposal should be revised to ensure wind comfort conditions of "standing" or better at all entrances, parkland, and amenity areas in all seasons and comfort level of "sitting" on proposed parkland in summer.

## **Amenity Space**

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. The application is proposing a total of 2,594 square metres (2 square meters per unit) of indoor amenity space and 890 square metres (0.69 square metres per unit) of outdoor amenity space. City Planning Staff will continue to work with the applicant to increase the amount of amenity space provided in the proposal.

## **Parkland**

The applicant has proposed an on-site parkland dedication of 460 square metres. The required parkland dedication is 498.12 square metres. The proposed parkland dedication requires demolition of a significant heritage building. Planning staff will continue to work with the applicant to find alternative solutions.

## **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are being reviewed by Engineering and Construction Services.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

## **Community Services and Facilities**

The applicant is proposing to provide a 476-metre childcare space fronting onto Linden Street. Additional information is required to determine the appropriateness of the proposed childcare space. At this time the proposed child care centre does not meet the City's Child Care Development Guideline.

The applicant is proposing to provide 428 square metres of "community space" at grade fronting into Linden Street which is proposed to be established as a Community Land Trust. Additional information is required to determine the appropriateness of the proposed model.

## **Further Issues**

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputations made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result City Planning staff may continue to identify further issues or



supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

## **CONTACT**

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Abraham Plunkett-Latimer, Planner  
Tel. No. 416-397-1942  
E-mail: [abraham.plunkett-latimer@toronto.ca](mailto:abraham.plunkett-latimer@toronto.ca)

## **SIGNATURE**

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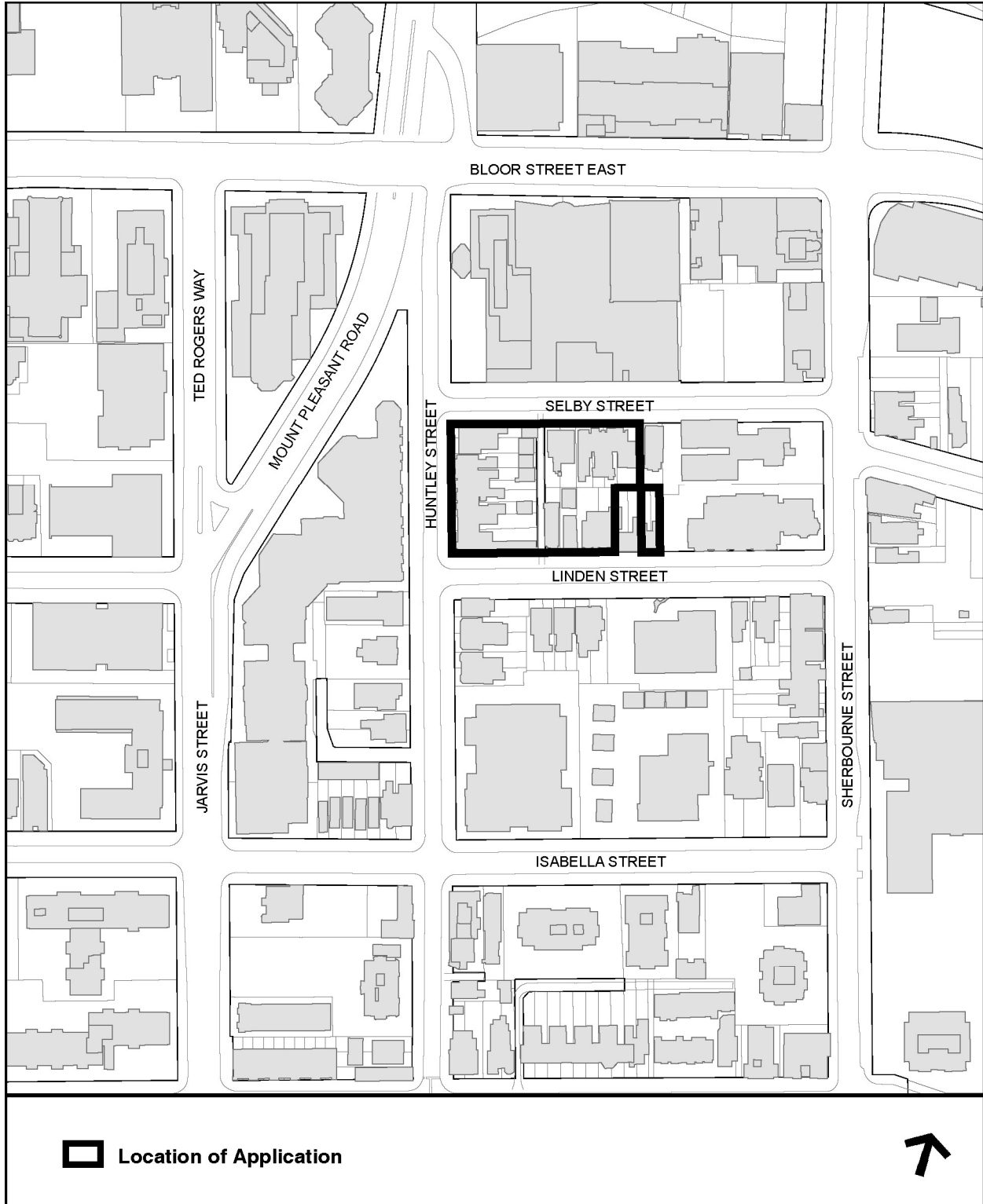
Alex Teixeira, MCIP, RPP  
Acting Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

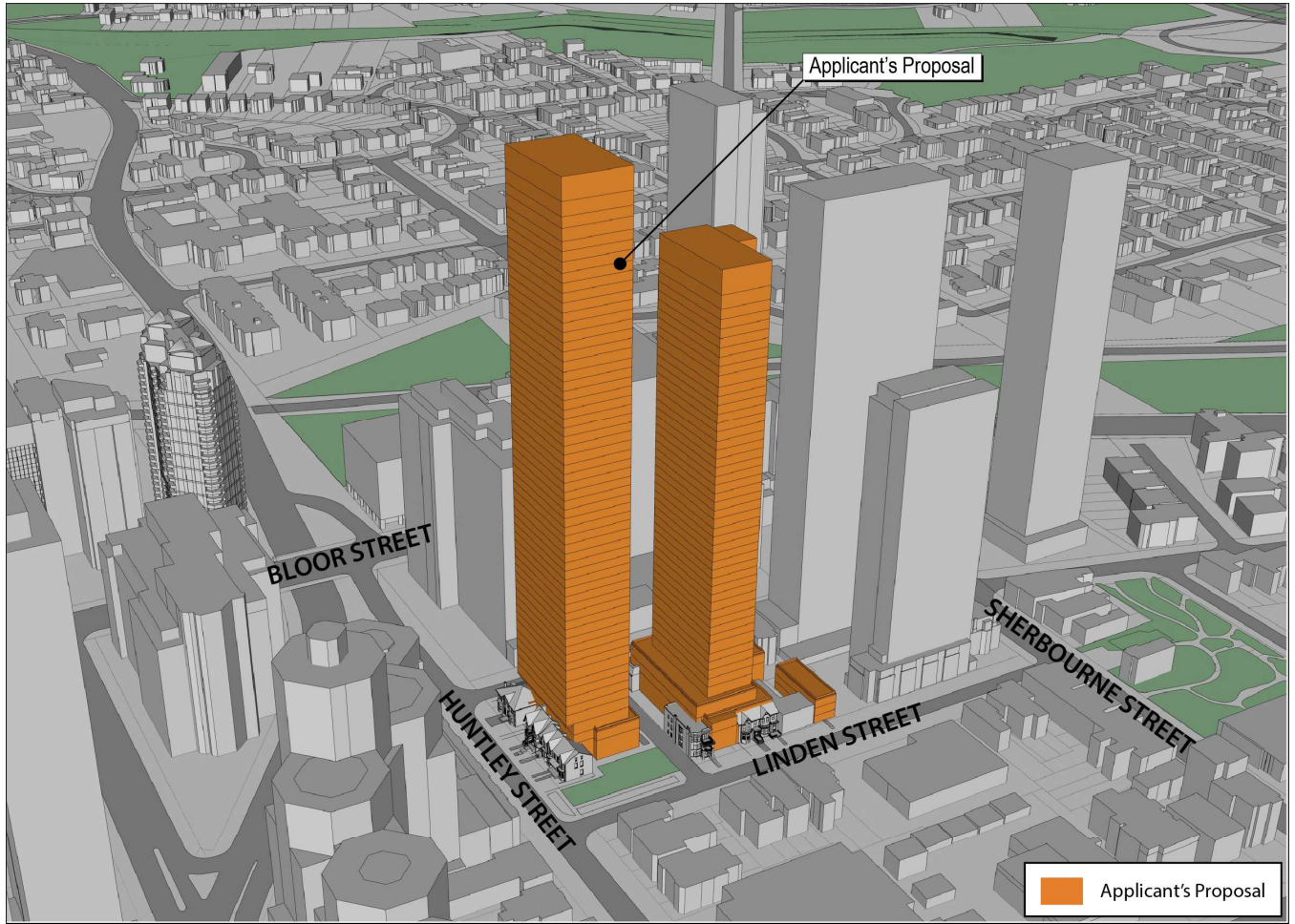
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Attachment 1: Location Map  
Attachment 2: 3D Model of Proposal in Context  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map  
Attachment 5: Zoning By-law Map  
Attachment 6: Application Data Sheet

Attachment 1: Location Map



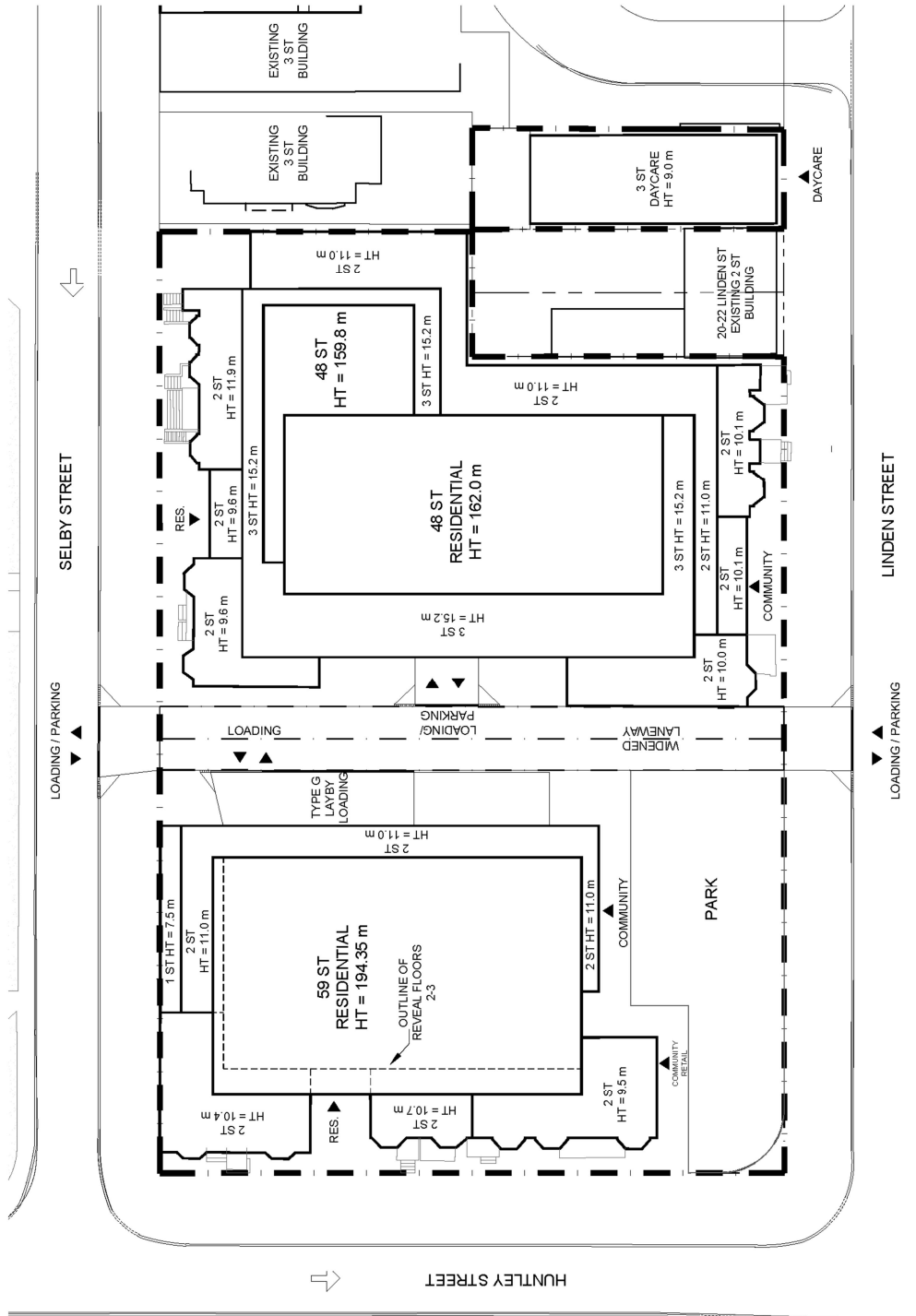
Attachment 2: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northeast

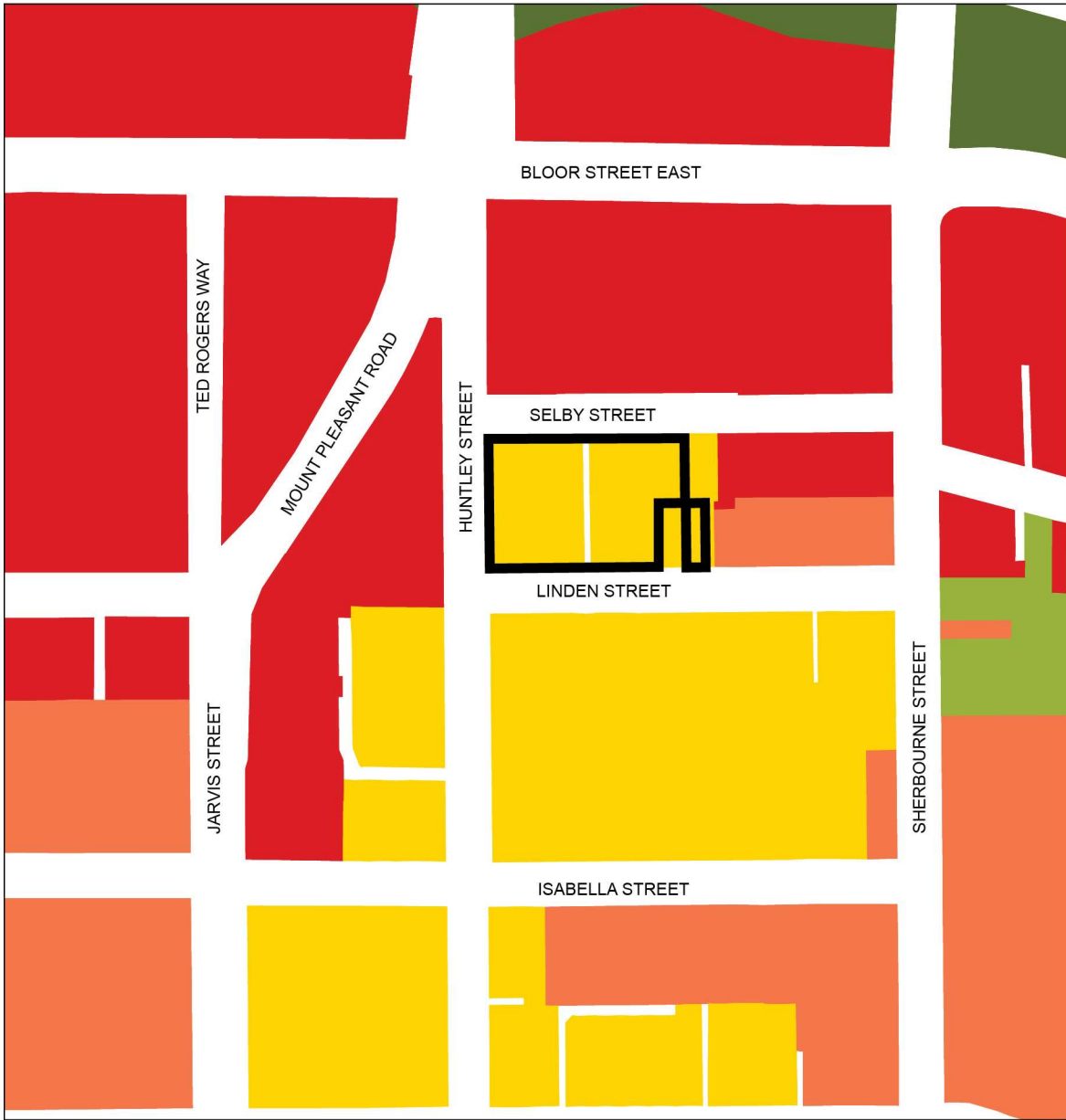


12/17/2021



Site Plan


Attachment 4: Official Plan Map



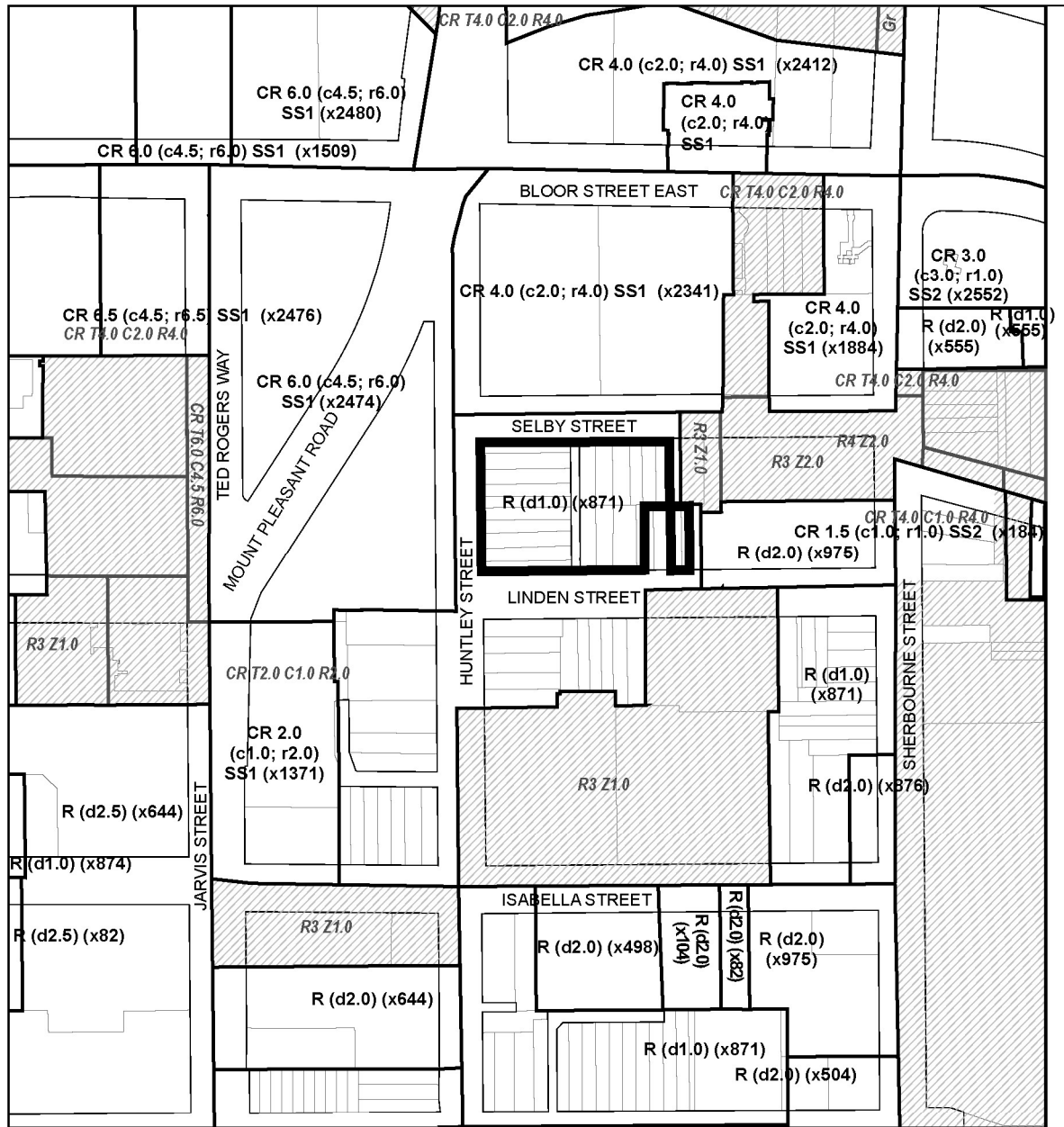
Official Plan Land Use Map #18

47 Huntley Street  
File # 21 227527 STE 13 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Natural Areas
-  Parks

  
Not to Scale  
Extracted: 10/25/2021

# Attachment 5: Zoning By-law Map





## Zoning By-law 569-2013

47 Huntley Street

File # 21 227527 STE 13 0Z

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

-  See Former City of Toronto By-law No. 438-86
- R4** Residential District
- CR** Mixed-Use District

  
 Not to Scale  
 Extracted: 10/25/2021

## Attachment 6: Application Data Sheet

**Municipal Address:** 47-65 Huntley St, 2- 18, 24 and 26 Linden St and 1-11 Selby Street  
**Date Received:** October 19, 2021  
**Application Number:** 21 227527 STE 13 OZ, 21 238874 STE 13 RH  
**Application Type:** OPA, Rezoning, Rental Housing Demolition

**Project Description:** Proposed Official Plan and Zoning By-law Amendment and Rental Housing Demolition applications to facilitate the redevelopment of the site with 59-storey (west tower) and 48-storey (east tower) mixed-use buildings, that include: affordable rental units, rental replacement units, community spaces, community retail, a daycare facility, on-site parkland dedication, as well as 4 levels of underground parking.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Broccolini HLS Limited Partnership		IBI Group	Azure Investments Inc.

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Downtown Plan
Zoning:	R (d1.0) (x871)	Heritage Designation:	Y
Height Limit (m):	12.0	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m):	5,034	Frontage (m):	89	Depth (m):	59
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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):	2,599		3,317	3,317
Residential GFA (sq m):			76,252	76,252
Non-Residential GFA (sq m):	5,195		1,013	1,013
Total GFA (sq m):	5,195		77,266	77,266
Height - Storeys:	3	3	59	59
Height - Metres:			187	187

<b>Lot Coverage Ratio</b> (%): 65.9	<b>Floor Space Index:</b>	15.35
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**Floor Area Breakdown    Above Grade (sq m)    Below Grade (sq m)**

Residential GFA:	75,741	511
Retail GFA:	110	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	904	

**Residential Units  
by Tenure**

	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	56		56	<b>56</b>
Freehold:	12			
Condominium:			1,241	<b>1,241</b>
Other:				
<b>Total Units:</b>	<b>68</b>		<b>1,297</b>	<b>1,297</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:		275	603	279	140
<b>Total Units:</b>		<b>275</b>	<b>603</b>	<b>279</b>	<b>140</b>

**Parking and Loading**

Parking Spaces:	192	Bicycle Parking Spaces:	1,558	Loading Docks:	4
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**CONTACT:**

Abraham Plunkett-Latimer, Planner

416-397-4648

Abraham.plunkett-latimer@toronto.ca