

33-37 Maitland Street – Official Plan and Zoning By-law Amendment Application and Rental Housing Demolition and Conversion Application – Appeal Report

Date: September 29, 2023

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Numbers: 22 203333 STE 13 OZ, 22 203346 STE 13 RH

SUMMARY

On March 31, 2023, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame in the Planning Act. The applicant is requesting to permit a 49-storey residential building containing 439 dwelling units including 36 rental replacement units and 403 new units at 33-37 Maitland Street.

The existing building located at 33 Maitland Street contains 36 rental dwelling units. On September 14, 2022, the applicant submitted a Rental Housing Demolition and Conversion application to demolish and replace the existing rental dwelling units. The proposed rental replacement and tenant relocation and assistance are being reviewed concurrently by the Housing Staff.

On July 19, 2023, Council adopted recommendations to state its intention to designate the properties at 33 Maitland Street and 37 Maitland Street under Part IV of the Ontario Heritage Act. The owner has objected to the Notice of Intention to Designate.

The applicant is proposing to demolish the building at 33 Maitland Street and demolish the rear wing of the building at 37 Maitland Street. The remainder of the building at 37 Maitland Street is proposed to be retained and integrated into the base building of the proposed development.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the Official Plan and Zoning By-law Amendment application in its current form and to continue discussions with the applicant to resolve outstanding issues.

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 current application regarding the Official Plan Amendment and Zoning By-law Amendment application appeal for the lands at 33-37 Maitland 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 appeal 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 36 rental housing units, 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 22 199096 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;
 - f) the owner has, at its sole expense submitted a revised Heritage Impact Assessment that includes a detailed conservation strategy for the properties at 33 and 37 Maitland Street to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, and City Planning.

g) the owner has provided confirmation that no new construction will be undertaken within 3 metres of existing TTC infrastructure.

3. City Council authorizes 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 19, 2023, City Council adopted recommendations to state its intention to designate the properties at 33 and 37 Maitland Street under Part IV, Section 29 of the Ontario Heritage Act. The decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.28>

THE SITE

Description: The site is generally rectangular in shape and has an area of 1,444.5 square metres, with a frontage of 35.1 metres on Maitland Street and a depth of 38.73 metres. A portion of the lot abuts the public lane known as Sky Gilbert Lane to the south.

Existing Uses: The site contains a two-storey house-form building located at 37 Maitland Street currently with an office use and a three-storey walk-up apartment building containing 36 rental dwelling units located at 33 Maitland Street

Heritage: The property at 37 Maitland Street was added to the City's heritage register on March 15, 1974. The property at 33 Maitland Street was added to the City's heritage register on February 7, 2023. On July 19, 2023 Council adopted recommendations to state its intention to designate both properties under Part IV of the Ontario Heritage Act. The owner has objected to the Notice of Intention to Designate.

THE APPLICATION

Description: A 49-storey (159.25 metres excluding mechanical penthouse) mixed-use building with 32,000 square metres of residential gross floor area.

Heritage: 33 Maitland Street contains a walk-up apartment building constructed in 1928 and inspired by the Arts and Crafts movement. The existing building is proposed to be demolished.

37 Maitland Street contains a Georgian-style villa with Italianate influences dating to 1858. The applicant is proposing to demolish the rear wing of the building and integrate the remainder of the building into the base building of the new development.

Density: 22 times the area of the lot.

Dwelling Units: The proposed mixed-use building contains a total of 439 dwelling units including rental replacement units. In total, the proposed development would include 42 studios (9.6%), 265 one-bedroom (60.4%), 87 two-bedroom (19.8%), and 45 three-bedroom (10.3%) units including rental replacement units.

Rental Replacement: The applicant is proposing to demolish and replace 36 rental dwelling units including 34 studio units and two 1-bedroom units. A Rental Demolition and Conversion application has been submitted and is under review by City staff.

Access, Parking, and Loading: Vehicular access to the site is proposed to be provided from Sky Gilbert Lane. A total of 27 parking spaces are proposed to serve the development, consisting of 12 visitor parking spaces, 15 resident parking spaces within a 2-level underground garage. The proposal includes a Type 'C' loading space and a Type 'G' loading space. A total of 493 bicycle parking spaces are located on the ground floor, level 1, level 2, and P1 levels of the proposed building.

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/33MaitlandSt

Reason for the Applications

The Official Plan Amendment application is required to amend Site and Area Specific Policy 382 to permit a tall building on the subject site.

The Zoning By-law Amendment application is required to amend Zoning By-law 569-2013 to provide relief from various performance standards, including: 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 to demolish the 31 rental dwelling units on the site.

A Site Plan Control application was submitted on November 24, 2023.

POLICY CONSIDERATIONS

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 located within the Downtown and Central Waterfront area and is designated Apartment Neighbourhoods. The site is located within the Wellesley-Wood Character Area within the North Downtown Yonge Site and Area Specific Policy (SASP) 382. SASP Policies applying to the Wellesley Wood Character Area, where the subject site is located, are in force.

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

The site is zoned R (d2.0) (x875) in the City of Toronto Zoning By-law 569-2013 with a permitted maximum height of 30 metres. 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-law-preliminary-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;
- Downtown Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities; and,
- Pet Friendly 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

A virtual Community Consultation Meeting was hosted by City staff on March 23, 2023. Approximately 47 people participated, as well as the Ward Councillor and the applicant. At the meeting, City staff and the applicant's team provided presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting.

Issues raised at the meeting and through written comments and phone calls include:

- Concerns regarding the proposed building height and density and fit within its context;
- Location of vehicle access and traffic impacts;
- Concerns about insufficient tower separation and access to sunlight and sky view for adjacent properties.
- Appropriateness of tree conservation;
- The appropriateness of the tenant relocation and assistance package;
- Timing of construction;
- Lack of provision of affordable housing;
- Concern regarding the conservation strategy, particularly regarding the interior and rear wing of 37 Maitland Street;
- The proposed location of rental replacement units;
- Concern about shadow impacts; and
- Location of pet relief area.

Tenant Meeting

When matters relating to the proposed Official Plan and Zoning by-law Amendment are resolved, a tenant meeting will be scheduled regarding tenant assistance and relocation.

COMMENTS

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.

Land Uses

The subject lands are designated Apartment Neighbourhoods in the Official Plan. The subject area is located within the Wellesley-Wood Character area in the North Downtown Yonge SASP 382. New tall buildings are not permitted in Apartment Neighbourhoods-designated lands in the Wellesley Wood Character Area. An Official Plan Amendment is required to permit the proposed development. The applicant has not demonstrated that this proposal is appropriate for this site.

Heritage Impact

Heritage Planning staff have reviewed the Heritage Impact Assessment (HIA) submitted in support of the application and have determined that the proposed conservation strategy does not conform to the Official Plan. The proposal does not conserve the value of the significant heritage properties that comprise the site. The applicant is proposing the full demolition of the building located at 33 Maitland Street, and demolition of the rear wing of 37 Maitland Street. On July 19, 2023 Council adopted recommendations to state its intention to designate both properties under Part IV of the Ontario Heritage Act. The owner has objected to the Notice of Intention to Designate. Heritage Planning staff have also identified that the proposed placement and massing of the tower results in insufficient stepbacks over the heritage resources that are not supportable in their current form.

Should the proposal be approved in some form by the OLT, Heritage Planning would require a Conservation Plan based on a conservation strategy outlined within an approved HIA as a condition of approval. Heritage Planning would also require an Interpretation Plan, Signage Plan and Lighting Plan, and a Heritage Easement Agreement to secure the long-term conservation of the property.

Built Form

City Planning staff have concerns with the proposed building massing and height in relation to the size and configuration of the site, and do not support the development in its current form. The proposed height in combination with inadequate stepbacks and setbacks results in an inappropriate built form for the site and location without adequate separation distances between the subject property and adjacent properties. The proposal includes tower setbacks of 8.4 metres to the west, 6.55 metres to the south, and 3.85 metres to the east, all of which are significantly less than the 12.5-metre tower setback standard established by the Downtown Tall Building Guidelines.

Streetscape

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

Tree Preservation

The applicant is proposing to remove five trees and injure five trees covered by the private and public tree by-laws. City staff will continue to work with the applicant to ensure that mature trees are preserved or replaced where possible.

Shadow

The proposed development casts minor shadow on adjacent properties and the public realm. Shadow impacts caused by the proposed development are generally acceptable.

Wind

City staff have reviewed the pedestrian level wind study for the proposed development prepared by Rowan Williams Davies and Irwin Inc. and dated September 6, 2022. The proposed wind conditions are acceptable.

Amenity Space

Zoning By-law 569-2013 requires 4 square metres of amenity space per unit. The application proposes 3 square metres of indoor amenity space and 1 square metre of outdoor amenity space per unit. The proposed amenity space is acceptable.

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 the Ontario Land Tribunal 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.

Parks

In accordance with Chapter 415, Article III of the Toronto Municipal Code, Parks, Forestry and Recreation staff have requested that the applicant satisfy the parkland dedication requirement through cash-in-lieu.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted 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

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

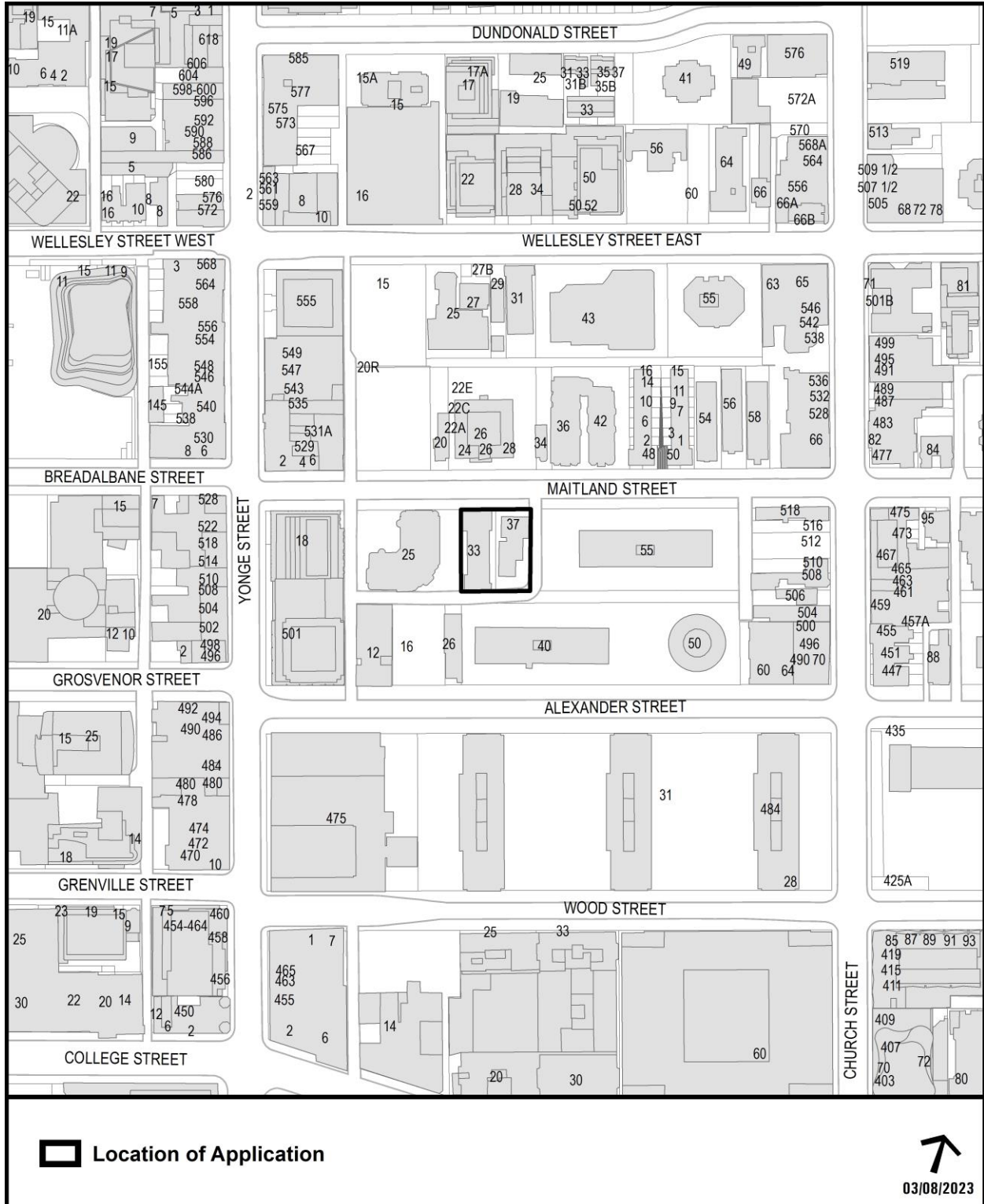
SIGNATURE

Oren Tamir
Director, Community Planning
Toronto and East York District

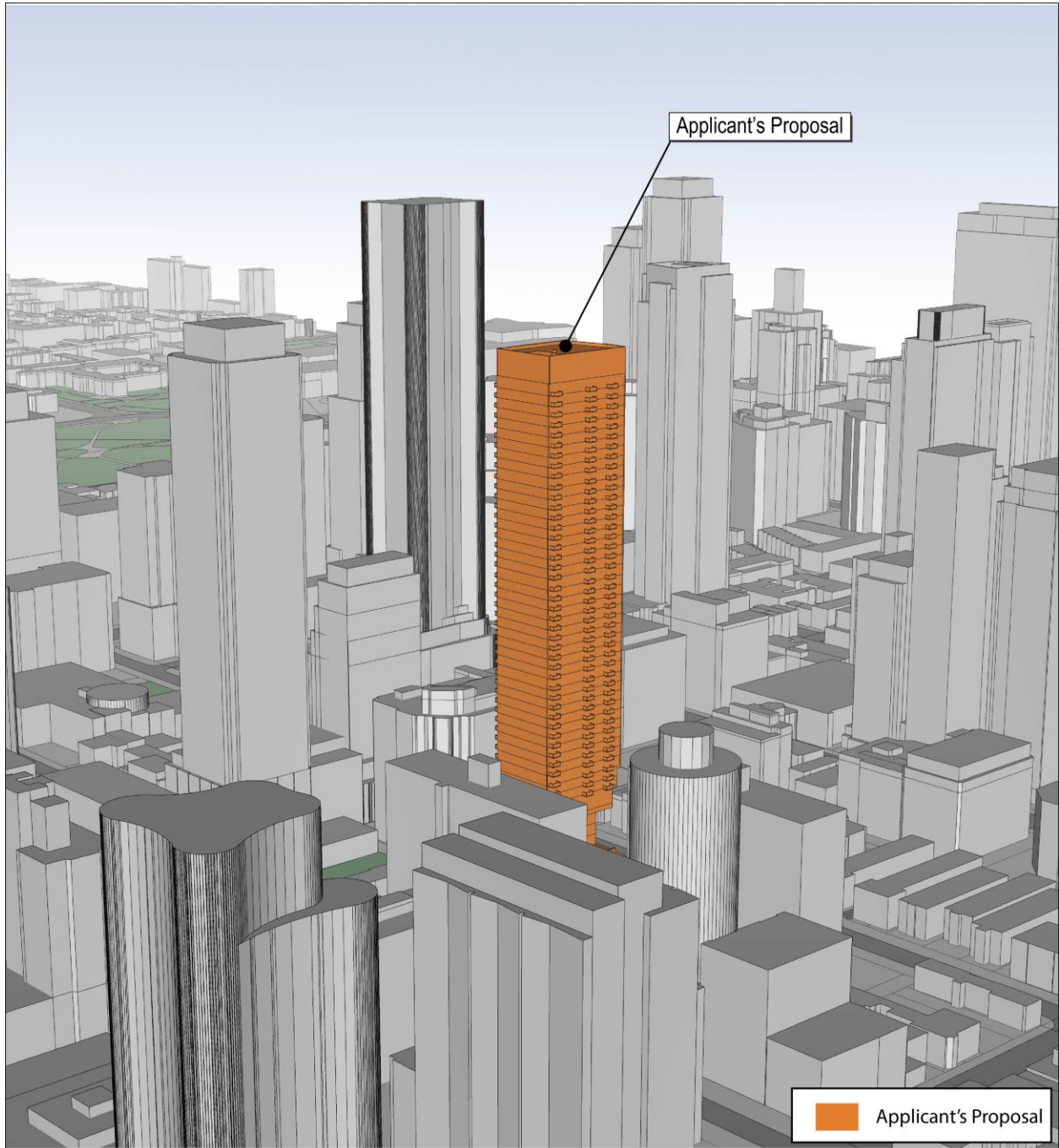
ATTACHMENTS

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



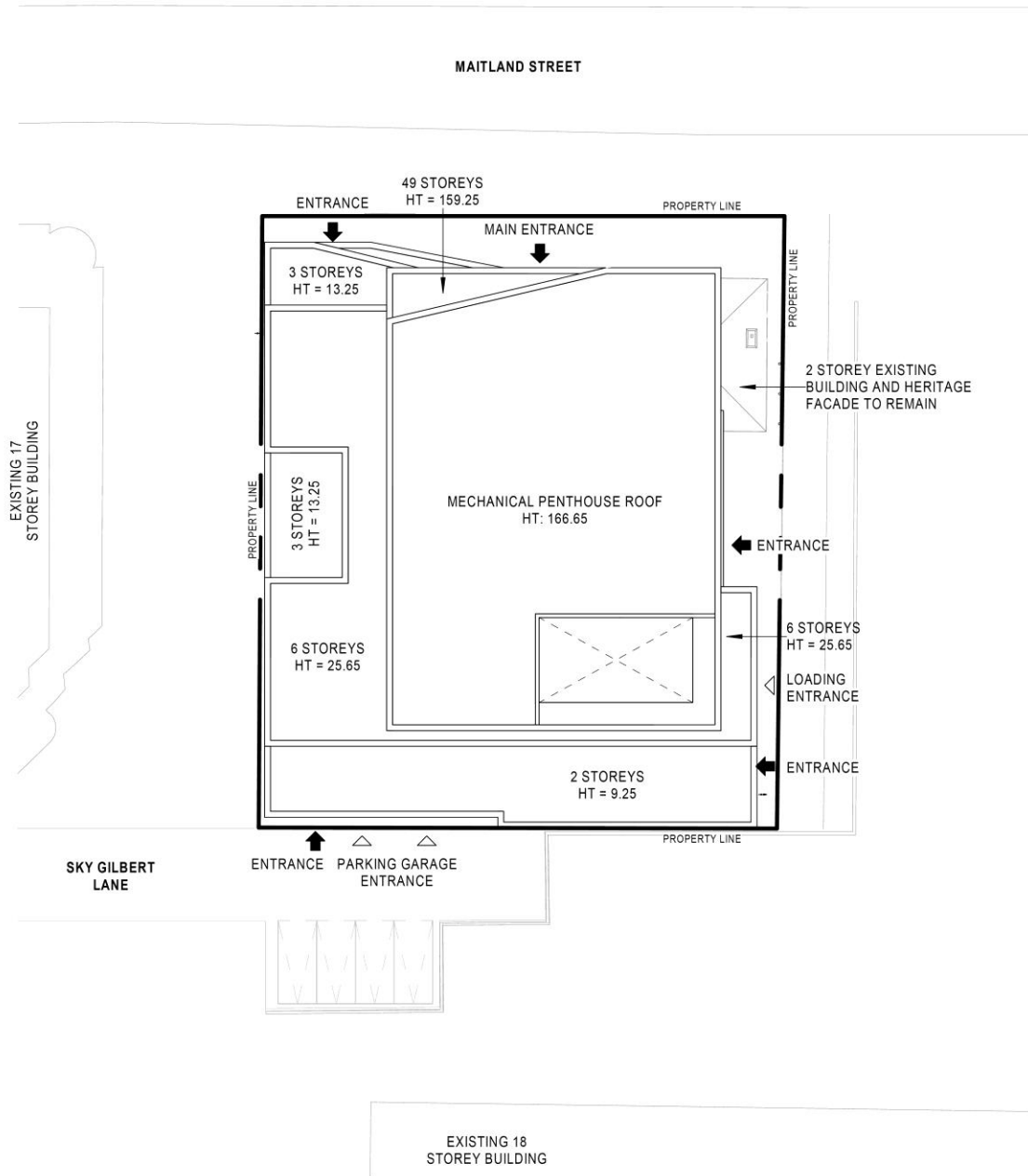
Attachment 2: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northwest

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M08/30/2023

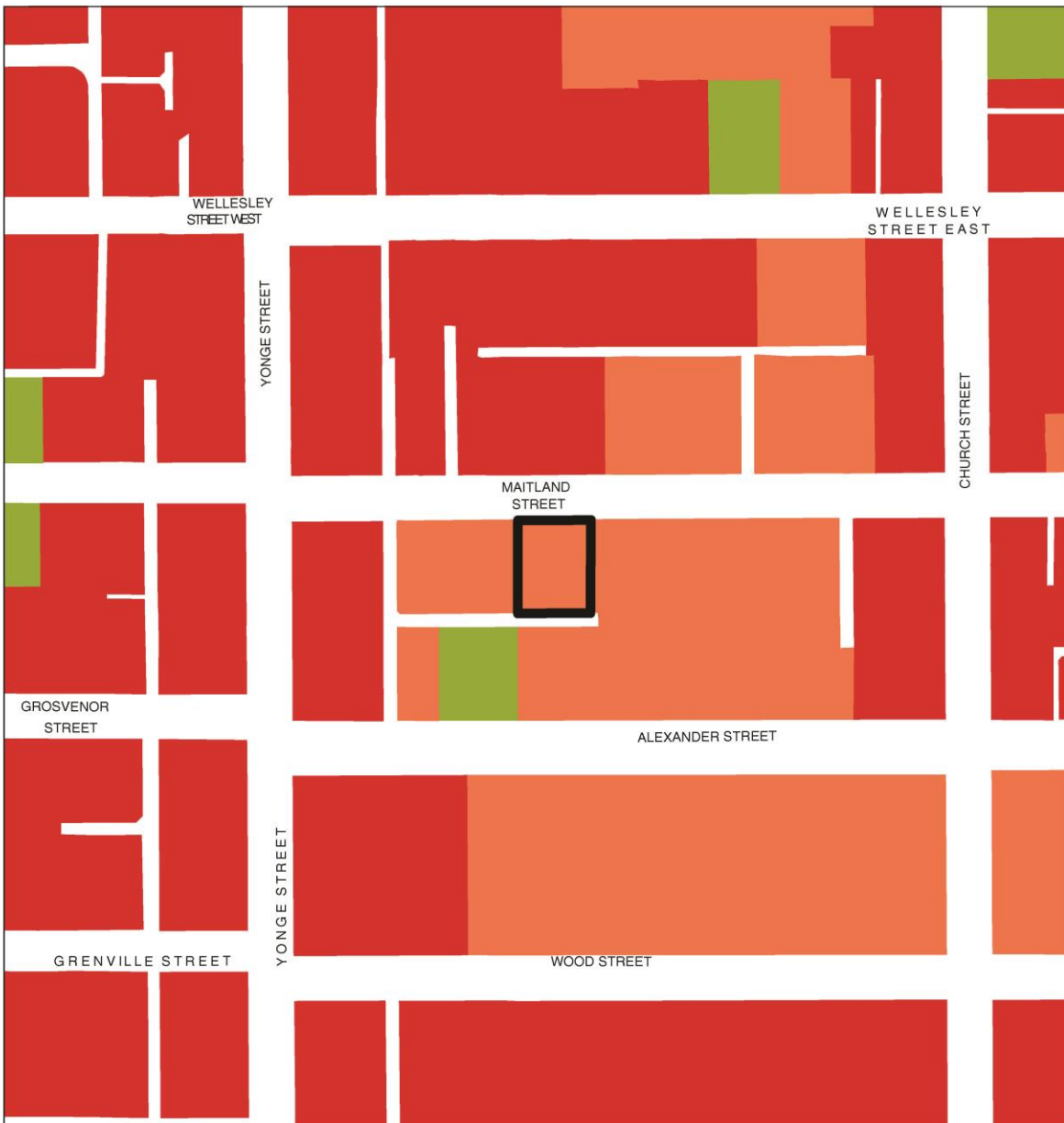
Attachment 3: Site Plan



Site Plan



Attachment 4: Official Plan Map



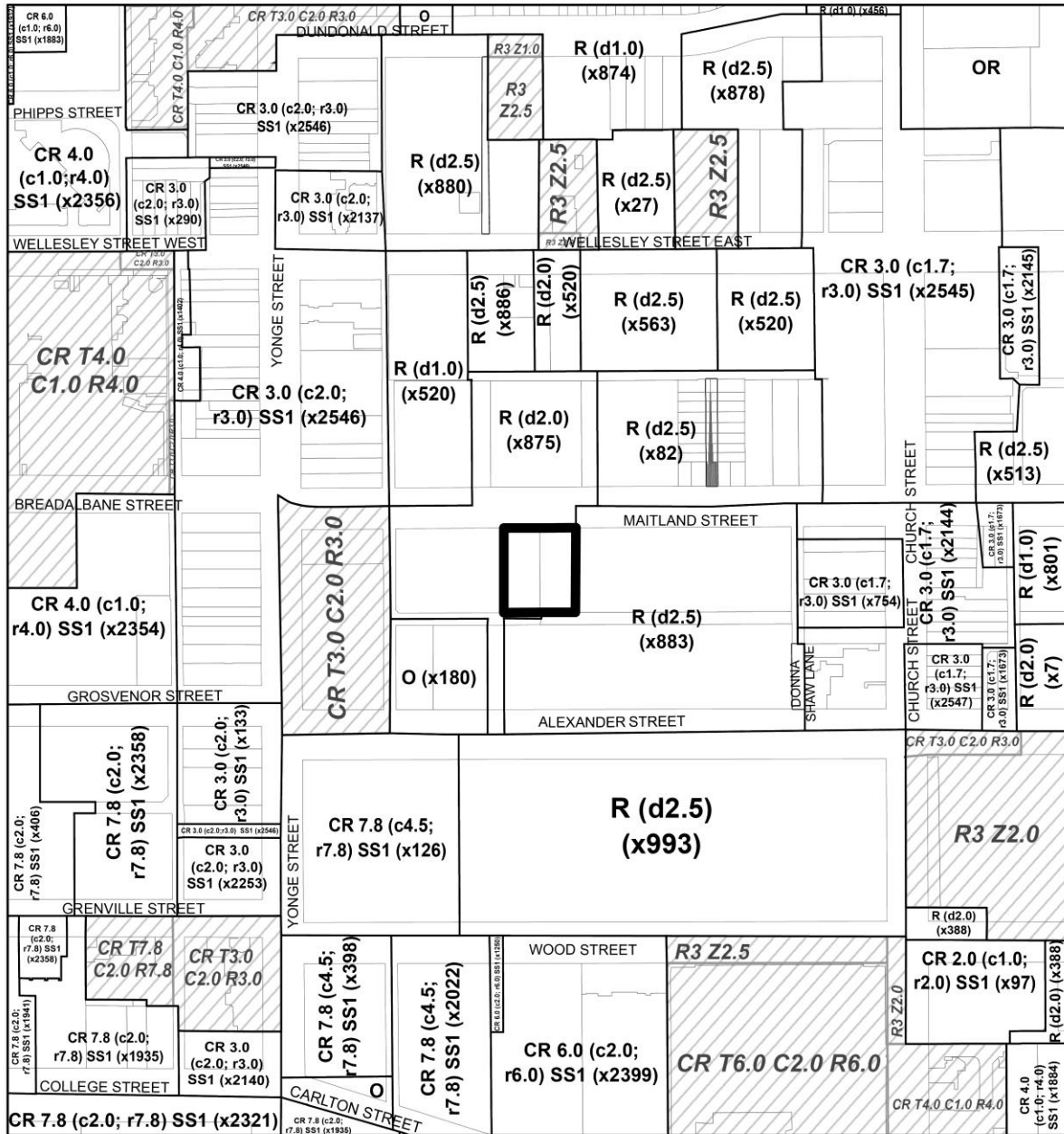
Official Plan Land Use Map #18

33 Maitland Street
File # 22 203333 STE 13 0Z

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


Not to Scale
Extracted: 03/08/2023

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

33 - 37 Maitland Street

File # 22 203333 STE 13 0Z

- Location of Application
- See Former City of Toronto By-law No. 438-86
- R** Residential
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

- See Former City of Toronto By-law No. 438-86
- R3** Residential District
- CR** Mixed-Use District



Not to Scale
Extracted: 03/08/2023

Attachment 6: Application Data Sheet

Municipal Address: 33-37 Maitland Street **Date Received:** November 24, 2023

Application Number: 22 203333 STE 13 OZ, 21 22
203346 STE 13 RH

Application Type: OPA, Rezoning, Rental Housing Demolition

Project Description: 49-storey residential building with two levels of underground parking. The existing heritage building at 37 Maitland Street is proposed to be partially retained. The existing heritage building at 33 Maitland Street is proposed to be demolished.

Applicant	Agent	Architect	Owner
Carlyle Investment c/o Hillary Spriggs	Hillary Spriggs	BDP Quadrangle Architects Ltd.	536869 Ontario Limited and Irving Ungerman Ltd..

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	Downtown Plan, SASP 382
Zoning:	R (d2.0) (x875)	Heritage Designation:	Y
Height Limit (m):	30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,444.5 Frontage (m): 35.1 Depth (m): 38.73

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,084	1,084
Residential GFA (sq m):			31,200	32,000
Non-Residential GFA (sq m):				
Total GFA (sq m):			32,000	32,000
Height - Storeys:			49	49
Height - Metres:			159.25	159.25

Lot Coverage Ratio (%): 75	Floor Space Index:	22.04
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Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 31,830.5
 Retail GFA:
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	31		31	31
Freehold:				
Condominium:			408	408
Other:				
Total Units:	31		439	439

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		42	265	87	45
Total Units:		42	265	87	45

Parking and Loading

Parking Spaces: 27 Bicycle Parking Spaces: 493 Loading Docks: 2

CONTACT:

Abraham Plunkett-Latimer, Planner
 416-397-4648
 Abraham.plunkett-latimer@toronto.ca