

10 Huntley Street – Official Plan and Zoning By-law Amendment Application – Appeal Report

Date: March 14, 2024

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Number: 21 235167 STE 13 OZ

SUMMARY

On December 14, 2021 an Official Plan and Zoning By-law Amendment application was submitted to amend the Official Plan to redesignate the site from Neighborhoods to Mixed Use Areas to allow for development greater than four storeys in height and to amend the Zoning By-law to permit a 29-storey infill residential building containing 213 dwelling units on the portion of the site currently occupied by a surface parking lot.

On December 16, 2022 a revised proposal was submitted which increased the proposed height to 45-storeys and 334 dwelling units.

On September 1, 2023 a second revised proposal was submitted which proposed improvements to the tower setbacks and vehicular access in response to staff comments.

On October 3, 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.

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 10

Huntley 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 at its sole cost and expense:

1. submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

2. secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development; and

3. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new infrastructure or upgrades to existing municipal servicing infrastructure as may be required.

3. City Council direct Parks, Parks, Forestry and Recreation staff to pursue an on-site parkland dedication, located at the southeast corner of the development site adjacent to the future park secured at 6-8 Huntley Street.

4. 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 April 21, 2022, a Preliminary Report was adopted by Toronto and East York Community Council directing City Staff to schedule a community consultation with respect to the application. At the same time, staff were directed 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 applications at 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 Preliminary Report can be found at the following link: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE32.42>

The applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal on October 3, 2023 due to lack of decision by the City within the timeframe specified in the Planning Act. The first Case Management Conference (CMC) took place on February 14, 2024 and a second CMC is scheduled for April 30, 2024.

THE SITE

Description: The site is L-shaped and has an approximate area of 3,088 square metres, with frontages of 27.28 metres on Jarvis Street and 45.19 metres on Huntley Street, and a depth of 87.64 metres.

Existing Use: A 20-storey apartment building containing 117 rental dwelling units and a surface parking lot fronting onto Jarvis Street. The development is proposed on the portion of the site currently occupied by the surface parking lot. The existing 20-storey apartment building would remain.

THE APPLICATION

Description: A 45-storey (144 metres excluding mechanical penthouse) mixed-use building with 24,605 square metres of residential gross floor area.

Density: The proposal has a density of 19.23 times the area of the lot.

Dwelling Units: The proposed mixed-use building contains a total of 335 dwelling units. In total, the proposed development would include 41 studio (12%), 209 one-bedroom (62%), 51 two-bedroom (15%), and 34 three-bedroom (10%) units.

Access, Parking, and Loading: Vehicular access to the site is proposed to be provided from Huntley Street. A total of 69 parking spaces are proposed to serve the development, consisting of 14 visitor parking spaces, to be shared with the existing apartment building at 10 Huntley Street. The proposal includes a Type 'G' loading space. A total of 345 bicycle parking spaces are proposed.

Additional Information

See Attachments 2, 3, 4, and 7 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/10HuntleySt.

Reason for the Application

The Official Plan Amendment is required to redesignate the property from Neighbourhoods to Mixed Use Areas to permit a tall building in an area where low-rise buildings up to a maximum of 4-storeys are currently permitted.

The Zoning By-law Amendment is required to amend Zoning By-law 569-2013 to provide relief from various performance standards, including: building height; building setbacks, and tower setbacks. Additional amendments to the Zoning By-law may be identified as part of the appeal process.

Site Plan Control

A Site Plan Control application was submitted on August 19, 2022.

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 Neighbourhoods. The Official Plan states that Neighbourhoods are made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

See Attachment 5 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/>.

Downtown Plan

The site is subject to the policies of the Downtown Plan. The Downtown Plan carries forward the Neighbourhoods land use designation.

The Downtown Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2022/06/962d-cityplanning-official-plan-41-secondary-plan-downtown-plan.pdf>

Tall Building Setback Area Specific Policy (SASP) 517

SASP 517 contains performance standards for tall building setbacks and separation distances in the Downtown Area.

Zoning

The site is zoned Residential (R (d2.0) (x644)) in the City of Toronto Zoning By-law 569-2013 which allows for generally low-rise development including detached houses, semi-detached houses, townhouses, duplexes, triplexes fourplexes and apartment buildings with a height limit of 18 metres and a maximum permitted density of 2 times the area of the lot.

See Attachment 6 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;
- Downtown Tall Building Design Guidelines;
- Toronto Accessibility 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-planguidelines/design-guidelines/>

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 February 22, 2023. Approximately 110 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, density and fit within its context;
- location of vehicle access and traffic impacts;
- lack of visitor parking;
- need for additional tree conservation;
- access to new amenities for existing tenants;
- timing of construction;
- lack of affordable housing in the proposal; and,
- concern about shadow impacts and sky view for neighbouring residents;

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. Staff find that the proposal is generally consistent with the PPS policies and conform with Growth Plan policies relating to the achievement of complete communities, optimizing the use of land and infrastructure, and supporting a mix of housing units.

Land Uses

The subject lands are designated Neighbourhoods in the Official Plan which limits building heights to four storeys. An Official Plan Amendment is required to permit a tall building. The applicant has not demonstrated that a tall building can be accommodated on this site.

Built Form

Staff concerns regarding built form that were initially raised in the preliminary report considered by Council in April, 2022 have largely been addressed through two resubmissions by the applicant. Tower separation remains a key outstanding issue. The proposed tower separation, and setbacks do not conform to the Official Plan or the Tall Building Design Guidelines and the Downtown Tall Building Design Guidelines and the applicant has not adequately demonstrated that the proposed tower can provide appropriate tower separation distances from neighbouring properties.

The proposal includes tower setbacks of 9 metres to the south, and 1 metre to the north, which are less than the 12.5-metre tower setback standard established by the Downtown Tall Building Guidelines and Zoning By-law.

The proposed three-storey base building is set back 0 metres from the south property line, 0 metres from the east property line, 0 metres from the north property line, and 6.4 metres from the west property line fronting onto Jarvis. The proposed base building setbacks are acceptable.

Streetscape

The 6.4-metre setback from the Jarvis Street frontage allows for approximately 10 metres separation from the curb to the building face, creating opportunities for new soft landscaping. The City will continue to work with the applicant regarding the proposed tree planting and other landscape improvements.

City staff have requested that the applicant provide a pedestrian mid-block connection between Jarvis Street and Huntley Street.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection), commonly referred to as the 'Street Tree By-law' and the 'Private Tree By-law'. The proposal has not demonstrated that adequate provisions have been made for tree planting.

Shadow

Shadow impacts on the public realm and heritage resources caused by the proposed development are acceptable.

Wind

City staff have reviewed the wind study prepared by Gradientwind and dated November 25, 2022. The proposed wind conditions are generally acceptable for the intended uses in all amenity areas and on the public realm adjacent to the site. Staff will continue to work with the applicant regarding any necessary mitigation.

Unit Mix

The unit mix meets the policy direction of the Official Plan to provide a full range of housing and meets the unit mix requirements of the Downtown Plan to provide a minimum of 15% two-bedroom units and 10% three-bedroom units. The application will need to meet the Downtown Plan requirements for an additional 15% of units that can be converted into two or three-bedroom units within new developments.

Amenity Space

Zoning By-law 569-2013 requires 4 square metres of amenity space per unit. The application proposes 2.57 square metres of indoor amenity space and 1.43 square metre of outdoor amenity space per unit. The proposed amenity space is acceptable.

Servicing

Engineering and Construction Services staff have reviewed the Functional Servicing and Stormwater Management Report and associated plans and require further revisions to the reports and drawings. 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 provision of a satisfactory set of engineering reports that provide confirmation of water, sanitary, and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, including implementation of any required upgrades which may be secured through the use of holding provisions.

Parks

In accordance with section 42 of the Planning Act the parkland dedication requirement of this proposal is 244.4 square metres. Parks Development staff request that the owner satisfy their parkland dedication requirement through an on-site parkland dedication in the southeast corner of the subject site adjacent to the future park at 6-8 Huntley Street, which was secured as part of the development of 561 Jarvis Street and 102-120 Earl Place.

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

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SIGNATURE

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Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map

Attachment 2: 3D Model of Proposal in Context Looking Southwest

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

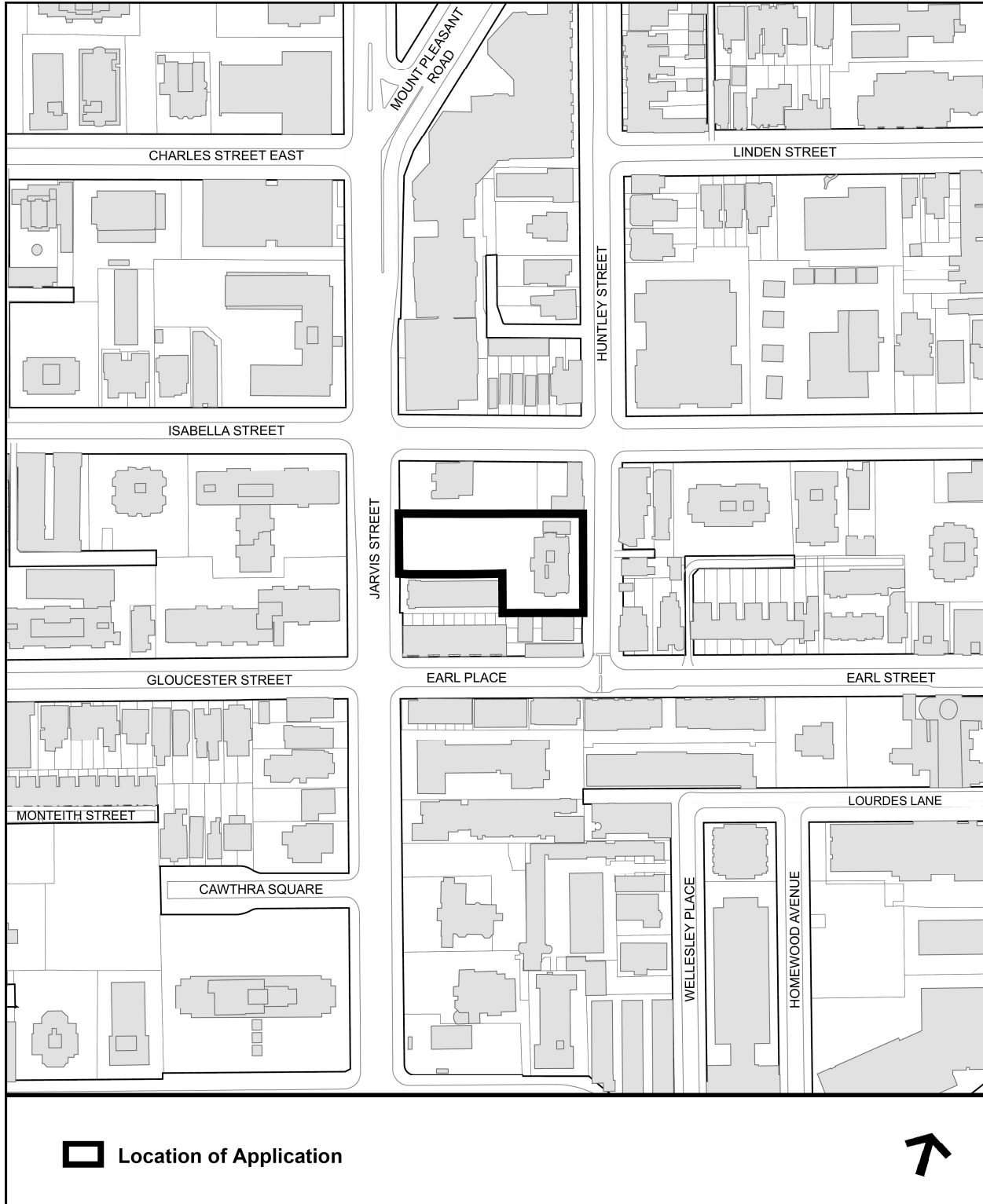
Attachment 4: Site Plan

Attachment 5: Official Plan Map

Attachment 6: Zoning By-law Map

Attachment 7: Application Data Sheet

Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context Looking Southwest

To be provided in advance of the April 3, 2024 Toronto and East York Community Council Meeting.

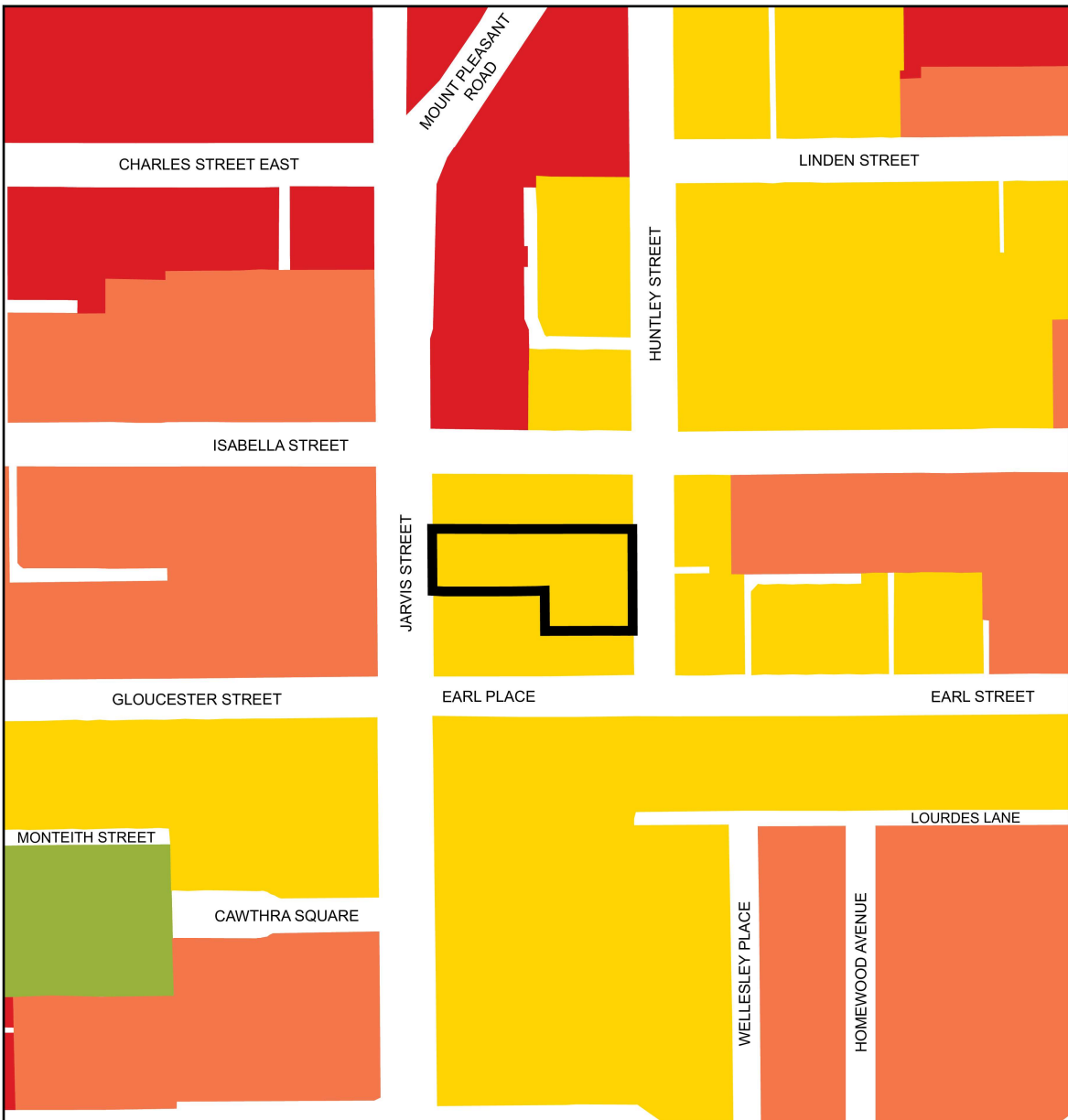
Attachment 3: 3D Model of Proposal in Context Looking Northeast

To be provided in advance of the April 3, 2024 Toronto and East York Community Council Meeting.

Attachment 4: Site Plan

To be provided in advance of the April 3, 2024 Toronto and East York Community Council Meeting.


Attachment 5: Official Plan Map



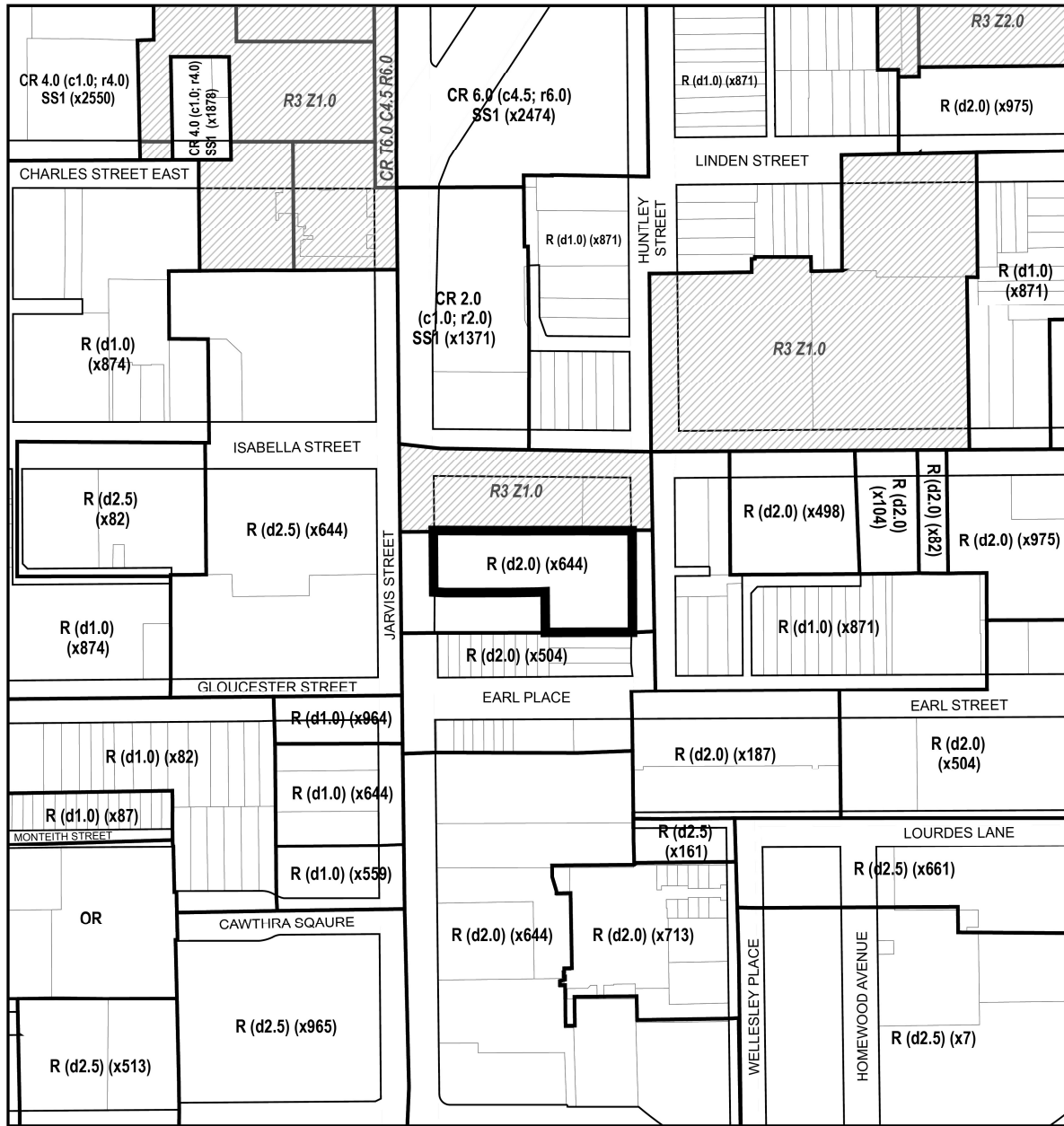
Official Plan Land Use Map #18

10 Huntley Street
File # 21 235167 STE 13 0Z

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


Not to Scale
Extracted: 11/08/2021

Attachment 6: Zoning By-law Map



Zoning By-law 569-2013

10 Huntley Street

File # 21 235167 STE 13 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- 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: 11/08/2021

Attachment 7: Application Data Sheet

Municipal Address: 10 Huntley Street **Date Received:** September 1, 2023

Application Number: 21 235167 STE 13 OZ

Application Type: OPA, Rezoning

Project Description: Official Plan and Zoning By-law Amendment application to facilitate the development of a 45-storey residential building with three levels of underground parking.

Applicant	Agent	Architect	Owner
Armstrong Planning c/o Amanda Kosloski	Amanda Kosloski	Arcadis Architects (Canada) Inc.	Glen-Huntley Holdings Limited and APS Holdings Limited

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Downtown Plan, SASP 382
Zoning:	R (d2.0) (x644)	Heritage Designation:	N
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 3,088 Frontage (m): 27 Depth (m): 45

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):				758
Residential GFA (sq m):			24,604.90	24,604.90
Non-Residential GFA (sq m):				
Total GFA (sq m):			24,604.90	24,604.90
Height - Storeys:			45	45
Height - Metres:			144	144

Lot Coverage Ratio (%) 24.5	Floor Space Index:	19.23
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	24,604.90	

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA:

**Residential Units
by Tenure**

	Existing	Retained	Proposed	Total
Rental:	117	117		117
Freehold:				
Condominium:			335	335
Other:				
Total Units:			335	452

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		41	209	51	34
Total Units:		41	209	51	34

Parking and Loading

Parking Spaces: 69 Bicycle Parking Spaces: 345 Loading Docks: 1

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