

## **137-141 Isabella Street – Zoning By-law Amendment Application – Decision Report – Refusal**

Date: April 19, 2024

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

**Planning Application Number:** 24 119153 STE 13 OZ

**Related Rental Housing Demolition Application Number:** 24 119156 STE 13 RH

### **SUMMARY**

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The application proposes to amend the Zoning By-law to permit a 69-storey residential building at 137-141 Isabella Street. The proposed building would contain 823 residential units. The existing 7-storey apartment building and 3-storey single detached dwelling on the site would be demolished. The 61 demolished rental units would be replaced within the new proposal.

This report recommends refusal of the application to amend the Zoning By-law because the outstanding issues could not be resolved within the legislated 90-day timeframe for a decision. Furthermore, if City Council does not make a decision within the legislated timeframe, the City may be subject to a request to refund all or part of the application fees.

The related Rental Housing Demolition and Conversion application proposing to replace the rental dwelling units is currently under review.

### **RECOMMENDATIONS**

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The Director, Community Planning, Toronto and East York District recommends that:

1. City Council refuse the application for the Zoning By-law Amendment for the lands municipally known as 137-141 Isabella Street.
2. In the event the application is appealed to the Ontario Land Tribunal, City Council, pursuant to subsection 34(11.0.0.1) of the Planning Act, use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Zoning By-law Amendment application, to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor.

3. City Council direct the City Clerk, should an appeal be filed, to notify all persons or public bodies who may have filed an appeal to this decision of City Council's intention to rely on subsection 34(11.0.0.1) of the Planning Act and the City Clerk shall provide notice to all prescribed persons or public bodies under subsection 34(11.0.0.2) of the Planning Act.

4. City Council direct the City Clerk, should an appeal be filed, to notify the Ontario Land Tribunal of City Council's intention pursuant to subsection 34(11.0.0.1) of the Planning Act, and that the Ontario Land Tribunal shall receive the record, the notice of appeal and other prescribed documents and materials seventy-five (75) days after the last day for filing a notice of appeal for these matters.

5. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.

6. City Council direct the City Solicitor to request that, in the event of an appeal to the Ontario Land Tribunal, the Tribunal withhold its final order, until the following conditions are met:

- a. the final form of the Zoning By-law Amendment shall be to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, including any appropriate holding (H) provisions;
- b. City Council has approved Rental Housing Demolition Application 24 119156 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 housing, 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 City Solicitor, and the Chief Planner and Executive Director, City Planning, securing all rental housing-related matters necessary to implement City Council's decision including:
  - i. replacement of the existing 61 rental dwelling units, including the same number of units, bedroom type and size and with similar rents; and
  - ii. an acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to a replacement rental unit on the lands at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
- c. submit a Functional Servicing Report for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. The report will 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; and,

d. the owner shall enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager of Transportation Services and the functional servicing report accepted by the Chief Engineer and Executive Director of Engineering & Construction Services.

## 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. If City Council does not make a decision on this Report, there may be financial implications to the City to the current budget year and in future years.

## DECISION HISTORY

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A pre-application consultation (PAC) meeting was held on August 3, 2023. The Planning Application Checklist Package resulting from the PAC meeting is available here: [toronto.ca/137IsabellaSt](https://toronto.ca/137IsabellaSt). The current application was submitted on February 28, 2024 and deemed complete on March 28, 2024. A Preliminary Summary of the application is available using the link above. Staff conducted a Community Consultation Meeting for the application on April 16, 2024.

## THE SITE

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**Description:** The site is rectangular with an area of 1,827.90 square metres (0.18 hectares) and has a frontage of 41.95 metres on Isabella Street. The subject site is currently occupied by a 7-storey residential building and a 3-storey single detached dwelling.

**Rental Dwelling Units:** The existing buildings on the site contain a total of 61 rental dwelling units comprised of nine studio, 43 one-bedroom, and nine, two-bedroom units. Based on the information provided by the applicant and through a site visit, at the time of this report, 58 rental dwelling units are currently occupied by tenants and three units are vacant.

## THE APPLICATION

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**Description:** The applicant is proposing a 69-storey (220.75 metres excluding the mechanical penthouse) residential building containing 823 residential units.

**Density:** The proposal has a density of 27.61 times the area of the lot.

**Dwelling Units:** The proposal includes a total of 823 dwelling units, 159 studio (19.3%), 454 one-bedroom (55.2%), 129 two-bedroom (15.7%), and 81 three-bedroom units (9.8%). This total includes the replacement of the existing rental units.

**Rental Replacement Units:** The subject lands contain 61 rental dwelling units of which all are proposed to be demolished. The redevelopment of the site proposes replacement of all 61 rental dwelling units within the new residential building. A related Rental Housing Demolition application (24 119156 STE 13 RH) was submitted and is currently under review.

**Amenity Space:** A total of 2,337 square metres of indoor amenity space (2.83 square metres per unit), and 935.8 square metres of outdoor amenity space (1.13 square metres per unit).

**Parkland Dedication:** The parkland dedication requirements of the proposal are recommended to be satisfied through a cash-in-lieu payment should a development be approved.

**Access, Parking and Loading:** The pedestrian access for the residential lobby is proposed along the Isabella Street frontage. Vehicular access is also provided from Isabella Street and includes both a Type 'C' and a Type 'G' loading space with a ramp to one level of underground parking with 12 residential spaces, 10 visitor spaces and one car share space. The proposal includes 918 bicycle parking spaces, including 742 long-term spaces (underground level and mezzanine) and 166 short-term spaces located on the ground floor.

**Additional Information:** See attachments 1, 2, 5, 6-9 and 10-11 of this report for the Application Data Sheet, location map, proposed site plan, building elevations and 3D renderings of the proposal. Detailed project information including all plans and reports submitted in support of the application can be found on the City's Application Information Centre at: [toronto.ca/137IsabellaSt](https://toronto.ca/137IsabellaSt).

**Reasons for Application:** The proposal requires an amendment to City-wide Zoning By-law 569-2013, as amended, to permit an increased height and to revise other development provisions and performance standards such as building setbacks, lot coverage and floor space index to accommodate the proposed development.

## **POLICY CONSIDERATIONS**

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

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

### **Official Plan**

The Official Plan Urban Structure Map designates the site as part of the Downtown and Central Waterfront, which is identified as a Growth Centre in the Provincial policy and the Official Plan. The land use designation for the site is Apartment Neighbourhoods, which are areas made up of apartment buildings and can include small-scale retail, service, and office uses that serve the needs of area residents. Development in Apartment Neighbourhoods may also include the redevelopment of underutilized sites.



See Attachment 3 of this report for the Land Use Map. The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Official Plan Policy 3.2.1.6 requires new development that would result in the loss of six or more rental dwelling units, to replace at least the same number, size, and type of rental units at similar rents to those in effect at the time of application. The policy also requires the provision of an acceptable tenant relocation and assistance plan, addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to lessen hardship.

### **Downtown Secondary Plan**

The site is located within the Downtown Secondary Plan area. The Downtown Plan reinforces that policies applicable to lands designated Apartment Neighbourhoods continue to apply to this site. 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>

### **Site and Area Specific Policy 517 - Downtown Tall Buildings**

SASP 517 applies to the site and provides updated criteria for all tall building development proposals within the downtown. In addition to considerations for tall buildings, SASP 517 notes that the proposal shall have regard for a comfortable pedestrian realm; consideration for development proposals on other sites within the block; access to sunlight; views between towers; and consideration of wind conditions on and around the subject site.

### **Zoning**

The subject site is zoned R(d2.0)(x104) at 137 Isabella Street and R(d2.0)(x82) at 141 Isabella Street under Zoning By-law 569-2013. The R(d2.0)(x104) zone category permits an apartment building of up to 18.0 metres in height, a maximum floor space index of 3.5 times the area of the site, and lot coverage of up to 50%. Zone category R(d2.0)(x82) permits dwelling units in a variety of residential building types including apartment buildings, with a maximum height of 18.0 metres and floor space index of up to 2.0 times the area of the site. See Attachment 4 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;
- Growing Up: Planning for Children in New Vertical Communities;

- Toronto Accessibility Design Guidelines; and
- Pet Friendly Design Guidelines for High Density Communities.

### **Toronto Green Standard (TGS)**

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.

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was hosted by City staff on April 16, 2024. Approximately 31 people participated, as well as the Ward Councillor and the applicant. At the meeting, City staff and the applicant's consultants gave 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, through written comments and phone calls include:

- need to clear and frequent communication with existing tenants about the progress of the application and timing of eviction;
- rental housing demolition tenant rights and process;
- need for more information about the details of a rental housing relocation and assistance plan;
- concern about the limited number of proposed parking spaces;
- concern the infrastructure would not be able to support the development in the area; and
- whether the adjacent proposal at 135 Isabella and other developments in the area were considered as part of this review.

The issues raised through community consultation have been considered through the review of this application.

### **Tenant Meeting**

An applicant-led tenant meeting was held prior to the submission of the applications on February 13, 2024. City Planning staff were made aware of this meeting after the application was submitted and therefore were not in attendance.

As part of the Rental Housing Demolition and Conversion application, City staff will hold a separate consultation meeting with affected tenants prior to any future City Council consideration of the Rental Housing Demolition and Conversion application.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have an opportunity to consider submissions made at the statutory public meeting held by the

Toronto and East York Community Council for this application. The Community Council meeting is broadcast live over the internet and recorded for review.

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

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 (2020) and conformity with the Growth Plan (2020). Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

### **Land Use**

The proposed residential land use conforms to the Official Plan and Downtown Secondary Plan.

### **Built Form**

The proposed tall building does not provide adequate base building and tower setbacks from the lot lines. The proposed development and site design has not demonstrated that the site can accommodate a tall building and achieve the objectives for the site including tower separation, public realm objectives and fit within the existing and planned context, as required by the Official Plan and the Tall Building Design Guidelines.

### **Public Realm**

The proposed building is set back of 1.2 metres from the sidewalk and 6 metres from curb. Planning staff will continue to work with the applicant to increase the proposed front yard building setback to better fit within the character of the area which includes generous front yard landscaped setbacks.

### **Dwelling Unit Mix**

The Downtown plan requires a unit mix of 10% three-bedroom units, 15% two-bedroom units and an additional 15% of units to be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2 and 3-bedroom units using accessible or adaptable design measures. The proposed development meets the requirement for the provision of 15% two-bedroom units. Staff will continue to work with the applicant to increase the number of larger units should the application be appealed.

### **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted in support of the application and are under review by Engineering and Construction Services.

In the event that the matter is appealed to the Ontario Land Tribunal (OLT), staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed all comments from Engineering and Construction Services to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

### **Tree Preservation**

The application proposes to remove three street trees located along the Isabella frontage and two privately owned trees beyond the southern property line to accommodate the development proposal. Three replacement trees are proposed to be planted within the Isabella Street right-of-way.

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an arborist report and tree preservation and planting plan which are currently under review.

### **Shadow**

The Shadow Study prepared by Quadrangle Architects Limited (dated January 2024) shows that the proposed development will cast a shadow across St James Town West Park from approximately 2:18 pm to 3:18 pm on September 21 and March 21.

In accordance with Policy 3.2.3.3 of the Official Plan and Policies 9.17 and 9.21 of the Downtown Plan, staff request the applicant minimize the impact of additional shadowing on public parks. Changes to the built form and orientation of the building on the parcel may improve the shadow impacts on the park, as well as on the surrounding streets and sidewalks.

### **Rental Housing Demolition and Conversion By-law**

This application involves the demolition of rental housing. Since the development site contains six or more residential units, of which at least one unit is rental housing, an application is required under [Chapter 667](#) of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law. The By-law requires an applicant obtain a permit from the City allowing the demolition of the existing rental housing units. The City may impose conditions that must be satisfied prior to obtaining a demolition permit.

The current application proposes replacement of the 61 existing rental dwelling units located on the development site. Details on the rental replacement proposal, including the unit layouts and whether replacement unit sizes would satisfy the requirements of Policy 3.2.1.6 of the Official Plan are still to be resolved.

Should the OLT allow the appeals in whole or in part, Staff recommend that the City Solicitor request that the OLT 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.

## **Tenant Relocation and Assistance Plan**

The applicant has indicated that they will work with staff to develop an acceptable tenant relocation and assistance plan.

## **Parkland**

In accordance with Section 42 of the Planning Act, should the application be approved, the owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

## **Toronto Green Standard**

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

## **Community Services and Facilities**

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

## **CONTACT**

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## **SIGNATURE**

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Oren Tamir  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

Attachment 5: Site Plan

Attachment 6-8: Elevations

Attachment 10-11: 3D Views

## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

**Municipal Address:** 137-141 Isabella Street      **Date Received:** February 26, 2024

**Application Number:** 24 119153 STE 13 OZ

**Application Type:** Rezoning, Rental Housing Demolition

**Project Description:** Zoning By-law Amendment for a 69-storey residential building containing 823 dwelling units. The existing 7-storey apartment building and 3-storey single detached dwelling on the site would be demolished. The 61 demolished rental units would be replaced in the new proposal. The proposed redevelopment consists of a total of 50,463.1 sq. m of gross floor area (GFA).

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Goldberg Group	Goldberg Group	BDP Quadrangle	137 Isabella Street Limited and 141 Isabella Street Limited

### EXISTING PLANNING CONTROLS

**Official Plan Designation:** Apartment Neighbourhoods      **Site Specific Provision:** Downtown Secondary Plan & SASP 517 (OPA 352)

**Zoning:** R(d2.0) (x104) & R(d2.0) (x82)      **Heritage Designation:** N

**Height Limit (m):** 18      **Site Plan Control Area:** Y

### PROJECT INFORMATION

**Site Area (sq m):** 1,828      **Frontage (m):** 42      **Depth (m):** 44

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	754		1,404	<b>1,404</b>
Residential GFA (sq m):	4,713		50,463	<b>50,463</b>
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>	<b>4,713</b>		<b>50,463</b>	<b>50,463</b>
Height - Storeys:	7		69	<b>69</b>
Height - Metres:			221	<b>221</b>

Lot Coverage Ratio 0.768 Floor Space Index: 27.61  
 (%):

**Floor Area Breakdown**    **Above Grade** (sq m)    **Below Grade** (sq m)  
 Residential GFA:            50,463  
 Retail GFA:  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	61		61	<b>61</b>
Freehold:				
Condominium:			762	<b>762</b>
Other:				
<b>Total Units:</b>	<b>61</b>		<b>823</b>	<b>823</b>

**Total Residential Units by Size**

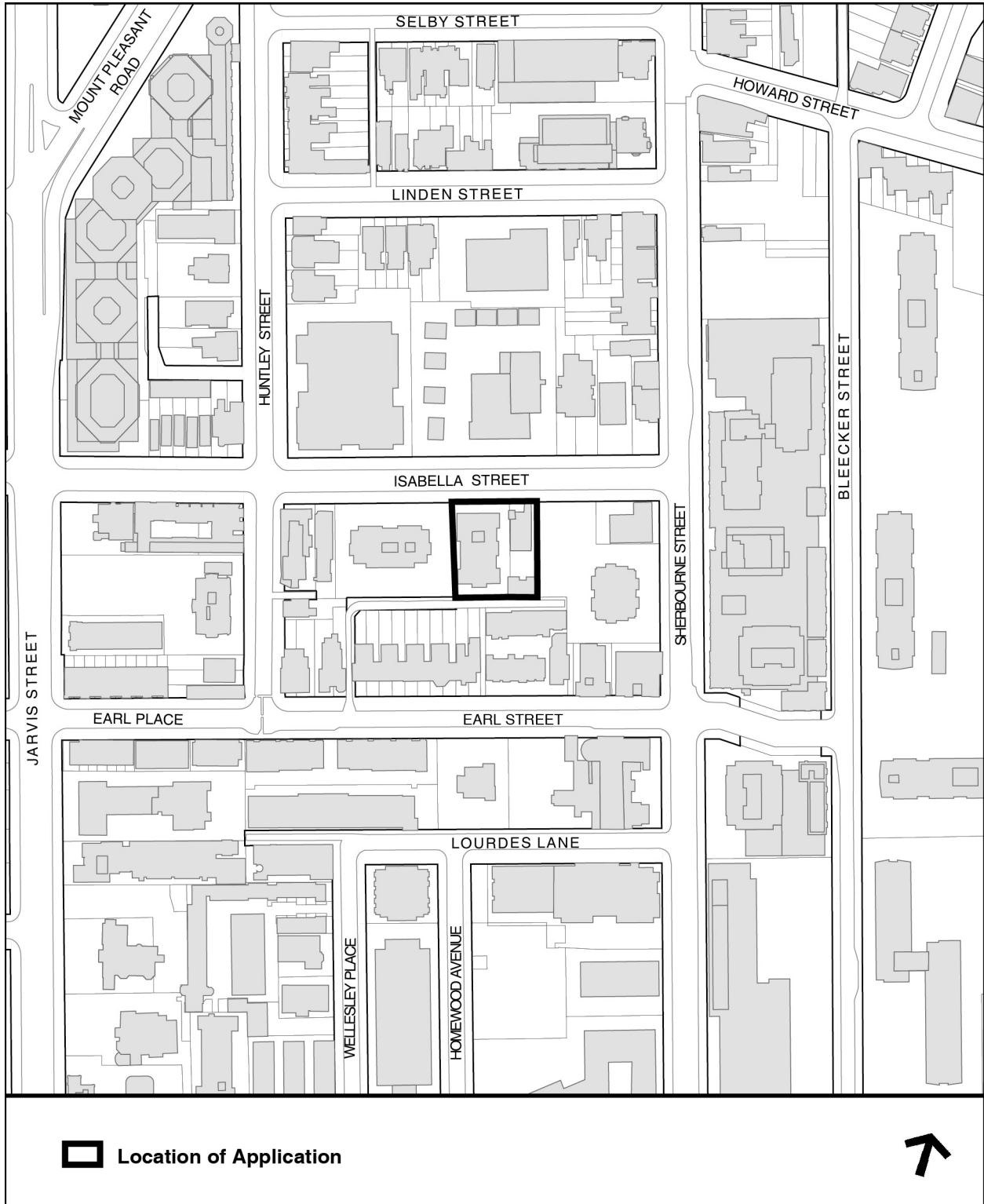
	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		159	454	129	81
<b>Total Units:</b>		<b>159</b>	<b>454</b>	<b>129</b>	<b>81</b>

**Parking and Loading**

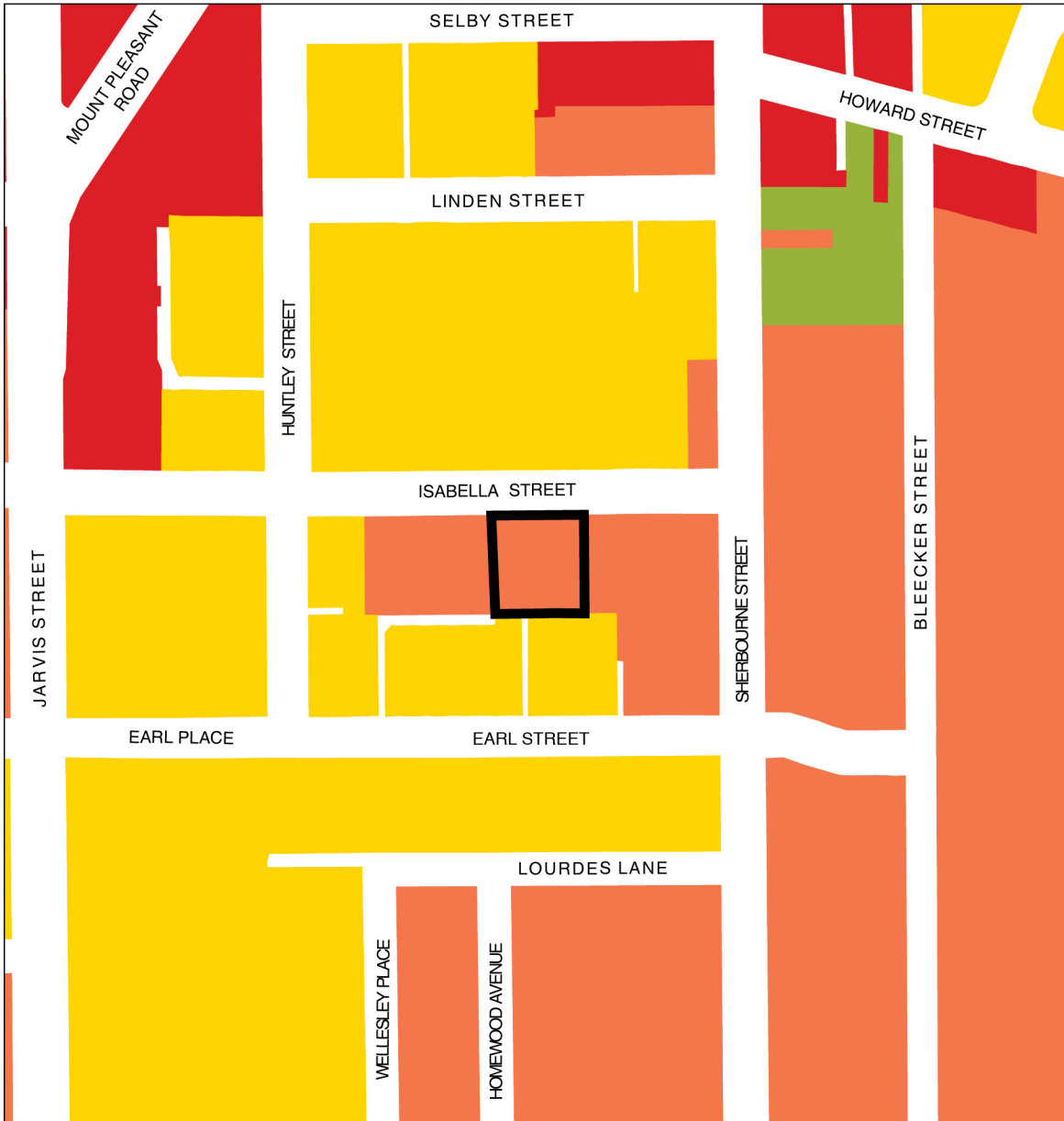
Parking Spaces:            23            Bicycle Parking Spaces: 918    Loading Docks: 2



Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map




Official Plan Land Use Map #18

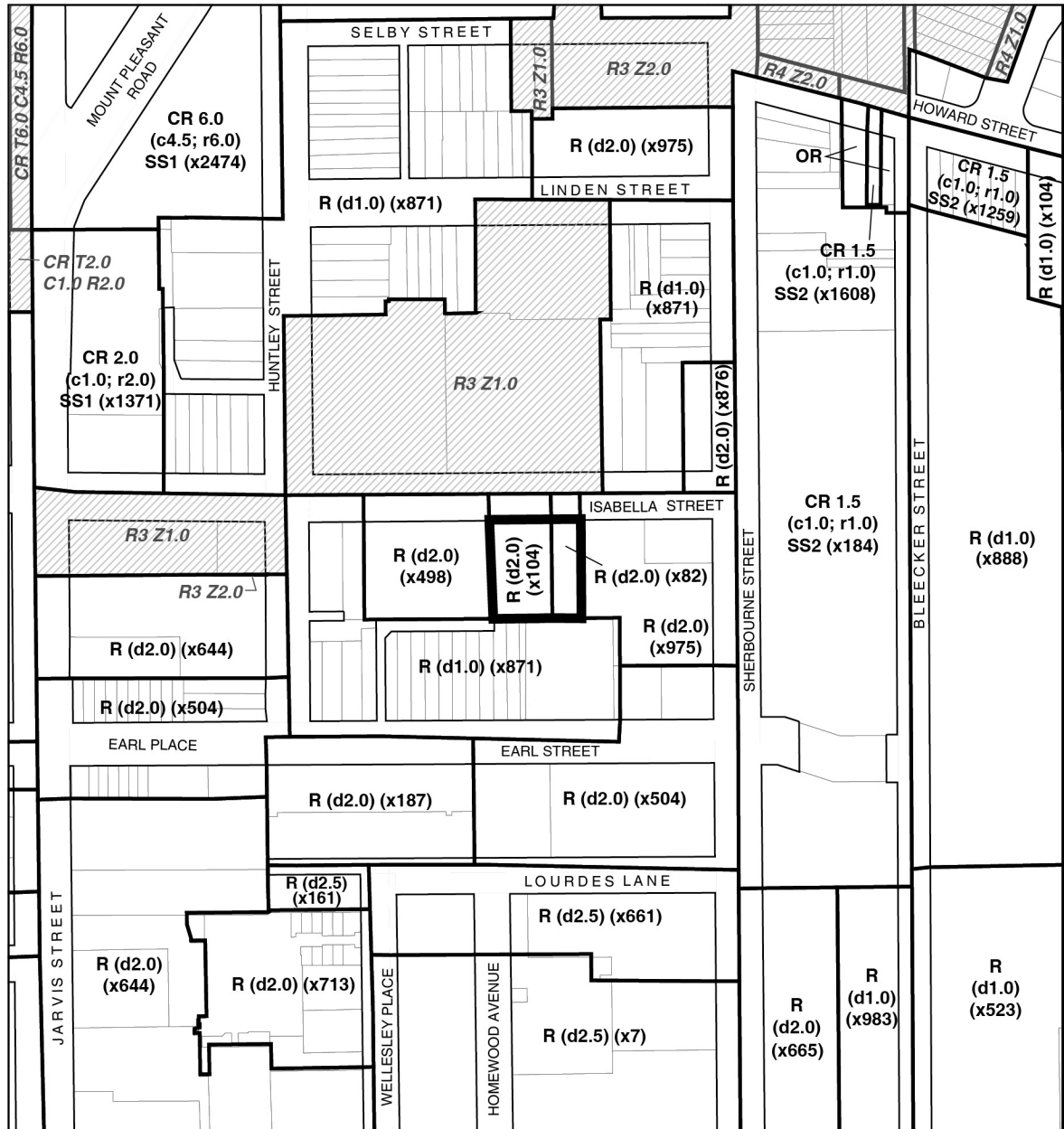
137 - 141 Isabella Street

File # 24 119153 STE 13 OZ

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

  
 Not to Scale  
 Extracted: 03/04/2024

# Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

137 - 141 Isabella Street

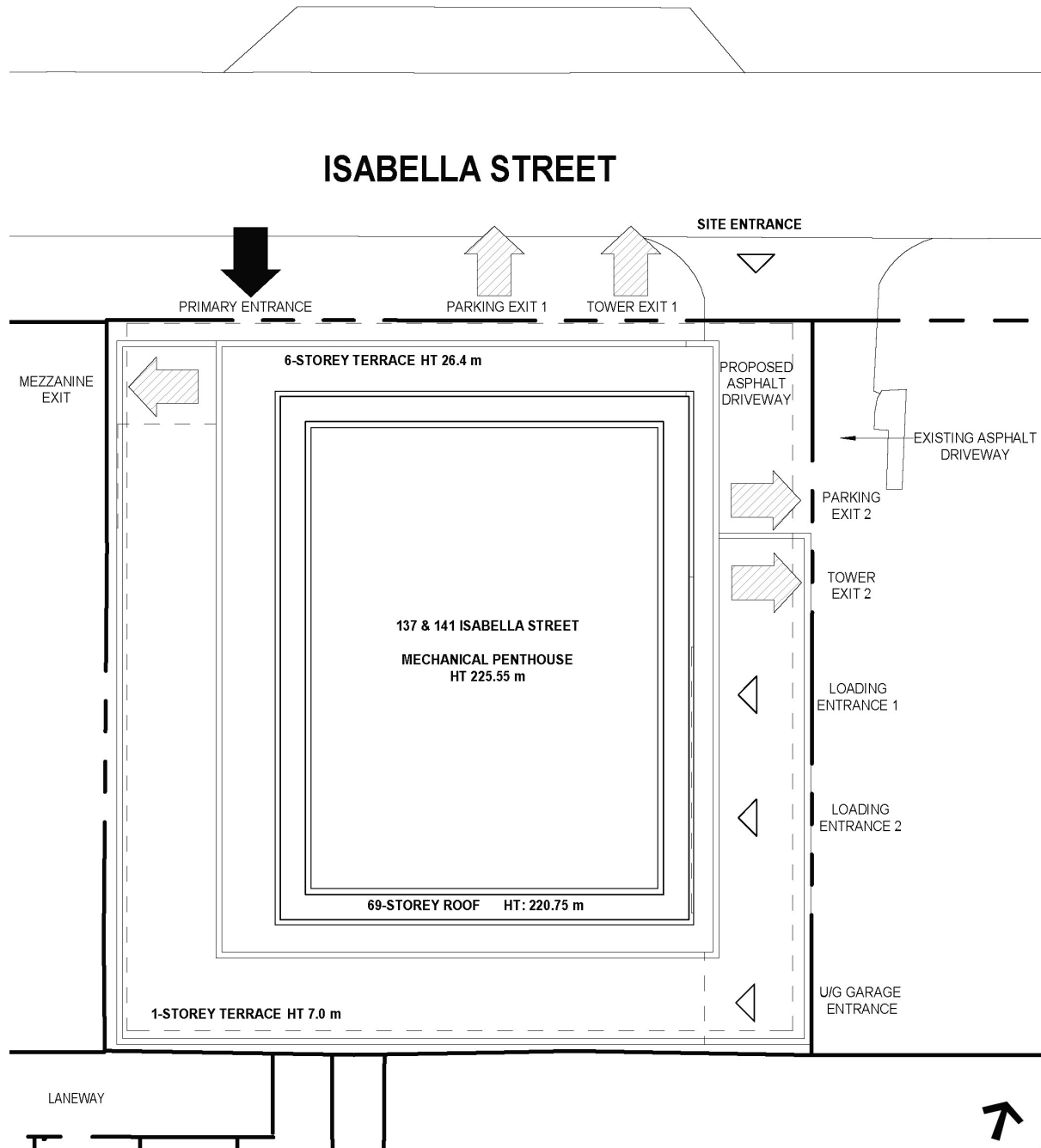
File # 24 119153 STE 13 0Z

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

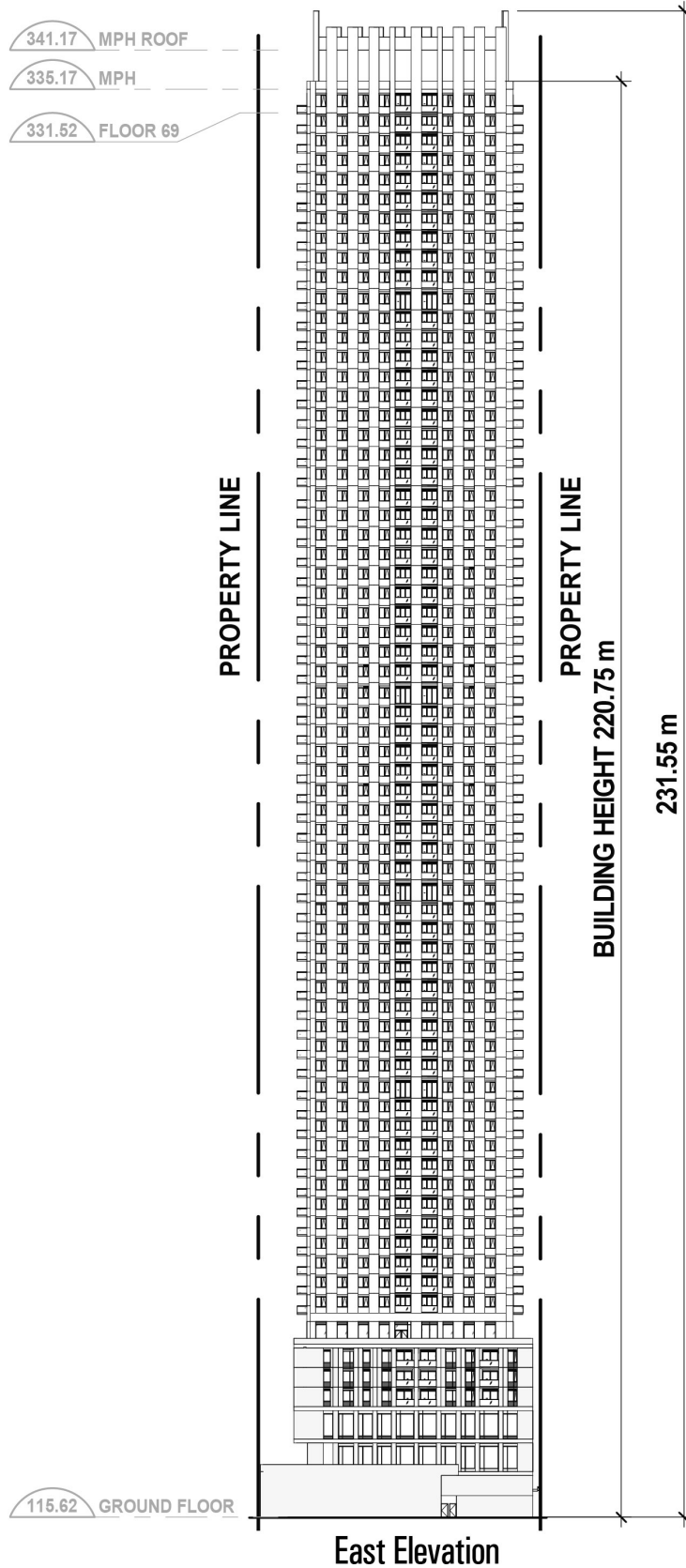
See Former City of Toronto By-law No. 439-86  
**R3** Residential District  
**R4** Residential District  
**CR** Mixed-Use District

Not to Scale  
 Extracted: 03/04/2024

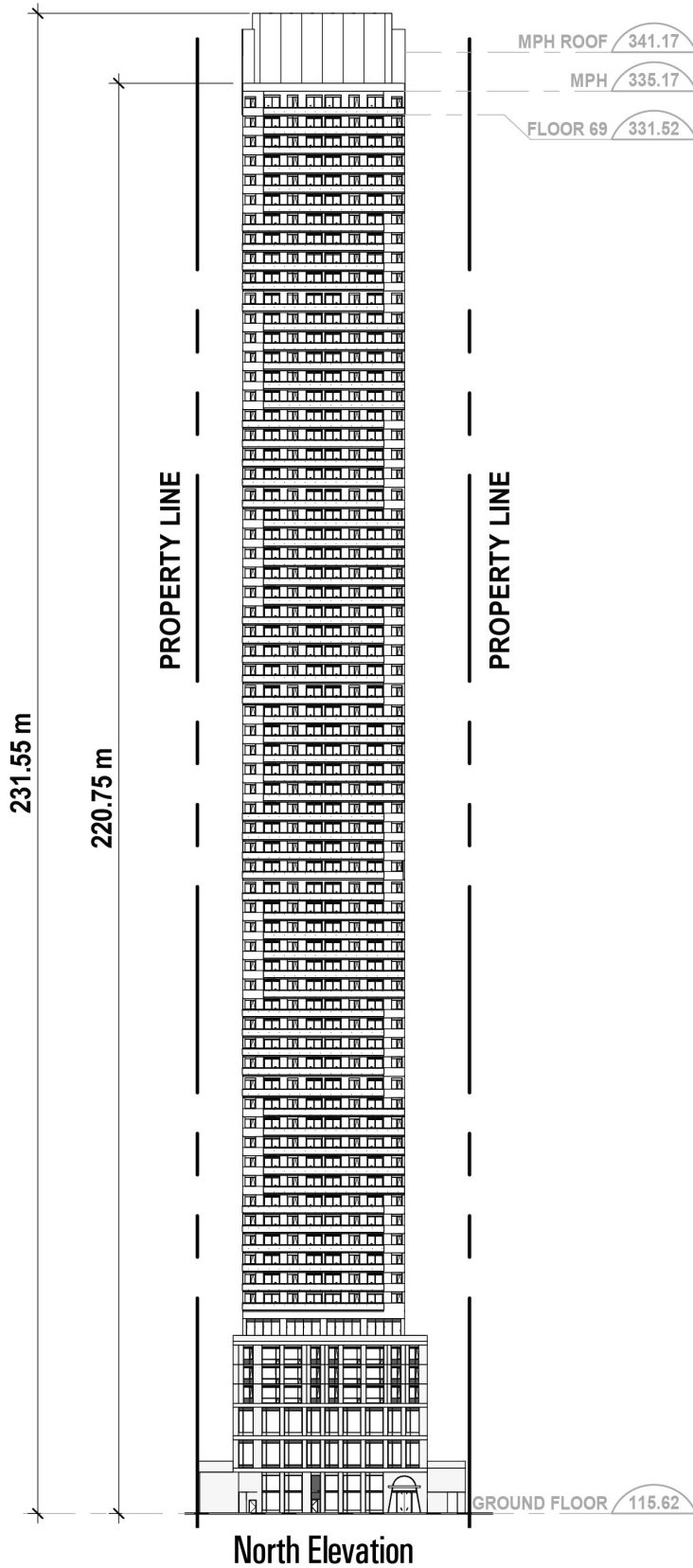
Attachment 5: Site Plan



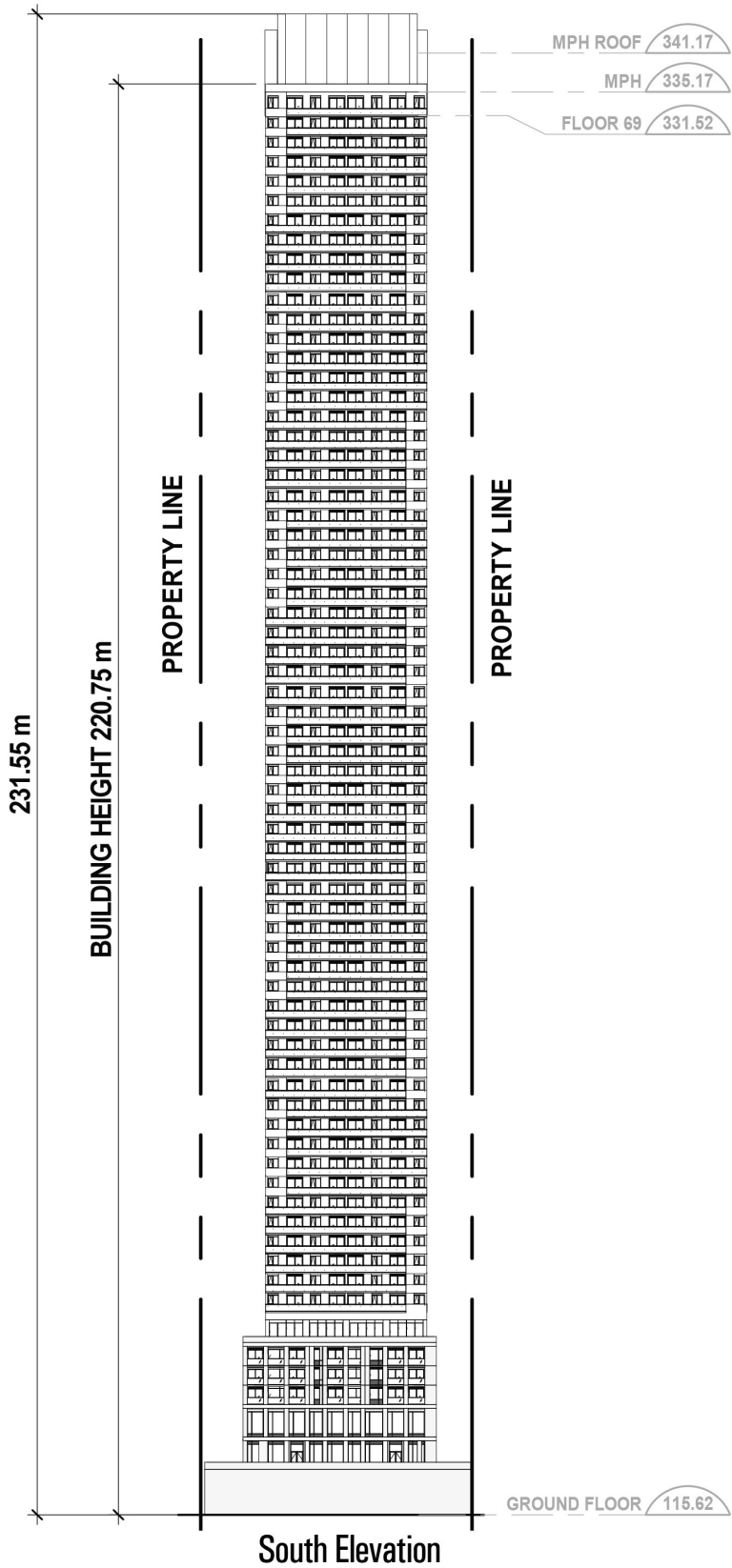
Attachment 6: East Elevation



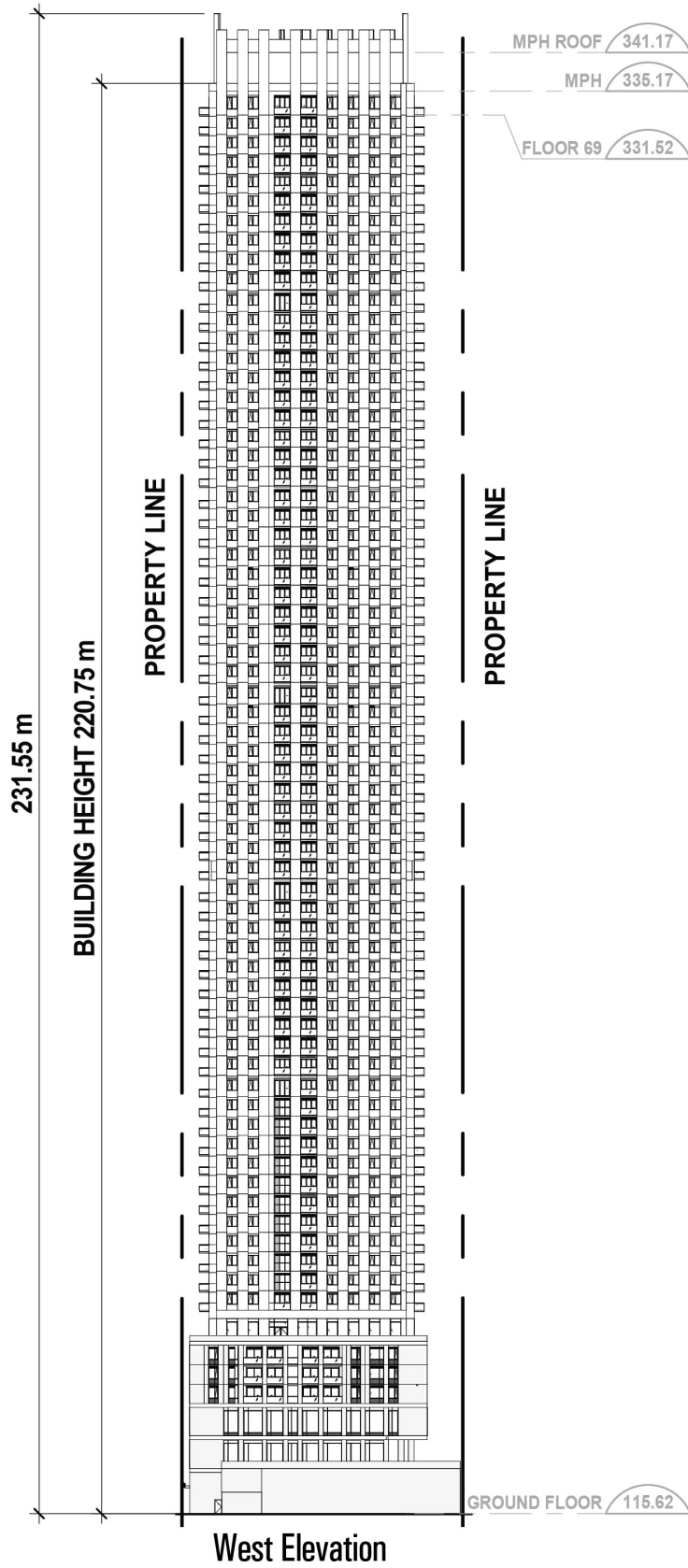
Attachment 7: North Elevation



Attachment 8: South Elevation

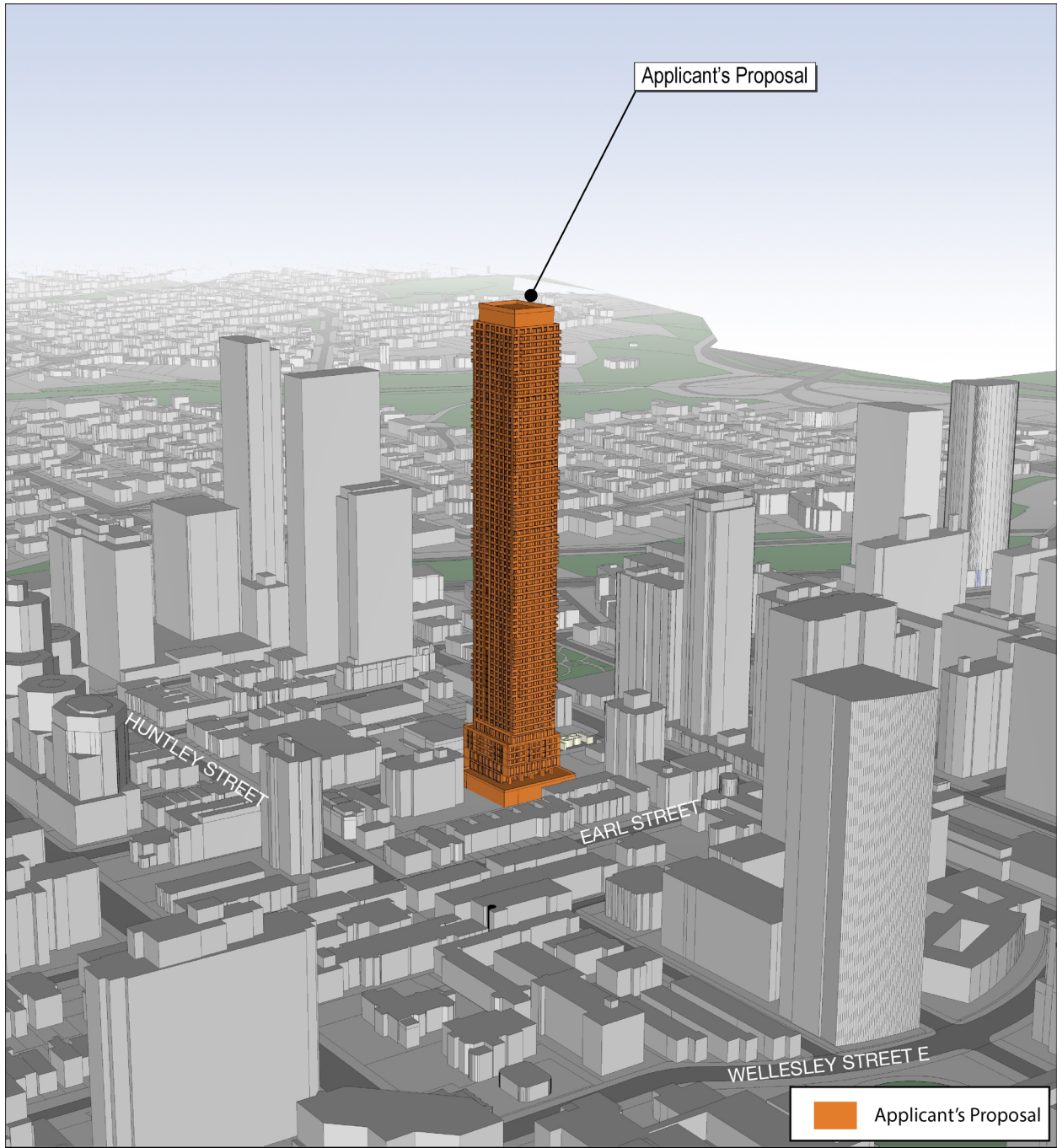


Attachment 9: West Elevation





Attachment 10: Northeast 3D View

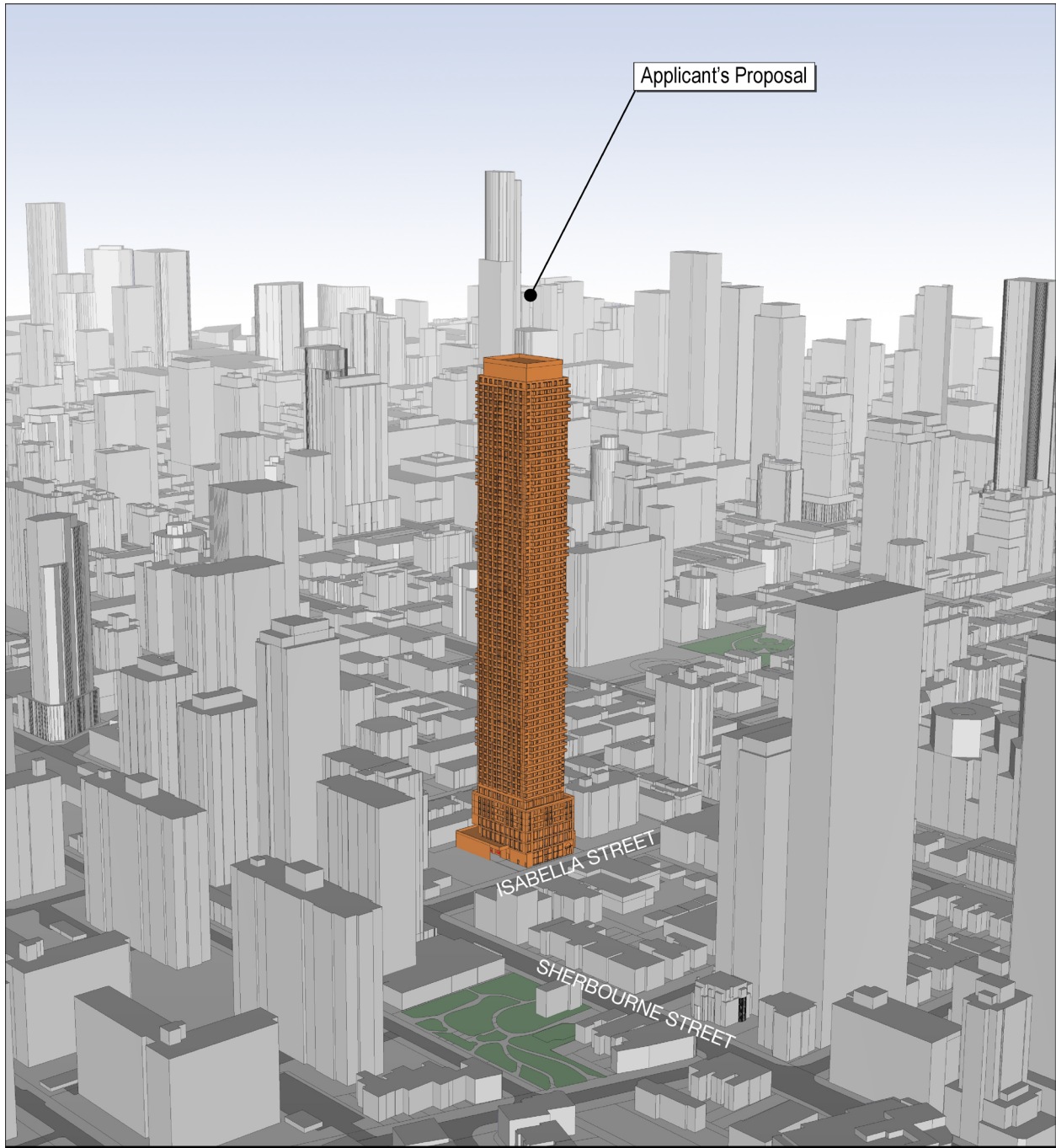


View of Applicant's Proposal Looking Northeast



04/12/2024

Attachment 11: Southwest 3D View



**View of Applicant's Proposal Looking Southwest**



04/12/2024