

**126 Simcoe Street – Zoning By-law Amendment
Application – Refusal Report**

Date:	March 9, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward No. 20 – Trinity Spadina
Reference Number:	File No 06-180736 STE 20 OZ

SUMMARY

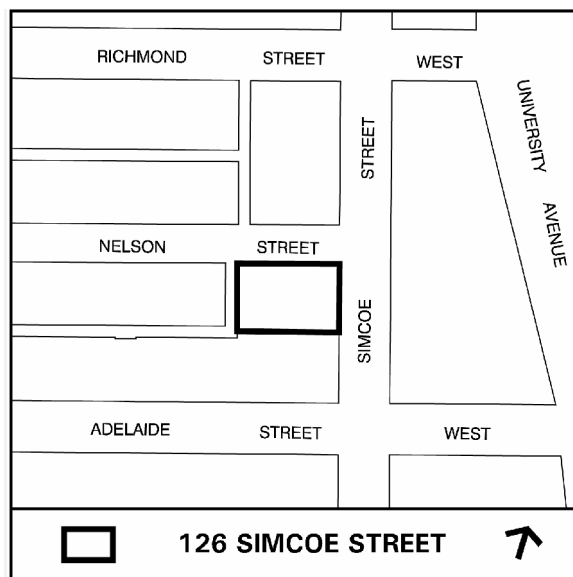
An application has been submitted to permit a 35-storey (106.5 metre) residential condominium building with commercial uses on the ground level at 126 Simcoe Street.

This purpose of this report is to recommend refusal of the application and, should the application be appealed, request direction for staff to appear at the Ontario Municipal Board in support of the recommended refusal.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse zoning by-law amendment application 06 180736 STE 20 SA (drawings date stamped October 2, 2006) respecting the proposal to construct a 35-storey building; and
2. City Council authorize the City Solicitor and other appropriate City staff to appear at the Ontario Municipal Board in support of the refusal of this application should the application be appealed.



Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject site is part of a larger development which includes lands to the immediate west along Nelson Street. In 2002, 2003 and 2005 the Committee of Adjustment granted variances to permit the development of the subject site and the lands to the immediate west along Nelson Street for two residential condominium buildings: a building of 50.36 metres in height (including mechanicals) to be located on the lands to the immediate west of the subject site; and, a building of 62.11 metres in height (including mechanicals) on the subject site.

A site plan approval application is currently being finalized for the building on the lands to the immediate west in accordance with the Committee of Adjustment decision.

This rezoning application proposes to modify the Committee of Adjustment approval for the subject site to permit a development of 106.5 metres in height. The development is proposed to continue to share underground parking and access and loading areas with the building on the lands to the immediate west as contemplated by the previous Committee of Adjustment approvals.

ISSUE BACKGROUND

The subject parcel has a total area of 1065.3 m². This application proposes a 35-storey building for the site with a total gross floor area of 24,994.4 m². The proposed building height of 106.5 metres, is approximately 75% greater or 44 metres higher than the existing permission of 62.1 metres.

Surrounding land uses are as follows:

- North: Residential condominium building at the northwest corner of Simcoe Street and Nelson Street which has a building height of approximately 55 metres in height and a surface parking lot extending to along Nelson Street to Duncan Street;
- South: Two and three-storey commercial buildings along Simcoe Street and the north side of Adelaide Street West. The building at 200 Adelaide Street West is listed on the City's Inventory of Heritage Properties;
- East: Simcoe Street, beyond which is the Shangri-La development site. The Shangri La site has an area of 4,431 m² and was recently approved for a hotel/residential development with a total gross floor area of 81,150 m². The approved building heights for the development include a podium over the majority of the site ranging in height from 10 metres to 27.8 metres and a 214 metre tower (including rooftop mechanical elements) at the southeast corner of the site at University Avenue and Adelaide Street West; and,

West: the Phase I building for the lands which have an approved height of 50.36 metres, beyond which is the Toronto Hydro building which is approximately 22 metres in height and is listed on the City's Inventory of Heritage Properties.

COMMENTS

Planning Framework

The subject site is designated as a Regeneration Area, situated within the Downtown and Central Waterfront on Map 2, and within the King-Spadina Secondary Plan area of the City of Toronto Official Plan. Following is a summary of the relevant planning framework for the site including the Planning Act, Provincial Policy Statement and Growth Act.

(a) Planning Act and Provincial Policy Statement

Section 1.1 of the Planning Act identifies the decision making authority and accountability of municipal councils in planning. Section 2 of the Act identifies matters of provincial interest that a municipality shall have regard to in carrying out its responsibilities under the Act. The Provincial Policy Statement (PPS) contains policies that identify that long term prosperity, health and well-being of the province depend on wisely managing change and promoting efficient land use and development patterns which support strong, liveable and healthy communities. In this regard, the King-Spadina Secondary Plan sets out a planning framework for the site and surrounding area which provides the direction for change and establishes the appropriate level and location of growth and development.

(b) Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe came into effect on June 16, 2006. City Planning submitted a report to Planning and Transportation Committee (Clause 10, Report 6) which was received by City Council at its meeting of September 25-27, 2006. The Growth Plan provides direction for growth including the provision of infrastructure and the protection of valuable resources. The Plan sets 2031 population forecast for Toronto of 3.08 million. This forecast is slightly more than the City of Toronto Official Plan's minimum expectation of 3.0 million by 2031 but is considered to be achievable, based on current development activity.

(c) City of Toronto Official Plan

Downtown and Central Waterfront Policies

Downtown is described as the 'heart of Toronto' with a rich variety of building forms and activities. Growth is encouraged downtown, however the amount and type of growth is not expected to be uniform across the Downtown. The Financial District is expected to continue to be the prime location for the development of prestige commercial office

buildings and landmark buildings that shape the skyline. A key role of Regeneration Areas within the Downtown is to provide for a full range of housing opportunities through residential intensification.

Regeneration Areas

Regeneration Areas are explained in the Official Plan as being unique areas of the City where growth and reinvestment is encouraged through 'tailor-made' strategies for development provided through a Secondary Plan. The King-Spadina Secondary Plan provides the policy framework for new development on the site and surrounding area and is implemented through the Reinvestment Area zoning provisions and the King-Spadina Urban Design Guidelines.

King-Spadina Secondary Plan and Reinvestment Area Zoning

The King-Spadina Secondary Plan and implementing Reinvestment Area zoning were enacted in 1996. The Plan and zoning were implemented together so that the zoning provisions would reflect and ensure development consistent with the policy objectives for the area. The intent of the Plan is to encourage reinvestment in the area and for new development to be of a form and scale that reinforces the historic form, scale and character of the area's many industrial buildings. This form and scale is governed by the height, stepback and setback provisions of the zoning by-law. Density is intentionally excluded from the King-Spadina planning framework in order to ensure an emphasis on built form.

A review of the King-Spadina planning framework was completed in 2006. The review concluded that the existing planning framework continued to be relevant and appropriate for the area. Amendments to the King-Spadina Secondary Plan and implementing zoning were enacted by City Council in September 2006 (By-laws 921-2006 and 922-2006) which, for the most part, were minor amendments to the existing planning framework. These amendments are under appeal. One of the proposed amendments to the Secondary Plan identifies that City Council may consider applications for buildings substantially taller than the existing permissions but only on those lands on the north side of King Street West between Spadina Avenue and Simcoe Street, and on the south side of Wellington Street West to Front Street between Spadina Avenue and John Street. These locations were considered to have site and locational characteristics which may permit additional height without undermining the Plan objectives and limiting the development potential of adjacent sites. The subject site is not located within one of these identified areas.

King-Spadina Urban Design Guidelines

The King-Spadina Urban Design Guidelines (August 2006) provide guidance relative to the policy objective for new development to be compatible with the prevailing historic built form scale. Where buildings substantially taller than the permitted height limits are considered to have potential, the guidelines set out principles for the review of proposals

which are similar to those of the recently approved citywide Tall Building Guidelines. These principles address streetwall conditions, light view and privacy, tower setbacks above podiums and tower facing distances.

Tall Buildings Design Guidelines

At its meeting of July 25-27, 2006, City Council adopted Tall Building Guidelines. Staff are to report back to City Council with an evaluation on the Guidelines in 2008. The Guidelines are to be used in the review and evaluation of all tall buildings in the City, defined as buildings higher than the width of the adjacent street. The Guidelines provide direction on matters including the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers and minimum side and rear yard tower setbacks of 12.5 metres.

Zoning By-law

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86 as amended. Committee of Adjustment decisions in 2002, 2003 and 2005 (A0500/02TEY, A0108/TEY and A0863/05 TEY) which permit development of the subject site for a building of 62.11 metres, with a 3 metre setback at an elevation of 21.21 metres on Nelson Street.

Site Plan Control

No application for site plan approval was submitted with this zoning by-law amendment application. Site Plan approval is required to permit development on the lands.

Reasons for Application

At 35-storeys (106.5 metres) the proposal exceeds the 62.11 metre height permission approved for the site by the Committee of Adjustment.

Comments

Pre-Application Meetings

The applicant met with City staff prior to the submission of their application. At all pre-application meetings City staff advised that they could not support the proposal as the building height was contrary to the City's planning expectations for new development in this area and that the form and massing would result in undesirable impacts on the public realm and adjacent properties.

Community Consultation

A community consultation meeting was held on February 28, 2007 at Metro Hall. Three people attended this meeting. The comments from the resident at the meeting were

mixed; there was a desire to see the area improve with new development but also a concern that the proposal would set an undesirable precedent for other sites and result in additional shadow impacts.

Reasons for Refusal

The proposed application would result in a building height and massing that is inconsistent with the intent of the King-Spadina Secondary Plan and implementing Reinvestment Area zoning. The proposed development is inappropriate for the site and would have unacceptable impacts on the public realm and surrounding lands.

(i) Context

The site is located within the northwest corner of the East Precinct of the King-Spadina Plan area. To date, two buildings have been constructed in this corner of the East Precinct under the King-Spadina planning framework. The building directly north of the subject site at 136 Simcoe Street, and the approximately 48 metre high residential condominium building at 168 Simcoe Street at the northwest corner of Simcoe and Richmond Streets. Both of these buildings incorporate stepping from the street and have a built form character that reinforces the intent of the Secondary Plan.

Over the rest of the East Precinct, there have been a number of developments approved during or since the implementation of the King-Spadina planning framework. The majority of these developments are located west of John Street and south of Adelaide Street West in the southwest corner of the East Precinct. The majority of approvals have been for building heights at and around 60 metres and building massing that establishes a clearly defined building base and streetwall condition. Also, the approved massing generally supports the intent of the Secondary Plan for buildings to reinforce the scale and character of the area's industrial built heritage by providing clearly defined podiums, a desirable streetwall condition, setbacks above the podium to higher building elements. The use of building materials on the lower levels reinforces the character of the area's historic building stock. As outlined above, the area immediately surrounding the site is characterized by buildings of lower heights, with two listed heritage buildings.

The Toronto International Film Festival (TIFF) building approved for the northwest corner of King Street and John Street is an exception. The TIFF building is substantially taller than other development approvals (165 metres), however the majority of the site is characterized by a much lower building of 27.5, 35 and 45 metres in height. The tower element occupies only about 28% of the site.

The subject site is located at the east edge of the Plan area at Simcoe Street. East of Simcoe Street is the western edge of the City's Financial District where tall buildings are encouraged and permitted, particularly landmark buildings such as the Shangri La development. The Shangri La development is east of the site and outside of the King-Spadina Secondary Plan Area. The Shangri La development locates its tower element at the southeast corner of the site at University Avenue and Adelaide Street West. The

tower occupies approximately 30% of the 4,431 m² site. The majority of the site, in particular that portion of the site abutting the King-Spadina Plan area, has a podium of between 22 and 27.8 metres in height.

The proposed development for the subject site would result in a building height and massing that is inconsistent with the intent for the Plan area and is not in keeping with the predominant height and built form that has been and continues to be approved and encouraged within the East Precinct. The permitted height for the Shangri La development is not an appropriate reference or precedent for buildings within the King-Spadina Plan area where the subject site is located. As well, the subject site is not large enough to accommodate the on-site height transitions and setbacks that characterize the Shangri La development.

(ii) Built Form

With the exception of a 3 metre setback on Nelson Street at an elevation of 21.21 metres, the proposed building rises from grade to a height of 106.5 metres. This built form is unacceptable. The building height and lack of clearly identifiable podium will create an undesirable public realm condition both on the immediately surrounding streets and as far as Richmond Street West where shadow will impact the street. The building height and massing will also limit development opportunities on the immediately adjacent lands to the south.

Where taller buildings have been approved in the King-Spadina Plan area, buildings have had varying heights over the site to ensure a lower and clearly defined building base element. Where taller elements have been approved, they are typically setback from the street edge or occupy only a portion of the site and thereby create a satisfactory relationship with adjacent sites and site conditions. The subject site at 1065 m² and with dimensions of approximately 26.7 metres by 39.9 metres, is substantially smaller than other sites in the area. The proposed height is unacceptable.

(iii) Public Realm

The building is proposed to rise from grade to a height of 106.5 metres on the Simcoe Street frontage and the public lane separating this site from the building to the west, a 3-metre setback at an elevation of 21.21 metres (8th floor) is proposed on Nelson Street with balconies projecting 1.8 metres into this setback. This design overwhelms the pedestrian environment and creates an undesirable street relationship. This design also raises concerns about wind conditions. The applicant has not submitted a wind study in support of their proposal.

(iv) Shadow Impacts

The applicant's shadow studies indicate that at the current approved height of 62.11 metres the shadow is completely off the north sidewalk off Richmond Street West at 9:00

a.m. in the spring and fall equinox and completely off the Richmond Street right-of-way by 10:00 a.m. at the spring and fall equinox.

The proposed building height of 106.5 metres will result in shadow over the entire Richmond Street right-of-way (including the north sidewalk) all morning at the spring and fall equinox. Official Plan policies identify that minimization of shadow impacts on the public realm is an important policy objective. The shadow impacts do not support this policy objective.

Traffic Impact, Parking and Loading

Parking and loading are proposed to be shared with the building to the immediate west. The Technical Services Division has identified that a Traffic Impact Study is required to evaluate and address the parking, loading and traffic considerations associated with the proposal. This study has not been submitted.

A garbage room is proposed for the ground floor of the building facing the public lane between the two buildings. Loading functions will be accommodated in the loading area across the public lane on the building to the immediate west. The Technical Services Division has indicated that an on-site Type G loading space will be required or, alternatively, documentation outlining how loading demand for the proposal will be accommodated. Documentation has not been submitted.

Amenity Space

Minor variances for indoor and outdoor residential amenity area were granted based on the combined total amenity area for the subject site and the building on the site to the immediate west. An indoor amenity area ratio of 1.8 m² per unit and an outdoor amenity area ratio of 1.1 m² per unit were approved. The subject application proposes 335 units and therefore 603 m² of indoor amenity area and 368.5 m² of outdoor amenity area are required.

A total of 607 m² of indoor amenity area is proposed of which 71 m² is proposed to be occupied by guest suites. Guest suites do not fall within the definition of indoor amenity area in the zoning by-law. An outdoor amenity area of 176 m² is proposed to be located on the roof along the south portion of the building. This represents a ratio of approximately 0.5 m² per unit which is less than half of the reduced outdoor amenity area ratio previously approved for the site. The amount of proposed outdoor amenity area is not acceptable and the quality of an outdoor amenity area on the roof of the building requires further evaluation.

Conclusions

The proposed application to permit the development of a 106.5 metre (35 storey) building on the site is recommended for refusal. The planning framework for the area does not support a building of this magnitude on the site. The impacts on the public realm and surrounding lands are undesirable.

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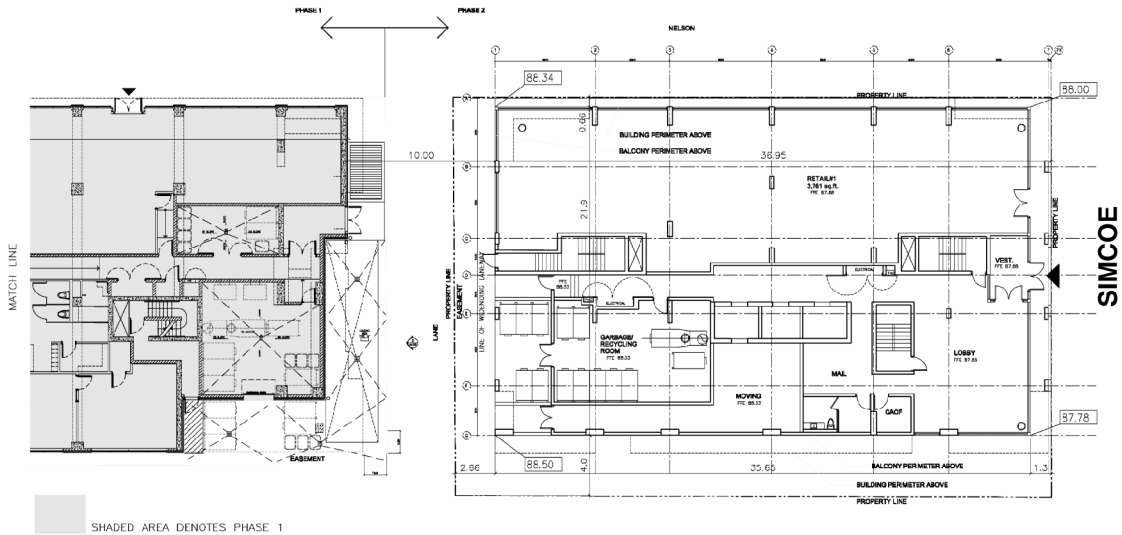
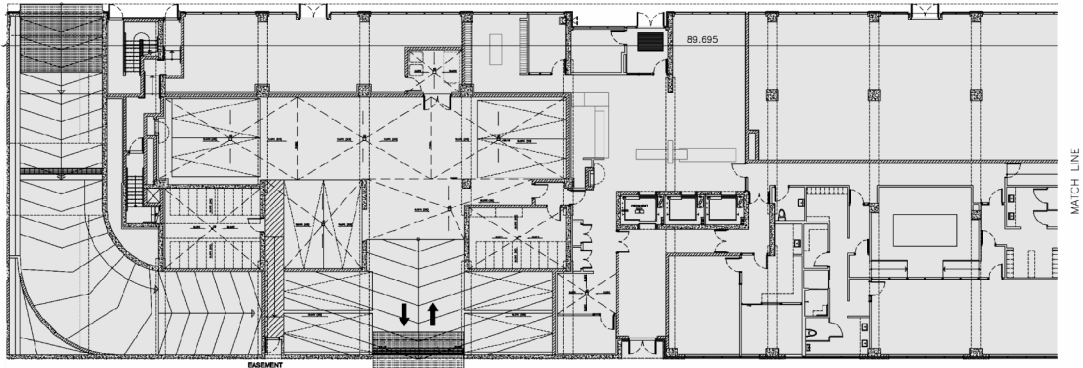
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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: North & South Elevations
Attachment 4: East & West Elevations

Attachment 1: Site Plan

NELSON



Site Plan

Applicant's Submitted Drawing

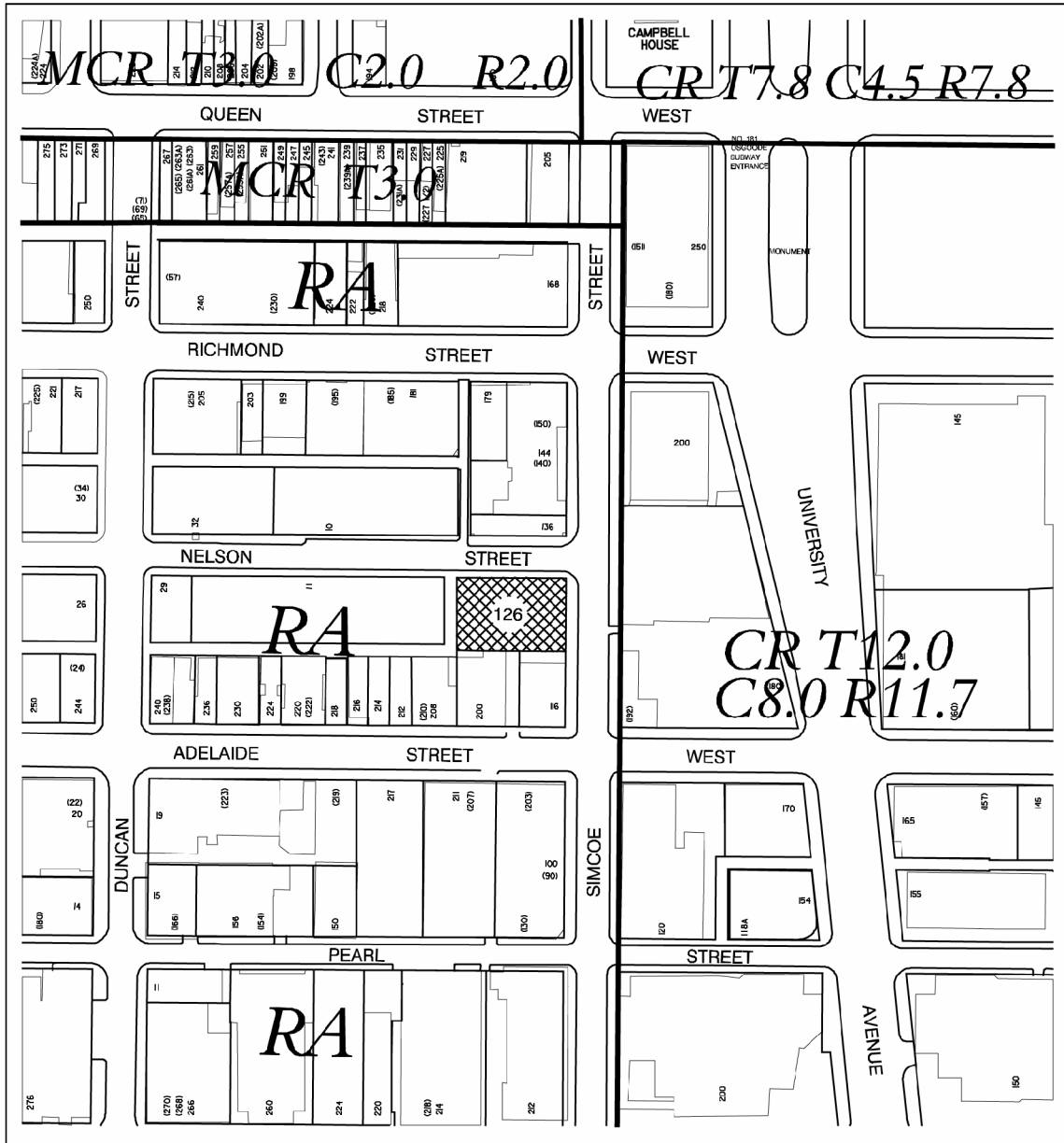
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12/11/06

126 Simcoe Street

File # 06_180736

Attachment 2: Zoning



126 Simcoe Street
File # 06_180736

- CR Mixed-Use District
- MCR Mixed-Use District
- RA Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 12/11/06 - DR

Attachment 3: North & South Elevations



North & South Elevations

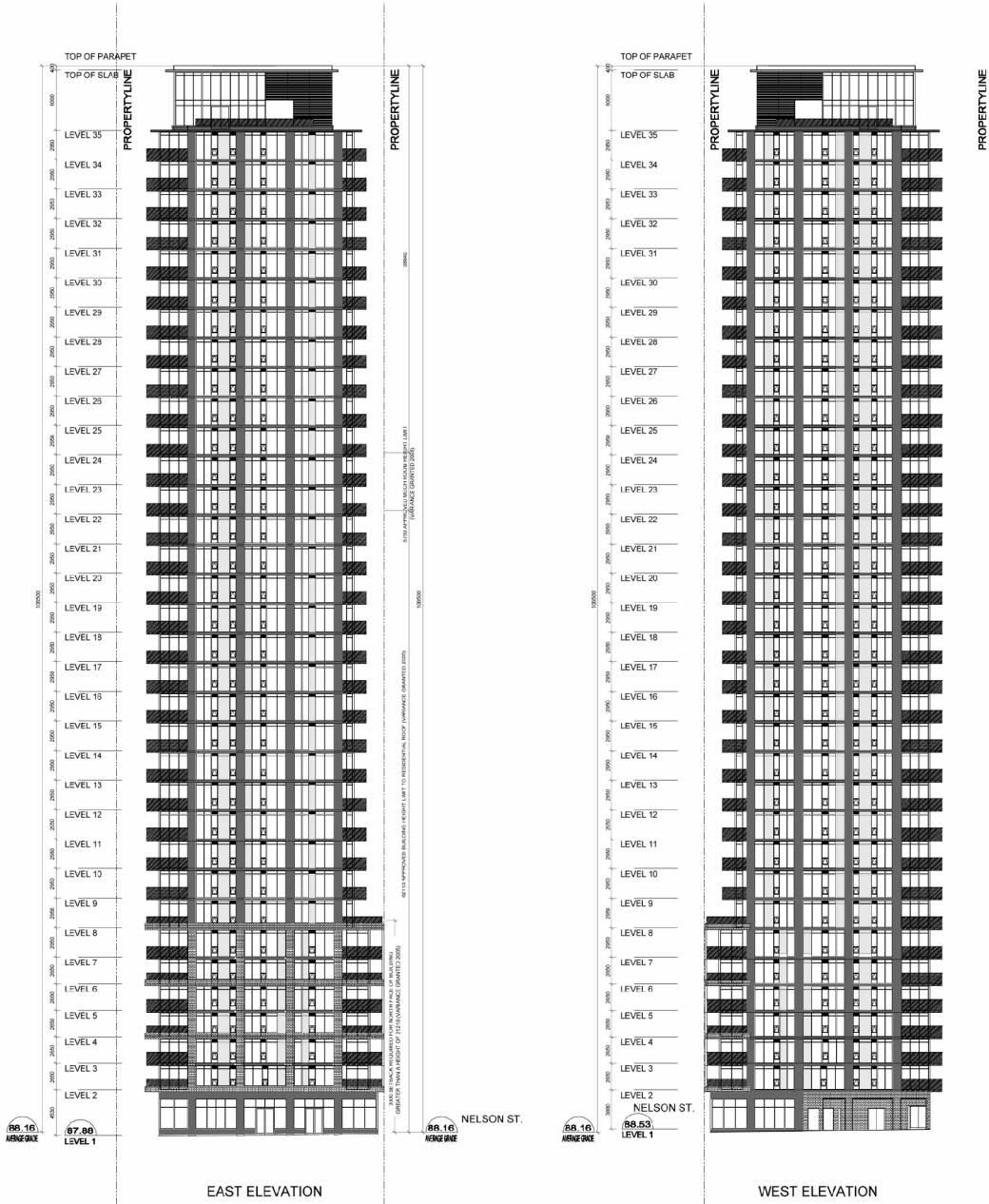
Applicant's Submitted Drawing

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12/11/06

126 Simcoe Street

File # 06_180736

Attachment 4: East & West Elevations



East & West Elevations

Applicant's Submitted Drawing

Not to Scale
12/11/06

126 Simcoe Street

File # 06_180736