

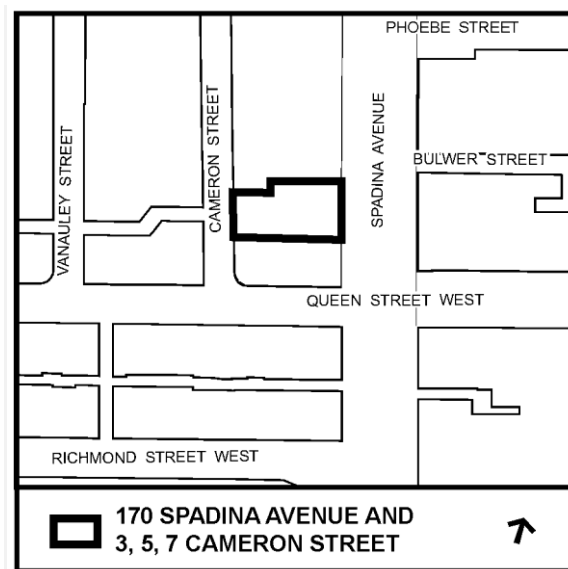
**170 Spadina Avenue and 3,5 and 7 Cameron Street  
Zoning Amendment Application Request for Direction  
Report**

<b>Date:</b>	August 19, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	12-108570 STE 20 OZ

**SUMMARY**

This application proposes a 17-storey (60.45 metre w/ mechanical equipment) mixed-use building containing 271 dwelling units, 329 square metres of ground floor retail space, 103 vehicle parking spaces (of which 7 are for visitors) in 3 levels of underground parking, 303 bike parking spaces, and a total of 542 square metres of indoor and 412 square metres of outdoor amenity space at 170 Spadina Avenue and 3, 5, 7 Cameron Street.

City staff have been working with the applicant on a potential settlement on this project. Progress has been made and discussions are ongoing with regard to building height, density, transition to the adjacent Neighbourhood and the Queen Street West Heritage Conservation District and the relationship of this development to its context, as detailed in this report. Staff are requesting City Council direction to continue these negotiations and, if unsuccessful, to attend the Ontario Municipal Board to oppose this development.



An Ontario Municipal Board hearing has been set for February 22-26, 2016.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve the issues outlined in this report regarding the properties at 170 Spadina Avenue, and 3,5 and 7 Cameron Street, from the Director of Planning, Toronto and East York District, dated August 19, 2015, and if negotiations are successful, that City Council direct the City Solicitor, together with City Planning staff and other City staff as appropriate to report back to City Council on the details of a settlement, including Section 37 matters;
2. In the event that negotiations with the applicant to resolve the outstanding issues detailed in the report regarding the properties at 170 Spadina Avenue, and 3,5 and 7 Cameron Street, from the Director of Planning, Toronto and East York District, dated August 19, 2015, are unsuccessful, City Council direct the City Solicitor, together with City Planning staff and other City staff as appropriate, to attend the Ontario Municipal Board hearing to oppose the Zoning By-law amendment application in its current form;
3. In the event that Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Board withhold its final Order to approve the Zoning By-law amendment for the subject lands until such time as the City Solicitor has advised the Board that City Council approval under Chapter 667 pursuant to Section 111 of the *City of Toronto Act* has been granted for the rental demolition and replacement of the existing rental housing, and the City and the Owner have presented to the Board a proposed Zoning By-law that:
  - a. Implements the decision of the Ontario Municipal Board to the satisfaction of the Director, Community Planning, Toronto and East York District and the City Solicitor;
  - b. secures the rental housing matters as outlined in Recommendation 3 above; and,
  - c. a Section 37 Agreement, providing for community benefits as outlined in this report to the satisfaction of the Chief Planner and the City Solicitor has been executed by the applicant.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## **BACKGROUND**

### **The Subject Site**

The site is currently occupied by a two-storey commercial building at 170 Spadina Avenue, which building currently contains a sales office and an restaurant. There are two semi detached dwellings at 3 and 5 Cameron Street and a 3-storey apartment building at 7 Cameron Street. A 3-metre wide private driveway is situated on the site north of the existing building flanking Spadina Avenue to Cameron Street. This lane provides shared vehicular access for the subject property and for neighbouring properties to the north, west and south through easements registered on title to the subject property.

Surrounding land uses are as follows:

- North: A 7-storey office and commercial building. The neighbouring building to the north has frontage on Spadina Avenue and extends to Cameron Street.
- East: Across Spadina Avenue is a three-storey building which is within the Queen Street West Heritage Conservation District.
- South: Two and three-storey mixed-use buildings which are within the Queen Street West Heritage Conservation District.
- West: Cameron House, a 3-4 Storey building within the Queen Street West Heritage Conservation District, as well as two semi-detached dwellings are located on the west side of Cameron Street adjacent to the site.

### **Application History**

An application to amend the Zoning By-law was submitted in January 2012 by Tri-win International. A preliminary report on the application was before Toronto and East York Community Council on March 20, 2012.

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-45443.pdf>

Following the circulation of the application, staff provided the applicant with comments on the development proposal. However, Tri Win International did not respond with revisions to address City Planning, agency and community comments.

In August 2014, the application was appealed to the Ontario Municipal Board (OMB). The site was then sold to Queen Spadina Residences Corp., who then purchased the additional lands at 3, 5, and 7 Cameron Street, submitted revised plans in support of the application on the now expanded property, and elected to continue with the OMB appeal.

Several meetings with the new applicant have occurred since August 2014 where Planning staff noted concerns regarding the height and density of the proposed development, the transition to the adjacent Neighbourhood and to the Queen Street West Heritage Conservation District, the unit mix, and other matters which are further discussed below.

## **Proposal**

### **Current Application Description**

The current application before the City proposes a 17-storey (60.45 metre w/ mechanical equipment) mixed-use building containing 271 dwelling units, 329 square metres of ground floor retail space, and a total of 542 square metres of indoor and 412 square metres of outdoor amenity space at 170 Spadina Avenue and 3,5,7 Cameron Street.

The proposed residential unit mix is as follows:

<u>Unit Type</u>	<u>No.</u>	<u>% of Total</u>
1 Bedroom	95	35%
1 Bedroom + Den	119	44%
2 Bedroom	29	11%
3 Bedroom	28	10%

Vehicle access is proposed via Cameron Street. A total of 103 vehicle parking spaces, of which 7 are for visitors, are proposed in 3 levels of underground parking. Loading proposed to be located internal to the development.

A total of 303 bicycle parking spaces are proposed on the 2<sup>nd</sup> floor, Mezzanine, Ground Floor, P2 and P3 levels.

### **Differences from Original Proposal**

There are several differences between the current proposal submitted by Queen Spadina Residences Corp. and the former proposal submitted by Tri-Win International. The new proposal now includes the properties at 3, 5, and 7 Cameron Street in addition to 170 Spadina Avenue.

The height of the new proposal has been reduced from 19-storeys (63.3 metres to the top of the mechanical penthouse) to 17-storeys and (60.45 metres to the top of the mechanical penthouse).

The lot area of the development has increased to include the properties fronting Cameron Street and the density of the new proposal has also increased from 10.9 times the lot area to approximately 12 times the lot area, based on a May 13, 2015 zoning review by Toronto Building.

The original application proposed 210 residential units. The new proposal includes 271 residential units. The new application has increased the proposed vehicle parking spaces from 44 to 103 and increased the bike parking spaces from 106 to 303.

Additional building setbacks from Cameron Street and Spadina Avenue, both beginning at a height of 27.6 metres have been provided in the new proposal. No setbacks from either the Cameron Street frontage or the Spadina Avenue frontage at grade are proposed. The addition of the Cameron Street properties has increased the proposed east-west building massing. Other revisions include a new pedestrian connection on the north side of the building and the internal loading would now be accessed from Cameron Street.

### **Community Consultation - May 28, 2012**

A community consultation on the original application was held on May 28, 2012. The community made the following comments on the proposal:

- Buildings at the subject property should be lower than the Morgan building on Richmond Street West.
- The proposal will have a negative impact on the skyview;
- Access to the rear of buildings fronting Queen Street West, including emergency vehicle access, may be impeded;
- The number of proposed parking spaces is insufficient;
- The design of the building does not fit in with the area character;
- Properties to the rear with frontage on Cameron St. may experience issues of privacy/overlook and be impacted by the shared vehicular access to the rear of the proposed building.
- The proposed materials and design of the building relate poorly to the adjacent heritage conservation district on Queen Street West.
- The building form may create adverse wind impacts for pedestrians; and,
- There may be traffic impacts generated by the proposed development on Cameron Street.

### **Community Consultation - May 4, 2015**

A community consultation meeting on the new proposal was held on May 4, 2015. The community made the following comments on the proposal:

- The building height and density are inconsistent with that of the area character, specifically that of Spadina Avenue north of Queen Street West;
- The overall design of the building has improved since the first submission;
- The proposal relates poorly to the adjacent Queen Street West Heritage Conservation District;
- Access to the rear of buildings fronting Queen Street West, including emergency vehicle access, may be impeded;
- There is an opportunity for office space within the development;
- The proposed development may impede emergency services access to the adjacent properties;
- There are currently inadequately wide public sidewalks at the intersection of Queen Street West and Spadina Avenue;

- There are potentially unsafe conditions in the proposed pedestrian laneway north of the proposed building; and,
- The proximity to the existing building to the north (174 Spadina Avenue) will have a negative impact on sunlight and skyview from the south facing windows of this building.

## **Ontario Municipal Board Hearings**

Two Ontario Municipal Board prehearings have taken place to date. A third prehearing is scheduled for October 13, 2015. If discussions with respect to the latest revised plans do not lead to further revisions that Planning could recommend to Council, then this next pre-hearing would likely deal with procedural issues, such as identification of issues and deadlines for exchanges of witness statements. The Board has scheduled February 22-26, 2016 for a hearing of this matter.

## **Planning Act, Provincial Policy Statement and Provincial Plans**

### **The Planning Act**

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historical interest; and the appropriate location of growth and development.

### **The Provincial Policy Statement**

The Provincial Policy Statement (PPS), 2014, provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities by accommodating a range and mix of uses; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

### **The Growth Plan for the Greater Golden Horseshoe 2006**

The Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan') provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The City's Official Plan locates the subject property within the *Downtown*, as noted on Map 2 and the *Mixed Use Areas* land use designation, as noted on Map 18 of the Official Plan. The proposed redevelopment was reviewed primarily against the following Official Plan policy sections. In addition, City Planning must have regard to the Official Plan as a comprehensive and cohesive whole when reviewing development proposals

### **Downtown (2.2.1)**

Section 2.2.1 of the Official Plan contains policy for intensification in the *Downtown*, specifically in *Mixed Use Areas*. The Official Plan encourages intensification in the *Downtown*, however intensification in the *Downtown* is not intended to be uniform and will respond to the area context.

### **Mixed Use Areas (4.5)**

The subject site is designated *Mixed Use Areas* on Map 18 – Land Use Plan. Section 4.5 of the Official Plan contains policies to govern the built form of new development in *Mixed Use Areas*.

### **Healthy Neighbourhoods (2.3.1)**

The properties to the west of the subject site, 14-20 Cameron Street are designated *Neighbourhoods* by the Official Plan. The Healthy Neighbourhoods Section of the Official Plan (Section 2.3.1) includes policies for development in *Mixed Use Areas* adjacent to *Neighbourhoods*.

### **Public Realm (3.1.1)**

Section 3.1.1 contains policies that help guide the development of streets, sidewalks, boulevards, and other aspects of the public realm.

### **Built Form (3.1.2 and 3.1.3)**

Section 3.1.2 of the Official Plan includes policies for the City's Built Form and requires that new development be located and organized to fit within an area's existing and/or planned context. Section 3.1.3 of the Official Plan addresses matters related to tall building design.

### **Heritage Resources (3.1.5)**

Section 3.1.5 of the Official Plan Heritage Policies requires that development adjacent to heritage resources respects the scale, character and form of the heritage resource. The updated Heritage Conservation Policies contained in Official Plan Amendment 199, recently approved by the Ontario Municipal Board, cover a wide array of heritage properties including: individually significant buildings and structures, properties that are

a part of a heritage conservation district, cultural heritage landscapes, archaeological resources and areas of archaeological potential.

### **Rental Housing Replacement (3.2.1)**

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. Policy 3.2.1.6 provides that applicants proposing to demolish six or more residential rental units (except where all the rents are above the mid-range rent category) are required to replace the rental units with the same number, size and type of rental housing units and maintain them with rents similar to the rents of existing units on the site. Tenant assistance, including the right to return to replacement units, is also required. If the rental units are not replaced, the policy states that such applications that result in the loss of six or more units will not be approved.

The Official Plan is available here:

[http://www1.toronto.ca/static\\_files/CityPlanning/PDF/chapters1\\_5\\_dec2010.pdf](http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf)

## **Guidelines**

### **Tall Building Design Guidelines**

On May 8, 2013, City Council adopted the updated city-wide Tall Building Design Guidelines. The Guidelines integrate and build upon previous Council-adopted tall building guidelines and establish a unified set of performance measures for the evaluation of all tall building development applications city-wide. The Tall Building Design Guidelines advance the objectives and policies of the Official Plan and seek to address issues at four scales: Site Context; Site Organization; Tall Building Design; and the Pedestrian Realm. The City's Tall Building Design Guidelines, including the supplementary Downtown Tall Building Guidelines (the 'Guidelines'), apply to the subject site and the proposed development.

Tall Buildings are generally defined as buildings with a height that is greater than the width of the adjacent right-of-way or the wider of the two streets, if located at an intersection. The proposed development, at 60.45 metres in height, is taller than the width of the planned Spadina Avenue right-of-way, at 36 metres in width, and therefore is considered a tall building.

Spadina Avenue is recognized in the Tall Buildings Downtown Vision and Supplementary Guidelines as having "special heritage character".

### **Mid Rise Building Guidelines**

The City's Performance Standards for Midrise Buildings are typically applied to proposed mid-rise buildings along *Avenues* as indicated by Official Plan Map 2. Despite the fact that this section of Spadina Avenue is not considered an *Avenue* by the Official Plan, the Performance Standards for Midrise Buildings nonetheless provides a useful



framework against which to consider the appropriateness of mixed-use developments adjacent to *Neighbourhoods*.

### **Heritage Considerations**

The subject site is not included on the City's Heritage Register, however, it is directly adjacent to the Queen Street West Heritage Conservation District (the 'HCD') on the east, west and south sides. The HCD is designated under Part V of the Ontario Heritage Act by By-law No. 979-2007, enacted by City Council on July 19, 2007.

### **Spadina Avenue Study**

City Staff are undertaking a built form study of Spadina Avenue from Front Street West to Bloor Street West.

For more information please see the Preliminary Report on Spadina Avenue Study: <http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-71665.pdf>

### **Zoning By-law**

The lands at 170 Spadina Avenue are subject to Zoning By-law 438-86, as amended. The By-law permits a 28-metre building height and a density of 5 times the lot area, with no greater than 4.0 times the lot area for residential uses and 2.5 times the lot area for non-residential uses on this site.

The lands at 3, 5, and 7 Cameron Street are subject to Zoning By-law 569-2013, as amended. The By-law permits a 28-metre building height and a density of 5 times the lot area, with no greater than 4 times the lot area for residential uses and 2.5 times the lot area for non-residential uses on this site.

### **TOcore: Planning Toronto's Downtown**

On May 13, 2014, Toronto and East York Community Council considered a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'. These reports along with additional information are available on the study website at: [www.toronto.ca/tocore](http://www.toronto.ca/tocore)

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The study team will be reporting back to TEYCC by the end of 2015 on the results of Phase One and the priorities for Phase Two, "Planning and Analysis". The review of this application will be informed by the issues being considered under TOcore.

## Discussion

The Provincial Policies, City's Official Plan, Zoning By-laws and built form Guidelines comprise a land use framework which provides direction regarding the way new development should address area character while including contextually appropriate levels of intensification. The proposal was reviewed by staff against this policy framework. The proposed redevelopment of 170 Spadina Avenue and 3, 5, and 7 Cameron Street will require further modifications to meet these objectives, and is not supported in its current form.

## Provincial Policy

The City agrees with the applicant that the proposed development constitutes intensification of an underutilized site. This point is expressed in the applicant's planning rationale, as prepared by Bousfields Inc, dated March 2015. The City is concerned, however, that the proposed level of intensification constitutes overdevelopment.

The Official Plan is recognized as the most important vehicle for implementation of the Provincial Policy Statement. While the proposal generally conforms to the PPS, as discussed in this report, changes to the building height and massing are required to conform to the City's Official Plan Policies.

## Official Plan

The Subject site is located within the *Downtown* urban structure designation in the City's Official Plan and designated as *Mixed Use Areas* on Land Use Map 18. The Official Plan encourages intensification in the *Downtown*, specifically in *Mixed Use Areas*, however the Plan states that intensification in the *Downtown* is not intended to be uniform.

The *Mixed Use Areas* Section of the Official Plan (Section 4.5) states that development in *Mixed Use Areas* will differ in terms of scale and intensity. New development will be located and massed to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*. Location and massing of new buildings should limit shadowing on adjacent *Neighbourhoods*.

The Healthy Neighbourhoods Section of the Official Plan (Section 2.3.1) states that intensification of land adjacent to *Neighbourhoods* will be carefully controlled so that *Neighbourhoods* are protected from negative impact. The properties to the west of the subject site, 14-20 Cameron Street, are designated *Neighbourhoods* by the Official Plan.

Section 3.1.2 of the Official Plan provides policies for the City's Built Form and requires that new development be located and organized to fit with an area's existing and/or planned context. Section 3.1.2 further states that new development will limit its impact on neighbouring streets, parks, open spaces and properties by massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; provide for adequate light and privacy; adequately limit any resulting

shadowing of, and uncomfortable wind conditions on, neighboring streets and properties, among other measures.

The proposed development is considered a Tall Building. Section 3.1.3 of the Official Plan states that Tall Buildings will address key urban design considerations, including meeting the built form principles of the Official Plan, and demonstrating how the proposed building and site design relate to the existing and/or planned context.

The proposed 'podium height' fronting Cameron Street is 27.6 metres. This is comparable to the total height of 174 Spadina Avenue, directly to the north of the subject property. Up to a height of 27.6 metres, the proposed development has no setback from the west lot line, adjacent to the area designated as *Neighbourhoods*. The proposed transition begins with a 3.0 metres stepback at the 9<sup>th</sup> floor, an additional 3.0 metre stepback at the 15<sup>th</sup> floor and an additional 3.0 metre stepback at the 16<sup>th</sup> floor.

A shadow study by Quadrangle Architects Limited, submitted in support of the proposal, indicates the shadow cast by the proposed 60.45-metre building. The shadow study indicates that the proposed building shadows the properties designated as *Neighbourhoods* during the morning hours, until 10:18 am, on June 21.

The proposed transition from the properties designated *Neighbourhoods* does not fall within a 45-degree angular plane, measured from the property designated as *Neighbourhoods*. The City typically requests this angular plane transition in instances where a proposed development abuts a *Neighbourhood*. The reason for doing so is to better preserve sky-view, limit additional shadowing, and provide an appropriate visual transition to an area of lower scale. City Planning staff acknowledge that the as-of-right building height on the subject site is 28 metres; however, the as-of-right density, at 5 times the lot area, would not allow for a 28-metre building to be constructed lot line to lot line, therefore staff are seeking that the proposal fall within a 45 degree angular plane even though a 45-degree angular plane would reduce the building height on part of the west end of the site below the as-of-right building height.

Existing buildings on Spadina Avenue, north of Queen Street West, range from 2 to 10 storeys in height, while buildings on the east and west side of Spadina Avenue, south of Queen Street West, range from 2 to 16 storeys in height. Buildings on Queen Street West in the vicinity of the proposed development range from 2 to 4 storeys. A 14-storey, 44.0 metre, residential building, comprising part of the Alexandra Park Revitalization is currently under construction to the northwest of the subject site. The planned context of Spadina Avenue south of Queen Street West is not a good comparable to that of the context of Spadina Avenue north of Queen Street West. Spadina Avenue properties south of Queen Street West are within the King-Spadina Secondary Plan Area, designated *Regeneration Areas*, and are not adjacent to areas designated *Neighbourhoods*. In contrast, properties fronting Spadina Avenue north of Queen Street West are not contained within a Secondary Plan area, are designated *Mixed Use Areas*, and are, in most cases, adjacent to lands designated *Neighbourhoods* or other areas of lower scale. The proposed 17-storey, (60.45 metre) building, is not reflective of the

context of existing buildings on Spadina Avenue to the north of Queen Street West, which range in height from 2 to 10 storeys, or the adjacent Queen Street West HCD, where buildings range in height from 2 to 4 storeys.

The shadow study by Quadrangle Architects Limited, indicates that the proposed building casts additional shadow on Spadina Avenue throughout the year, on the north side of Queen Street West, in the summer, and the intersection of Queen Street West and Soho Street in the fall.

The proposed transition does not meet the intent of the Official Plan policies regarding Healthy *Neighbourhoods*, policies which require development within a *Mixed Use Area* providing adequate transition toward an area designated *Neighbourhoods*, or policies regarding Built Form. City Planning staff would support a building with a reduced height, that falls within a 45-degree angular plane measured from the adjacent *Neighbourhood*, in order to provide for adequate light and privacy and adequately limit any shadowing of neighboring streets and the public realm, and better respond to the area context.

### **Tall Building Guidelines**

Tall Building Guidelines (the Guidelines) notes that, unless otherwise specified in a Secondary Plan or other City approved policy, standard, guideline, or study which would apply to a specific site, a 45 degree angular plane, measured from the relevant property lines, is used to provide transition to areas of lower scale. The Guidelines also recommend a base building which is 80% of the adjacent right-of-way width where an established consistent street-wall context does not exist, a minimum floor to floor height of the ground floor should be 4.5 metres, tower floorplates at a maximum of 750 square metres and that towers be set back a minimum of 12.5 metres from the lot line.

The proposed building does not fall within a 45 degree angular plane measured from the adjacent low-scale *Neighbourhood*, even considering the as-of-right building height as discussed earlier in this report. The proposed ground floor height exceeds 4.5 metres and includes retail uses. With the exception of the 17<sup>th</sup> floor, all other floors within the proposed development contain floor-plates which exceed 750 square metres. The proposal is not set back 12.5 metres from side lot lines. A 5.5 metre setback from the north and south property lines is achieved for the majority of the structure, excepting the portion fronting Spadina Avenue.

The proposed development has no setback from the west lot line adjacent to the area designated as *Neighbourhoods* until a height of 27.6 metres, after which the proposed transition begins with a 3.0 metre stepback at the 9<sup>th</sup> floor, an additional 3.0 metre stepback at the 15<sup>th</sup> floor and an additional 3.0 metre stepback at the 17<sup>th</sup> floor. The proposed development does not achieve the intent of transitioning to the adjacent low scale *Neighbourhood* in a manner consistent with the Tall Building Guidelines.

The City is supportive of the proposed retail uses at grade along Spadina Avenue as well as the ground floor height which exceeds 4.5 metres, both of which implement public realm direction from the Guidelines.

The proposed development does not achieve an appropriate tower setback from the north or south lot lines. City staff understand that the opportunity for the construction of a tower to the south of the proposed development is limited by the height limit imposed by the Queen Street West Heritage Conservation District and will not seek to achieve a 12.5 metre setback to the south. A 5.5 metre setback to the south lot line is acceptable provided other changes to building height and massing are achieved to address the concerns raised in this report, and staff will be seeking additional setbacks from the north lot line.

The proposed development does not achieve many of the objectives of the Tall Building Design Guidelines, but does demonstrate the ability, with additional adjustments to built form and a reduction in overall height, to achieve setbacks and transition similar to a mid-rise building typology. The proposed building height and upper floorplates should be reduced, the north lot line setback should be increased, and the building should provide a 45-degree transition to the adjacent low scale *Neighbourhood*.

## **Heritage**

The subject site is adjacent to the Queen Street West Heritage Conservation District (HCD), designated under Part V of the Ontario Heritage Act by By-law No. 979-2007, enacted by City Council on July 19, 2007.

With regard to heritage resources, the Provincial Policy Statement 2.6.3 (PPS) states that “Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”. The site is adjacent the Queen Street West Heritage Conservation District.

Official Plan Policy 3.1.5 requires that development adjacent to heritage resources respects the scale, character and form of the heritage resource.

Official Plan Amendment 199, recently approved by the Ontario Municipal Board, includes policies to "ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained..."

The cultural heritage value of the HCD is defined in the HCD Plan and identifies the "visual coherence along the street... defined by the cumulative character of building scale, mass, height and proportion" as key elements of the district's heritage character. Further, heritage attributes of the district include buildings heights.

The HCD Plan affirms the maximum height of 16 metres in the Zoning By-law. The properties located in the block directly south of the subject site are comprised of buildings that are both contributing and non-contributing to the heritage character of Queen Street West. It is anticipated that any future redevelopment of the non-

contributing properties would be limited to a 16 metre height, in conformance with the HCD Plan.

The abruptness of the height and massing of the proposal as it relates to the HCD to the south is incompatible with the relatively small and low-scale character of the adjacent HCD. Further, there is no relationship between the east and west elevations of the proposed development and the adjacent HCD. The insufficient transitions into the district provide an uncomfortable condition that impact the district's relationship with its surroundings.

Planning staff suggest the proposal be revised to mitigate the height and massing impacts to the adjacent HCD by stepping the new building back 3 metres at approximately 16 metres in height along the east and west elevations where it is currently shown as stepping back at 27.6 metres. This would help the new building relate at the street wall level to the adjacent HCD. A reduction in height overall would mitigate the incongruity of the proposed development's height with that of the HCD.

## **Rental Housing**

The Rental Housing Demolition and Conversion By-law (885-2007), which created Chapter 667 of the City's Municipal Code, is one of the tools which implement the City's Official Plan Policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

The By-law makes it an offence to demolish the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for demolition. In addition, it requires that an application under the by-law be submitted without delay when a related planning application, such as a zoning amendment, has been submitted. Any planning approval in such matters should be conditional upon, among other matters, the applicant obtaining a Section 111 permit. City Council may impose conditions on the approval of a Section 111 permit, which typically involve the replacement of the rental housing and assistance to any tenants affected by the proposed demolition. City Council's decisions on the refusal or approval of a Section 111 permit are not subject to appeal to the Ontario Municipal Board.

The proposed development will require the demolition of existing rental units on the Cameron Street properties. As a Rental Housing Demolition and Conversion Application is required, but has not yet been submitted, City staff have not yet ascertained the number and nature of the rental units on-site. The applicant has indicated to City Planning that they intend to submit a Rental Housing Demolition and Conversion application and to replace all rental units in accordance with City requirements.

As this application is before the Ontario Municipal Board, City Planning staff request that Council direct the City Solicitor to advise the Board that any redevelopment of the site should not be finally approved prior to City Council approving the Rental Housing Demolition and Replacement application.

In the event that Ontario Municipal Board allows the appeal in whole or in part, City Planning staff are requesting that City Council direct the City Solicitor to request that the Board withhold any Order to approve the Zoning By-law amendment for the subject lands until such time as the City Solicitor has advised the Board that all matters related to rental housing and demolition have been addressed and secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor.

### **Visitor Parking**

The proposed development includes 103 parking spaces, of which only 7 are dedicated for visitors. City Planning staff do not support the proposed reduction of dedicated visitor parking. Staff are seeking an increase in the amount of visitor parking.

### **Unit Mix**

The City Planning Division promotes the construction of family sized units within new developments in the downtown. Among the principles for a successful Toronto noted in Chapter 1 of the Official Plan is the provision of housing choices for people at all stages of their lives. The proposed development includes a high percentage of one-bedroom and one-bedroom plus den units. In order to increase the presence of units containing more than 1 bedroom within the development, City Planning recommends that the percentage of 2 bedroom units be increased from 11% to a minimum of 20% and that the percentage of 3-bedroom units remain at a minimum of 10%.

### **Section 37**

The proposed development requests increases to the as-of-right height and density. In accordance with Policy 5.1.1 of the Official Plan, a proposal must constitute good planning before community benefits can be considered. As the proposal is not considered by City Planning staff to constitute good planning, staff have yet to enter into discussions regarding Section 37 benefits, but have advised the applicant earlier in the application review process that Section 37 benefits will be secured as a condition of the approval of a development on this site. These benefits may include:

- Increasing the provision of affordable housing in the area;
- The provision of non-profit social enterprise space;
- The provision of additional day care space;
- Improvements to area park land; and
- Other contributions to community benefits or capital facilities as may be determined through discussion with the applicant and City Planning Staff in consultation with the ward Councillor.

City Planning staff are supportive of a building height and density that will exceed the as-of-right. Should the Ontario Municipal Board grant the subject appeal, in whole or part, City Planning requests that Council authorize the City Solicitor and the Chief Planner, in consultation with the Ward Councillor, to identify and secure community benefits under Section 37 of the *Planning Act*.

## **Conclusion**

City Planning staff do not support the amendments to the Zoning By-law as currently proposed.

City Planning would support a building with reduced height and increased setbacks and stepbacks to better transition to the adjacent *Neighbourhood* and HCD. A building with reduced height and density, and revised massing, would better relate to the area context, better relate to the adjacent HCD character, implement the Policies of the City's Official Plan and better conform to Provincial Policy, while still representing an increase to the current as-of-right building height and density on an underutilized site.

City Planning staff will continue to work with all stakeholders in an effort to resolve the concerns detailed in this report in advance of the Ontario Municipal Board hearing, currently set for February 22-26 2016. Should negotiations be successful, the City Solicitor will report to Toronto City Council on the details of a settlement, including Section 37 matters. Should negotiations be unsuccessful, staff request that City Council direct the City Solicitor, together with City Planning staff and other City staff as appropriate, to attend the Ontario Municipal Board hearing to oppose the Zoning By-law amendment application in its current form.

## **CONTACT**

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E-mail: guens@toronto.ca

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

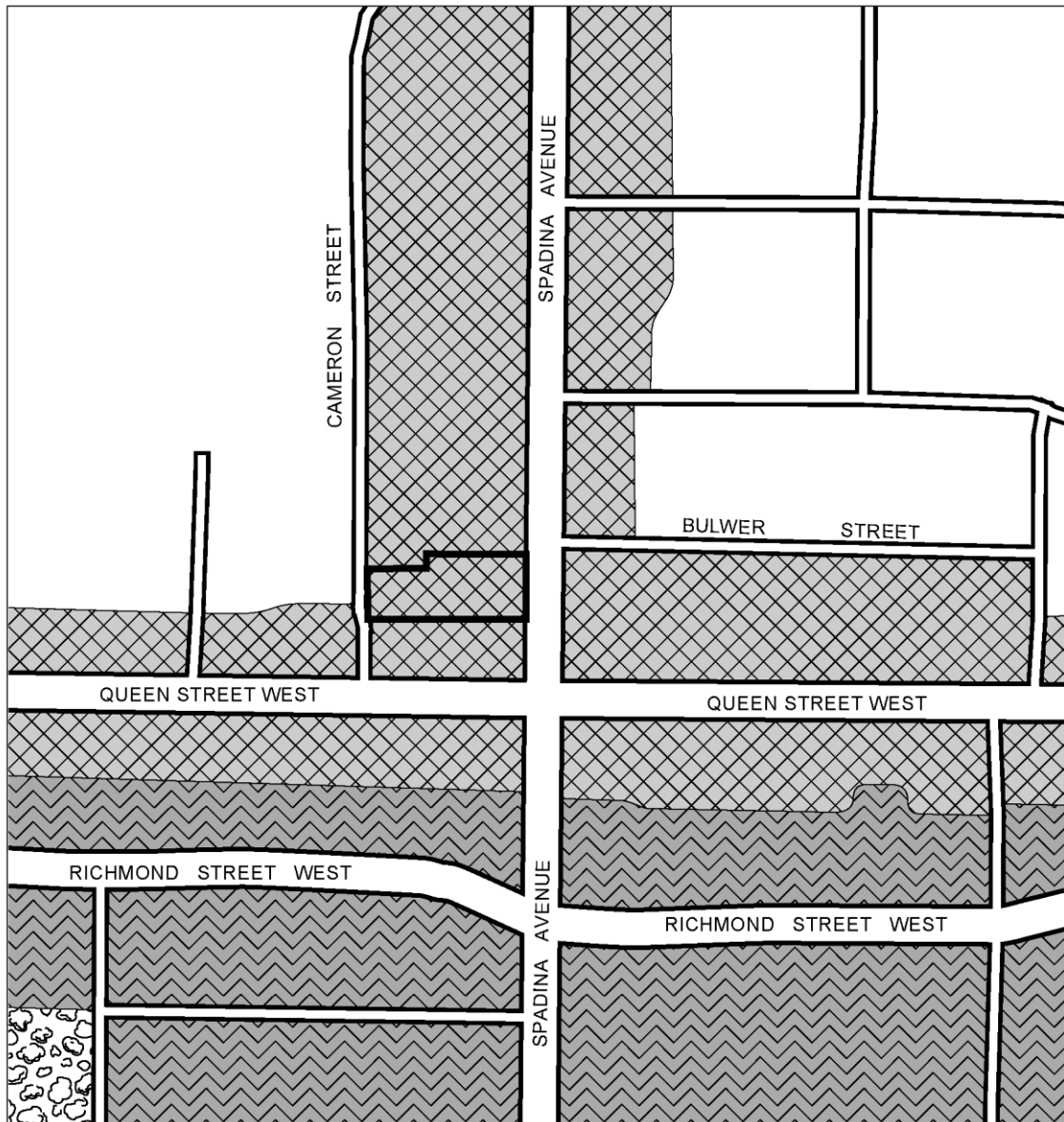
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## **ATTACHMENTS**

Attachment 1: Official Plan Map 18 Excerpt  
Attachment 2: Zoning By-law Excerpt  
Attachment 3: Proposed Site Plan  
Attachment 4: Proposed Building Sections  
Attachment 5: Application Data Sheet









# Attachment 1: Official Plan Map 18 Excerpt



**TORONTO** City Planning  
**Official Plan**

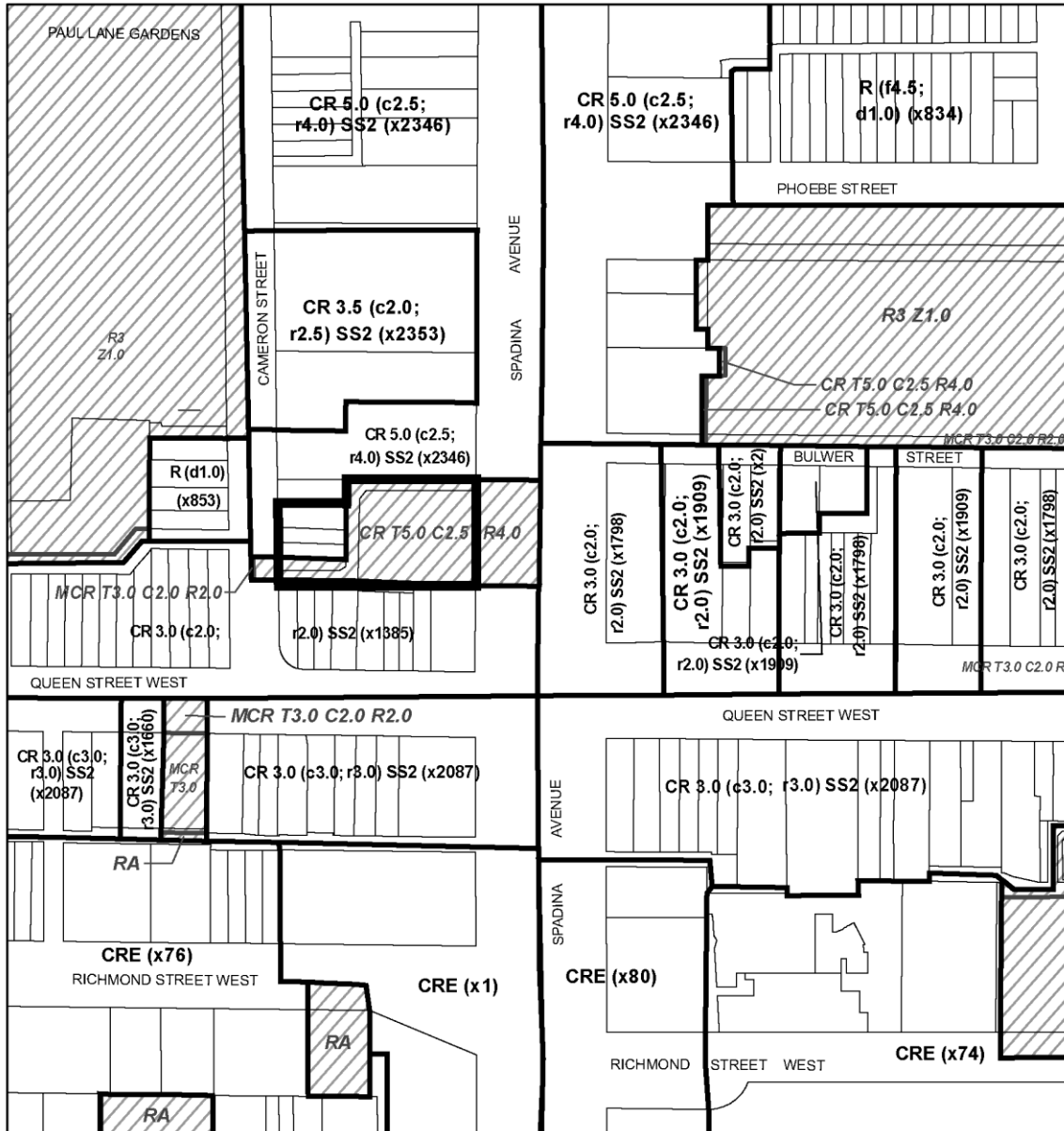
170 Spadina Avenue and 3,5,7 Cameron Street

File # 12 108570 STE 20 02

- |  |  |
|--|--|
|  Study Areas        |  Parks & Open Space Areas |
|  Neighbourhoods     |  Parks                    |
|  Regeneration Areas |  |
|  Mixed Use Areas    |  |

  
 Not to Scale  
 08/12/2015

## Attachment 2: Zoning By-law Excerpt



**170 Spadina Avenue, and 3, 5, 7 Cameron Street**

**Zoning By-Law No. 569-2013**

File # 12 180570 STE 20 0Z

Location of Application

See Former City of Toronto By-Law No. 438-86

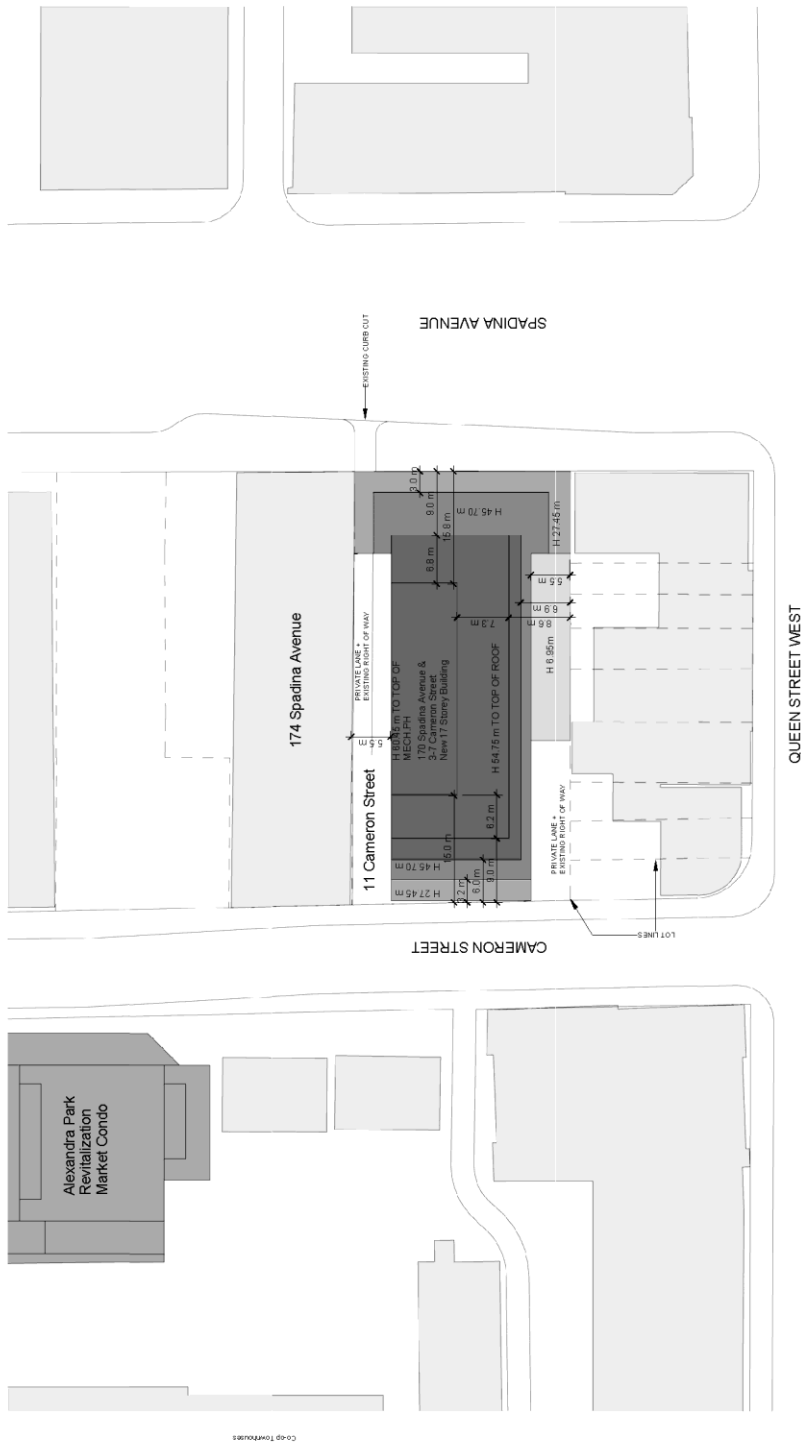
R Residential      CR Commercial Residential  
 CRE Commercial Residential Employment

R3 Residential District  
 CR Mixed-Use District  
 MCR Mixed-Use District  
 RA Mixed-Use District



Not to Scale  
 Extracted: 09/11/2015

### Attachment 3: Proposed Site Plan



170 Spadina Avenue and 3, 5, 7 Cameron Street

Site Plan

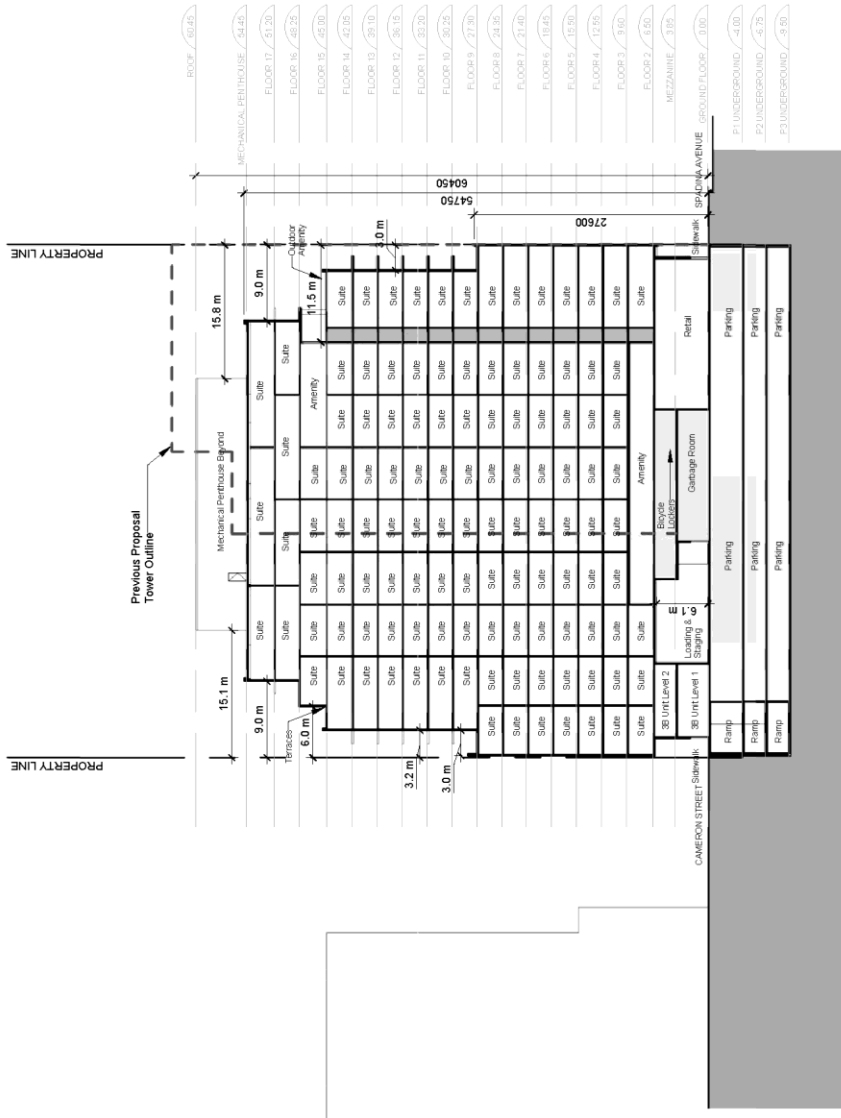
Applicant's Submitted Drawing

Not to Scale  
08/11/2015



File # 12\_108570\_STE 20.0Z

# Attachment 4: Proposed Sections



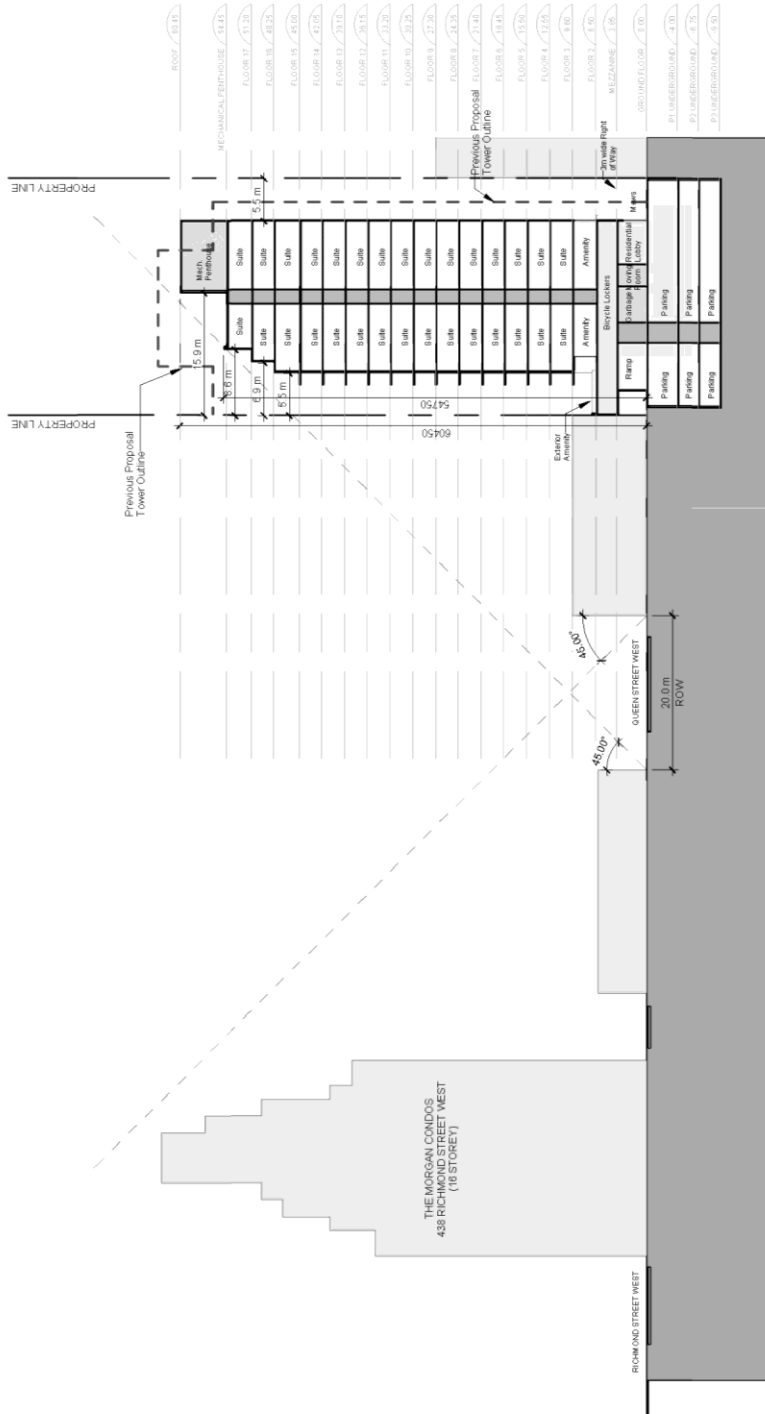
170 Spadina Avenue and 3, 5, 7 Cameron Street

East - West Building Section C

Applicant's Submitted Drawing

Not to Scale  
08/11/2015

File # 12\_108570\_STE-20 0Z

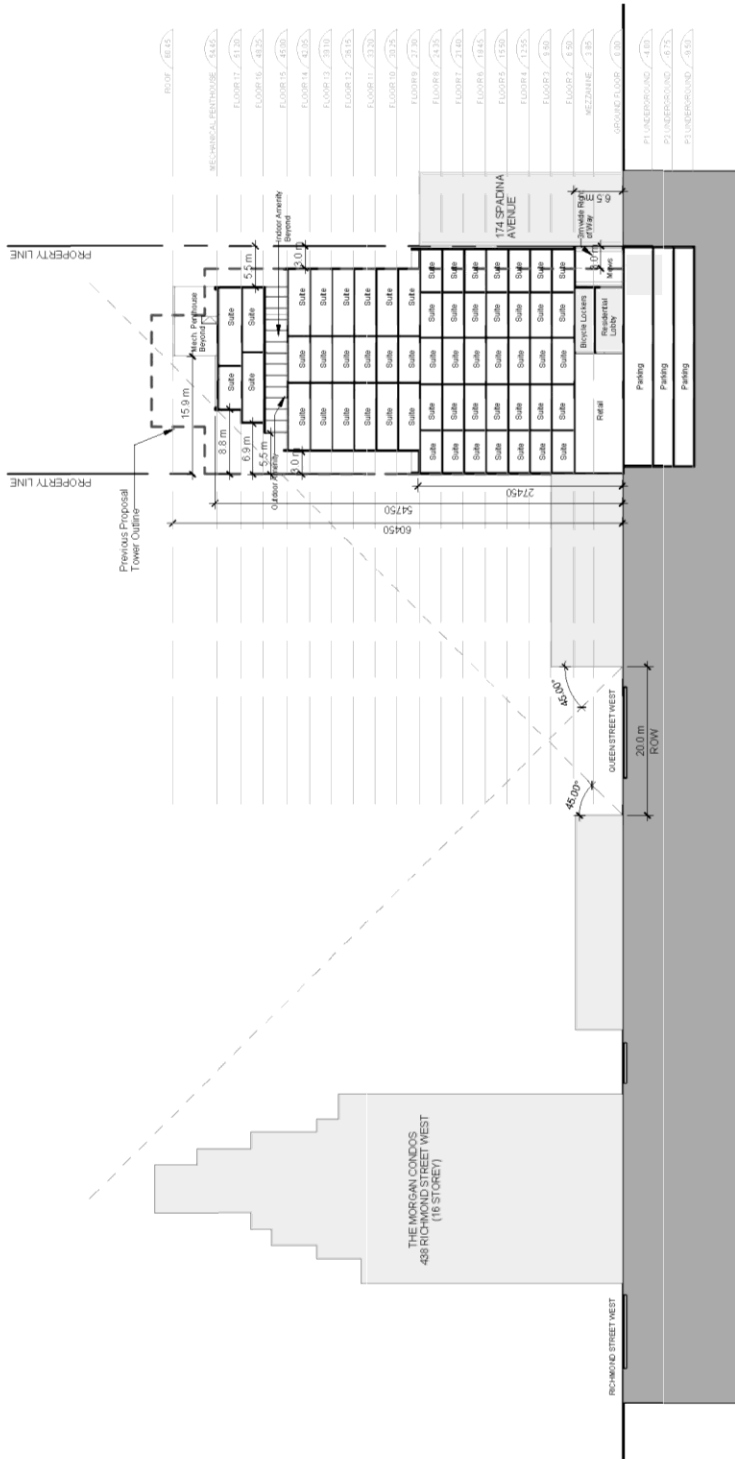


**North - South Building Section B**  
 170 Spadina Avenue and 3, 5, 7 Cameron Street

Applicant's Submitted Drawing

Not to Scale  
 08/11/2015

File # 12\_108570\_STE-20.0Z



**North - South Building Section A**

**170 Spadina Avenue and 3, 5, 7 Cameron Street**

Applicant's Submitted Drawing

Not to Scale  
08/11/2015

File # 12\_108570\_STE 20.0Z

## Attachment 5: Application Data Sheet

<i>Application Type</i>	<i>Rezoning</i>	<i>Application Number:</i>	12 108570 STE 20 OZ
Details	Rezoning, Standard	Application Date:	January 19, 2012
Municipal Address:	170 SPADINA AVE, 3, 5, 7 CAMERON STREET		
Location Description:	CON 1 FTB PT PARK LOT 16 PLAN 441 LOT 1 **GRID S2010		
Project Description:	Rezoning application to permit the redevelopment of the existing two storey non residential building with a new 17-storey (60.45 metre) mixed-use building with 329m <sup>2</sup> of retail area at the ground floor and 271 residential units, 103 vehicular parking spaces.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
PLAZA	PLAZA	Quadrangle	PLAZA

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T5.0 C2.5 R4.0	Historical Status:
Height Limit (m):	28,	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	1699.9	Height:	Storeys:	17
Frontage (m):	30.7		Metres:	60.45
Depth (m):	60.5			
Total Ground Floor Area (sq. m):	868			<b>Total</b>
Total Residential GFA (sq. m):	17593		Parking Spaces:	103
Total Non-Residential GFA (sq. m):	329		Loading Docks	1
Total GFA (sq. m):	17922			
Lot Coverage Ratio (%):	51			
Floor Space Index:	11.5			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

	Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	17593	0
Bachelor:	0	Retail GFA (sq. m):	329	0
1 Bedroom:	204	Office GFA (sq. m):	0	0
2 Bedroom:	30	Industrial GFA (sq. m):	0	0
3 + Bedroom:	26	Institutional/Other GFA (sq. m):	0	0
Total Units:	271			

**CONTACT: PLANNER NAME: Graig Uens, Planner**  
**TELEPHONE: 416-397-4647**