

**8-20 Widmer Street - Zoning Amendment Application -  
Request for Direction Report**

<b>Date:</b>	February 3, 2017
<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>	16 118450 STE 20 OZ

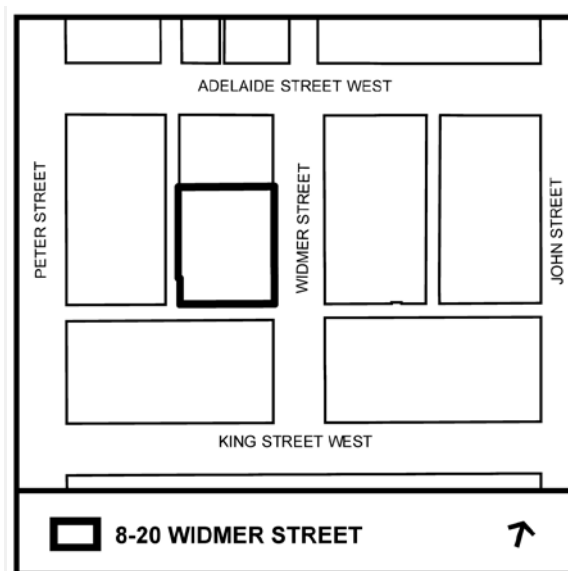
**SUMMARY**

This application proposes to construct a 56-storey (174.3 metres plus an 8.8 metre mechanical penthouse) residential building at 8-20 Widmer Street. A total of 583 residential units, 227 vehicular parking spaces and 583 bicycle parking spaces are proposed. The proposal calls for the reconstruction of a row of heritage townhouses on the lot.

The owner of the site at 8-20 Widmer Street has appealed its Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time required by the Planning Act. A hearing has not yet been scheduled.

A Rental Housing Demolition and Conversion Application was also submitted under Section 111 of the City of Toronto Act, pursuant to Chapter 667 of the Municipal Code, as the site contains at least 6 residential dwelling units, of which at least 5 are residential rental units.

The proposal is not supportable in its current form. The proposed tower and base building represent an overdevelopment of the site and would create an unacceptable form of development. The proposed tower would not conform to Official Plan built form policies and does not satisfactorily respond to urban design guidelines related to the built form. The development also does not appropriately



respond to the row of heritage townhouses on site.

The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the Ontario Municipal Board hearing in opposition to the applicant's development proposal and appeal. Staff also are seeking direction to continue discussions with the applicant in order to come to an agreement.

## **RECOMMENDATIONS**

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

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application for 8-20 Widmer Street.
2. City Council authorize City staff to continue discussions with the applicant in order to come to an agreement on an appropriate development for 8-20 Widmer Street.
3. City Council authorize the Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor, to identify the services, facilities and matters pursuant to Section 37 of the Planning Act to be secured in the event the Ontario Municipal Board approves the Zoning By-law amendment application as proposed in whole or in part.
4. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council authorizes the City Solicitor to request the Ontario Municipal Board to withhold any final orders approving a Zoning By-law amendment until approval has been granted for the demolition under Chapter 667 pursuant to Section 111 of the City of Toronto Act for the demolition of the residential rental units on the site and a Tenant Relocation and Assistance Plan, if required, is secured through Section 37 of the *Planning Act*.
5. City Council direct City Planning staff, in the event that the Ontario Municipal Board allows the appeal in whole or in part, to request that the Ontario Municipal Board withhold its Order(s) approving the application until such time as the Board has been advised by the City Solicitor that:
  - a. the proposed Official Plan Amendment and Zoning By-law Amendments are in a form satisfactory to the Chief Planner and City Solicitor;
  - b. a Section 37 Agreement has been executed and registered to secure the Section 37 contribution and related matters satisfactory to the Chief Planner; and
  - c. a Site Plan application has been made and a Site Plan Agreement has been entered into between the City and the owner.

6. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

### **Financial Impact**

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

## **ISSUE BACKGROUND**

### **Proposal**

The applicant proposes to construct a 56-storey (174.3 metres plus an 8.8 metre mechanical penthouse) residential building which would contain 583 residential units. The proposal includes six existing townhouses (from 10-20 Widmer Street) that are listed in the City's Heritage Register. A total of 227 vehicular parking spaces are proposed in a 5-level below grade parking garage and 583 bicycle parking spaces would be located both in the below grade parking garage and on the second floor accessed via a dedicated elevator.

The proposed tower floor plate is 749 square metres with balconies from the 8<sup>th</sup> floor to the 56<sup>th</sup> floor. The density of the proposed development is 19.12 times the area of the lot.

The proposed tower setbacks are: 10.4 metres from the east property line (facing Widmer Street); 10 metres from the north property line; 4.4 metres from the west property line (7.4 metres from the centre line of the abutting public lane); 6.3 metres from the south property line (9.3 metres from the centre line of the abutting public lane).

The base of the proposed tower varies in character. Along the Widmer Street frontage, the base is mainly comprised of the three-storey listed heritage townhouse buildings. The townhouses are approximately 11.5 metres in height to the peak of the roof. The townhouses would be for residential units and include rear yard terraces on the third floor. The bulk of the new tower base would be six storeys in height (approximately 20.5 metres). Floors one to five are setback from the east property line by 18.5 metres, tucked behind the townhouse buildings. On the sixth floor, the setback from the east property line would be 15 metres and would begin to cantilever over the outdoor terraces of the townhouse buildings. On the seventh floor, the setback from the east property line would be 10.4 metres, penetrating the initial base building setback of 18.5 metres by 8.1 metres, and cantilevering over the townhouse buildings. This 10.4 metre setback would continue from floors eight to fifty.

The existing sidewalk widths along Widmer Street are to remain unchanged. The heritage buildings along Widmer Street are set at the property line with a sidewalk width of 5.5 metres. A proposed POPS (Privately Owned Publically-accessible Space) is proposed south of the townhouse heritage buildings at the corner of Widmer Street and the southerly public lane.

The proposed building would consist of 583 residential units. The proposed residential unit breakdown is as follows:

<b>Unit Type</b>	<b>Number of Units</b>
Studio	105
1-Bedroom	206
2-Bedroom	212
3-Bedroom	60
<b>Total</b>	<b>583</b>

The applicant is proposing a total of 1,689 square metres of indoor amenity space on the second, third, sixth and seventh floors and 668 square metres of outdoor amenity space on the sixth and seventh floors.

A total of 227 vehicular parking spaces would be provided in a 5-level underground parking garage accessible from the east-west public lane. No parking is proposed for residential visitors. In addition, the proposal includes a drop-off lay-by area on the south side of the property also accessible from the east-west public lane. A total of 583 bicycle parking spaces would be provided in underground parking levels and the second floor, accessible from a dedicated elevator.

All servicing vehicles would access the site via the north-south public lane. An enclosed Type C and Type G loading space is proposed.

See Attachment No. 6 for the application data sheet and Attachment Nos. 1-5 for drawings of the proposal.

### **Site and Surrounding Area**

The subject site is located on the west side of Widmer Street, midblock between Adelaide Street West to the north and King Street West to the south. The site is 1,881 square metres in area, rectangular in shape, and has a frontage of 47.6 metres on Widmer Street and a depth of 39 metres.

Six heritage 2-storey townhouses currently occupy 10-20 Widmer Street. These buildings contain at least 6 residential dwelling units, of which at least 5 are residential rental units. These heritage townhouses are listed in the City's Heritage Register. Two one-storey concrete buildings are located in the rear of 8 and 10 Widmer Street. A surface parking area and automobile repair facility is located at 8 Widmer Street. A public lane is adjacent to the west and to the south of the subject site.

Uses and structures near the site include:

North: Abutting the subject site on the north side is a vacant lot at 30 Widmer Street that is subject to a zoning by-law amendment application for a proposed 51-storey mixed-use building (file no. 14 235297 STE 20 OZ) that is currently at the Ontario Municipal Board. Further north is Adelaide Street West, and across Adelaide Street West is an 8-storey warehouse building.

East: Widmer Street, beyond which is a 43-storey mixed use building at the southeast corner of Adelaide Street West and Widmer Street. South of that mixed-use building is a one-storey commercial building and a narrow surface parking lot.

South: Abutting the subject site is a public lane that runs east-west beyond which is the 20-storey Hyatt Regency Hotel with frontage on King Street West.

West: Abutting the subject site is a public lane that runs north-south beyond which is a 49-storey mixed-use building currently under construction. North of that is a 10-storey brick building (317-325 Adelaide Street West) also known as the Commodore Building, which is listed on the City's Heritage Register. There is also an intention to designate the Commodore Building as being of cultural heritage value or interest under by-law 81-2014.

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

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; 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 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 Official Plan locates the subject site within the *Downtown and Central Waterfront*, as shown on the Urban Structure Map, Map 2 of the Official Plan. Policies for the *Downtown* specifically are found under Section 2.2.1 of the Official Plan. The Official Plan states that *Downtown* will continue to evolve as a healthy and attractive place to live and work through new development. While the *Downtown* offers opportunities for intensification in employment and residential growth, this growth is not anticipated to be spread uniformly across the whole of *Downtown*.

Within the *Downtown*, the site is designated *Regeneration Areas* in the Official Plan which is one of the key areas expected to accommodate growth. The *Regeneration Area* designation provides for a broad mix of commercial, residential, light industrial, parks and open space, institutional live/work and utility uses in an urban form to:

- a) revitalize areas of the City that are largely vacant or underused;
- b) create new jobs and homes that use existing physical and social infrastructure and create and sustain employment opportunities;
- c) restore-re-use and retain existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures;
- d) achieve streetscape improvements and the extension of the open space network; and
- e) promote the environmental clean-up and re-use of contaminated lands.

For each *Regeneration Area* a framework for new development will be set out in a Secondary Plan. In this case, the King-Spadina Secondary Plan is the framework used for new development in this *Regeneration Area*.

Built form policies are found under Section 3.1.2 of the Official Plan. The Official Plan states that most of the City's future development will be infill and redevelopment, and as such, will need to fit in, respect and improve the character of the surrounding area. Built form policies are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 and 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties.

Heritage policies are found under Section 3.1.5 of the Official Plan. The Official Plan states that properties on the Heritage Register will be conserved and maintained consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*, as amended. The Official Plan further states that new construction on a property that is on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it. It is also encouraged and desirable to conserve the whole or a substantial portion of the heritage building. Heritage buildings are expected to be conserved in their original location. In this case, all the properties on the subject site are listed on the City's Heritage Register with the exception of 8 Widmer Street.

The Heritage policies also state that potential Heritage Conservation Districts will be identified and evaluated to determine their significance and cultural heritage values, in a Heritage Conservation District Study. The site is within a Council approved Heritage Conservation District study boundary and a district study is currently underway.

Policy 3.2.1.1 of the Official Plan seeks the provision of a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. Policy 3.2.1.6 requires applicants proposing to demolish six or more residential rental units, except where all rents are above mid-range, to replace the rental units and to provide tenant relocation and assistance to affected tenants.

### **King-Spadina Secondary Plan**

The subject site is situated within the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. The policies of Section 3 - Built Form and in particular the policies of Section 3.6 – General Built Form Principles, specify that:

- buildings are to be located along the front property line to define edges along streets and lower levels are to provide public uses accessed from the street;
- servicing and parking are encouraged to be accessed from lanes rather than streets and minimize pedestrian/vehicular conflicts;
- new buildings will be sited for adequate light, view, privacy and compatibility with the built form context;
- appropriate proportional relationships to streets and open spaces will be provided and wind and shadow impacts will be minimized on streets and open spaces;
- streetscape and open space improvements will be coordinated in new development; and
- high quality open spaces will be provided.

A major objective of this plan is for new development to respect and complement the historic fabric of the area. The particular scale, massing and street relationships of the existing heritage buildings on the block are important features to consider when assessing new development in this part of the King-Spadina East Precinct. Moreover, applicable plan area guidelines articulate that new development should maintain the relationships of buildings to one another along the street and the design of buildings at the street level.

### **King-Spadina Secondary Plan Review**

King Spadina is one of the highest growth areas in the downtown and it has a strongly influential heritage character. The in-force King-Spadina Secondary Plan emphasizes reinforcement of the area's existing characteristics and qualities through special attention to built form, heritage areas

of identity, and the public realm. The Secondary Plan is currently under review and a final report on the whole Secondary Plan area is anticipated in the second quarter of 2017. An estimated 50,000 people will live in King Spadina and the area will accommodate space for an estimated 50,000 jobs. The review recognizes that the Secondary Plan area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. The updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage and character of the area.

## **Zoning**

This site is zoned Reinvestment Area in the former City of Toronto Zoning By-law 438-86, as amended, which permits a range of uses including commercial, office, retail and residential. The maximum permitted height is 30 metres.

This site is zoned CRE(x74) in the new citywide Zoning By-law 569-2013 which is currently under appeal. This zoning also permits a range of uses including commercial, office, retail and residential and has a maximum permitted height of 30 metres.

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

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements 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*.

Proposals involving the demolition of six or more rental housing units, or those involving the demolition of at least one rental housing unit and a related application for a Zoning By-law amendment, require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB. In this case, the applicant has made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

## **King-Spadina Heritage Conservation District Study**

The King-Spadina Secondary Plan area contains many listed and designated heritage buildings. At its meeting on August 16, 2013 Toronto City Council directed Heritage Preservation Services staff to undertake Heritage Conservation District (HCD) studies in five priority areas. One of these areas is the King-Spadina Secondary Plan area. A team led by Taylor-Hazell Architects developed the study, and was subsequently retained to complete the plan.



The first phase of the study involved the identification of potential heritage conservation districts. In May 2014, the Toronto Preservation Board endorsed and HCD Study for King-Spadina, along with City staff recommendations to proceed with two HCD plans for King-Spadina, divided along Peter Street. Through the development of policies for the districts and the community consultation process, the project team has determined that a single HCD for the entire district is more appropriate due to its consistent architectural character and development history.

The project team released a draft version of the HCD plan for public comment in October 2016. A copy can be found here:

[https://hcdtoronto.files.wordpress.com/2016/10/161025\\_ks-hcd-plan-draft1.pdf](https://hcdtoronto.files.wordpress.com/2016/10/161025_ks-hcd-plan-draft1.pdf)

At its December 11, 12 and 13th, 2016 meeting, City Council passed By-law 1186-2016 to prohibit the demolition or removal of any buildings or structures on properties that have the potential to contribute to the cultural heritage value of King Spadina for a period of one year pending completion of the study. The By-law does not affect the Subject Property.

Heritage Preservation Services staff will present the final version of the Plan and a recommendation for designation under Part V of the Ontario Heritage Act in the coming months. Details on the King-Spadina HCD study are available at:

[http://www.toronto.ca/heritagepreservation/heritage\\_districts.htm](http://www.toronto.ca/heritagepreservation/heritage_districts.htm)

## **Heritage**

The properties at 10-20 Widmer Street were listed on the Heritage Register in 1984. In 2008 Toronto City Council adopted the Parks Canada document *Standards and Guidelines for the Conservation of Historic Places in Canada* as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. *The Standards and Guidelines* also include several key definitions. Central to these is the definition of *conservation* as all actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life.

## **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

## **TOcore**

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies.

City Council adopted the TOcore Proposals Report on December 15, 2016, which provides proposed policy directions that will inform the development of a draft Downtown Secondary Plan. The report also provides updates on the Phase 2 public consultations, population growth projections for the Downtown and the status of infrastructure strategies underway that will support the implementation of a new Downtown Secondary Plan.

The Proposals Report presents the Vision for the Downtown Secondary Plan, the five Guiding Principles and 128 draft Policy Directions. The draft Policy Directions will be the subject of the next round of public and stakeholder consultations to inform the development of the plan. The consultation will begin in January 2017 and will continue through the first quarter of 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. The implementing by-law (no. 1105-2016) was enacted on November 9, 2016. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of a tall building in the Downtown which would be implemented through an area specific Zoning By-law. The intent is that these policies would ensure that future growth positively contributes to the liveability, sustainability and health of Toronto's Downtown. More specifically, policies establish the reasoning for tower setbacks, recognize that not all sites can accommodate tall buildings and addresses base building heights.

### **Site Plan Control**

The subject site and development is subject to Site Plan Control. A site plan application has not been submitted at this time.

### **Reasons for the Application**

The application proposes a residential building with a total height, including the mechanical penthouse, of 183.1 metres. The maximum height permitted in the Zoning By-laws is 30 metres. The overall proposed height exceeds the maximum height limit for the site by 153 metres. A Zoning By-law amendment is therefore required. Through the review of the application, staff may identify additional areas of non-compliance with the Zoning By-laws, such as parking requirements.

### **Community Consultation**

A community consultation meeting was held on September 12, 2016 and was attended by approximately 20 members of the public. The following issues were raised:

- Concern for traffic and congestion;
- Concern regarding inadequate setback to the heritage buildings;
- Proposed tower is too close to adjacent towers, either approved and under construction or proposed; and
- Request for more commercial/retail space, which may result in alterations to the existing heritage townhouses to accommodate the use.

Planning staff have considered these comments in the review of this development and concur that the massing and tower placement is unacceptable in its current form.

Traffic studies have been reviewed by Transportation Staff and the traffic impact that would be caused by this development is considered acceptable; however, parking supply remains insufficient.

Should the project or a modified version proceed to approval, Heritage staff will review the re-use of the heritage townhouses and means of accessibility.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to arrive at the conclusion that the proposed development cannot be supported in its current form.

## **COMMENTS**

### **Ontario Municipal Board Hearing**

The applicant appealed its zoning by-law amendment application to the Ontario Municipal Board on October 14, 2016. A hearing date has not yet been set.

The applicant is also a party in the Ontario Municipal Board hearing for the application to the north at 30 Widmer Street and 309-315 Adelaide Street West. As part of that OMB hearing, the parties involved—the City, 30 Widmer and 8-20 Widmer—have agreed to undertake a mediation exercise to continue discussions and work on outstanding issues. If an agreement cannot be reached during mediation, a full hearing will be held for each application.

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

The Provincial Policy Statement (PPS) contains policies related to managing and directing development. It requires that sufficient land be made available for intensification and redevelopment, that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock and areas, and that they establish and implement minimum targets for intensification and redevelopment within built up areas. Policy 4.7 indicates that the Official Plan is the most important vehicle for implementing the PPS. Further, policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context. In addition, policy 1.1.3.6 of the PPS states new development taking place in designated growth areas, such as the Downtown, should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The City's Official Plan, which includes the King-Spadina Secondary Plan, meets the requirements of the PPS. It contains clear, reasonable and attainable policies that protect

provincial interests and directs development to suitable areas while taking into account the existing building stock, including numerous heritage buildings, and protects the character of the area consistent with the direction of the PPS. In this context, although the project does represent intensification, it is not consistent with other objectives of the Official Plan and therefore the PPS in that it does not fit harmoniously into its existing and planned context and it represents overdevelopment of the site.

The site is within the urban growth centre of the built-up area boundary as delineated in the Growth Plan for the Greater Golden Horseshoe (GPGGH), where a significant share of population and employment growth is anticipated. In conjunction with the direction for intensification within the urban growth area, Section 2.2.3.6 of the GPGGH directs the City's Official Plan and supporting documents, such as Design Guidelines, to establish policies to identify appropriate scale of development. In this context, the Official Plan, the King-Spadina Secondary Plan, the King-Spadina East Precinct Built Form Study, the King-Spadina Heritage Conservation District Study, the Tall Buildings Design Guidelines and the Zoning By-law provide direction on the appropriate height and separation distances between buildings within the King-Spadina area. This proposal has not addressed the policy direction of the Official Plan and its supporting documents and therefore challenges the Growth Plan for the Greater Golden Horseshoe in terms of appropriate building scale and the harmonious relationships between buildings.

### **Conformity with the Planning Framework for King-Spadina**

The application has been assessed in the context of the planning framework for King-Spadina which includes the Official Plan, the King-Spadina Secondary Plan currently being refined, the on-going King-Spadina East Precinct Built Form Study and King-Spadina Heritage Conservation District study and the Tall Building Design Guidelines. As outlined below, the proposal does not meet the objectives of the King-Spadina planning framework and, in its current form, is not a suitable tall building.

### **Built Form**

The King-Spadina Secondary Plan sets out the desired type and form of physical development that may occur in this area and the resultant built form. Policy 3.6 of the Secondary Plan protects the heritage character of King-Spadina by requiring consideration of matters such as building height, massing, scale, setbacks and stepbacks and by minimizing the wind and shadow impacts on streets, parks and open spaces. Within this framework, there are several concerns with the proposal's built form.

### **Height**

The proposal has a height of 174.3 metres plus an 8.8 metre mechanical penthouse. The proposal is within the East Precinct as identified within the King-Spadina East Precinct Built Form Study. At its meetings on August 25, 2014 and July 7, 8, 9, 2015 City Council endorsed several directions for the King-Spadina East Precinct to be used in reviewing current and future development applications. One of those directions was a downward gradation of tower heights from east to west from University Avenue toward Spadina Avenue. The result would be that the tallest buildings within the King-Spadina East Precinct be located toward University Avenue with buildings decreasing in height toward Spadina Avenue. This downward gradation has been

achieved throughout King-Spadina successfully as a means of moderating the scale of development as one moves west, transitioning toward Spadina Avenue. In this case, the proposal does not decrease in height from the buildings closer to University Avenue. For example, the Festival Tower, which is located at John Street and King Street West, making it the fourth block from University Avenue, has a height of 156.7 metres whereas the proposal, which is located on the fifth block from University Avenue is taller than the Festival Tower. It has been conveyed to the applicant that the building height should be lowered to reflect the downward gradation of heights leading from University Avenue toward Spadina Avenue.

### **Massing**

The podium of the proposed building is setback 18.5 metres from Widmer Street and is tucked behind the heritage townhouse buildings. The podium includes a pick-up/drop-off driveway accessible from the east-west public lane. The main residential lobby entrance faces this driveway and the laneway. Under Section 3.1.2 of the Official Plan, Policy 1 states that new development will frame and support adjacent streets to improve the safety, pedestrian interest and casual views to these spaces from the development by, among others, locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk. In this case, the proposal's main entrance is not clearly visible or directly accessible from the public sidewalk.

A portion of the proposed podium, as well as the tower, both cantilever over the heritage townhouses, which is further discussed in the Heritage subheading of the Comments section of this report.

The Tall Building Design Guidelines ("TBG") requires that the tower portion of proposed tall buildings setback 12.5 metres or more from the side and rear property lines or the centre line of an abutting lane in order to limit adverse impacts on sunlight, sky view, privacy and daylighting. As is the case with the subject site, the TBG acknowledge that some sites are simply too small to accommodate tall building development as it is not possible to provide the required separation distances. Development of tall buildings on such sites results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for building occupants and the overall liveability of the neighbourhood. The TBG recognizes that when a tall building is adjacent to an existing tall building or a potential tall building development site, a cumulative impact of clustered towers occurs and therefore, in addition to a 25 metre tower separation distance, towers should be further shaped, placed and articulated to increase the actual and perceived distances between adjacent buildings.

The TBG advances the vision, objectives and policies of the Official Plan as stated in Section 5.3.2 – Implementing Plans and Strategies for City Building. In this case, the TBG advances the Official Plan policies that:

- new development will be massed to fit harmoniously into its existing and/or planned context, and limit its impact on neighbouring streets, parks, open spaces and properties by providing adequate light and privacy (3.1.2 – Built Form Policy 3);

- taller buildings will be located to ensure adequate access to sky view for the proposed and future use of areas (3.1.2 – Built Form Policy 4); and
- the floor plate size and shape of tall buildings will be designed with appropriate dimensions for the site, locate and orient it on the site and in relationship to the base building and adjacent buildings (3.1.3 – Built Form – Tall Buildings Policy 1).

Moreover, at its meeting on August 25, 2014, City Council adopted the King-Spadina East Precinct Built Form Study Status Report in which City Council endorsed directions in the East Precinct to be used in reviewing current and future development applications. Those directions spoke to, among others, employing the city-wide Tall Building Guidelines to evaluate towers, particularly with regard to tower spacing and tower floor plates.

Lastly, on October 5, 2016, City Council adopted a City-initiated Official Plan and Zoning By-law Amendments that require tall building separation distances in the Downtown area, of which the subject site is within. The Zoning By-law Amendments require tower setback of 3 metres from a lot line that abuts a street and 12.5 metres from the centre line of an abutting lane or from the property line having no abutting street or lane.

The Official Plan Amendment, OPA 352, states that tall building development will provide setbacks from lot lines to the tower portion of the building so that individual tall buildings on a site and the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities by fitting in with the existing and/or planned context. It also makes reference to the approved Zoning By-law Amendments and that relief can be obtained through rezoning if the space provided is adequate within the block and will meet a set of criteria that reflects the same criteria in the TBG. If a proposed tall building does not meet the intent of the criteria, the site may not be suitable for a tall building proposal.

In this case, the proposed tower setbacks are: 10.4 metres from the east property line (facing Widmer Street); 10 metres from the north property line; 4.4 metres from the west property line (7.4 metres from the centre line of the abutting public lane); 6.3 metres from the south property line (9.3 metres from the centre line of the abutting public lane). None of the setbacks provided meet the 12.5 metres as recommended in the TBG or in the recent OPA 352 and Zoning By-law Amendments for tall building setbacks in the Downtown.

A critical analysis of the setbacks and tower separation reveals substandard tower separation distances that Staff consider inappropriate and unsuitable. To the north of the proposal is another tall building proposal at 30 Widmer Street and 309-315 Adelaide Street West, which is currently appealed to the Ontario Municipal Board and provides a tower setback of 5.5 metres from the south property line. Cumulatively, the tower separation would be 15.5 metres, which is 9.5 metres less than the 25 metre separation distance desired. To the west of the proposal is an approved tall building at 81-87 Peter Street, which was approved with a substandard tower setback of 7.5 metres from the centreline of the public lane. The justification for that setback was due to the unlikelihood that a tower proposal would be possible on the adjoining property at 8-20 Widmer Street, given the heritage status of the properties at 10-20 Widmer Street. While Staff acknowledges that 8-20 Widmer Street should not be held responsible for making up the

difference in tower setback, nevertheless, the proposed tower setback from the west property line is 7.4 metres, a little over half the 12.5 metre requirement, which equates to a 14.9 metre tower separation between the two buildings. Lastly, the tower setback from the south property line, which would face the Hyatt Hotel, a site with potential for a new tower on this block, the proposed tower setback is substandard at 9.3 metres from the centreline of the public lane.

The proposed separation distances are well below the minimum separation distance of 25 metres. The cumulative effect of the approved, proposed and potential towers on this block would impact the public realm and quality of life for residents as it relates to light, view and privacy and would not achieve a harmonious fit within the existing and planned context or contribute to building strong healthy communities. If the towers were approved as they are proposed, it would present a dense "clustering of towers," which is the precise condition that the TBG and OPA 352 and accompanying zoning by-law amendments seek to prevent, given the impacts and liveability standards.

## **Land Use**

The proposed development is located in the *Downtown and Regeneration Areas* of the Official Plan and is in an appropriate location for development that supports growth. New development must conform to the City's growth management strategy along with the objectives and policies that support it. The King-Spadina Area is characterized by a mix of uses including residential, entertainment, institutional and office which is anchored by a high concentration of creative and cultural uses. The City's new Employment policies focus on the need to retain and grow employment in the City while advocating for the replacement of existing office space on any redevelopment site.

One of the major objectives of the King-Spadina Secondary Plan states that "the King-Spadina Area is an important employment area. Accordingly, the retention and promotion of commercial and light industrial uses including media, design and fashion businesses within the area is a priority." While the proposed residential uses are permitted in this area of the Downtown, there is a lost opportunity to provide a true mix of uses which meet the objectives of the King-Spadina Secondary Plan. This lack of a mix of uses was also a concern brought up several times by residents at the community consultation meeting.

## **Heritage**

The six three-storey townhouses located on site, municipally known as 10-20 Widmer Street, are listed in the Heritage Register. The newly proposed tower on the site would cantilever over the heritage townhouses. The cantilever begins on the sixth floor of the proposed tower, cantilevering over the outdoor terraces of the townhouse buildings. On the seventh floor, the proposed tower further hangs over the townhouse buildings, and this cantilever continues from floors eight to fifty.

Heritage Preservation Services (HPS) consider the cantilever unacceptable. The recommendation from HPS is that the tower not cantilever over the heritage buildings. It is acceptable for the tower's podium to be flush with the rear of the townhouses, but that the tower should provide an additional 5 metre setback from the tower's podium. These setbacks will result in a smaller floor plate for the tower.

Moreover, the proposed conservation strategy involves deconstructing and reconstructing the townhouse buildings. HPS is not supportive of this conservation strategy.

## **Community Services and Facilities**

There has been a significant increase in population for the King Spadina area since 1996 from 945 residents living in the area to 8,600 residents in 2011 to 19,000 in 2016. In 1996, 79% of residents lived west of Spadina Ave. By 2011, however, just over half of residents lived east of Spadina. The pace of residential development is expected to continue with over 21,500 units going through the application process or completed since the 2011 Census. The majority of these applications are located east of Spadina Avenue, accounting for 65% of all units. If all the proposed units are built, the population could potentially increase by 31,615. Again, the majority of the new residents would be located east of Spadina Avenue (20,670 people). Overall, the population of King Spadina could increase to an approximate total of 50,000 by 2025 from 8,600 people in the 2011 census.

The increasing population in King-Spadina serves as a statement on the serious need to manage growth to ensure livability. One of the most significant challenges faced by the City in efforts to ensure the livability of the King-Spadina area (and the downtown core generally) is the growing gap between the demands for a range of community services and facilities (CS&F) and the facilities and services which are available. A December 2013 Report by IBI Group (Community Services and Facilities Update – Phase 1) identified a need for additional schools, community centres, libraries, parks, child care facilities and flexible space for a variety of human services agencies in King-Spadina. The scale of development proposals adds to this challenge, as overdevelopment of individual sites adds to the pressure of too many people and too few facilities and services.

## **Traffic Impact, Access, Parking and Servicing**

Engineering and Construction Services staff have reviewed the application. Staff have concerns about the proposed reduction in parking, the use of the public laneway as part of a fire access route, required revisions to the functional servicing and stormwater management report and the need for a hydrogeological report to determine the quality and quantity of any groundwater proposed to be pumped and discharged. Engineering and Construction Services requires further revisions to the consultant studies and plans and compliance with the Zoning By-law regarding parking.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 3.00 + hectares of local parkland per 1,000 people. The site is in the highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 7,773 m<sup>2</sup> or 413% of the site



area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use. In total, the parkland dedication requirement is 188 m<sup>2</sup>.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as 188 m<sup>2</sup> is not of a suitable size to develop a programmable park within the existing context of this development. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **Block Planning**

The report from the Director, Toronto and East York District dated August 5, 2014 updating Council on the status of the King-Spadina East Precinct Built Form Study generally encouraged planning in King-Spadina to occur on a block-by-block rather than on a site-by-site basis in order to avoid situations where the first tower application on a block attempts to export facing distance constraints to other properties resulting in too many towers on one block and a poor relationship of new buildings to their context.

Staff have analysed the development potential of this block bounded by Adelaide Street West to the north, Widmer Street to the east, Peter Street to the west, and King Street West to the south. In the case of this block, one tall building has already been approved and is under construction at 81-87 Peter Street, which was a joint development with the Commodore Building at 317-325 Adelaide Street West. The Hyatt Regency Hotel, which covers the south end of the block, could potentially support a tower on its own site should it be redeveloped. It is unlikely that both 30 Widmer Street and 309-315 Adelaide Street West or 8-20 Widmer Street can develop with a significant tower on each of their properties; however, City staff would be open to a joint proposal for these two sites. The last remaining property on the block is 77 Peter Street, a property that has an approximate lot area of 426 square metres, which is not large enough to support a tall building.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Should a redevelopment be approved, the applicant will be required to submit a site plan that brings their proposal into compliance with these standards.

## **Rental Housing**

A Rental Housing Demolition Application under Chapter 667, pursuant to Section 111 of the City of Toronto Act was filed and deemed incomplete in June of 2016.

Based on the information submitted by the applicant there are a total of 6 residential dwelling units on the proposed development site, of which at least 5 are residential rental units. Additional information from the applicant and a site visit undertaken by City Planning staff are

both required to confirm: the number of residential dwelling units on site; how many were used for residential rental purposes; how many residential rental units are currently occupied; and the rent levels of the residential rental units. This information and a site visit were requested of the applicant in June, 2016.

The City's policy for applications involving demolition of rental housing is to maintain residential rental tenancies, and the buildings' occupancy, until such time as redevelopment has been approved and construction of the redevelopment is imminent.

As there are at least 6 existing residential dwelling units, of which at least 1 unit has been used for rental purposes, a permit under Section 111 of the *City of Toronto Act*/Chapter 667 of the Municipal Code is required. If it is confirmed by City Planning staff that only 5 units within this related group of buildings are being used for residential rental purposes, the City's Official Plan policies requiring replacement of rental housing do not apply. Council approval will be contingent on a number of conditions to the satisfaction of the Chief Planner.

Should more than 5 residential rental units with affordable and/or mid-range rents be found on site, Policy 3.2.1.6 of the City's Official Plan will apply and the applicant will be required to replace the existing residential rental units by the same number, size and type and at similar rents, and to provide tenant relocation and assistance to affected tenants.

## **Section 37**

Section 37 of the Planning Act allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication, public art; streetscape improvements on the public boulevard not abutting the site; Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland).

Following the submission of the development application, City staff determined it was not appropriate to discuss Section 37 benefits as the proposed development was not considered to be good planning.

Should a redevelopment of some form be approved through an Ontario Municipal Board Hearing, staff will be seeking a Section 37 contribution.

## **Conclusion**

Staff have reviewed the development application for 8-20 Widmer Street and have determined that the proposal is not consistent with the Official Plan, including the King-Spadina Secondary Plan, as well as with the intent of Council approved guidelines such as the Tall Building Design

Guidelines which support the Official Plan. It is also not consistent with Council endorsed directions of the East Precinct Built Form Study and the Secondary Plan Review.

It is the opinion of City Planning that the subject tall building application is not good planning, and is not in the public interest. A more appropriate outcome would be achieved by working with adjoining landowners to combine sites and reduce the number of proposed and potential towers on a block area basis.

## **CONTACT**

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E-mail: george.pantazis@toronto.ca

## **SIGNATURE**

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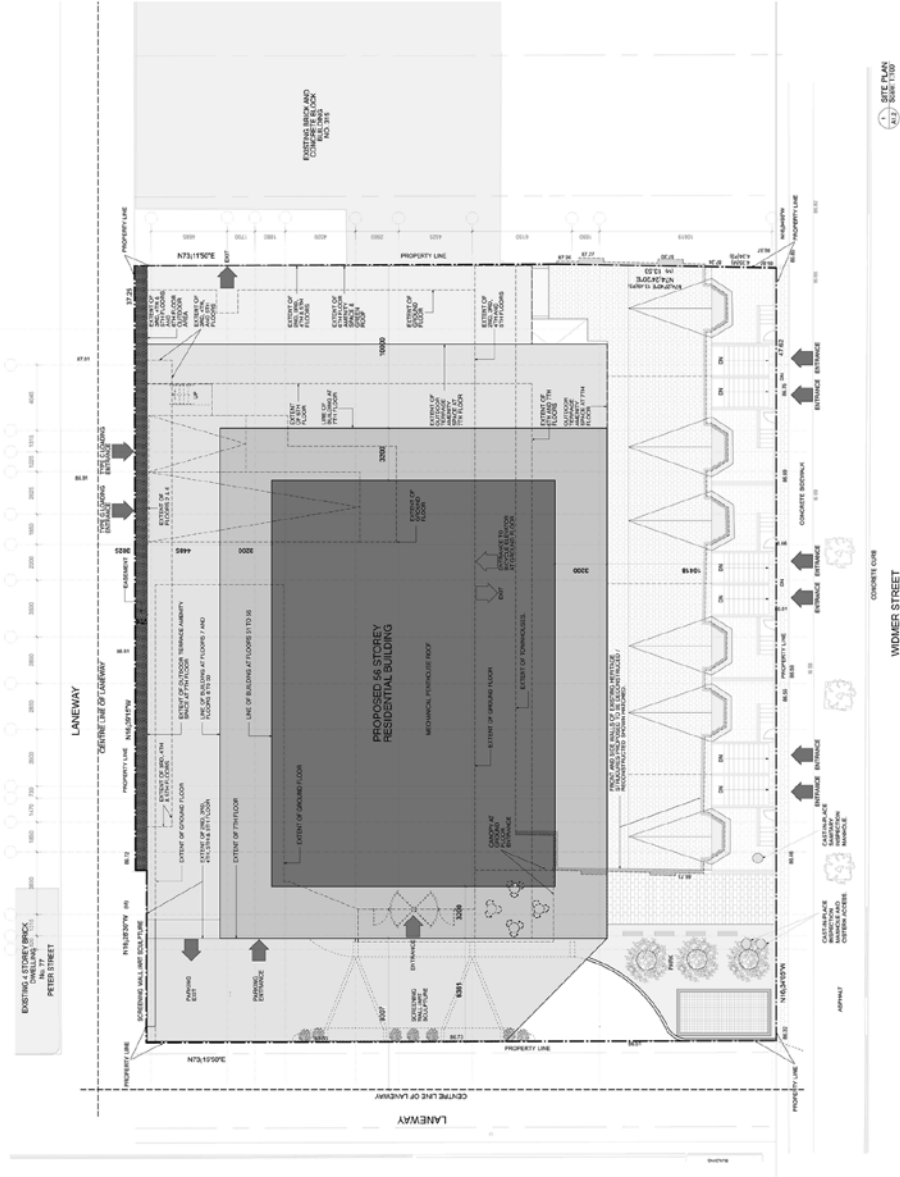
Gregg Lintern MCIP RPP  
Director, Community Planning  
Toronto and East York District

(P:\2017\Cluster B\pln\TEYCC\3014937036.doc) - vc

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: East Elevation  
Attachment 3: South Elevation  
Attachment 4: West Elevation  
Attachment 5: North Elevation  
Attachment 6: Application Data Sheet

# Attachment 1: Site Plan



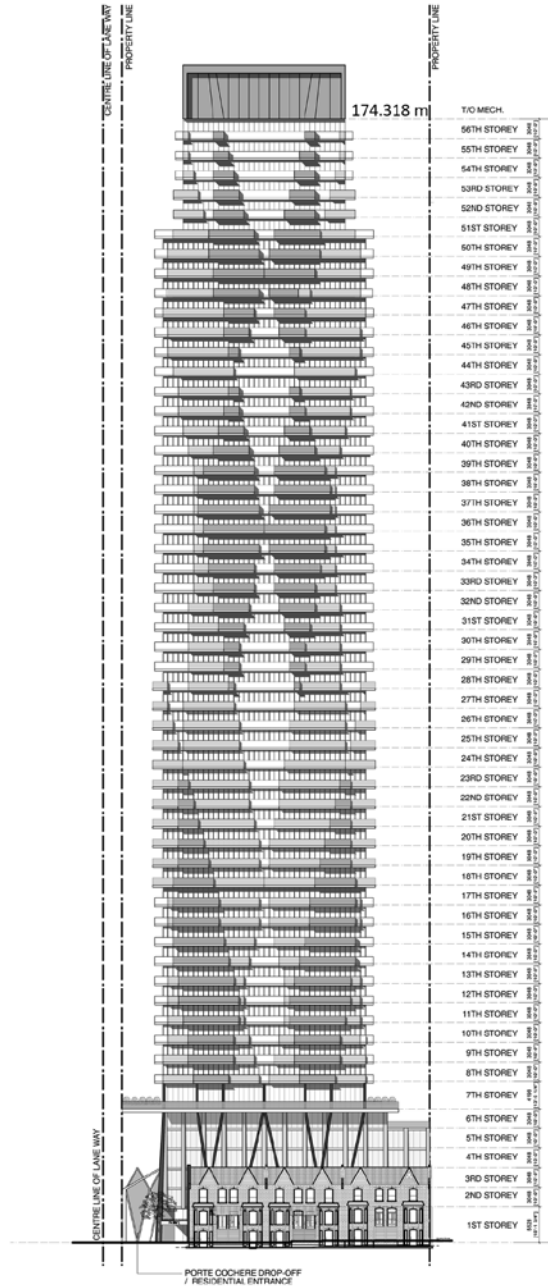
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Site Plan  
 Applicant's Submitted Drawing

Not to Scale  
 03/30/2016

File # 16-118450 STE 20 0Z

## Attachment 2: East Elevation



### East Elevation

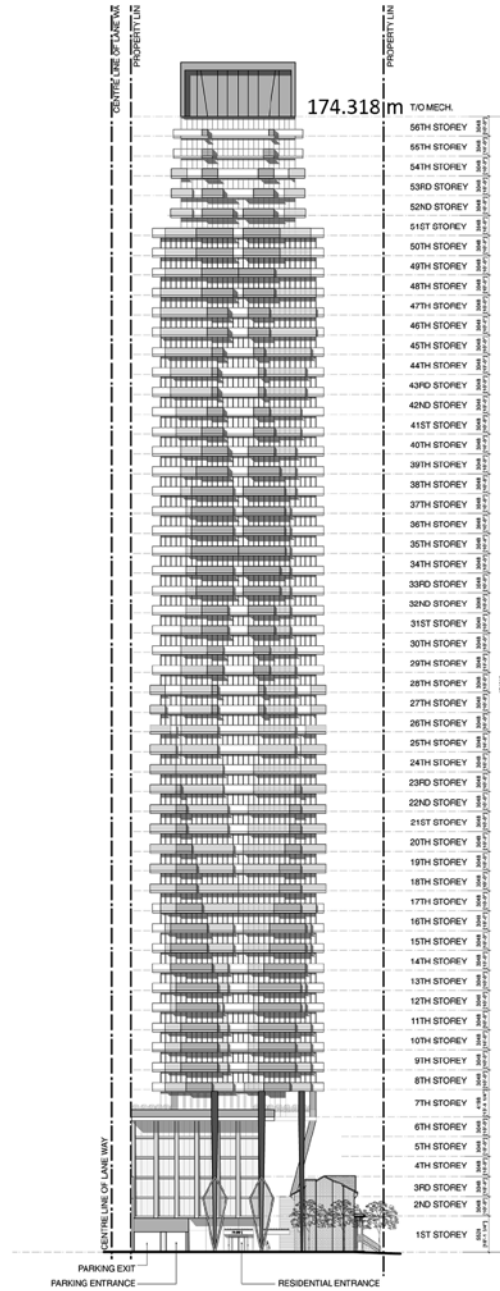
Applicant's Submitted Drawing

Not to Scale  
03/30/2016

8-20 Widmer Street

File # 16 188450 STE 20 OZ

# Attachment 3: South Elevation



## South Elevation

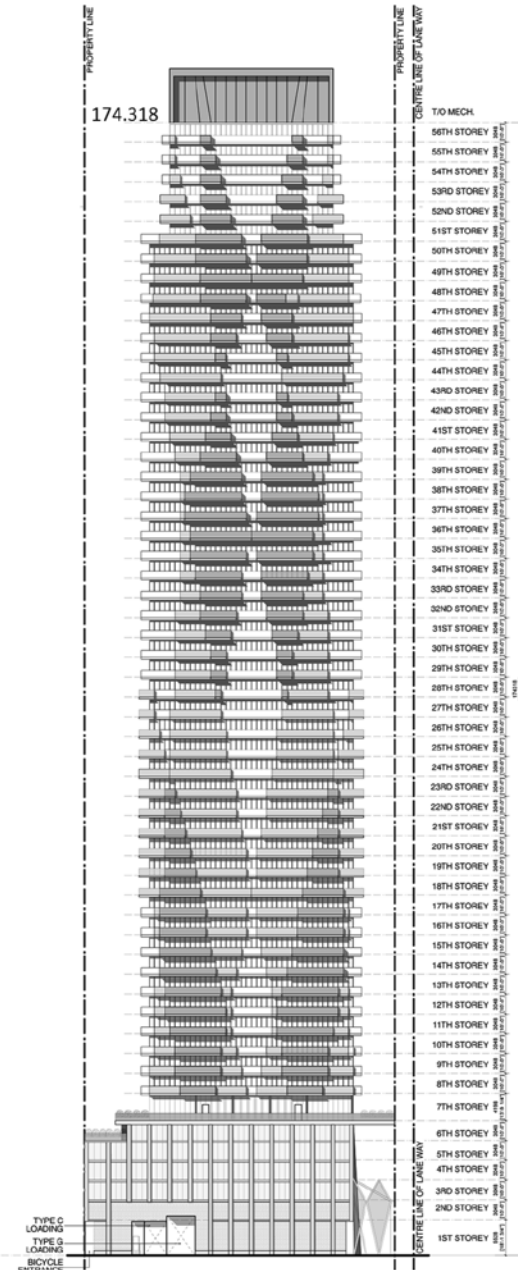
Applicant's Submitted Drawing

Not to Scale  
03/30/2016

8-20 Widmer Street

File # 16 188450 STE 20 OZ

# Attachment 4: West Elevation



## West Elevation

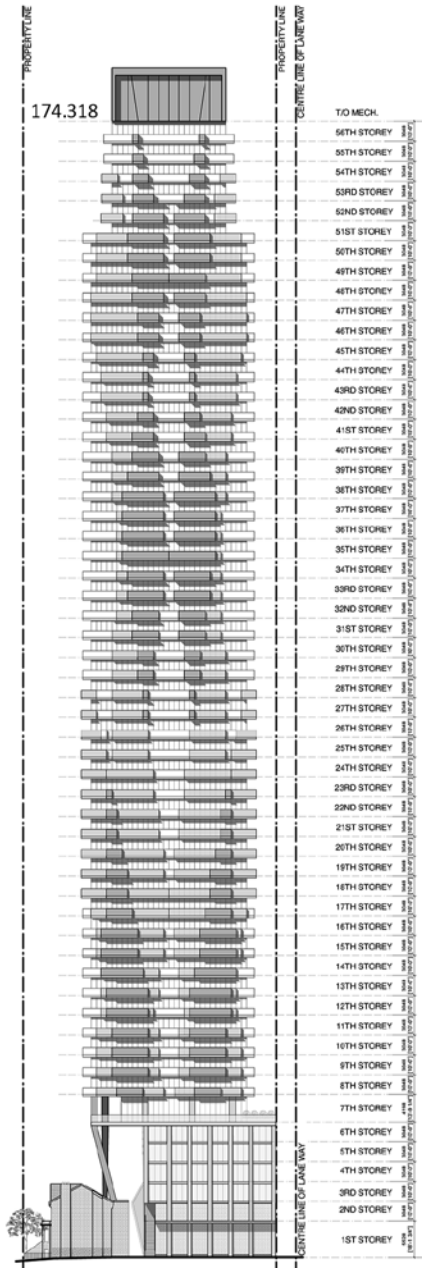
Applicant's Submitted Drawing

Not to Scale  
03/30/2016

8-20 Widmer Street

File # 16 188450 STE 20 OZ

# Attachment 5: North Elevation



## North Elevation

Applicant's Submitted Drawing

Not to Scale  
03/30/2016

8-20 Widmer Street

File # 16 188450 STE 20 OZ



## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	16 118450 STE 20 OZ
Details	Rezoning, Standard	Application Date:	February 19, 2016
Municipal Address:	8-20 WIDMER STREET		
Location Description:	PLAN 84 PT LOTS 32 AND 33 RP 63R3863 PART 2 **GRID S2015		
Project Description:	This application proposes to construct a 56-storey (174.3 metres plus an 8.8 metre mechanical) residential building at 8-20 Widmer Street. A total of 583 residential units, 227 vehicular parking spaces and 583 bicycle parking spaces are proposed. The proposal calls for the alteration of heritage buildings.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Scott Shields Architects Inc.	Scott Shields Architects Inc.	Scott Shields Architects Inc.	10 Widmer Street Ltd.

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	n/a
Zoning:	RA and CRE (x74)	Historical Status:	Listed
Height Limit (m):	30	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	1,881	Height:	Storeys:	56
Frontage (m):	47.6		Metres:	183.1 (includes mech. pent.)
Depth (m):	39.5			
Total Ground Floor Area (sq. m):	934			<b>Total</b>
Total Residential GFA (sq. m):	35,973		Parking Spaces:	227
			Bicycle Parking:	583
Total Non-Residential GFA (sq. m):	0		Loading Docks:	2 (Type G and C)
Total GFA (sq. m):	35,893			
Lot Coverage Ratio (%):	49.7			
Floor Space Index:	19.1			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	35,973	0
Bachelor:	105	Retail GFA (sq. m):	0	0
1 Bedroom:	206	Office GFA (sq. m):	0	0
2 Bedroom:	212	Industrial GFA (sq. m):	0	0
3 + Bedroom:	60	Institutional/Other GFA (sq. m):	0	0
Total Units:	583			
<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>George Pantazis, Planner</b>		
	<b>TELEPHONE:</b>	<b>416-392-3566</b>		
	<b>EMAIL:</b>	<b>gpantaz@toronto.ca</b>		