

**400 Front Street West – Zoning Amendment Application  
– Request for Direction Report**

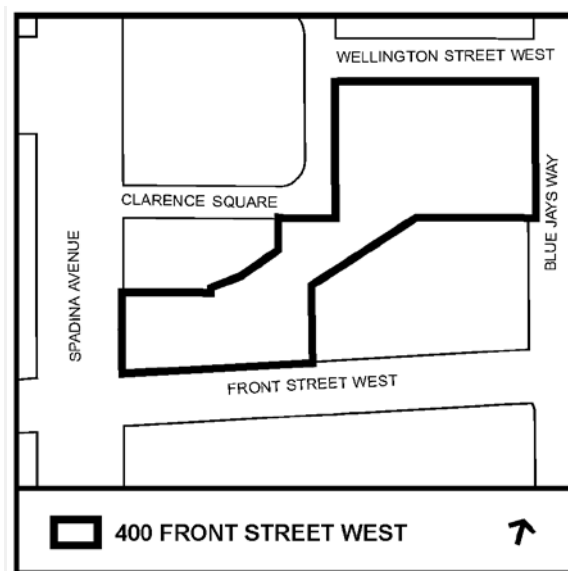
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| <b>Date:</b>             | April 11, 2017   |
| <b>To:</b>               | Toronto and East York Community Council                      |
| <b>From:</b>             | Director, Community Planning, Toronto and East York District |
| <b>Wards:</b>            | Ward 20 – Trinity-Spadina                                    |
| <b>Reference Number:</b> | 15 136961 STE 20 OZ  |

**SUMMARY**

This application proposes to amend the former City of Toronto Zoning By-law 438-86 and the City's Comprehensive Zoning By-law 569-2013 to permit the development of four mixed-use towers, ranging from 24 to 60-storeys, including 2,291 residential units and 8,738 square metres of retail uses with 649 underground parking spaces at 400 Front Street West.

The owner of the site at 400 Front Street West 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 pre-hearing conference was held on January 24, 2017. The Board was requested to provide an opportunity for mediation and has scheduled June 14, 15 and 23, 2017 for mediation. A second pre-hearing conference has been scheduled for July 24, 2017. To date a hearing has not been scheduled.

The proposed development represents an overdevelopment of the site, both in terms of built form and density and would create an unacceptable form of development. The proposal does not conform with Official Plan built form policies nor does it satisfactorily respond to built form urban design guidelines. . Issues specifically raised by the proposal include:



- The proposal creates an unacceptable shadow impact on Clarence Square Park, which is one of very few parks serving the area and is subject to an intention to designate under the *Ontario Heritage Act*.
- The proposal does not respond appropriately to the heritage context of Clarence Square Park or to the scale of the significant heritage buildings which frame the park.
- The proposed height of the towers and the podium on the north parcel are not in keeping with the planned context, including the heights established through the many planning approvals for tall buildings in the East Precinct of the King-Spadina Secondary Plan.
- The proposal does not appropriately address a number of performance requirements set out in the general Zoning By-laws, such as amenity space and required parking.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City Staff to attend an Ontario Municipal Board hearing in opposition to the applicant's current development proposal and appeal.

## **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 an Ontario Municipal Board hearing to oppose the appeal of the currently proposed Zoning By-law Amendment for 400 Front Street West and support the position outlined in this report.
2. City Council authorize the Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor, to identify the matters, services and facilities pursuant to section 37 of the *Planning Act* to be secured in the event the Ontario Municipal Board approves the Zoning By-law amendment applications as proposed in whole or in part and direct the City Solicitor to request that any final order be withheld until such time as any such by-laws are in a final form acceptable to the City Solicitor and the Chief Planner and Executive Director, City Planning Division and that such by-laws include the requirement for appropriate matters, services and facilities to be provided by the owner at its expense pursuant to section 37 of the *Planning Act* and until the owner has entered into and registered on title a satisfactory Section 37 Agreement with the City to secure such matters all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor.
3. In the event the Ontario Municipal Board approves the Zoning By-law Amendment application, in whole or in part, that on-site parkland dedication pursuant to Section 42 of the *Planning Act* be required by City Council to be conveyed to the City to the satisfaction the General Manger, Parks, Forestry and Recreation, and that City Council agrees to a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction, by the owner, of Above Base Park Improvements for an on-site parkland dedication, all to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR).

The development charge credit to be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks Forestry and Recreation, and the Parks and Recreation component of development charges payable for such development in accordance with the City's Development Charges By-law, as may be amended from time to time.

4. 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.

## **DECISION HISTORY**

### Pre-Application Consultation

A pre-application consultation meeting was held on March 28, 2014 with the applicant to discuss the proposed development. Staff focused on the importance of the public realm enhancements around Clarence Square, the need to limit shadows on Clarence Square Park and the principle of reducing tower heights from east to west toward Spadina Avenue. Additional pre-application meetings were held between City staff and the applicant on April 23, 2014 and May 15, 2014 to further discuss the proposed development. In addition to the matters noted above, podium heights, streetscape improvements and community services and facilities were also raised as issues which need to be better resolved through the proposal. Application submission requirements were also addressed through these meetings.

### Pre-Application Community Consultation Meeting

The applicant presented the proposal at a community meeting hosted by the local Councillor on February 3, 2015. This meeting was held prior to the application being filed.

### Design Review Panel comments

The proposal was presented at the March 23, 2015 meeting of the City's Design Review Panel. This was just prior to the filing of the application, which occurred on April 7, 2015. The application was not subject to a vote. The Panel provided the following comments:

- Further work is required by both City staff and the proponent to realize the full potential of the development to deliver open space improvements, as outlined in the presentation;
- The proposal needs to adhere to the Tall Building Guidelines;
- Further work is needed to develop public realm connections between the site, Clarence Square and the surrounding area;
- The high percentage of open space is positive;
- The scale of the proposed buildings surrounding the square, particularly the proposed towers east of Clarence Square, were felt to be overwhelming and out of scale with the historic context and built form;
- The podiums need to relate better to the existing scale of the adjacent buildings;
- The design of the loggia (addition or 'porch' to the east of Clarence Square) although appropriate in scale, needs to better reflect the heritage context.
- Changes to the built form may be necessary to reduce shadows on Clarence Square. The Square is particularly important given the lack of park space in the neighbourhood.

## ISSUE BACKGROUND

### Proposal

The proposed development consists of four mixed use buildings, with towers at 58-storeys (198 metres including mechanical penthouse) and 60-storeys (204 metres including mechanical penthouse) on the north parcel of the site and 24-storeys (87 metres including mechanical penthouse) and 25-storeys (89 metres including mechanical penthouse) on the south parcel of the site. A total gross floor area (GFA) of 151,462 square metres is proposed, consisting of 142,724 square metres of residential GFA and 8,738 square metres of non-residential GFA, resulting in a Floor Space Index of 13.44. A total of 2,291 dwelling units are proposed in the four towers, including 500 bachelor units (22%), 1,207 one-bedroom units (53%), 354 two-bedroom units (15%) and 230 three-bedroom units (10%). The proposed development also contains a total of 3,131 square metres of indoor amenity space and 2,215 square metres of outdoor amenity space. It should be noted that notwithstanding the detailed information provided on the applicants submitted drawings regarding the proposed number of units, the draft zoning By-laws submitted by the applicant refer to a maximum of 2,600 dwelling units.

### South Parcel

The south parcel of the site is located south of Clarence Square Park (the Park) and abuts Front Street West and Spadina Avenue. Two towers are proposed in this parcel. Tower A is located at the northeast corner of Front Street West and Spadina Avenue and is proposed to be 25 storeys in height (89 metres including mechanical penthouse), and Tower B is located along the eastern portion of the Front Street West frontage and is proposed to be 24 storeys in height (87 metres including mechanical penthouse). Towers A and B both have a proposed tower floorplate size of 775 square metres.

Towers A and B share a podium, which ranges in height from 4 to 5-storeys (14.7 to 17.7 metres) along Front Street West and 5-storeys (25 metres) along Spadina Ave. The ground floor is 5.5 metres in height and is occupied by two residential lobbies with the remainder occupied by retail space. The retail space consists of four retail units ranging in size from 266 square metres to 580 square metres, with three of the retail units fronting on Front Street West and the fourth unit fronting onto Clarence Square Park. The second level of the podium is proposed to be occupied by indoor amenity space, the third and fourth levels with residential dwelling units and the fifth level to be a combination of residential dwelling units, outdoor and indoor residential amenity space. Towers A and B have a separation distance of 18.5 metres. Details on the proposed setbacks for the podium and the towers are shown in the Site Concept Plan (Attachment 2) and on the Elevations (Attachments 3 and 4).

A total of 2,743 square metres of amenity space is proposed on the south parcel, consisting of 1,719 square metres of indoor amenity space and 1,024 square metres of outdoor amenity space.

## North Parcel

The north parcel of the site is located east of Clarence Square Park and abuts Wellington Street West and Blue Jays Way. Tower C is located on the west portion of the north parcel and is proposed to be 58-storeys in height (198 metres including mechanical penthouse), and Tower D is located on the east portion of the parcel and is proposed to be 60-storeys in height (204 metres including mechanical penthouse). Towers C and D both have a proposed tower floorplate size of 850 square metres. Towers C and D share a podium with a height of 10-storeys (41 metres). The lower 2-storeys are 14.5 metres in total height and contain retail uses and the residential lobbies. Five retail units are proposed at grade, ranging in size from 106 square metres to 950 square metres, with street access from Wellington Street West, Blue Jays Way and Clarence Square. A grocery store is proposed on the second level of the podium, with a GFA of 4,122 square metres, resulting in a total of 6,161 square metres of retail space within the north parcel. Within the upper 8-storeys of the podium, interior and exterior amenity space will be located on the third storey and residential uses will be on floors 3 through 10. Towers C and D will have separation distances ranging from 23.5 metres to 26.5 metres, with balcony encroachments. When the balconies are included, the facing distance is reduced to as little as 16.9 metres. Details on the proposed setbacks for the podium and Towers C and D are shown in the Site Concept Plan (Attachment 2) and on the Elevations (Attachments 5 and 6).

A free-standing retail building is proposed to the southeast of Clarence Square Park and will connect the north and south parcels of the site. The building is triangular in shape, two-storeys in height (14 metres) and with a GFA of 815 square metres.

A total of 649 parking spaces are proposed on-site in three underground levels, consisting of 398 residential spaces (including 20 car share spaces) and 251 commercial parking spaces. The application proposes that the residential visitor parking spaces be considered as part of the non-residential (commercial) parking supply. Vehicular ingress and egress to the parking garage is provided from Blue Jays Way on the north parcel and from Front Street West on the south parcel. A total of 2,341 bicycle parking spaces are proposed throughout the P1 level, consisting of 2,062 residential spaces, 229 for residential visitors, 31 for commercial uses and 19 for commercial visitors. The loading and garbage area is to be located at grade inside the building on the south side of the north parcel, and is to be accessed by an east-west private laneway which runs along the southern edge of the parcel from Blue Jays Way to Clarence Square in a westbound movement. The lane is proposed to be 10.3 metres wide, allowing the lane to be used for both service vehicle access and pedestrian access between Clarence Square and Blue Jays Way. A total of four loading spaces are proposed, consisting of one Type G and three Type B spaces adjacent to the private lane. An additional Type B loading space is proposed in the south parcel, north of Tower B at grade.

See Attachment 15 – Application Data Sheet.

## Site and Surrounding Area

The site is approximately 1.13 hectares (2.8 acres) in size and occupies the majority of the block bounded by Front Street West, Spadina Avenue, Clarence Square/Wellington Street West and Blue Jays Way. The site is shaped like a bow tie, consisting of a south parcel located at the northeast corner of Front Street West and Spadina Avenue, and a north parcel located at the southwest corner of Wellington Street West and Blue Jays Way. The south parcel has frontages of 91.3 metres on Front Street West and 39.2 metres on Spadina Avenue, while the north parcel has frontages of 65.6 metres on Blue Jays Way, 96 metres on Wellington Street West and 93.1 metres on Clarence Square.

The site currently consists of a surface parking lot with 475 parking spaces, which is accessed by driveways from Front Street West, Spadina Avenue and Blue Jays Way. There are no buildings or structures on the site and virtually no on-site landscaping.

Historically, the site was developed for residential purposes facing Clarence Square Park and then redeveloped in the early 1900's for a rail spur and sidings serving industries.

The site is surrounded by the following uses:

North: To the immediate north and west of the subject site, within the same city block, is the Steele Briggs Seeds building, a 5-storey office building that is listed on the City's Heritage Register. Immediately east of the Steele Briggs Seeds building is a 2-storey retail and office building. An application has recently been submitted for this site for a site-specific Zoning By-law amendment to permit the construction of a 20-storey office building and the retention of the existing heritage building (file no. 17 122573 STE 20 OZ). North of the Steele Briggs Seeds building is Clarence Square Park, a 0.76 hectare public park that is encircled by a one-way street on its north, south and east sides and by Spadina Avenue on its west side. Clarence Square Park is included on the City's Heritage Register and is subject to an Intention to Designate under Part IV of the *Ontario Heritage Act*.

On the north side of Clarence Square Park are a row of townhouses known as Clarence Terrace, which are listed on the City's Heritage Register. To the west of the townhouses is a gas station and to the north a two storey commercial building which is the site of an approved 36-storey mixed-use building at 57 Spadina Avenue (file no. 2013 169365 STE 20 OZ). On the north side of Wellington Street West, west of Blue Jays Way, facing the north parcel of the subject site is a 16-storey hotel and residence (Soho Hotel and Residence).

South: To the immediate south of the site, on the south side of Front Street West, are a series of tall buildings between Spadina Avenue and Blue Jay Ways that form part of the CityPlace development, ranging in heights from 28 to 36 storeys. Further south of these buildings is the Union Station Rail Corridor.

- West: To the west of the site are a surface parking lot and the former Globe and Mail headquarters building. These lands are now part of a recently approved Official Plan amendment for a redevelopment known as "The Well", which consists of the block generally bounded by Wellington Street, Spadina Avenue, Front Street West and Draper Street. The redevelopment consists of employment, commercial and residential uses on a 3.1 hectare site. Four tall buildings are proposed along Front Street West, ranging in height from 21 to 45-storeys, and 3 mid-rise buildings are proposed along Wellington Street West, ranging in height from 13 to 15-storeys.
- East: To the immediate east and south of the subject site, within the same city block, are two 24-storey residential buildings with retail at grade. Further east is a 9-storey office building located at the southeast corner of Blue Jays Way and Wellington Street West. To the immediate south are three office buildings with heights of 8, 16 and 12-storeys, located at the northeast corner of Front Street West and Blue Jays Way.

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

### The Planning Act

The *Planning Act* and associated Provincial Policy Statement, 2014 guide development in the Province. Under the *Planning Act*, Section 2 sets out matters of Provincial interest that shall be had regard to. These include:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreation facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (q) the promotion of development that is designed to be sustainable, to support public transit and be oriented to pedestrians; and
- (r) the promotion of built form that,
  - (i) is well designed;
  - (ii) encourages a sense of place;
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

## The Provincial Policy Statement, 2014 and The Growth Plan for the Greater Golden Horseshoe

The Provincial Policy Statement is issued under Section 3 of the *Planning Act*. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Provincial Policy Statement, 2014 (PPS) 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, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe. Section 4.2.4 of the Growth Plan reads: "Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:

Cultural heritage conservation, including conservation of cultural heritage and archaeological resources where feasible, as *built-up* areas are intensified."

## **Official Plan**

### Chapter Two – Shaping the City

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City, identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that policies and design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings. Section 2.2.1.6 states that Design Guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context of such districts in terms of the developments fit with existing streets, setbacks, heights and relationship to landmark buildings.



## Chapter Three – Building a Successful City

Chapter Three – Building a Successful City, identifies 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. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 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. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow impacts on streets, open spaces and parks.

Additionally, Section 3.1.3 Built Form – Tall Buildings provides policies related to the development of tall buildings. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. This policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet other objectives of the Official Plan. This policy also states that when poorly located and designed, tall buildings can physically and visually overwhelm adjacent streets, parks and neighbourhoods. They can block sunlight, views of the sky and create uncomfortable wind conditions.

On May 12, 2015 the OMB approved Official Plan Amendment 199 to the City's Official Plan Heritage policies. These policies provide direction on the conservation of heritage properties included on the City's Heritage Register, and provide policy direction on development adjacent to heritage properties. Policy 3.1.5.5 states that proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work. Policy 3.1.5.26 states that new construction on, or adjacent to, a property 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.

## Chapter Four – Lands Use Designations

Within the *Downtown*, the site is designated *Regeneration Area* in the Official Plan which is one of the key areas expected to accommodate growth. The *Regeneration Area* designation permits a wide range of uses, including the proposed residential and commercial uses. In order to achieve a broad mix of commercial, residential, light industrial and live/work uses, the Official Plan contains policies related to *Regeneration Areas* encouraging the restoration, re-use and retention of existing buildings that are economically adaptable for re-use as well as the revitalization of areas of the City that are vacant or underused.

## **King-Spadina Secondary Plan**

### Section 2 – Major Objectives

The proposed development is subject to the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. Major objectives of the King-Spadina Secondary Plan are as follows:

- New investment is to be attracted to the King-Spadina Area;
- The King-Spadina Area will provide for a mixture of compatible land uses with the flexibility to evolve as the neighbourhood matures;
- 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;
- Commercial activity, including the retail service industry, which supports the changing demands of the King-Spadina Area will be provided for, to ensure the necessary services for the new residents and businesses in the area; and
- Heritage buildings and other important buildings within the King-Spadina Area, will be retained, restored, and re-used.

### Section 3 – Urban Structure and Built Form

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:

- The lower levels of new buildings will be sited and organized to enhance the public nature of streets, open spaces, and pedestrian routes;
- Servicing and parking are encouraged to be accessed from lanes rather than streets;
- New development will be designed to minimize pedestrian/vehicular conflicts;
- New buildings will be sited for adequate light, view, privacy and compatibility with the built form context;
- New buildings will achieve a compatible relationship with their built form context through consideration of such matters as height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression;
- buildings adjacent to streets, parks or open spaces will be massed to provide appropriate proportional relationships and will be designed to minimize the wind and shadowing impacts on the streets, parks or open spaces;

- New development will provide comprehensive, high quality, coordinated streetscape and open space improvements to promote greening, landscape enhancement, access, orientation and confidence in personal safety; and
- new developments will include high quality open spaces for the use of residents, visitors and area workers.

The Secondary plan also identifies areas of Special Identity (Policy 3.3). These include Victoria Square and Clarence Square. This policy states that:

- The two parks are import historical and community assets. Both parks played important roles in the early history of the City. Many redevelopment sites are in close proximity to the park and should be developed in a manner that enhances the amenities of the park.

### **King-Spadina Urban Design Guidelines**

The King-Spadina Urban Design Guidelines (2006) support the implementation of the King-Spadina Secondary Plan.

Section 2.5 contains the overall Guidelines. Heritage guidelines seek to ensure that new development is compatible with adjacent heritage buildings in terms of massing, height, setbacks, stepbacks and materials, and should relate to key elements such as cornices, rooflines, and setbacks from the property line. New development should reinforce the character and scale of the existing street wall, the base of the building should respond proportionally to the width of the street, and development should reinforce the existing streetscape and building rhythm at the street. Tall buildings, where appropriate, must conform with the policies of the Official Plan and Urban Design Guidelines, achieve adequate light, privacy and views, and maintain the potential for adjacent sites to develop in a similar manner. New development should reinforce a street wall height that reflects the character and scale of the area, particularly that of heritage buildings on the same block face.

Section 5 contains built form guidelines that expand on Section 4.0. Section 5.4.1 recognizes that heights transition down to the west. Section 5.4.3 deals with angular planes and stepbacks to minimize shadows and ensure adequate sunlight, and strengthen the existing streetwall scale to maintain a comfortable pedestrian experience. Section 5.4.4 addresses light, view and privacy requirements.

The Guidelines point out that accommodations in tall buildings tend to be small, so access to natural light and reasonable views will be particularly important in improving the livability of these units. Protecting privacy is also important in a high density neighbourhood. Light, view and privacy are described as "quality of life" or "livability" issues, which must be evaluated based on the existing and potential development.

With regard to separation distances (facing distances) between towers, the Guidelines refer to the minimum standard of 25 metres between towers or a distance of 12.5 metres between the tower and the property line, as called for in the City's Tall Building Guidelines.

## **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. An estimated 50,000 people will live in King Spadina and the area will accommodate space for an estimated 50,000 jobs. The King-Spadina Secondary Plan is under review, recognizing 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. It is expected that 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.

At its meetings on August 25, 2014 and July 7, 2015 City Council endorsed a number of directions for the King-Spadina East Precinct to be used in reviewing current and future development applications including a downward gradation of tower heights from east to west from University Avenue towards Spadina Avenue, employing the city-wide Tall Buildings Guidelines to evaluate towers, particularly with regard to tower spacing and tower floor plates and protecting the network of mid-block connections and laneways as a defining feature of the public realm, and expanding these connections to further the pedestrian network. At its meeting on July 7, 2015, City Council also expanded the boundary of the King-Spadina East Precinct Built Form Study to include the Spadina Precinct. The Secondary Plan is currently under review and a final report on the whole Secondary Plan area is anticipated in 2017.

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

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 King-Spadina. 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)

The boundaries of the proposed HCD extend from Richmond Street West to the north, Simcoe Street to the east, sections of Wellington Street West, King Street West and Pearl Street to the south, and Bathurst Street to the west. The subject site is outside the boundary of the proposed HCD, however, it is adjacent the property at 49 Spadina Ave. (listed on the City's Heritage Registry) and Clarence Square (subject to an Intention to Designate under Part IV of the Ontario Heritage Act). These properties are part of the Wellington Place Character Sub-Area within the proposed HCD boundary.

Section 7.2.1 of the draft Plan sets direction with respect to development adjacent to the Heritage Conservation District. This section states "Alterations to a non-contributing property or properties adjacent to the District shall conserve the cultural heritage value and heritage attributes of the District and adjacent contributing properties".

Section 9.1 of the draft Plan contains policies and guidelines specific to Clarence Square Park. The policies include 9.1.3 which states "9.1.3 New net shadows on St. Andrew's Playground, Clarence Square and Victoria Memorial Square shall not be permitted" and 9.1.11 which states "New development at the northeast corner of Spadina Avenue and Clarence Square, and to the east and southeast of Clarence Square, shall respect the integrity and significance of the park, particularly the orientation and organization of this civic space and the scale and pattern of the built form of adjacent contributing properties."

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. This 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 mid-2017. Further 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)

## **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 third 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 have been the subject of public and stakeholder consultations through the first quarter of 2017. The draft Secondary Plan is targeted for the third quarter of 2017, with the final (statutory) plan completed by the second quarter of 2018.

## **Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown**

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 and recognize that not all sites can accommodate tall buildings and address base building heights.

## **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>.

In Policy 1 in Section 5.3.2 - Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

## **Site Plan Control**

This proposal is subject to Site Plan Control. No application for Site Plan approval has been submitted as of the writing of this report.

## **Zoning**

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended. The RA Zone permits a range of residential uses, as well as commercial, institutional and limited industrial uses. As part of the RA zoning controls, density standards were replaced with built form objectives expressed through height limits and setbacks. The Zoning By-law permits a maximum building height of 61 metres for the southwest corner of the site, 18 metres for the northern portion of the south parcel and western portion of the north parcel, and 30 metres for the remainder of the site. This Zoning By-law is under appeal to the Ontario Municipal Boards as it applies to the subject site, and is accordingly not in force.

The in-force zoning applying to the subject site in By-law 438-86 is I2 D7 and I3 D7, subject to Site-Specific By-law 650-91. The I3 D7 zoning applies to the majority of the site, with the exception of the easterly portion of the north parcel, which is zoned I2 D7. This portion of the site has a height limit of 61 metres, while the remainder of the site has no height limit. The I2 and I3 zones permit a wide range of industrial uses, as well as certain community services and facilities uses and retail and service uses.

Site-Specific By-law 650-91, permits a mix of industrial and commercial uses on the site as part of a two-phase development.

This By-law allows for a maximum height of 61 metres in the easterly portion of the north parcel and 23 metres in the westerly portion. It also allows for 28 metres in the westerly portion of the south parcel and 75 metres in the easterly portion. This By-law also permits a maximum non-residential gross floor area of 79,093 square metres, of which a maximum of 31,140 square metres is permitted for commercial uses with the remainder allowing for industrial uses.

The site is also subject to the new City-wide comprehensive Zoning By-law 569-2013. The By-law was passed by City Council on May 5, 2013 and is subject to numerous appeals and is not yet in force. By-law 569-2013 zones the property as Commercial Residential Employment (CRE). The CRE zone includes the same performance standards as the RA zone in By-law 438-86, including the same maximum permitted heights.

## **Community Consultation**

Staff prepared a preliminary report for the June 16, 2015 Toronto and East York Community Council meeting that identified the issues raised by the proposal. As the proposal had been presented at a community meeting hosted by the local Councillor on February 3, 2015, City Planning staff decided to wait until revisions were made to the proposal prior to bringing the application back to the community for a second presentation.

The following issues were raised by the public at the February 3, 2015 community meeting:

- Wellington Street is underutilized and neglected. The proposal needs to animate Wellington Street and enhance landscaping to make it more attractive;
- The proposal needs to consider the heritage building at 49 Spadina Ave. and impacts on that site;
- The loggia or 'porch' is a positive element;
- The proposal needs to provide amenities for dogs;
- Parkland needs to be considered as part of the proposal;
- There is a need for daycare facilities in the area. This is something which should be considered as part of the proposal.

These comments have been considered in Planning staff's recommendation to oppose the application at the Ontario Municipal Board. The applicant has not formally submitted any changes to the proposal since the application was filed on April 7, 2015 and no further public consultation has been scheduled.

## **Reasons for the Application**

The proposed residential uses do not comply with the in-force Zoning By-law. The proposal also exceeds the maximum height permitted by the in-force Zoning By-law for the majority of the site. In addition, there are deficiencies with other performance standards within the more recently enacted Zoning By-laws which would permit the proposed residential uses. These include height, proposed indoor and outdoor amenity space and the number of resident and visitor vehicular parking spaces.

## **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**

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

The proposed development does not have regard for Section 2(d) of the *Planning Act*, which states that "conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" is a matter of provincial interest.

The proposed development raises concern with regard to matters including, sufficient servicing capacity as per Section 2 (f) of the *Planning Act*, given the current extent of the unanswered questions around site servicing.

The potential population and built form of the development pose a challenge for a part of the City which has seen and continues to see significant growth, particularly residential growth, over the past two decades. Based on the proposed number of units (2,291 units as per the submitted plans or 2,600 units based on the submitted draft Zoning By-law amendment) the development would result in a population of between 3,666 and 3,918 residents or between 4,160 and 4,446 residents. Both the proposed population of the development and the scale and massing of the built form challenge the notion that intensification needs to be sustainable, to be well designed, encourage a sense of place and provide for public spaces that are of high quality, vibrant and attractive. The provisions of Sections 2 (q) and (r) of the *Planning Act* address the challenges of accommodating development in a manner which adds to livability in a high density neighbourhood.

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.

Policies 1.1.1 (g) and 1.1.3.2 (a) state that one of the factors to be considered in developing healthy, liveable and safe communities is ensuring that the necessary infrastructure, including public service facilities, are available to service the needs of residents. Policy 1.5.1 references the provision and the equitable distribution of public parks and open spaces in promoting healthy, active communities. The East Precinct of King-Spadina is challenged by the many towers already approved. The growth of this part of the City is outpacing the City's ability to provide the necessary community services and facilities (parks and open spaces, daycare facilities and a range of community services), including the lack of appropriate sites to accommodate these facilities.

The applicants proposal for 2,291 units, based on the submitted plans (or 2,600 units based on the applicant's draft Zoning By-laws), would add a significant population to a neighbourhood already



struggling with a deficiency of green space and a range of community services and facilities. The height and massing of the proposed buildings would also have impacts on Clarence Square Park.

Policy 2.6.1 of the PPS states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. For the purposes of cultural heritage *significant* is defined as "[...] resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. Properties included on the City's Heritage Register are considered have been determined to have cultural heritage value or interest and are considered *significant*. The applicant's proposed tower A will have a negative visual impact on the listed heritage property at 49 Spadina Avenue and as such this building will not be conserved in keeping with Policy 2.6.1. The massing of the proposed buildings generally do not acknowledge the importance of Clarence Square Park and as such the application is not consistent with Policy 2.6.1.

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. 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.

The City's Official Plan that includes the King-Spadina Secondary Plan, meets the requirements of the PPS. It contains clear, reasonable and attainable policies that protect provincial interests and direct 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 Downtown Urban Growth Centre is identified in the Growth Plan for the Greater Golden Horseshoe (GPGGH). The site is within the Downtown Toronto Urban Growth Centre, which is on track to achieve or exceed the UGC (Urban Growth Centres) density target by 2031. The target is the average for the entire Downtown UGC area, and it is not for any one particular area within Downtown. The proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

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. Further, section 2.2.3.7 of the GPGGH directs development within intensification areas to provide an appropriate transition of built form to adjacent areas. In this context, the Official Plan, the King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina Heritage Conservation District Study, the Tall Buildings Design Guidelines, OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 provide direction on the appropriate scale, massing 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 conformity test with the Growth Plan for the Greater Golden Horseshoe in terms of appropriate scale and transition.

The proposal has not been designed to conserve the cultural heritage values, attributes and character of the adjacent heritage properties and does not mitigate visual impacts and as such is not in conformity with Policy 3.1.5.26 of the City's Official Plan. The proposal will have a negative heritage impact on both the adjacent Steele Briggs Seeds Building and on Clarence Square Park.

Section 3.2.6 of the Growth Plan states the need to coordinate community infrastructure and growth. The amount of growth being accommodated in the East Precinct of the King-Spadina Secondary Plan area currently is challenging the ability of the City to provide a range of community services and facilities for residents of this community and to ensure a reasonable quality of life.

## **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 Secondary Plan Review 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. The proposed development would cast significant shadows on Clarence Square Park, one of the few public parks in this rapidly growing neighbourhood. The proposed buildings fail to adequately reflect the built form context of the adjacent properties or the policy framework of the King-Spadina neighbourhood.

Additionally, significant additional work is necessary to incorporate an on-site parkland dedication and develop appropriate connections between the site and the adjacent public realm, particularly Clarence Square. There are significant opportunities on this well situated site to improve public and private open space through this development.

## **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. The proposed retail and residential uses are permitted in this area of the *Downtown*, and provide a mix of uses which are encouraged in *Regeneration Areas*. The proposed development adds a significant amount of residential development and a significant population to a part of the downtown (the King-Spadina Secondary plan area) which has seen very significant levels of residential development. The proposed development does not address the need for additional office uses in the area which would contribute to a balance of employment versus residential uses.

## **Heritage**

### Built Heritage and Cultural Landscapes

A Heritage Impact Assessment (HIA) prepared by Goldsmith Borgal and Company Limited Architects and dated March 23, 2015, was submitted in support of the application. City Planning staff have reviewed this report and are of the opinion that the proposed development will not adequately conserve the cultural heritage values, attributes and character of Clarence Square Park and the Steele Briggs Seeds Building nor will it sufficiently mitigate negative visual impacts on these properties.

Tower A is proposed to be constructed above a four to five-storey base building. On the Spadina Avenue frontage, adjacent to the Steele Briggs Seeds Building, this base building would be expressed through a reveal. Above the reveal the tower would rise to its full height with only a minimal stepback from the street at its lower levels. As a result the tower will have a negative visual impact on the scale and massing of the Steele Briggs Seeds Building as viewed from Spadina Avenue. The scale and massing of Tower A have not been designed to respond to the scale and massing of the smaller heritage building and accordingly the development will not conserve the Steele Briggs Seeds Building or retain its heritage integrity in keeping with Official Plan policies 3.1.5.5, 3.1.5.26, and PPS policy 2.6.1.

Tower C includes a 'porch' or loggia structure on the portion of its east elevation that addresses Clarence Square Park. The scale of this structure does not appropriately respond to the park. Supported by angled columns that will rise approximately eighteen metres above the ground directly across the street from the Park, this structure will rise above the trees and disrupt the sense of enclosure and diminish the landmark status of this property.

The loggia is proposed at an unmitigated scale that is too extreme for its historic context. For this reason this structure does not conserve the Park or retain its heritage integrity in keeping with Official Plan policies 3.1.5.5, 3.1.5.26 or PPS policy 2.6.1.

The HIA does not include a detailed analysis of the design of Tower A's proposed base building and its relationship to the Steel Briggs Seeds Building, nor does it include a detailed analysis of the relationship between the proposed loggia and the Park. The City's Tall Building Guidelines provide additional direction on how to design a tall building so that it can make a positive contribution in a historical setting. The Guidelines state that Heritage properties should be used to inform the scale and contextual treatment of the new development. They further state in part that when a tall building is adjacent to a lower-scale heritage property, a base should be designed to respect the urban grain, scale, setbacks, proportions, visual relationships, topography, and materials of the historic context; integrate the existing heritage character into the base building through high-quality, contemporary design cues; and provide additional tall building setbacks, step backs, and other appropriate placement or design measures to respect the heritage. The design of the base building for Tower A and the loggia is inconsistent with nor does it maintain the intent of these guidelines.

### Archaeological Resources

The applicant submitted a Stage 1 Archaeological Report with their application. The report noted the property exhibits potential for the presence of deposits/features associated with first occupations of the subject property beginning in the late 1830's. The report recommended that a Stage 2 archaeological report be completed. City staff support the recommendation of the consultant report and will require that a Stage 2 Archaeological Report be submitted prior to the approval of any site-specific Zoning By-law to permit the development.

## Height, Massing and Separation Distances

### Tower Heights

The heights of the towers C and D at 58 and 60-storeys (198 metres and 204 metres respectively with mechanical penthouses), are inconsistent with the pattern of building heights in the King-Spadina East Precinct, which consists of a general transition in height downward from University Avenue westward to Spadina Avenue. Staff have advised the applicant, from the outset of discussions, of the need for significant height reductions to these buildings. The proposed heights do not respond to the heritage context, do not transition appropriately toward Spadina Ave. and represent overdevelopment of the site. The City's Official Plan polices regarding built form require that new development "fit harmoniously into its existing and/or planned context", (Section 3.1.2.3). The proposed development fails to comply with these policies in the Official Plan.

It should be noted that with regard to the redevelopment of the south parcel (towers A and B), the objective of reducing shadows on Clarence Square Park is of critical importance. Staff held several meetings with the applicant and their consulting team with the objective of exploring building massing options which would meet the City's objectives on limiting shadowing on the Park (as outlined below) and addressing the objectives of the City's Tall Building Design Guidelines. These discussions had been productive in exploring a number of possible options for the redevelopment of the south parcel, however, revised plans were never formally resubmitted. The buildings should be reduced in height to eliminate incremental shadows. Section 3.1.2.3 (f) of the Official Plan references the need to "minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility."

### Tower Separation Distances

The buildings proposed for the site do not comply with or meet the intent of the Tall Building Guidelines. Staff have provided comments to the applicant regarding areas where the proposal does not conform with or meet the intent of tower separation distances in particular. The issues raised by staff with regard to the lack of compliance with the tower facing distances and floor plate sizes as per the Tall Building Guidelines are as follows:

- The separation distances between Towers C and D at as little as 16.9 metres (including balconies) are inadequate for tall buildings. Staff advised the applicant that the relationship would be improved by the removal or inversion of the proposed balconies. Provision of the required 25 metre separation distance would allow for balcony projections, however, wrap-around balconies are not recommended in any case as it increases the perceived and real impact of the massing of the building. It should be noted that buildings at heights of approximately 200 metres, as is the case for these proposed towers, a facing distance of 25 metres should be clearly understood to be a minimum standard to limit the impacts of loss of access to sunlight, views and privacy.

- The separation distance of Tower A from the north property line at 8.8 metres is well below the minimum recommended facing distance of 12.5 metres as per the City's Tall Building Guidelines. Given that there are no mitigating circumstances, the facing distance should be increased to 12.5 metres.
- The separation distances between Towers A and B at 18.4 metres is also inadequate for tall buildings. Again, the objective of a minimum tower facing distance is to limit the loss of sunlight, views and privacy, which are critical in maintaining the livability of a tall building neighborhood. This distance should be increased to reflect the minimum tower facing distance of 25 metres.
- Tower B from adjacent Building: The building to the east of Tower B is a recently developed tall building. Tower B does not conform to the overall separation distance standard between two towers. Currently it is about 15 metres.
- As is noted in the comments above, the relationship to the heritage building at 49 Spadina Avenue is not consistent with the City's Official Plan polices which require that development on lands adjacent to a property on the Heritage Register will ensure that the integrity of the be property's cultural heritage value and integrity will be retained. The tower should be stepped back at least five meters from Spadina Avenue at the height of the adjacent heritage building. Balconies protruding into this five metre stepback will not be supported.
- All of the tower floorplates are larger than the maximum floor plate size recommended in the City's Tall Building Guidelines and should be decreased accordingly.
- The subject development site is relatively large in the context of King-Spadina and should allow for development in compliance with the Tall Building Guidelines. Meeting the Guidelines, along with other changes as recommended in this report, will help to achieve a more appropriate scale of development and level of intensification for the area.

### Base Building Heights

The proposed podium building on the north parcel, proposed at 10-storeys (41 metres) is too tall. The podium building should be reduced to be consistent with the existing neighbouring buildings, particularly the Soho Hotel / Residence at Blue Jays Way and Wellington Street. The polices outlined in Section 3.1.2.3 of the Official Plan refer to the need for new developments to "fit harmoniously into its existing and/or planned context". A 41 metre tall base building in this location would be overwhelming and out of keeping with the existing context and not provide proportional or a good building to public realm relationship.

### **Sun and Shadow**

Staff have made it clear to the applicant both in written comments and in a number of meetings held with the applicant and their consulting team that the issues of shadowing on Clarence Square Park is of critical importance. The objectives identified by staff with regard to shadows on Clarence Square Park is to uphold the Official Plan objective of preserving the utility of the Park and the Secondary

Plan objective of enhancing the amenities of the park. The specific direction provided to the applicant regarding shadowing on Clarence Square Park is as follows:

- The proposed building should not introduce incremental shadows (beyond those which would result from the construction of buildings to the limit of the current zoning permissions);
- The shadow study should cover the period from 9:18 AM-6:18 PM for June and September or March;
- The most sensitive time for shadows in the park is the early afternoon (11:00 AM - 4:00 PM) during the shoulder seasons (September 21<sup>st</sup> and March 21<sup>st</sup>);

Based on the applicants submitted sun/shadow studies, the proposal would introduce additional incremental shadows on Clarence Square Park during the most sensitive period (11:00 AM – 4:00 PM) during the shoulder seasons (September 21<sup>st</sup> and March 21<sup>st</sup>).

## **Amenity Space**

Policy 3.1.2.6 of the Official Plan requires that every significant multi-unit residential development provide indoor and outdoor amenity space for residents and that each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces. The Zoning By-law requires a minimum of two square metres of indoor and two square metres of outdoor amenity space per unit. The proposed indoor amenity space is 3,131 square metres or 1.4 square metres per unit, based on a unit count of 2,291 units as per the applicants submitted drawings. A total of 2,215 square metres of outdoor amenity space is proposed, equaling 0.97 square metres per unit. Although staff are willing to consider amenity space provision at less than 2.0 square metres per unit each for indoor and outdoor amenity space, the indoor and outdoor amenity space proposed is insufficient given the number of people who could be living in the buildings proposed for the site.

## **Open Space / Parkland / Streetscape**

The subject site is of a size (approximately 2.8 acres) and in a location (on two frontages of one of the very few parks in this part of the city) that it has the potential to make a significant contribution to the public realm. The scale and design of the new buildings should be considered in relationship to the new parkland and public realm so as to complement and not compromise the quality of these spaces through shadow or wind impacts. This potential, however, could be negated by the development of buildings which are too large and overwhelm and shadow the adjacent public realm and the potential public realm connections which could be provided on the site.

### Proposed On-Site Parkland Dedication

As outlined in the June 11<sup>th</sup> 2015 memorandum from Parks, Forestry and Recreation staff provided to the applicant, this site has been identified as an appropriate location for an on-site parkland dedication. The required parkland dedication as per the City's Parkland Dedication By-law is 1,608 m<sup>2</sup>.

Staff met with the applicant and their consulting team on November 24, 2015 and December 10, 2015. During these meetings the applicant proposed that an on-site parkland dedication could be provided on the east side of south parcel, requiring the removal of the two-storey retail building which had been proposed on the portion of the site between the base buildings on the North and South Parcels. The base building on the south parcel had been proposed to be pulled back from the eastern property line to accommodate a wider park. The park would provide an open space connection between Clarence Square and Front Street West.

There was some discussion at that meeting regarding the process for moving forward with the applicant completing the design and construction of the on-site park through credits towards the Parks, Forestry and Recreation component of the Development Charges. Further discussion should be held with Parks staff on coordination of the park.

As per the Official Plan, Parks, Forestry and Recreation seeks an unencumbered parkland dedication in acceptable environmental condition. The proposal discussed in the January 29, 2016 meeting contemplated an encumbered park with an 'interstitial space' between the park and the underground parking garage. Discussions will need to take place regarding how the underground parking will be altered to address the requirement for unencumbered parkland dedication. The idea of an 'interstitial space' or 'crawl space' below the park to provide access for maintenance of the garage roof is an idea worth exploring with the understanding that the parkland dedication would still be considered encumbered and valued accordingly. The detailed design of this space would be completed as part of the site plan process. The process and timing of the proposed dedication and design of an on-site parkland dedication should be agreed upon in principle and reflected in any proposed Zoning By-law amendment, to be provided as a whole at the earliest opportunity.

#### Public Realm Improvements Adjacent Clarence Square

Any proposed improvements to the public realm around Clarence Square Park should be compatible with the park's original design intent and not negatively impact its character as a treed, open, green square.

Opportunities should be explored to tie the streetscape improvements around Clarence Square Park as part of this application to those that are currently proposed for Wellington Street West (to the west). Victoria Square, the Wellington Street West connection, and Clarence Square were designed as a single entity. Applying a consistent approach to the streetscape will help reinforce this relationship.

#### Streetscape

Setbacks at grade should allow for a minimum 6.0 metre sidewalk including a 2.1 metre wide pedestrian clearway. Where the minimum pedestrian clearway cannot be provided on public property, an easement to the City at nominal cost for use by the general public, and including provision for maintenance, indemnity and insurance by the owner, may need to be secured on private lands. The current proposal does not provide for these standards to be met on Wellington Street West, Blue Jays Way or Spadina Avenue.

Specifically with regard to Wellington Street West, the setback from the front property line should be increased to create a minimum 6.0 metre sidewalk (as per the Tall Building Guidelines) and allow for many trees similar to the condition that exists on Wellington Street west of Spadina Avenue.

A possible redesign of the public streets around Clarence Square has been raised as a community benefit associated with the project. Staff have been discussing with the applicant the possible gains to be made by improving the public streets around the park beyond the level to which they would be improved through the site plan process. Among the matters to be discussed are the potential impacts on traffic circulation and the possible removal of boulevard parking.

### Facilities for dogs

Given the current rise in dog population in the downtown area, especially within condominium towers, the applicant is expected to provide on-site dog amenities with proper disposal facilities for the building residents or dog relief stations within the building. This will help to alleviate some of the pressure on the existing neighbourhood parks.

### **Publicly Accessible Open Spaces and POPS**

Staff have discussed with the applicant the recognition of areas of the site proposed to be used for publicly accessible open space as being appropriate for identification under the City's Publicly Accessible Privately Owned Open Space (POPS) Program. These areas are intended to provide access across the site for pedestrians and to serve residents, shoppers and visitors. The POPS should be secured through the provision of any Zoning By-law Amendment, in a Section 37 agreement and other appropriate agreements. POPS signage would be required to be provided by the owner to identify these areas.

### **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 8,645 residents in 2011. 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 a total of 50,000 by 2025 from 8,645 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. The site is located in an area which is one of the 16 neighbourhoods identified in the TOcore Community Services and Facilities Study. Two key points which emerged from Phase 1 of this study are: the need for affordable, appropriate and accessible community space; and the need to develop innovative partnerships and collaborations to meet the challenges of growth in the Downtown.



TOCore is currently in phase 2, which includes developing a CS&F Strategy and Implementation Plan to support future growth both from a facility (space) and program perspective in the Downtown. City divisions, boards and community agencies are exploring opportunities to enhance existing assets through either facility improvements, renovations or expansions.

The TDSB, TCDSB, TPL and City Divisions are currently reviewing growth estimates to access the future demand of community services and the development of community hub models. Other opportunities to explore include partnership with community based agencies, expand and reconfigure existing space and facilities, secure new innovative facilities and make the space affordable.

Phase 2 of TOCore will also be informed by work underway by City Divisions and Boards such as PF&R's *Facility Master Plan* and Children's Services *Licensed Child Care Growth and Demand Study*.

## **Traffic Impact, Access, Parking**

### Parking Supply and Traffic Impact

In addition to the below noted comments from Transportation Services staff, Transportation Planning staff have also provided comments to the applicant regarding outstanding concerns related to parking, loading, vehicle movement, bicycle parking and pedestrian connectivity.

The proposed parking supply consists of 649 spaces, with 378 spaces for the condominium residents, 20 car share spaces and 251 spaces for non-residential (commercial / retail) uses. The applicant has proposed that non-dedicated residential visitor spaces would be accommodated within a commercial parking garage and would be considered as part of the commercial parking supply. The parking would be provided in a three level underground parking garage. The garage would be operated by a single operator to allow for flexibility in how the parking spaces are allocated. Transportation Services staff have determined that the required parking supply as per By-law 569-2013 would be 1,522 spaces. The residential parking supply has a shortfall of 808 parking spaces while the non-residential supply has a shortfall of 65 parking spaces. The applicant has not provided any justification for the reduction in the parking supply as required by the Zoning By-law. Transportation Services staff are not able to support a reduction in required parking in the absence of supporting evidence.

### Traffic Impact Assessment

With regard to the impact of the proposed traffic volumes on the road network, Transportation Services staff have requested that additional information be submitted to allow the impact of the proposal on the local road network to be properly evaluated.

### Driveway Access and Site Circulation

Access to five loading spaces for the buildings on the north parcel would be provided by way of a 10 metre wide driveway from Blue Jays Way. The driveway would be located along the south boundary of the property and would be wide enough to accommodate both vehicular and pedestrian traffic. Five loading spaces (one type A loading space, three Type B spaces and a Type A loading space) are proposed to be located inside the building. Access to the underground garage would be provided

through a driveway and ramp located on Blue Jays Way north of the proposed service driveway and pedestrian access mentioned above.

With regard to vehicular access to the south parcel, the original application proposed that access to one Type B loading space located at-grade on the north side of the building be provided by way of a driveway off Spadina Avenue. Transportation Services staff indicated that a driveway access in this location would not be acceptable. On January 18, 2016, after meeting with City staff, a revised proposal for access to the south parcel was submitted. The proposal would have an at-grade driveway from Front Street West for service vehicles. The proposed vehicular access which had been shown in this location would be removed and an additional access ramp to the underground parking would be provided on the north side of the north parcel from Wellington Street West. No additional information has been provided to support the proposed change in the vehicular access for the site.

### Conveyances

The site was subject to a previous zoning amendment application which required that prior to the issuance of building permits, the owner convey to the City a 3.0 metre wide strip of land on Blue Jays Way to a minimum depth of 0.5 metres. This conveyance has not occurred and the obligation for the road widening remains. The minimum required depth, however, is now 1.2 metres instead of 0.5 metres. The required road widening has not been identified on the submitted plans. Engineering and Construction Services staff have noted easements and other restrictions required in the event the applicant wants to construct a portion of the underground garage beneath the required conveyance.

The applicant has also been required to convey a 6.0 metre corner rounding at Spadina Ave. and Front Street West and a 5.0 metre corner rounding at Wellington Street West and Blue Jays Way. Encroachments will not be permitted below the lands subject to the corner roundings.

### PATH Connection

Transportation Planning staff have indicated that a possible connection to a PATH network and/or a connection to a potential Rapid Transit Station planned for the south-west corner of Spadina Avenue and Front Street West be considered as part of the proposed development. Staff have recommended that provisions be made for knock-out panels to accommodate future connections.

### **Servicing**

Engineering and Construction Services staff require that a revised Functional Servicing and Conceptual Stormwater Management Report and revised Site Servicing Plans be provided. The Functional Servicing report needs to be revised to address the following matters:

- additional information regarding existing sewer/watermain capacities;
- what the impacts will be as a result of the new flows;
- what sewer/watermain upgrades are needed to support the development; and
- confirmation of how groundwater is being addressed (a hydrogeological report will also be required in this regard).

A detailed outline of the required information was provided to the applicant's consulting engineer in a letter dated June 16, 2015. No further submissions have been provided by the applicant. Given the extent of additional information required, it isn't possible for staff to determine whether sufficient capacity exists to support the proposed development or what servicing upgrades may be required.

Development Engineering staff have stated that the above noted information needs to be provided and reviewed before the approval of a site specific Zoning By-law to allow for the redevelopment of the site. It is premature to rezone the lands without this information and without securing any necessary improvements or upgrades that may be required to be provided by the owner and the timing of such improvements or upgrades needed by the development.

### **Bicycle Parking**

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. The application proposes that a total of 2,341 bicycle parking spaces would be provided. The proposed bicycle parking supply is acceptable. Additional information is required regarding access to bicycle parking (it appears that no spaces are provided at-grade) and with regard to bicycle connections across the site.

### **Provision of Family Sized Units**

The applicant is proposing to supply 230 three-bedroom units equalling 10 percent of the total unit count. A minimum ten percent of all units as three-bedroom or greater to broaden the range of housing is recommended. The proposed ratio meets this objective.

### **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 required s. 42 Planning Act 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). No discussions were advanced as the project review had not resulted in an agreement on the proposal.

Planning staff recommend that the City Solicitor be directed to request the Ontario Municipal Board, in the event it determined to allow the appeals in whole or in part, to withhold any order that may approve the development until such time as the City and the owner have presented draft by-laws to the Board in a form acceptable to the Chief Planner and the City Solicitor, in consultation with Toronto Building, including providing for the appropriate Section 37 benefits to be determined and incorporated into any zoning by-law amendment and a satisfactory Section 37 agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Chief Planner, City Planning Division and the City Solicitor.

## **Conclusion**

Staff have reviewed the application submitted by the applicant for 400 Front Street West on April 7, 2015 and determined that the proposal does not have regard to relevant matters of provincial interest set forth in section 2 of the Planning Act, and is not consistent with the policies of the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe. The proposal does not conform 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 and the King-Spadina Urban Design Guidelines (2006), which support the Official Plan. It is also not consistent with Council endorsed directions of the King-Spadina Secondary Plan Review and the draft King-Spadina Heritage Conservation District Plan.

It is the opinion of Planning staff that the proposed development application constitutes overdevelopment of the site, is not good planning, and is not in the public interest and it is recommended that the City Solicitor together with City Planning and other appropriate staff be directed to attend at the Ontario Municipal Board hearing in opposition to the appeal.

## **CONTACT**

Dan Nicholson, Senior Planner  
Tel. No. (416) 397-4077  
E-mail: dan.nicholson@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\5670598095.doc) – lm

## **ATTACHMENTS**

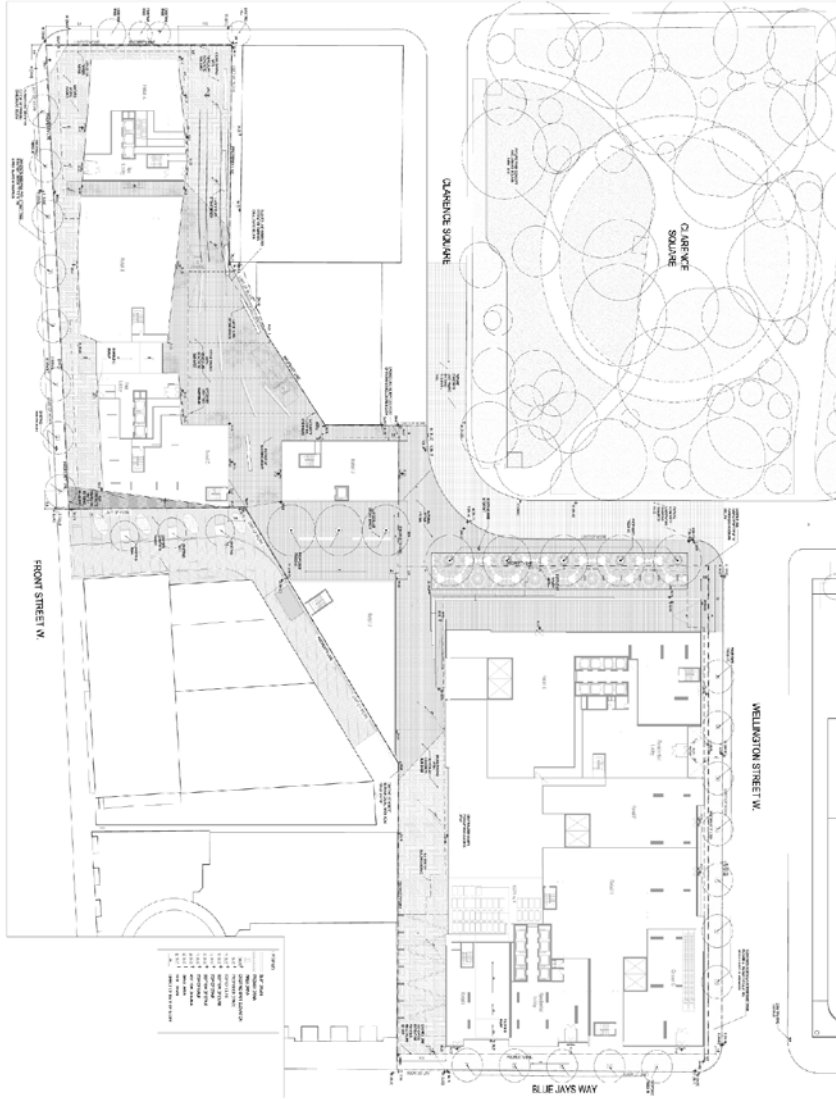
- Attachment 1: Site Plan
- Attachment 2: Site Concept (Height Map)
- Attachment 3: Towers A and B – North and East Elevations
- Attachment 4: Towers A and B – South and West Elevations
- Attachment 5: Towers C and D – South Elevations
- Attachment 6: Towers C and D – North Elevations
- Attachment 7: Towers C and D – West Elevation
- Attachment 8: Towers C and D – East Elevation
- Attachment 9: Towers C and D – East/West Cross Sections
- Attachment 10: Towers A and B – East/West Cross Sections
- Attachment 11: Official Plan
- Attachment 12: King-Spadina Secondary Plan – Urban Structure Plan
- Attachment 13: King-Spadina Secondary Plan Review – Urban Structure Plan
- Attachment 14: Zoning
- Attachment 15: Application Data Sheet

# Attachment 1: Site Plan

## Site Plan

Applicant's Submitted Drawing

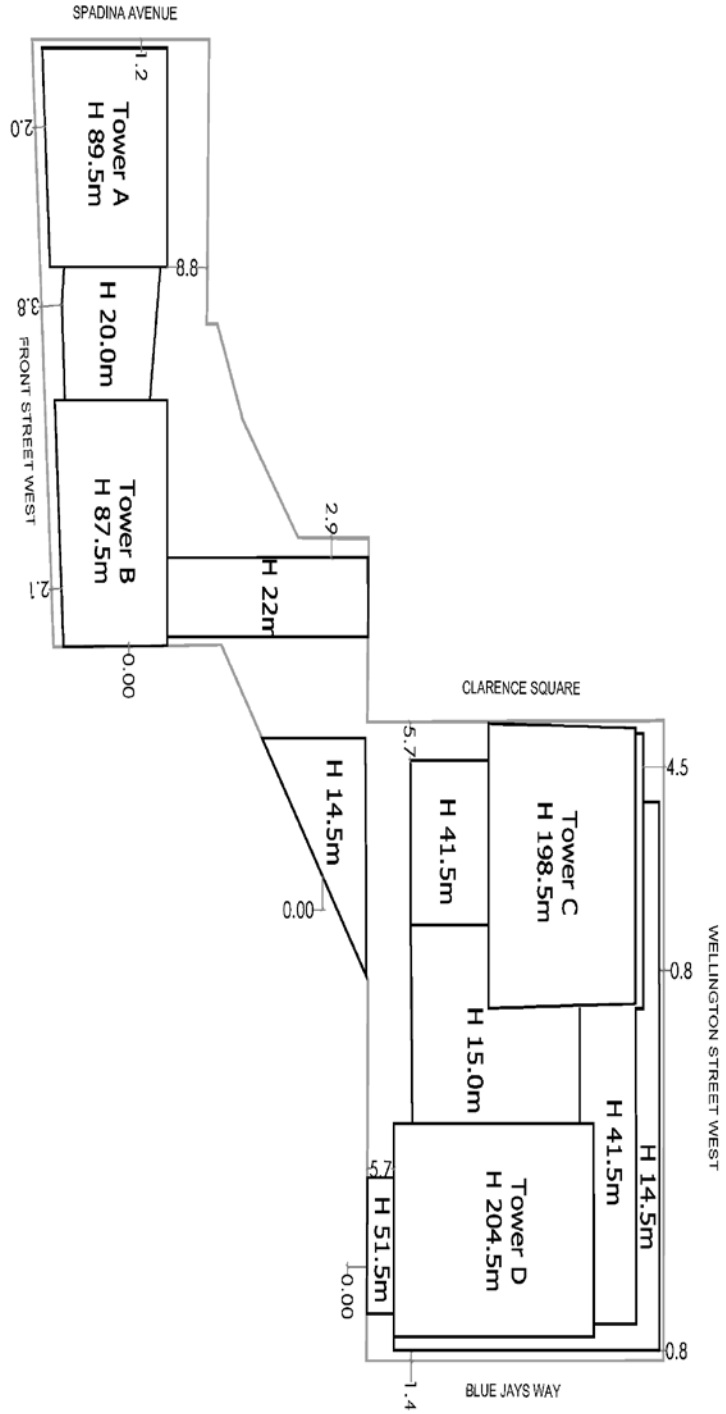
Not to Scale  
05/08/2015



## 400 Front Street West

File # 15 136961 STE 20 02

## Attachment 2: Site Concept (Height Map)



NOTE: All dimensions are in metres

### Site Concept Plan

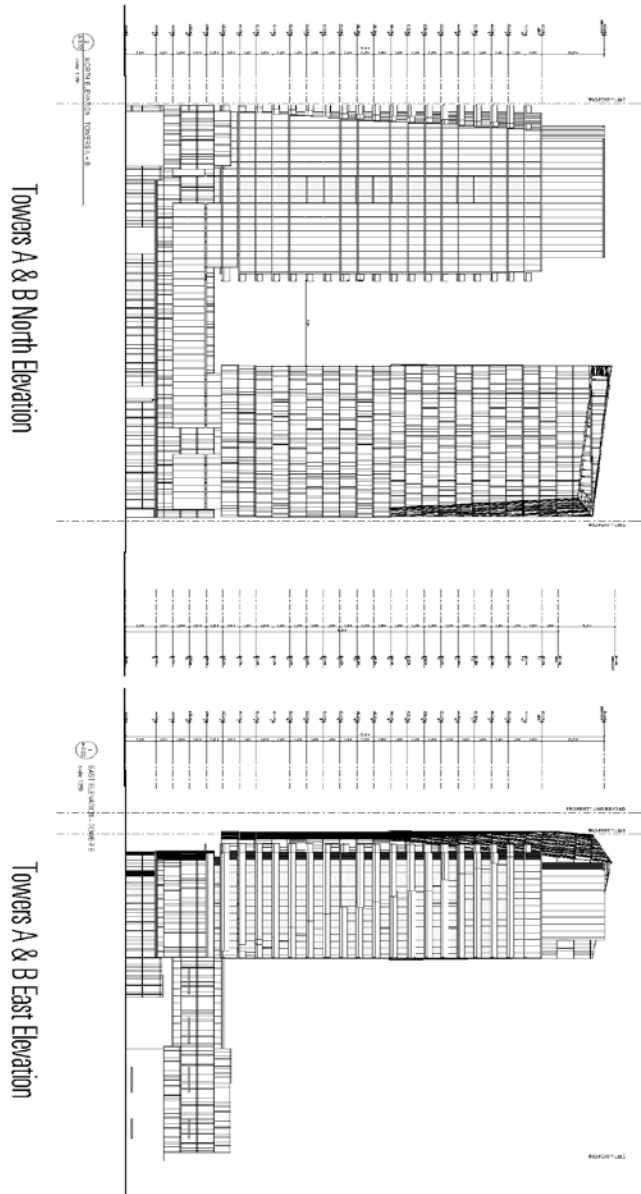
Applicant's Submitted Drawing

Not to Scale  
05/08/2015

### 400 Front Street West

File # 15\_136961\_STE 20 0Z

**Attachment 3: Towers A and B – North and East Elevations**



**Elevations**

Applicant's Submitted Drawing

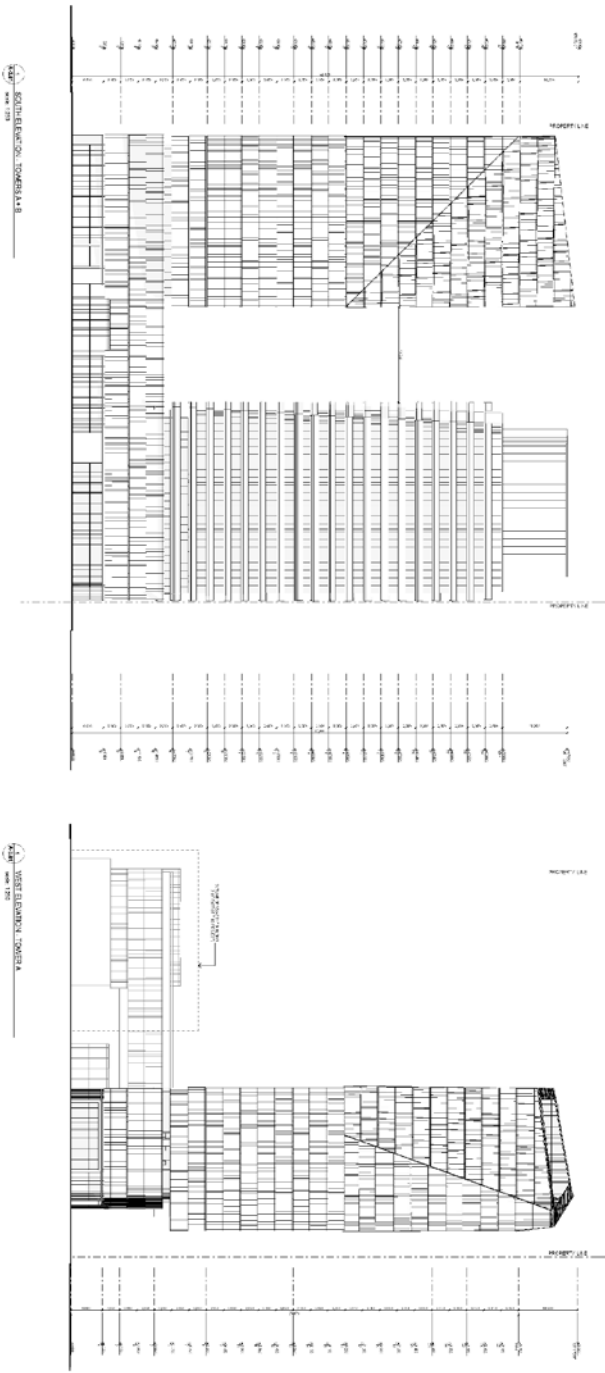
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06/08/2015

**400 Front Street West**

File # 15\_136961\_STE 20 0Z



**Attachment 4: Towers A and B – South and West Elevations**



**Elevations**

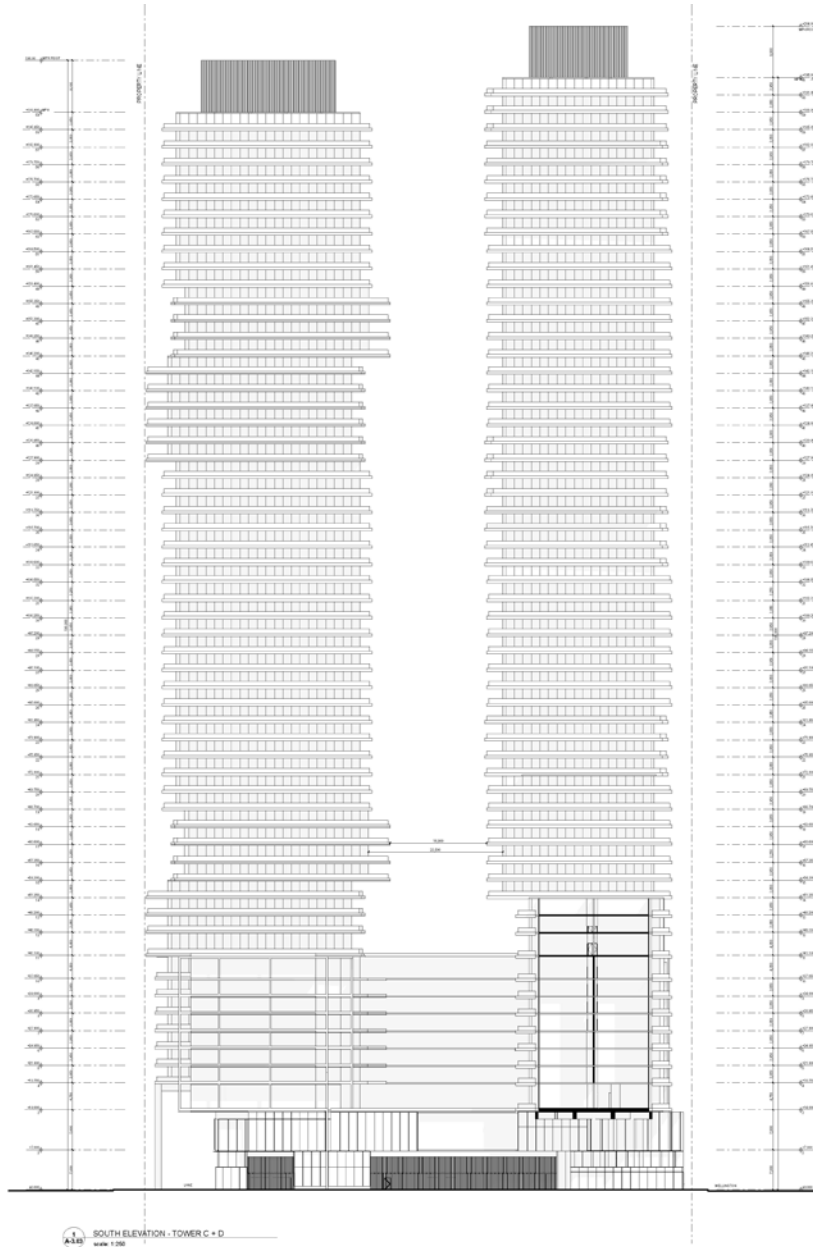
Applicant's Submitted Drawing

Not to Scale  
05/08/2015

**400 Front Street West**

File # 15\_136961\_STE 20 02

**Attachment 5: Towers C and D – South Elevations**



Tower C & D South Elevation

**Elevations**

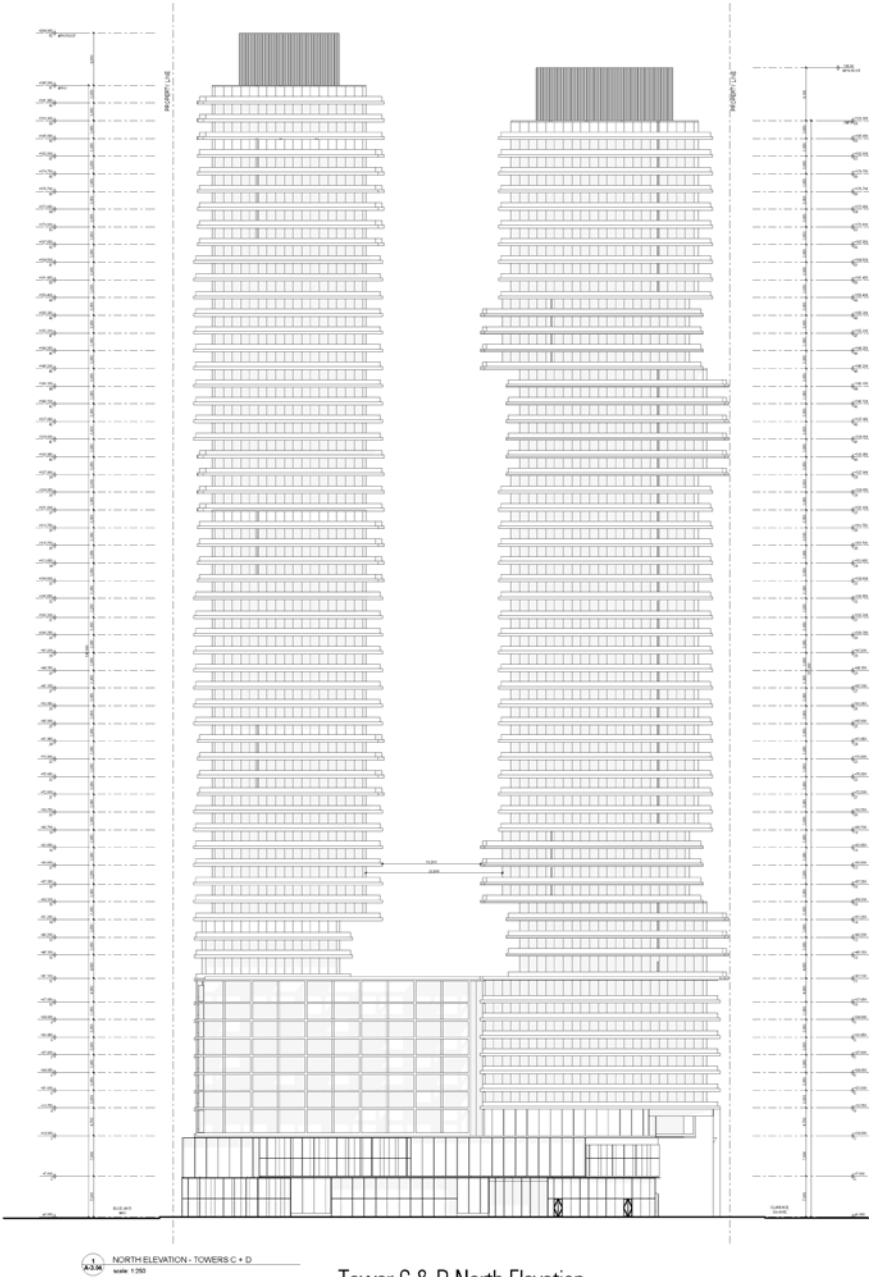
Applicant's Submitted Drawing

Not to Scale  
05/08/2015

**400 Front Street West**

File # 15\_136961\_STE 20 0Z

**Attachment 6: Towers C and D – North Elevations**



**Elevations**

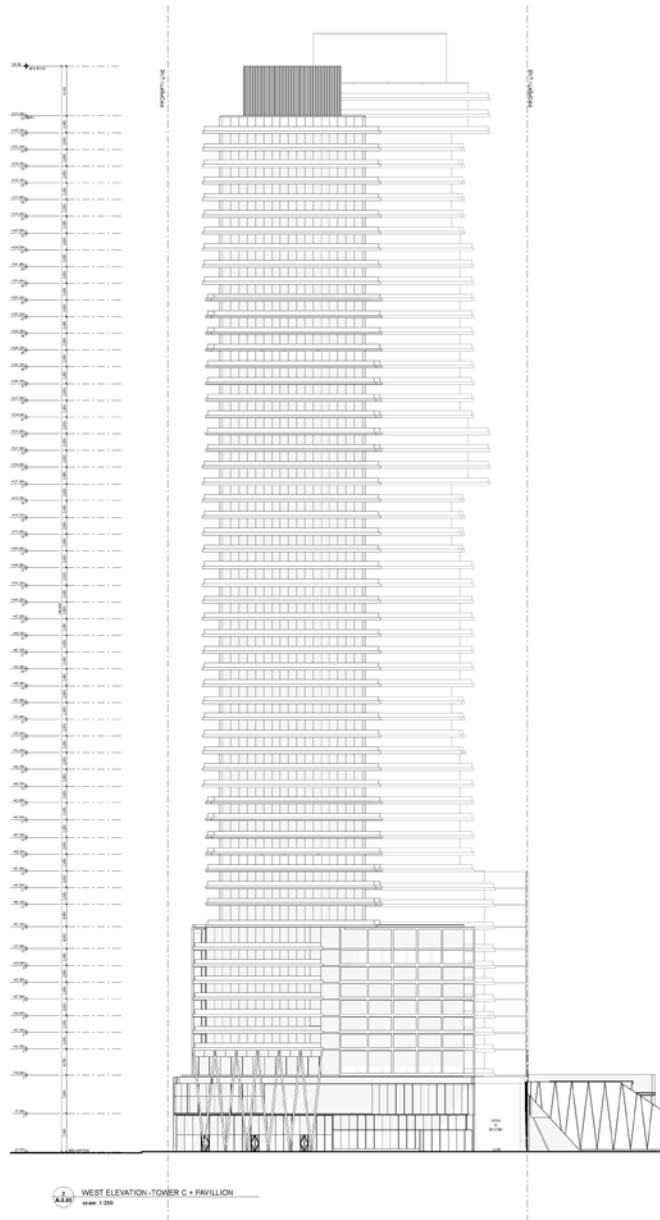
Applicant's Submitted Drawing

Not to Scale  
05/08/2015

**400 Front Street West**

File # 15\_136961\_STE 20 0Z

## Attachment 7: Towers C and D – West Elevation



Tower C & D West Elevation

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### Elevations

Applicant's Submitted Drawing

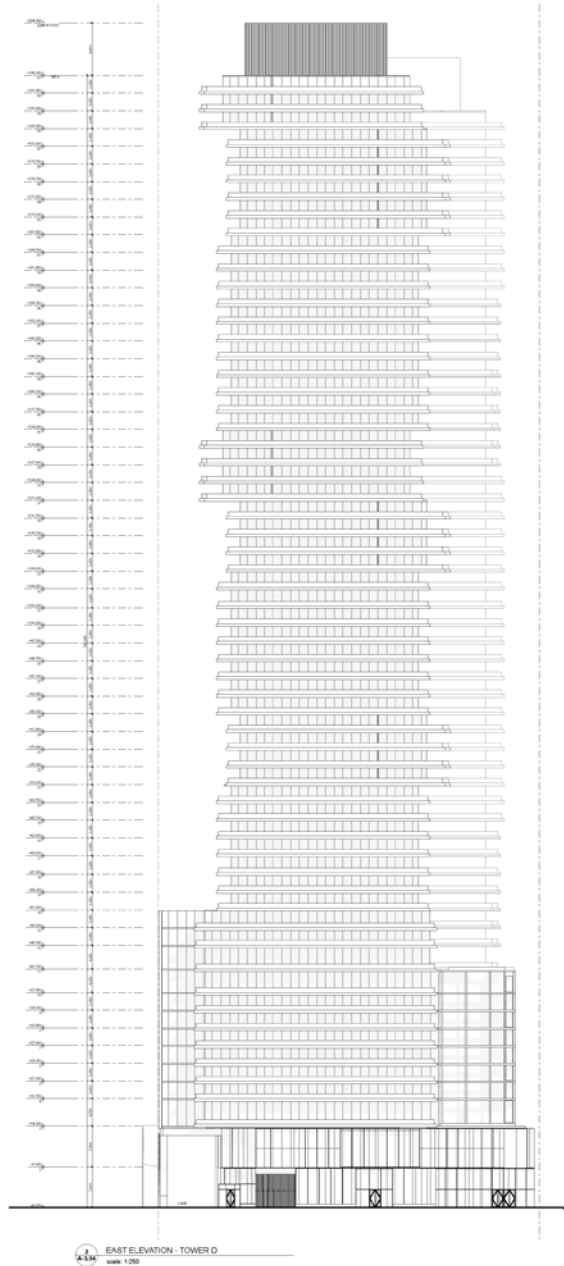
Not to Scale  
05/08/2015

400 Front Street West

File # 15\_136961\_STE 20 0Z

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**Attachment 8: Towers C and D – East Elevation**



ACM EAST ELEVATION - TOWER D  
Scale: 1/200

Tower C & D East Elevation

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**Elevations**

Applicant's Submitted Drawing

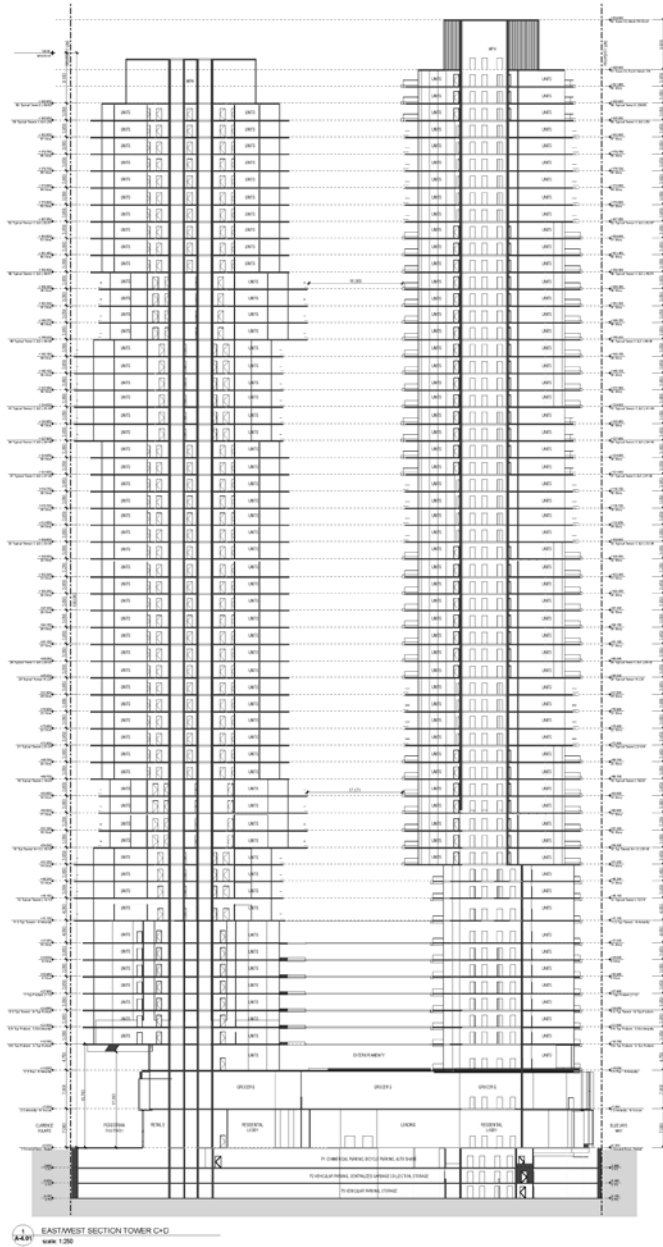
Not to Scale  
05/08/2015

**400 Front Street West**

File # 15\_136961\_STE 20 02

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## Attachment 9: Towers C and D – East/West Cross Sections



Tower C & D East/West Elevation

### Elevations

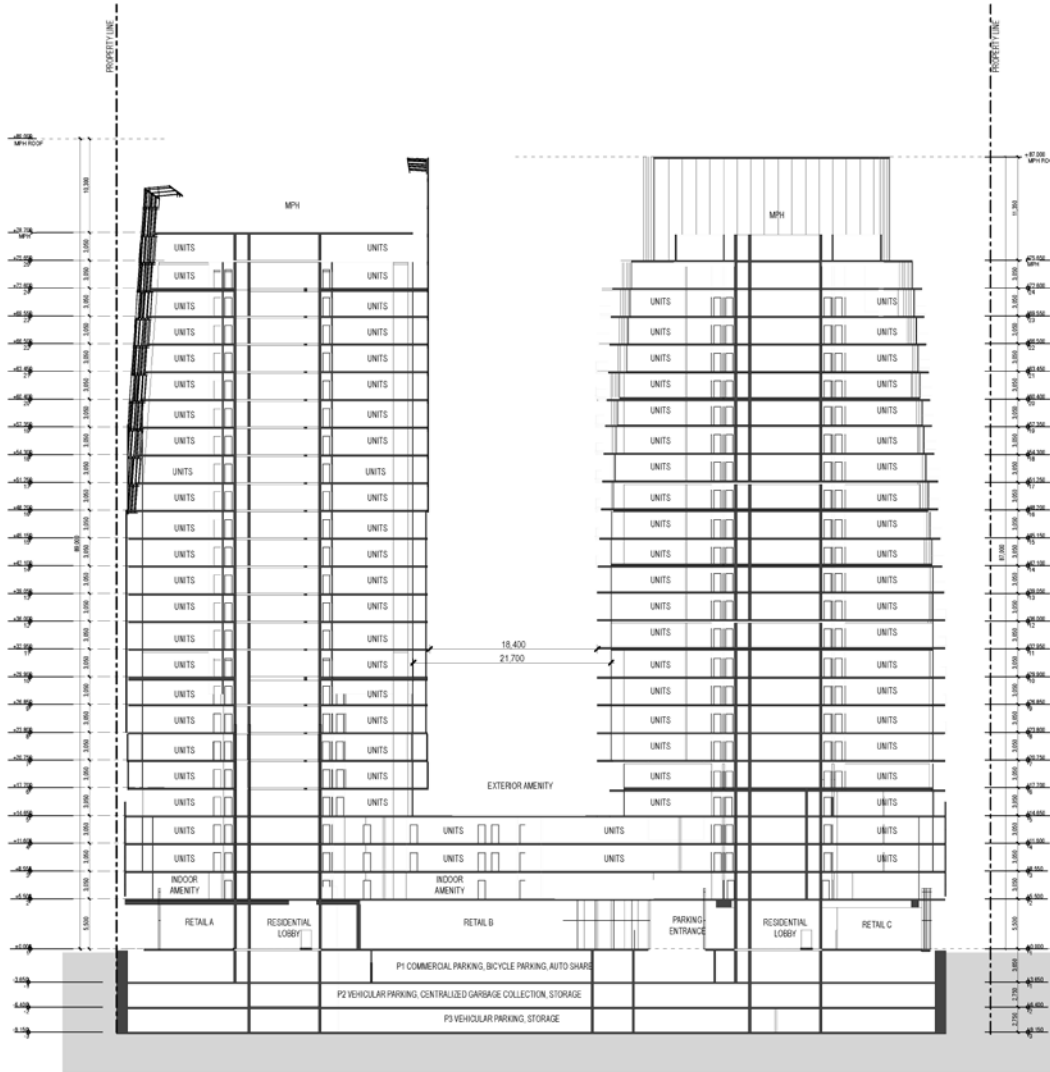
Applicant's Submitted Drawing

Not to Scale  
05/08/2015

### 400 Front Street West

File # 15\_136961\_STE 20 02

# Attachment 10: Towers C and D – East/West Cross Sections



1 EASTWEST SECTION TOWER A+B  
A-4.01 scale: 1:312.50

Tower A & B East/West Elevation

## Elevations

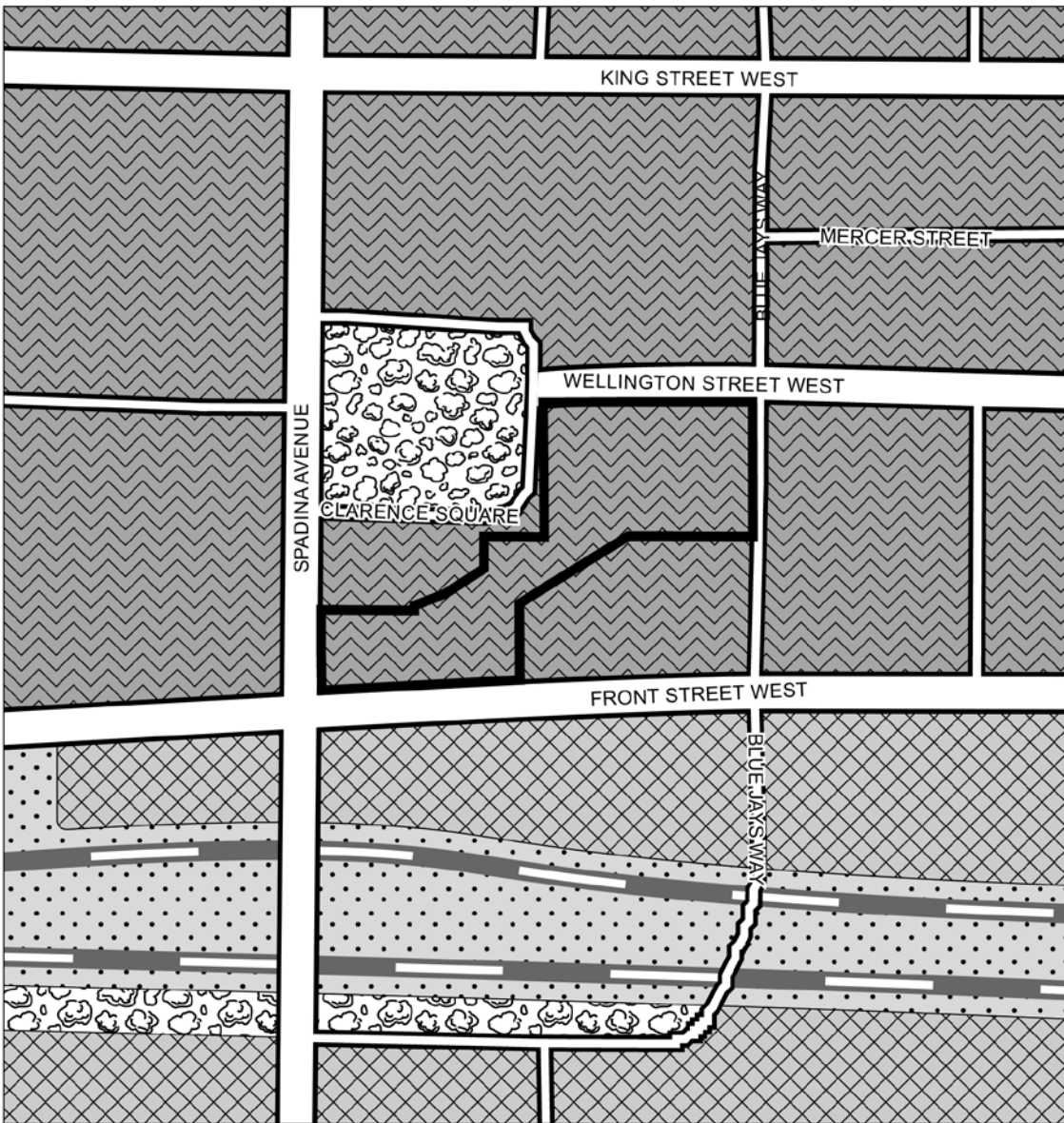
Applicant's Submitted Drawing

Not to Scale  
05/08/2015

## 400 Front Street West

File # 15\_136961\_STE 20 0Z

## Attachment 11: Official Plan



**Extract from Official Plan**

**400 Front Street West**

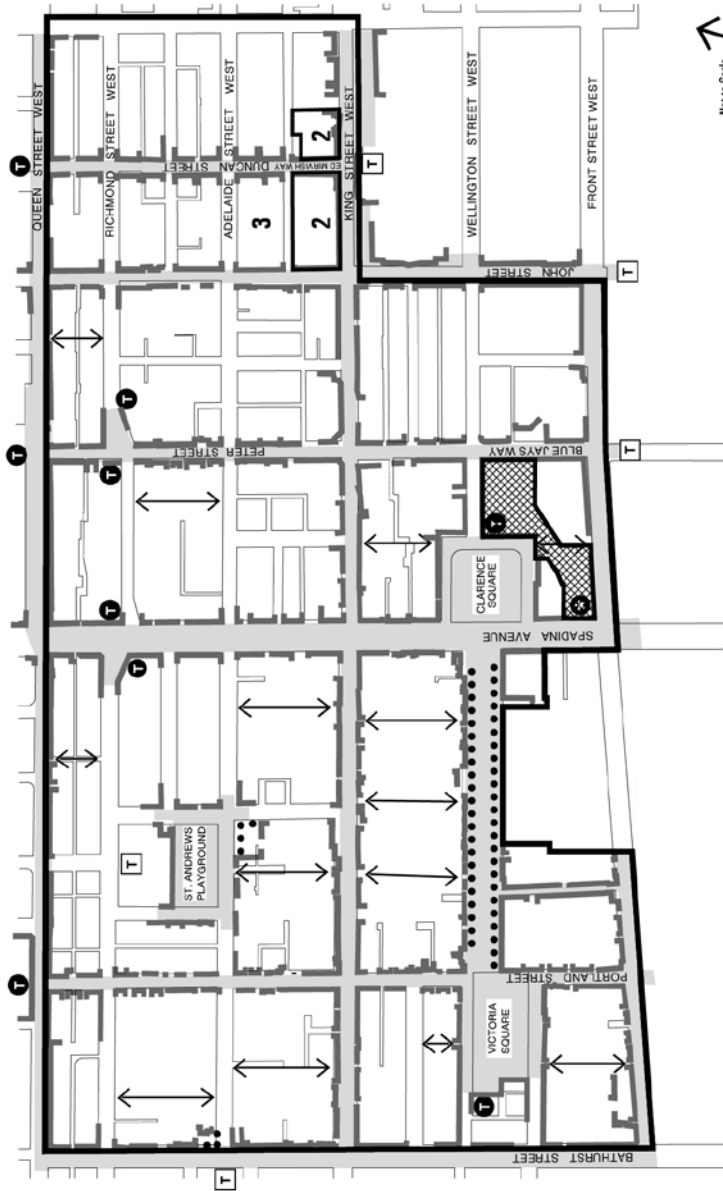
File # 15 136961 STE 20 0Z



  
 Not to Scale  
 11/29/2016



# Attachment 12: King-Spadina Secondary Plan – Urban Structure Plan



## King-Spadina Secondary Plan

MAP 16-1 Urban Structure Plan October 2015

- Secondary Plan Boundary
- Potential Gateway
- Potential View Terminus
- Existing View Terminus
- Existing and Potential Building Edge
- Potential Mid-block Connections
- Significant Street & Open Space
- Landscape Edge
- Site and Area Specific Policy Areas
- Site and Area Specific Policy Area

## King-Spadina Secondary Plan

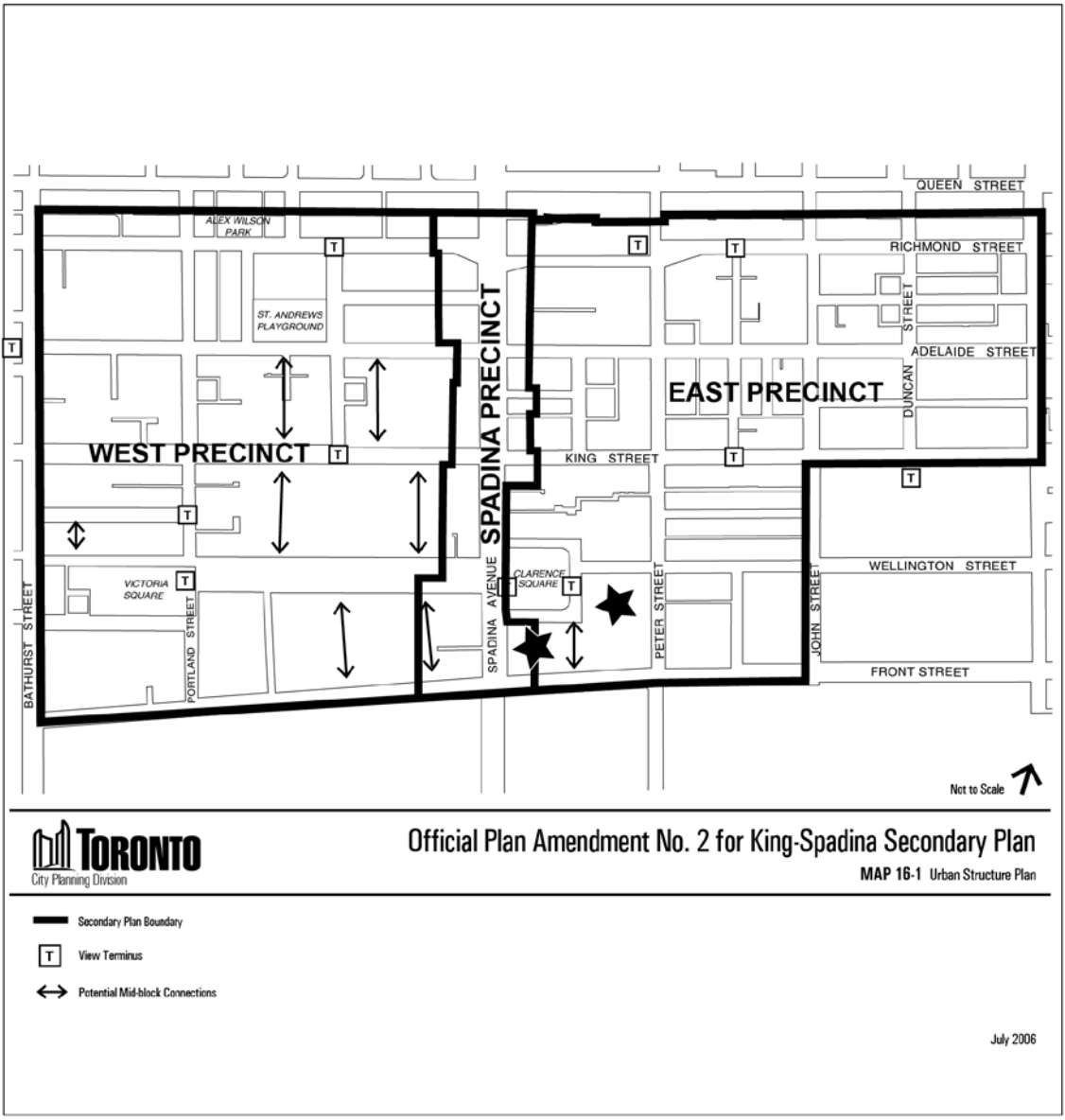
Location of Site

Not to Scale  
11/29/2016

## 400 Front Street West

File # 15 136961 STE 20 0Z

Attachment 13: King-Spadina Secondary Plan Review – Urban Structure Plan



Official Plan Amendment No. 2 for King-Spadina Secondary Plan  
MAP 16-1 Urban Structure Plan

- Secondary Plan Boundary
- View Terminus
- Potential Mid-block Connections

July 2006



Official Plan Amendment No. 2  
for King-Spadina Secondary Plan

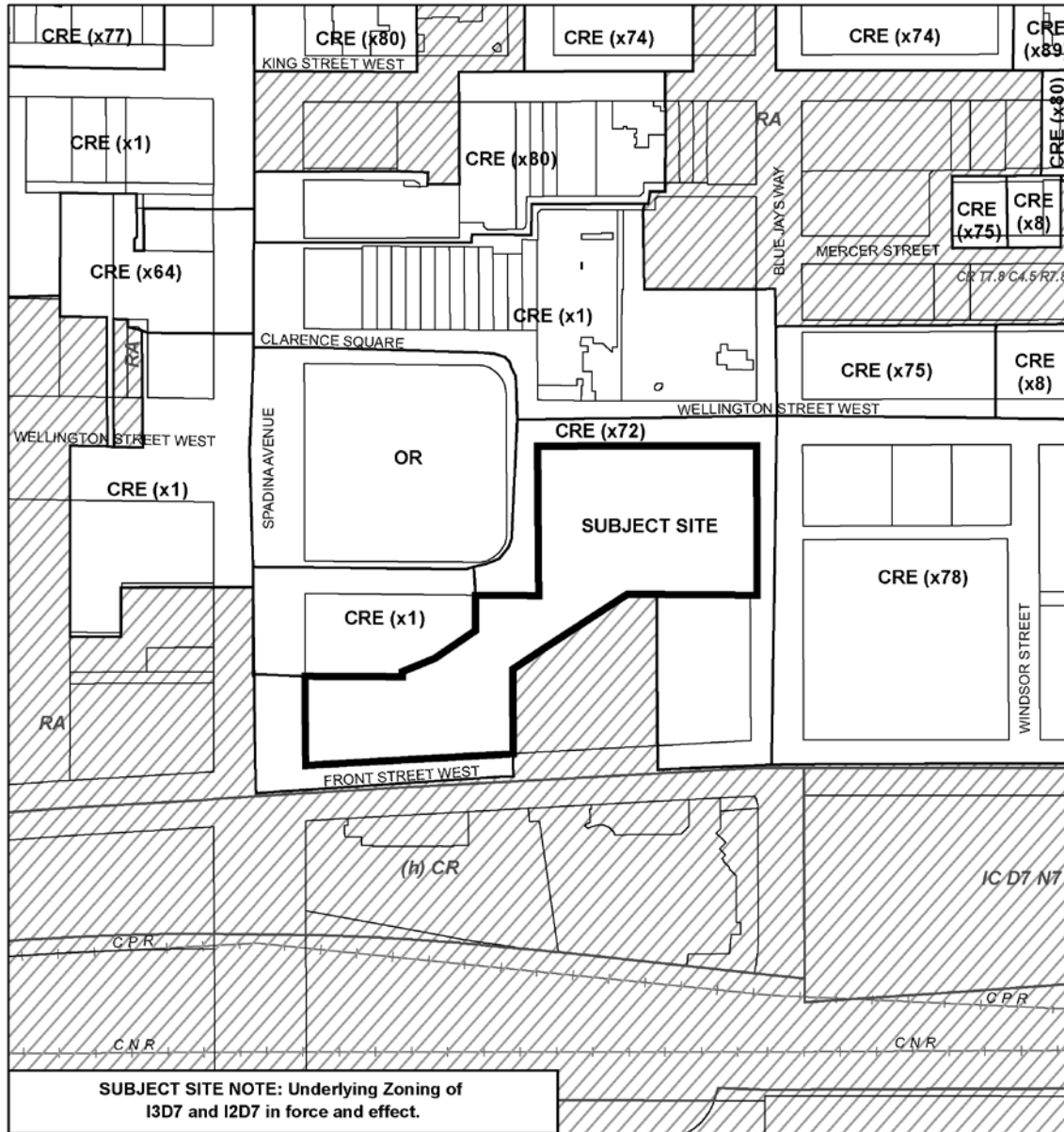
400 Front Street West

File # 15\_136961\_STE 20 0Z

SUBJECT SITE - 400 FRONT STREET WEST

Not to Scale  
11/29/2016

## Attachment 14: Zoning



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

**400 Front Street West**

**File # 15 136961 STE 20 0Z**



Location of Application

CRE Commercial Residential Employment    OR Open Space Recreation



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

CR Mixed-Use District  
 RA Mixed-Use District  
 IC Industrial District  
 T Industrial District



Not to Scale  
 Extracted: 05/08/2015

## Attachment 15: Application Data Sheet

|                       |  |                        |                                |
|-----------------------|--|------------------------|--------------------------------|
| Application Type      | Rezoning   | Application Number:    | 15 136961 STE 20 OZ            |
| Details               | Rezoning, Standard   | Application Date:      | April 7, 2015                  |
| Municipal Address:    | 400 FRONT ST W   |                        |                                |
| Location Description: | RP 63R4151 PARTS 1 TO 9 **GRID S2015   |                        |                                |
| Project Description:  | Proposal to construct four mixed-use towers, two towers on the north parcel (58 & 60 storeys) and two towers on the south parcel (24 and 25 storeys) with a total of 2,291 residential units and three levels of underground parking |                        |                                |
| <b>Applicant:</b>     | <b>Agent:</b>  | <b>Architect:</b>      | <b>Owner:</b>                  |
| BOUSFIELDS INC.       |  | ARCHITECTS<br>ALLIANCE | CITY FRONT<br>DEVELOPMENTS INC |

### PLANNING CONTROLS

|                            |                    |                          |  |
|----------------------------|--------------------|--------------------------|--|
| Official Plan Designation: | Regeneration Areas | Site Specific Provision: |  |
| Zoning:                    | CRE (x72)          | Historical Status:       |  |
| Height Limit (m):          | 61, 30, 18         | Site Plan Control Area:  |  |

### PROJECT INFORMATION

|                                    |        |         |                 |     |              |
|------------------------------------|--------|---------|-----------------|-----|--------------|
| Site Area (sq. m):                 | 11290  | Height: | Storeys:        | 60  |              |
| Frontage (m):                      | 91.3   |         | Metres:         | 204 |              |
| Depth (m):                         | 0      |         |                 |     |              |
| Total Ground Floor Area (sq. m):   | 5485   |         |                 |     | <b>Total</b> |
| Total Residential GFA (sq. m):     | 142724 |         | Parking Spaces: | 649 |              |
| Total Non-Residential GFA (sq. m): | 8738   |         | Loading Docks   | 6   |              |
| Total GFA (sq. m):                 | 151462 |         |                 |     |              |
| Lot Coverage Ratio (%):            | 48     |         |                 |     |              |
| Floor Space Index:                 | 13.4   |         |                 |     |              |

### DWELLING UNITS

|              |       |
|--------------|-------|
| Tenure Type: | Condo |
| Rooms:       | 0     |
| Bachelor:    | 500   |
| 1 Bedroom:   | 1207  |
| 2 Bedroom:   | 354   |
| 3 + Bedroom: | 230   |
| Total Units: | 2291  |

### FLOOR AREA BREAKDOWN (upon project completion)

|                                  |        | Above Grade | Below Grade |
|----------------------------------|--------|-------------|-------------|
| Residential GFA (sq. m):         | 142724 | 0           | 0           |
| Retail GFA (sq. m):              | 8738   | 0           | 0           |
| Office GFA (sq. m):              | 0      | 0           | 0           |
| Industrial GFA (sq. m):          | 0      | 0           | 0           |
| Institutional/Other GFA (sq. m): | 0      | 0           | 0           |

**CONTACT:      PLANNER NAME:      Dan Nicholson, Planner**  
**TELEPHONE:      (416) 397-4077**