

**485 - 489 Wellington Street West - Zoning Amendment  
Application - Request for Direction Report**

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| <b>Date:</b>             | August 16, 2017  |
| <b>To:</b>               | Toronto and East York Community Council                      |
| <b>From:</b>             | Director, Community Planning, Toronto and East York District |
| <b>Wards:</b>            | Ward 20 – Trinity-Spadina                                    |
| <b>Reference Number:</b> | 16-114472 STE 20 OZ  |

**SUMMARY**

The application proposes a 15-storey building with 431 square metres of commercial space on the first floor and 131 residential units above at 485-489 Wellington Street West.

The owner of the site at 485-489 Wellington 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 August 1, 2017. A hearing has not been scheduled.

The development proposes a height and massing which are not consistent with development approvals in the West Precinct of the King-Spadina Secondary Plan. The proposal does not conform with the Official Plan, including but not limited to its built form policies or the applicable Secondary Plan. Further, the proposal does not satisfactorily respond to built form urban design guidelines. Issues specifically raised by the proposal include:

- The proposed building height is above recent approvals in the interior blocks of the West Precinct.



- The proposed building fails to incorporate sufficient setbacks above an appropriate base building height.
- The proposal does not respond appropriately to the built form context of Wellington Street West and would set a negative precedent.
- The proposal does not appropriately respond to the adjacent Draper Street Heritage Conservation District (HCD) to the south nor does it respond positively to the designated heritage building adjacent the site to the west.
- The proposed building would have a negative impact on the use of the adjacent heritage building to the west.
- The proposal does not appropriately address a number of performance requirements set out in the general Zoning By-laws, such as parking and outdoor amenity space.

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. The report also identifies changes that could be made to the proposal which would address City staff concerns and seeks Council support for staff to continue negotiating these changes as the basis for a settlement.

## **RECOMMENDATIONS**

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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 485-489 Wellington Street West and support the position outlined in the report dated August 16, 2017, from the Director, Community Planning, Toronto and East York District.
2. City Council request City Planning staff to continue negotiations with the applicant to achieve a settlement of the appeal based upon the following direction and the submission of detailed plans and drawings addressing such additional matters as outlined in this report:
  - a) The height of the proposed building be lowered to a maximum of 45 metres (including mechanical elements).
  - b) The building be massed to ensure that shadows cast by the proposed structure do not encroach beyond the north curb of Wellington Street West, past 12:00 PM (noon) on Sept. 21<sup>st</sup>.
  - c) The proposed building include a step back of a minimum of 5 metres along the Wellington Street West frontage. The step back shall occur at a height which reflects the height of the adjacent Part IV designated heritage buildings to the west of the subject property.

- d) The proposed building include a step back of a minimum of 5 metres along the Draper Street frontage of the property. The step back shall occur at a height which reflects the height of the residential houses in the Draper Street Heritage Conservation District ("HCD") to the south of the subject property.
  - e) The base building transition southward from the taller buildings on Wellington Street West to the more modest scale heritage homes in the Draper Street HCD.
  - f) An increased setback from Draper Street reflecting the setback to the main wall of the Victorian Townhouses (excluding the bay windows) within the Draper Street HCD.
  - g) Changes to the proposed building to improve the relationship to the existing heritage structures to the west.
  - h) An updated streetscape and composite utility plan including a minimum 2.1 metre pedestrian clearway.
  - i) An updated Functional Servicing Report to the satisfaction of the General Manager of Engineering and Construction Services.
  - j) An updated Hydrogeological Report and supporting documents addressing on-site groundwater to the satisfaction of the General Manager, Toronto Water.
  - k) An updated Parking Study supporting the proposed parking supply to the satisfaction of the General Manager, Transportation Services.
  - l) Additional information to address outstanding comments contained in the February 10, 2017 memorandum from Engineering and Construction Services.
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. City Council 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. 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

On April 17, 2015 and May 20, 2015, pre-application consultation meetings were held with the applicant to discuss complete application submission requirements and to identify preliminary issues with the proposal. Staff identified a number of issues which were raised in response to the 15-storey building presented at those meetings and included in a letter dated May 28, 2015:

- The need for the building height to be reduced to reflect the prevailing height of approved buildings in the interior blocks of the West Precinct of the King-Spadina Secondary Plan area.
- An appropriate streetwall height with stepbacks above that height to maintain the pedestrian experience of the street.
- Balconies should not encroach into minimum stepbacks.
- The building should minimize shadows on the north side of Wellington Street West.
- The absence of appropriate stepbacks and setbacks would have a negative impact on the adjacent heritage properties.
- The (then) proposed redevelopment of the Globe and Mail site (The Well) should not serve as an indication of the form of development which would be permitted on the lands in the interior of the West Precinct of the King-Spadina Secondary Plan area.

## ISSUE BACKGROUND

### Proposal

#### Original Proposal (Feb. 2016)

The Zoning amendment application submitted on Feb. 9, 2016 proposed a 16-storey mixed-use building with a height of 55.3 metres (including mechanical penthouse) and 51.3 metres to the top of the roof slab of the 16<sup>th</sup> floor. The building steps back from the Wellington Street frontage at the 5<sup>th</sup> floor with a one metre stepback and steps back again at the 12<sup>th</sup> floor with a stepback of 3 metres. The floors above the 12<sup>th</sup> floor all incorporate a stepback of 3 metres on Wellington Street. The setbacks on Wellington Street accommodate a 45 degree angular plane measured from a height of 35.32 metres, or approximately 80% of the width of the right-of-way of Wellington Street West. The building incorporates a stepback of 6 metres at the 5<sup>th</sup> floor on the west side of the building. On the south side, the proposed building would step back 2.5 metres at the fifth floor and three metres at the 9<sup>th</sup> floor, although this latter stepback has balcony encroachments. The east side of the building would not incorporate any stepbacks on Draper Street. At grade the proposed building is set back 1.2 metres from the lot line on Wellington Street and 1.8 metres to 2.2 metres on Draper Street.

The proposed gross floor area (gfa) of the building was 9,714 m<sup>2</sup>, with 9,173 m<sup>2</sup> dedicated to residential uses and 541 m<sup>2</sup> dedicated to retail uses on the ground floor and second floor. The proposed floor-space index was 8.4 times the area of the lot.

The proposed residential unit breakdown was as follows:

| Type of Residential Unit | Number of Units | Percentage of Total |
|--------------------------|-----------------|---------------------|
| One-Bedroom              | 67              | 49.3                |
| One-Bedroom Plus Den     | 10              | 7.3                 |
| Two-Bedroom              | 28              | 20.6                |
| Three-Bedroom            | 31              | 22.8                |
| Total                    | 136             | 100                 |

Residential amenity space consisted of 380 m<sup>2</sup> of indoor amenity space (2.8 square metres per unit) and 164 m<sup>2</sup> of outdoor amenity space (1.2 square metres per unit) on the second floor of the building.

The proposed vehicular access was from Draper Street on the south end of the site. The driveway would be on private property and would provide access for service vehicles and for passenger vehicles accessing the underground parking by way of a ramp. One shared Type G and Type B loading space was proposed. A total of 34 parking spaces would be provided in a two level below-grade parking garage. The proposal was for 25 resident parking spaces, 8 visitor parking spaces and one retail parking space.

A Preliminary Report was considered at the October 13, 2016 meeting of Toronto and East York Community Council.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.34>

#### Revised Proposal (Dec. 2016)

On December 14, 2016 revised plans and reports were submitted which proposed a number of changes to the proposed building on the site. These include:

- The overall height of the building was slightly reduced from 16-storeys and 55.3 metres (including the mechanical penthouse) to 15-storeys and 54.1 metres (including the mechanical penthouse).
- The driveway was relocated from Draper Street to Wellington Street.
- The setback from the south property line was increased from 2.4 metres at the 5<sup>th</sup> floor to 5.5 metres at the 4<sup>th</sup> floor. Floors 5 through to 8 have inset balconies.
- The setback at the 9<sup>th</sup> floor was increased from 5.3 metres to 8.3 metres. Floors 9 through to 15 will have balcony projections within the setback.
- There is a 1.5 meter reveal at the third floor on Draper Street.
- The western portion of the building has increased in height from 4 floors to 7 floors for the portion of the building closest to Wellington Street West.
- Adjacent Wellington Street West, the building steps back 3.9 metres at the 10<sup>th</sup> floor and 6.9 metres at the 12<sup>th</sup> floor, with floors 13 to 15 and the mechanical penthouse generally fitting within a 45 degree angular plane. The previous proposal was for the 45 degree angular plane to apply to floors 12 and above with no additional setbacks at the 10<sup>th</sup> and 12<sup>th</sup> floors.

- The residential gfa was reduced from 9,173 square metres to 8,478 square metres and the non-residential gfa was reduced from 542 square metres to 431 square metres.
- The number of units was reduced from 136 to 131.
- The floor space index (fsi) was reduced from 8.4 to 7.7.
- Proposed on-site parking was reduced from 34 spaces to 32 spaces

The proposed residential unit breakdown is as follows:

| Type of Residential Unit | Number of Units | Percentage of Total |
|--------------------------|-----------------|---------------------|
| One-Bedroom              | 62              | 47.3                |
| One-Bedroom Plus Den     | 36              | 27.5                |
| Two-Bedroom              | 19              | 14.5                |
| Three-Bedroom            | 14              | 10.7                |
| Total                    | 131             | 100                 |

Residential amenity space consisted of 386 m<sup>2</sup> of indoor amenity space (3.0 square metres per unit) and 151 m<sup>2</sup> of outdoor amenity space (1.2 square metres per unit) on the second floor of the building.

For additional details, see Attachment 1: Site Plan, Attachments 2-5: Elevations and Attachment 11: Application Data Sheet.

## Site and Surrounding Area

The site is located at the south-west corner of Wellington Street West and Draper Street. The site is rectangular in shape with a frontage of approximately 25.4 metres on Wellington Street West and approximately 41.2 metres on Draper Street. The property has an area of approximately 1,153 square metres. The site is currently occupied by a single-storey brick office/warehouse building with surface parking at the front (north) and rear (south).

North: Wellington Street West is located immediately north of the subject site. The street has a right-of-way of 45 metres. The development on the north side of Wellington Street West is predominantly older industrial buildings two to six storeys in height, which have been converted to office uses with some commercial uses at grade, and new residential buildings. The tallest building constructed on the north side of Wellington Street West is the 12-storey building at 400 Wellington Street West. There was an approval granted through the Committee of Adjustment at 456 Wellington Street West for a 12-storey building, but that building has not been constructed. The buildings at 422-424, 462, 468, 482 and 488 Wellington Street West are listed on the City's Heritage Register and 436 Wellington Street West is designated under Part IV of the *Ontario Heritage Act*.

A number of recent Zoning amendment applications have been filed for the north side of Wellington Street West between Spadina Avenue and Portland Street (east of the subject site). An application for a 19-storey mixed-use building has been filed at 422-424 Wellington Street West (file no. 16 213925). This application has been appealed to the Ontario Municipal Board (case no. PL150374). Applications for office buildings at 15-storeys, 16-storeys, and 15-storeys have been filed for the properties at 472-474 Wellington Street West (file no.16 261191 STE 20 OZ), 482-488 Wellington Street West (file no. 16 270154 STE 20 OZ) and 504 Wellington Street West (file no.16 270147 STE 20 OZ).

- West: The lands to the west of the site are occupied by three and four storey brick office buildings (495-517 Wellington Street West). These buildings are designated under Part IV of the *Ontario Heritage Act* by By-law No. 758-79. Further to the west to the west side of Portland Street is Victoria Memorial Square, which includes the Garrison Cemetery.
- South: To the south of the site is the Draper Street Heritage Conservation District, containing a series of one and a half to two and a half storey brick homes which date to the late 19<sup>th</sup> century. These lands are designated as *Neighbourhoods* in the City's Official Plan.
- East: The property at 467-479 Wellington Street West, across the street from the subject site to the east, has been identified in the King-Spadina Heritage Conservation District study as a 'contributing' property. Further to the east is a 7.7 acre site formerly occupied by the offices of the Globe and Mail newspaper. The buildings on the site are currently being demolished to allow for a comprehensive mixed-use redeveloped with seven buildings featuring residential, office and retail uses. The buildings that would front Wellington Street West are two 15-storey buildings, which step back from the street, adjacent to a five-storey listed heritage warehouse building containing office uses at the southwest corner of Wellington Street West and Spadina Avenue, and one 13-storey building, which steps back from the street at the west end of the site (File No. 14 116571 STE 20 OZ).

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

### The Planning Act

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;

- (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 (2017)

The Provincial Policy Statement (2014) provides policy direction Province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Policy 4.7 further states that the Official Plan is the most important vehicle for implementing the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;



- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region.

The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

## **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 development's 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.

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. Policy 3.1.5.29 deals specifically with the relocation of heritage buildings.

#### 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.

The lands on Draper Street which constitute the Draper Street Heritage Conservation District are designated as *Neighbourhoods*. Official Plan policies require that buildings be sited and massed in a manner which provides for a transition between areas of different development intensity and scale through the use of setbacks and stepping down the heights toward lower scale *Neighbourhoods*.

### **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.

Section 3.3 of the Secondary Plan refers to Areas of Special Identity. Section 3.3 (b) refers to that part of Wellington Street West between Clarence Square on the east side of Spadina Avenue and Victoria Memorial Square west of Portland Street and the need to protect the character of the north side of the street and its value as a template for future development on the south side of the street.

- The portion of Wellington Street West between Clarence Square and Victoria Square maintains important characteristics that reflect the historic role of the area. The historic industrial buildings with large setbacks should be maintained and reused and act as a model for any redevelopment of the south side of the street.

### Section 4 – Heritage

Heritage buildings in the King-Spadina Area are essential elements of the physical character. In this regard:

New buildings should achieve a compatible relationship with the heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

### **King-Spadina Secondary Plan Review (2006)**

OPA No. 2 (By-law 921-2006), which is under appeal to the Ontario Municipal Board, proposed amendments to the King-Spadina Secondary Plan that are intended to further clarify and reinforce the fundamental intent of the Secondary Plan.

New Policy 2.2 notes that the scale and character of the historic buildings and pattern of the public realm will be protected and enhanced.

New Policy 3.1 (Urban Structure and Built Form) states that the King-Spadina Area is comprised of the West Precinct, Spadina Avenue Corridor and the East Precinct (see Attachment 8 – King-Spadina Secondary Plan Review – Urban Structures Plan). The policy states that development will complement and reinforce the distinctive qualities of these precincts and corridor.

### **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 4.3.1 Heritage, notes that the historic form of development on Wellington Street West, including Clarence Square and Victoria Memorial Square, reflect the previous residential and more recent commercial history of this street. The commercial heritage buildings are noted as being late nineteenth and early twentieth century buildings mostly between five and seven stories in height.

Section 4.3.3 Built Form states that the West Precinct of King-Spadina is developing as a mid-rise neighbourhood, a distinguishing characteristic which differentiates this area from the Spadina and East Precinct of the Secondary Plan Area.

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.

### **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, community infrastructure and parks 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 late 2017.

### **King-Spadina Draft 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 HCD Study, and was subsequently retained to prepare the HCD Plan.

The HCD Study process involved the identification and evaluation of potential HCDs within the study area. In May 2014, the Toronto Preservation Board endorsed the HCD Study for King-Spadina, along with City staff recommendations to proceed with preparing two HCD Plans for King-Spadina, divided along Peter Street. Through the development of objectives, policies and guidelines for the two HCDs and the community consultation process, the project

team determined that a single HCD for the entire district would be more appropriate due to its consistent heritage character and development history.

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 within the boundaries of the HCD.

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 HCD Study.

Heritage Preservation Services staff presented the final version of the HCD Plan and a recommendation for designation under Part V of the Ontario Heritage Act to the Toronto Preservation Board at its meeting on June 22, 2017. The report was adopted by the Preservation Board. The report will be at the Toronto and East York Community Council at its meeting on September 6, 2017. The Staff Report and draft HCD Plan are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PB24.1>

The overall objective of the King-Spadina HCD Plan is the protection, conservation and management of its heritage attributes including contributing properties so that the District's cultural heritage value is protected in the long-term.

### **TOcore: Planning Downtown**

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The Downtown Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building vision and policies of Toronto's Official Plan. A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles and the policy directions that informed the development of the proposed Downtown Plan. The proposed Downtown Plan will be presented at the Planning and Growth Management Committee meeting on September 7, 2017.

The TOcore website is [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **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 and provides the detailed performance standards for portions of buildings above 24 metres in height. Both OPA 352 and the implementing by-law are currently under appeal. 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.

### **The Redevelopment of the Globe and Mail site (The Well)**

On February 12, 2014 an application was filed to permit the redevelopment of the former Globe and Mail lands comprising 7.7 acres west of Spadina Avenue, north of Front Street West, east of Draper Street and south of Wellington Street West. The applicants (a partnership group which initially included Diamond Corp., Allied Properties REIT and Riocan REIT) had been in discussions with City staff for several months before the application was filed. The proposal was for an innovative mixed-use development with seven mixed-use buildings, the tallest being a 34-storey office tower at the north-west corner of Spadina Avenue and Front Street West. The three proposed buildings on Front Street West stepped down in height to Draper Street to the west and have heights of 40-storeys, 34-storeys and 19-storeys. The proposed buildings fronting on Wellington Street West also step down in height from Spadina Avenue to Draper Street and were proposed at 17-storeys, 16-storeys and 14-storeys. All seven building on the site would include at least two uses, with the three building along Front Street West to the west of the proposed tower housing all three uses. The proposal would see the balance of the site used as open space with pedestrian connections and linear parks adjacent Wellington Street and Draper Street. All parking and loading were proposed to be underground. Staff were supportive of the proposal for heights and density on the site substantially above what could have been supported because of a number of factors which made this site and the proposed redevelopment unique:

- the size of the site;
- its location adjacent the rail corridor which forms the southern boundary of the Secondary Plan area;
- the opportunity to transition heights and density on site from Front Street and Spadina Avenue toward the lower scale neighbourhood to the north and west;
- the mixed-use nature of the proposal, which includes a substantial proportion of office uses;
- A new open space network that includes an east west pedestrian spine and an extended north south plaza connecting Wellington Street West to Front Street;
- Significant off site public realm improvements to Front Street West and Wellington Street West;

Notwithstanding the merits of the proposal and the matters noted above which allow staff to evaluate the proposal as being distinct from other sites in the West Precinct of King-Spadina, staff recommended that the applicant file an Official Plan amendment application to allow staff to create a policy framework to acknowledge that this site is distinct and to allow for the project to be evaluated in an appropriate manner.

At the June 16, 2016 meeting of Toronto and East York Community Council, staff presented a final report and a draft Official Plan Amendment (Official Plan Amendment No. 317) which created a site and area specific policy (Site and Area Specific Policy No. 495) for the former Globe and Mail lands. The Official Plan amendment also removed these lands from the King-Spadina Secondary Plan area, recognizing that the proposed development was distinct (again, for the reasons noted above) from the balance of lands within the West Precinct of the King-Spadina Secondary Plan. The OPA was approved by City Council on July 9, 2015 (By-law No. 803-2015). No appeals were filed and the OPA is in force.  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE7.7>

The OPA created a policy framework which specifically defined the characteristics of the development and the public benefits which it would deliver, including:

- the total density would be capped at a floor-space index of 9.5;
- a minimum of 65,000 square metres of office space would be provided;
- there will be a mix of on-site and off-site parkland dedication;
- substantial public realm improvements, particularly on Wellington Street West;
- transition in built form will be achieved on the site;
- the development will comply with Council approved Design Guidelines;
- S.37 improvements to include: a substantial amount of publicly accessible open space; Publicly Accessible Private Open Space to be secured under the City's POPS Program; underground connections to a potential future transit station; on-site community services to be determined;

The staff report which accompanied the OPA noted that notwithstanding that the site was being removed from the King-Spadina Secondary Plan area, many aspects of the development were consistent with the King-Spadina Secondary Plan. This includes the care taken to design the Wellington Street buildings on the site to reflect some of the characteristics of the north side of Wellington Street (streetwall heights, narrow frontages and a variety of materials).

On February 16, 2017, Council adopted Zoning By-laws No. 124-2017 and 125-2017 to approve the site specific Zoning By-laws for the site. The Zoning By-laws and the S. 37 Agreement secured the following standards and public benefits associated with the site:

- the mixed use character of the development;
- a minimum floor area of office space;
- a new open space network that includes an east west pedestrian spine and an extended north south plaza connecting Wellington Street West to Front Street;
- significant off site public realm improvements to Front Street West and Wellington Street West;



- POPS adjacent the City boulevard on Wellington Street and Front Street West;
- an on-site parkland dedication and an off-site parkland dedication;
- improvements to municipal infrastructure;
- contributions under S. 37 of the Planning Act for: a not-for profit child care facility to be provided on-site; streetscape improvements to Wellington Street, Spadina Avenue, Front Street West and Draper Street; \$1,000,000 toward the YMCA facility at 505 Richmond Street West; \$9,000,000 toward public art on the site; \$1,130,000 toward streetscape improvements on Draper Street; \$1,000,000 toward affordable housing in Ward 20; and numerous other matters secured as a convenience.

The Final Report and Zoning By-laws can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE20.7>

The above noted Zoning By-laws have been subject to third party appeals to the Ontario Municipal Board.

The site-specific Zoning By-laws approved for the site would limit the density of the site to a floor space index of approximately 9.1 times the area of the lot.

## **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 23 metres for this site if a 3 metre stepback at 20 metres is provided. An additional 5 metres is permitted for rooftop mechanical elements. The Zoning By-law requires a 7.5 metre setback from the side and rear lot lines for areas over 25 metres from the street lot line. 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 main performance standards as the RA zone in By-law 438-86, including the overall height limit of 23 metres. See Attachment 10: Zoning, for additional details.

## **Site Plan Control**

This proposal is subject to Site Plan Control. No application for Site Plan approval has been submitted to date.

## **Community Consultation**

The Preliminary Report identified the issues raised by the proposal. The community consultation meeting for the proposal held on October 24, 2016 raised the following issues:

- The impact of the proposed development on Draper Street and its residents is a concern with regard to the traffic impacts on the street which will result from the proposed Draper Street access driveway.

- proposal is too tall and doesn't fit in with the character of the adjacent buildings or the buildings in the area generally;
- Draper Street is already too narrow to function effectively for traffic and loading purposes. The addition of a driveway as proposed will exacerbate those problems.
- Draper Street is a very special place and the scale of the project does not contribute to the neighbourhood;
- Larger units for families are required in the neighbourhood;
- Projects on Draper Street need to focus on making the street better for pedestrians, not adding more vehicular traffic.

These comments have been considered in Planning staff's recommendation to oppose the application at the Ontario Municipal Board.

### **Reasons for the Application**

The proposal 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, parking requirements, proposed 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 built form of the development pose a challenge for a part of the City which has seen growing pressure for taller buildings and building massing which is out of scale and inappropriate in its context. If the project were approved in its current form, it would set a negative precedent for an increase in height and massing in the West Precinct of King-Spadina.

The Provincial Policy Statement (PPS) contains policies related to managing and directing development. It requires that sufficient land be made available for intensification and redevelopment; that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock; and areas, and that they establish and implement minimum targets for intensification and redevelopment within built up areas.

Policy 2.6 of the PPS recognizes the importance of impacts of development on lands adjacent to protected heritage properties. The PPS defines protected heritage properties as being "...property designated under Parts IV, V or VI of the *Ontario Heritage Act*." The Draper Street Heritage Conservation District to the south is designated under Part V of the *Ontario Heritage Act*, the property to the west at 495-517 Wellington Street West is designated under Part IV of the *Ontario Heritage Act*. The properties to the north at 482-488 Wellington Street West are listed on the City's Heritage Register and the properties at 467-479 Wellington Street West are identified as contributing in the King-Spadina Heritage Conservation District Plan. The scale and massing of the proposed building diminishes the heritage character of the adjacent properties and therefore does not conserve their protected heritage attributes.

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 updated Growth Plan (2017) explicitly recognizes the importance of implementing urban design and site design official plan policies and other supporting documents to ensure the development of a high quality, attractive and vibrant *public realm* (inclusive of public open spaces) and *compact built form*. The updated Growth Plan (2017) speaks to the fact that:

- Development should be attractive, functional, and fit the local context.
- Design should be used to stimulate and support pedestrian activity.
- The urban realm should be distinct and diverse, helping to foster a unique sense of place.
- Built form should help to facilitate transit use and other alternatives to the automobile for getting around.
- Heritage buildings and landscapes should be preserved or be adaptively reused and incorporated into new development.

The Growth Plan (2017) builds on Section 2 (r) of the *Planning Act* which recognizes the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant to be a provincial interest that municipalities and the Ontario Municipal Board, in carrying out their responsibilities under this *Act*, shall have regard for. The Growth Plan policies also build on

PPS (2014) Policy 1.7.1 (d) which states that long term economic prosperity will be supported by encouraging a sense of place by promoting well-designed built form.

Policies 2.2.1.4 e) and 5.2.5.6 explicitly promote the importance of well designed and contextually appropriate built form. They encourage official plans, zoning by-laws and other supporting documents (such as design guidelines) to contain policies, provisions and guidelines to that effect. The Growth Plan (2017) recognizes that well designed and contextually appropriate built form needs to be a part of any integrated approach to land use planning, especially in complex urban environments.

In this context, the Official Plan, the King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina Heritage Conservation District Study 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, fitting within its local context, contributing to a sense of place and contributing specifically to the preservation of a sense of place defined by an adjacent Heritage Conservation District and a designated Heritage building.

With specific reference to cultural heritage resources:

Section 4.2.7 (1) of the Growth Plan reads: "cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in *strategic growth areas*."

The proposed building has not been designed to appropriately conserve the cultural heritage values, attributes and character of the adjacent Draper Street Heritage Conservation District or adjacent heritage properties and, as such, is not in conformity with the Growth Plan.

### **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 the on-going King-Spadina Secondary Plan Review and King-Spadina Heritage Conservation District study. As outlined below, the proposal does not meet the objectives of the King-Spadina planning framework. The proposed building fails to adequately reflect the built form context of the adjacent properties or the policy framework of the King-Spadina neighbourhood.

### **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 does not address the need for additional office uses in the area which would contribute to a balance of employment and residential uses.

## **Heritage**

A Heritage Impact Assessment (HIA) prepared by Goldsmith Borgal and Company Limited Architects and dated January 26, 2016, was submitted in support of the application. The Heritage Impact Assessment fails to provide a meaningful analysis of the proposal in the context of the heritage policies in the Provincial Policy Statement, the City of Toronto Official Plan and the King-Spadina Secondary Plan. City Planning staff have reviewed the HIA and conclude that the proposed development would not conserve the cultural heritage values, attributes and character of the Draper Street Heritage Conservation District to the south and the adjacent heritage properties to the west and north. The proposal is inconsistent with PPS policy 2.6.1, the City's Official Plan heritage policies and the King-Spadina Secondary Plan. Further, the proposal would have a negative impact on the proposed King-Spadina Heritage Conservation District and the adjacent contributing properties.

The introduction of a tall building on the subject site with insufficient step backs on the Wellington Street West and Draper Street elevations would diminish the scale and heritage character of the Draper Street HCD and adjacent heritage properties, thereby not meeting applicable heritage policies. The current proposal would present an incompatible relationship with the low-scale house-form buildings in the adjacent Draper Street HCD, the adjacent heritage buildings to the west and north and the historic built form context of this Area of Special Identity, setting a negative precedent.

Given the heritage policy framework, an appropriate redevelopment proposal for the site would be consistent with the historic built form on the north side of Wellington including appropriate step backs maintaining the established street wall heights on both Draper Street and Wellington Street West. In an effort to further ensure a compatible relationship with the substantial heritage context, the design, articulation and materials of the new building, particularly the base building portion, should take cues from the adjacent heritage properties.

## **Height, Massing and Setbacks**

### Building Height

The proposed building height is above typical approvals in the interior blocks of the West Precinct.

There have been approvals of buildings taller than 45 metres in the West Precinct of King Spadina closer to the perimeter major streets and in a different context. The 17-storey development at 103-111 Bathurst (file no. 11 289519 20 OZ) is on a site within a higher height regime under the Zoning By-law and was approved by the Ontario Municipal Board at 55.6 metres with the mechanical elements 'wrapped' by residential units. 523, 525 and 252A Adelaide Street West, immediately to the east, at 17-storeys and 50.5 metres (file no. 11 289519 STE 20 OZ) provides a transition from the adjacent building. In January of 2013 the Ontario Municipal Board approved a 16-storey mixed-use building at 621 King Street West at a height of 52.8 metres and a small mechanical penthouse for a total height of 53.5 metres (file no. 2011 242716 STE 20 OZ). This project was opposed by staff and Council based on its height and built form, which detracts from the character of King Street West, is contrary to

the planning framework and departed from an established pattern of development. The incongruity of the building, now constructed, can be clearly seen and sets a precedent that should not be repeated in this area.

With regard to the immediate context of the development, the buildings proposed on the site of the Globe and Mail property (14 116571 STE 20 OZ) range in heights from east to west as follows:

- 15-storeys and 61.9 metres including mechanicals (55.9 metres excluding mechanical elements) for buildings one and two adjacent the listed heritage building at 49 Spadina Avenue and 401 Wellington Street West.
- 13-storeys and 55.3 metres (49.3 metres excluding mechanicals) for building three, at the west end of the site, closer to the subject site.

As was noted in the May 28, 2015 letter responding to the pre-application meetings, the Globe and Mail site was removed from the King-Spadina Secondary Plan area through a site specific Official Plan amendment. The redevelopment of the Globe and Mail site should not be seen as setting a precedent for the development of other site in the King-Spadina Secondary plan area given the unique size of the site and its relationship to Front Street West.

Notwithstanding the above comment, the heights of the buildings on Wellington Street West associated with the Globe and Mail site, were intended to transition from the higher height limits on Spadina Avenue to the more modest heights in the interior portion of the West Precinct. Any development on the subject site would be expected to continue that transition.

The King-Spadina Secondary plan includes the following policy:

*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;*

### Massing

The changes to the massing at the rear of the building seen in the February 2017 revised submission are helpful in providing for an improved transition to the Draper Street Heritage Conservation District.

Adjacent Wellington Street West, the proposed building massing has been slightly reduced at the 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> floors, staff continue to seek a setback at a height which would reflect the character of the existing buildings on Wellington Street West and with the Wellington Street buildings on the Globe and Mail site, all of which have significant stepbacks (approximately 7 to 10 metres) above a streetwall height of approximately 29 metres or 7-storeys.

As was noted in the heritage comments earlier in the report, the proposed building needs to incorporate a transition from the established historic street wall height on Draper Street.

Above a base building height, the proposed building needs to step back in a manner which addresses Draper Street and adequately respects the unique character of the HCD and adjacent heritage properties. The (now 15-storey) proposed building provides little if any transition to the 2 – 2 ½ storey buildings on Draper Street or the three and four-storey designated buildings at 495-517 Wellington Street West. The additional height added to the west side of the building in the latest revision worsens this condition. The proposed Draper Street frontage of the building also provides no transition to Draper Street itself or to the two-storey contributing buildings on the opposite side of Draper Street at 479 Wellington Street West. As was noted above, the two-storey commercial buildings at 467-479 Wellington Street West have been identified as 'contributing' in the King-Spadina Heritage Conservation District Study.

In addition to the Secondary Plan policy noted above requiring that "*New buildings will achieve a compatible relationship with their built form context...*", the King-Spadina Secondary Plan also identified Wellington Street West as an Area of Special Identity. Policy 3.3 (d) of the Secondary plan states that:

*The portion of Wellington Street West between Clarence Square and Victoria Memorial Square maintains important characteristics that reflect the historic role of the area. The historical industrial buildings with large setbacks should be maintained and reused and act as a model for any redevelopment of the south side of the street.*

Draper Street is also identified in the Secondary Plan as an area of Special Identity. Policy 3.3 (c) states that:

*Draper Street is the last remaining historical residential enclave in the King-Spadina Area. The area is designated as a Heritage Conservation District.*

Policy 11.1 of the Secondary Plan also refers to the special character of Draper Street. It reads as follows:

*The Neighborhood on Draper Street is an area of Special Identity with heritage buildings and a uniform architectural character, and will be regarded as a stable residential enclave. No changes will be made through the zoning or other public actions which are out of keeping with the physical character of the street.*

These policies speak to the unique character of both Wellington Street West and Draper Street and emphasize the need for a building in this area to achieve "*a compatible relationship with their built form context*". The current proposal, in contrast to numerous buildings approved and built in the neighbourhood, fails to achieve this objective.

## **Sun and Shadow**

The buildings on the site of the Globe and Mail, in addition to stepping down to the interior portion of the West Precinct, were also designed to keep shadows off the north side of the Wellington Street West boulevard. The Official Plan Amendment which was approved by Council for the Globe and Mail site includes the following policy:

*The height and massing of buildings on Wellington Street West shall be limited and massed in such a way as to ensure that shadows on the north side of Wellington Street West cast by these buildings will be mostly within the shadows cast by the Front Street buildings and off the north side of Wellington Street boulevard (north of the curb) at 12:00 pm – 1:00 pm on September 21<sup>st</sup> as reflected in the Urban Design Guidelines.*

Any building on the subject site would be expected to meet or exceed the standards for acceptable shadow impacts established for buildings fronting Wellington Street West on the Globe and Mail site. The shadows created by the proposed 15-storey building would exceed those anticipated by the redevelopment of the much larger Globe and Mail site.

### **Amenity Space**

The proposal for a total of 386 m<sup>2</sup> of indoor amenity space exceeds the by-law requirement of 272 m<sup>2</sup> based on 2.0 m<sup>2</sup> per unit. The proposal for 151 m<sup>2</sup> of outdoor amenity space is under the By-law requirement. Opportunities should be explored to increase the amount of outdoor amenity space.

### **Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The applicant's submission for one new building and 541.5 square metres of non-residential gross floor area and 136 residential units. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,813 square metres or 167% of the site area. However, for sites less than 1 hectare in size, a cap of 10% is applied for the residential use while the non-residential use is subject to a 2% parkland dedication. The total parkland dedication is 110 m<sup>2</sup>.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate, as 110 square metres is not a suitable size for a programmable park. The site is also less than 100 metres from Victoria Memorial Square which contains a playground. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

### **Streetscape**

The redevelopment of the Globe and Mail site will involve the development of a streetscape design for Wellington Street West. The detailed design of the streetscape for Wellington Street will be finalized through the site plan process for that project. Staff expect that the improvements to Wellington Street for this project will reflect the design for the Globe and Mail site.



The City's Vibrant Street Design Guidelines should be referenced in the proposed streetscape design as was noted in the comments from Engineering and Construction Services staff. The required 2.1 metre pedestrian clearway should be incorporated into the streetscape design.

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 identification of the location of the pedestrian clearway and the location of landscaping elements needs to be identified at the zoning stage, as the pedestrian clearway may impact on the required setbacks at grade.

### **Street Trees**

There is one City-owned tree located on Draper Street which would require removal. Urban Forestry staff have requested that an application to injure or destroy this tree be submitted prior to a final report on the Zoning By-law amendment coming before Council. Urban Forestry staff have also requested that revised landscape plans be submitted to show street trees on Draper Street. The streetscape plans submitted by the applicant don't show any proposed street trees on Draper Street. A composite utility plan should also be submitted to allow the impact of utilities to be evaluated as part of the streetscape design process. As is noted above, this information is a necessary part of the zoning process, as the need to accommodate both trees and a pedestrian clearway may impact building setbacks, particularly on Draper Street.

### **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.

### **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. 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. Overall, the population of King Spadina could increase to a total of 50,000 by 2025 from 8,645 people in the 2011 census. This rate of growth must be balanced with the provision of a full range of community services, parks and amenities to serve the population. Although some community services and parks are being added to the area, the cost of land and lack of appropriate spaces within existing building presents challenges to providing community infrastructure to serve this intensity of growth. Approval of development with excessive density that does not respond to built form objectives puts added pressure on this existing infrastructure deficit.

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

### Traffic Impact

The applicant's traffic consultant has provided, through the submitted report entitled Urban Transportation Considerations Report (dated February 5, 2016), an assessment of the traffic impacts associated with the proposed development and determined that they are acceptable. Transportation services staff have agreed with the consultant's conclusion.

### Site Access and Circulation

As is noted above, the initial application proposed that vehicular access for both passenger and service vehicles be provided off Draper Street. The applicant has proposed through the revised submission that the driveway access for both passenger and service vehicles be provided from Wellington Street West, due largely to concerns from local residents regarding the narrow width of Draper Street and the difficulty of accessing the site from that street. In the context of these concerns and concerns raised by City staff regarding the proposed reduction of on-street parking on Draper Street, Transportation Services staff have no objection to the relocation of the driveway from Draper Street to Wellington Street West.

Vehicular access to the site is proposed to be provided through a private driveway 6.0 metres wide on the west side of the site. Transportation Services staff have raised concerns regarding the vehicle movements and requested that turning movement diagrams be provided to ensure that vehicles are able to turn as proposed.

### Parking Supply

The proposed parking supply consists of 23 residential spaces and 8 residential visitor and 1 retail space. The parking would be provided in a two level underground parking garage with access from a private driveway off Wellington Street West. Transportation Services staff have determined that the required parking supply as per By-law 569-2013 would be 91 spaces, comprising 77 residential parking spaces, 13 residential visitor parking spaces and 1 retail spaces. Transportation Services staff have requested that the applicant's transportation consultant provide additional information, such as parking counts to support the proposed parking reduction.

### Loading

The proposed Type G loading space meets the Zoning By-law requirements for the proposed building. Transportation Services staff have requested additional information regarding the dimensions of the proposed Type G loading space.

## **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 137 bicycle parking spaces would be provided. The proposed bicycle parking supply is acceptable.

## **Servicing**

Engineering & Construction Servicing staff have informed the applicant's consulting engineer that a revised Functional Servicing Report is required to address outstanding requirements. The applicant has also been requested to submit additional information regarding groundwater pumping.

## **Provision of Family Sized Units**

The applicant is proposing that 14 of the total 131 units be three-bedroom units, equalling 10.7 percent of the total unit count. Staff recommend a minimum 10 percent of all units as three-bedroom or greater to broaden the range of unit types and provide larger units suitable for families. 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 determines 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 and Executive Director, City Planning Division and the City Solicitor.

## **Conclusion**

Staff have reviewed the application submitted by the applicant for 485-489 Wellington Street West on February 9, 2016 and the revised proposal submitted December 14, 2016 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 conform to 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 King-Spadina Urban Design Guidelines (2006), which support the Official Plan. It is also not consistent with the draft King-Spadina Heritage Conservation District Plan.

It is the opinion of Planning staff that the proposed development application fails to achieve a compatible relationship with their built form context, fails to reflect the heritage character of the adjacent designated buildings and would set a negative precedent which would diminish the historic scale of these streets. The approval of this proposal would set a negative precedent for development on Wellington Street West. The proposed building 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. This report also identifies changes required to the proposal and recommends that staff continue to work with the applicant to achieve a settlement based on those changes.

## **CONTACT**

Dan Nicholson, Senior Planner  
Tel. No.: (416) 397-4077  
E-mail: dan.nicholson@toronto.ca

## **SIGNATURE**

---

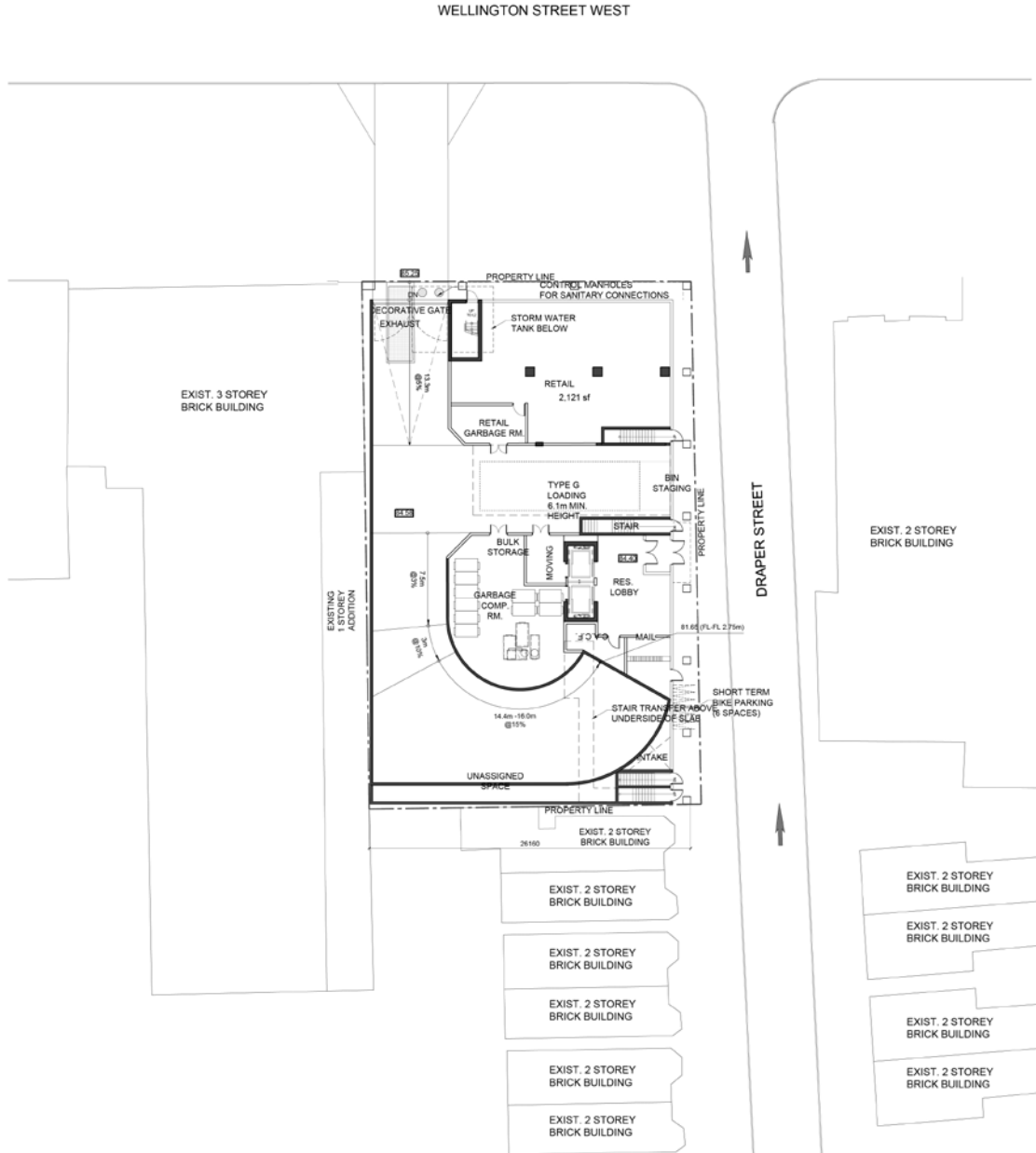
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

(P:\2017\Cluster B\pln\TEYCC\20964824063.doc) – smc

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: South Elevation
- Attachment 3: East Elevation
- Attachment 4: North Elevation
- Attachment 5: West Elevation
- Attachment 6: Official Plan
- Attachment 7: King-Spadina Secondary Plan – Urban Structure Plan
- Attachment 8: King-Spadina Secondary Plan – Areas of Special Identity
- Attachment 9: King-Spadina Secondary Plan Review – Precinct Plan
- Attachment 10: Zoning
- Attachment 11: Application Data Sheet

# Attachment 1: Site Plan



Site Plan

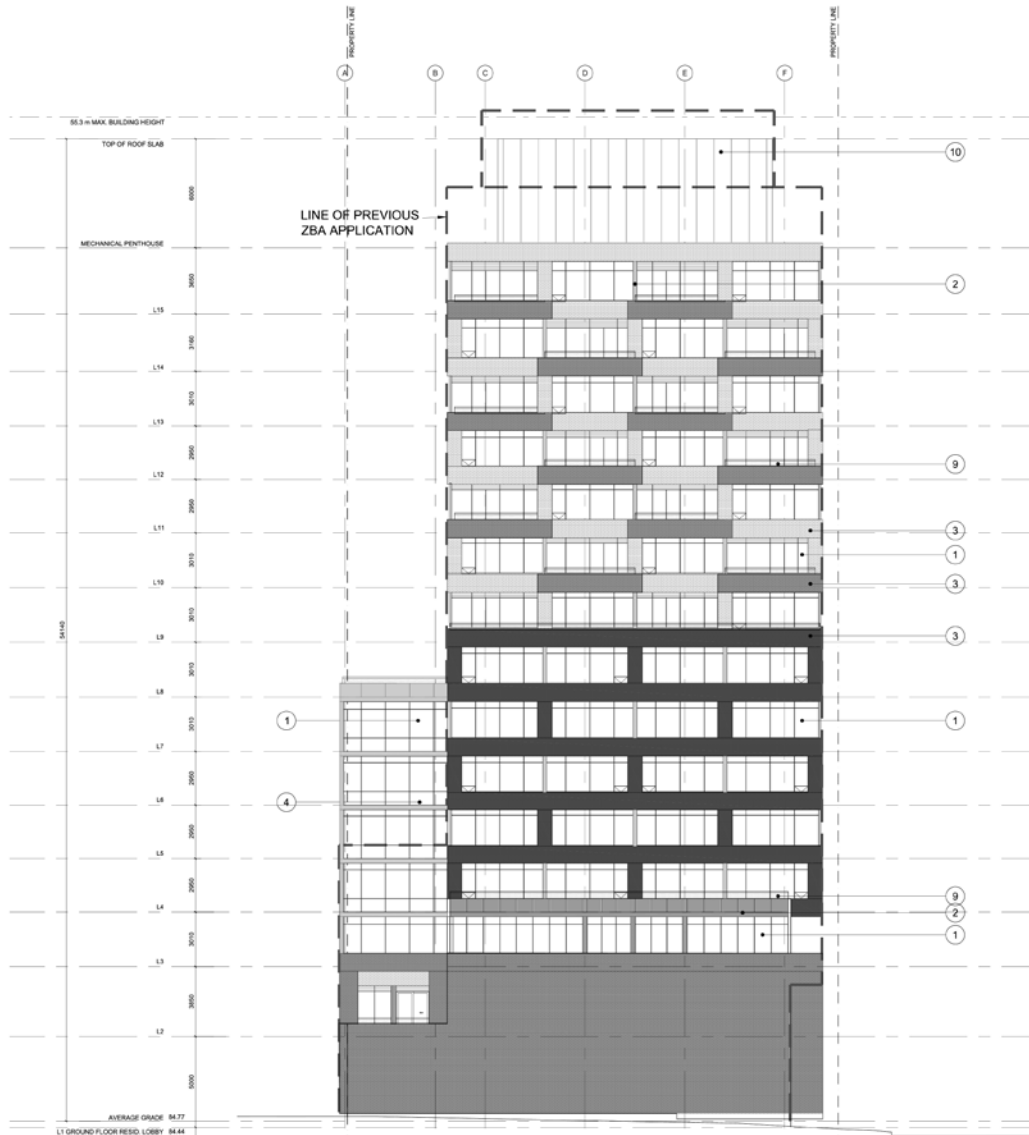
485-489 Wellington Street West

Not to Scale  
07/11/2017



File # 16 114472 STE 20 02

## Attachment 2: South Elevation



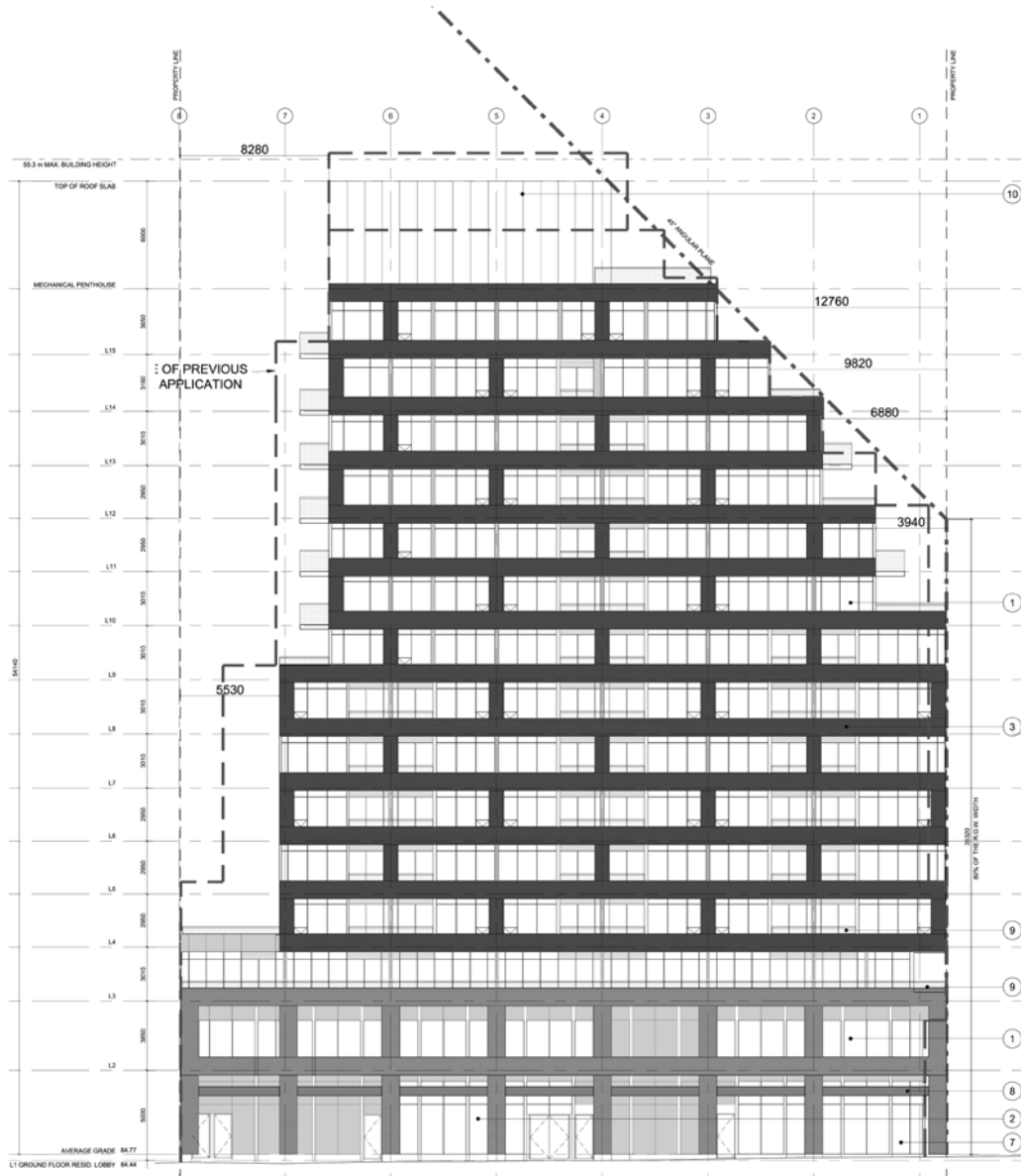
**South Elevation**

**485-489 Wellington Street West**

Not to Scale  
07/11/2017

File # 16 114472 STE 20 OZ

### Attachment 3: East Elevation



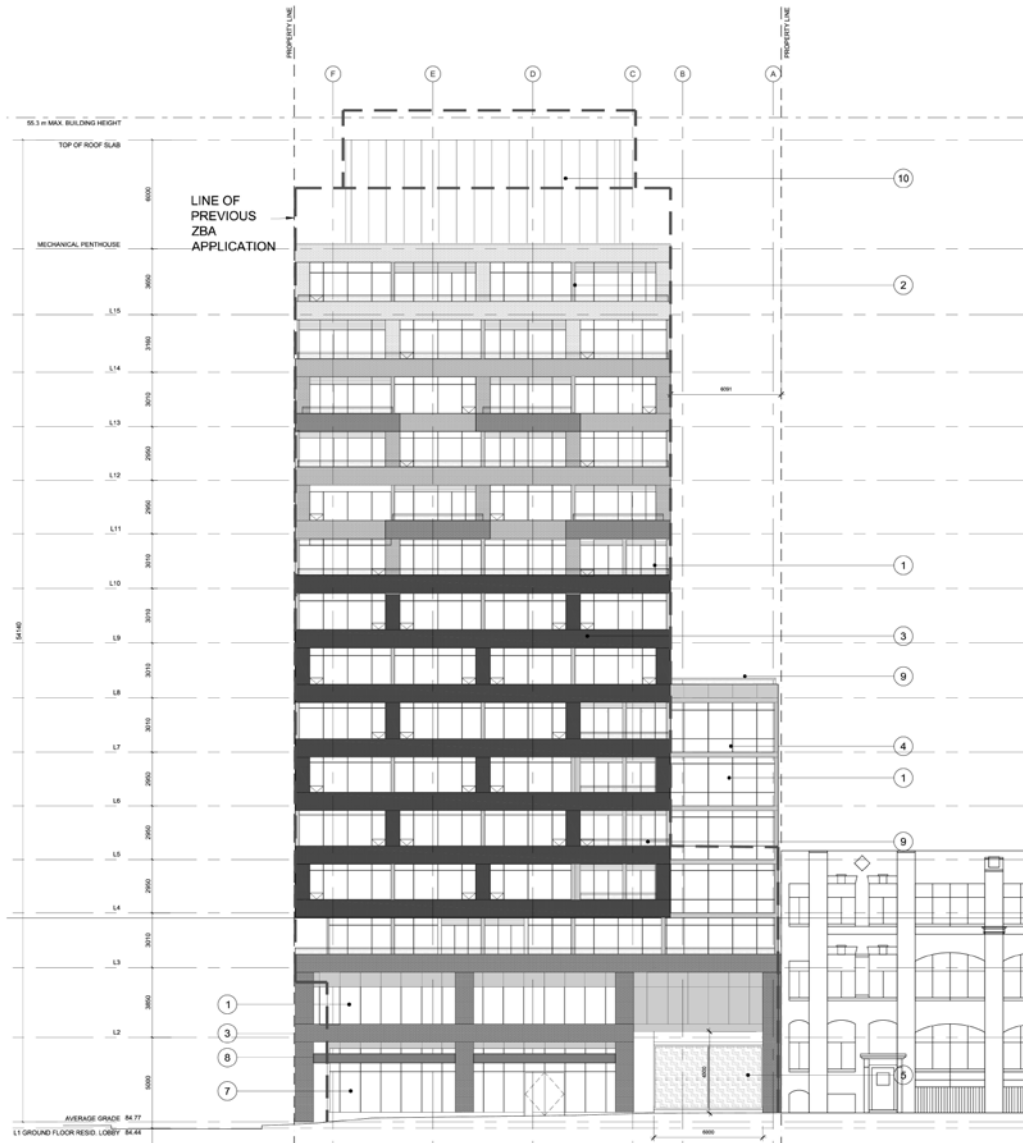
East Elevation

485-489 Wellington Street West

Not to Scale  
07/11/2017

File # 16 114472 STE 20 0Z

## Attachment 4: North Elevation



**North Elevation**

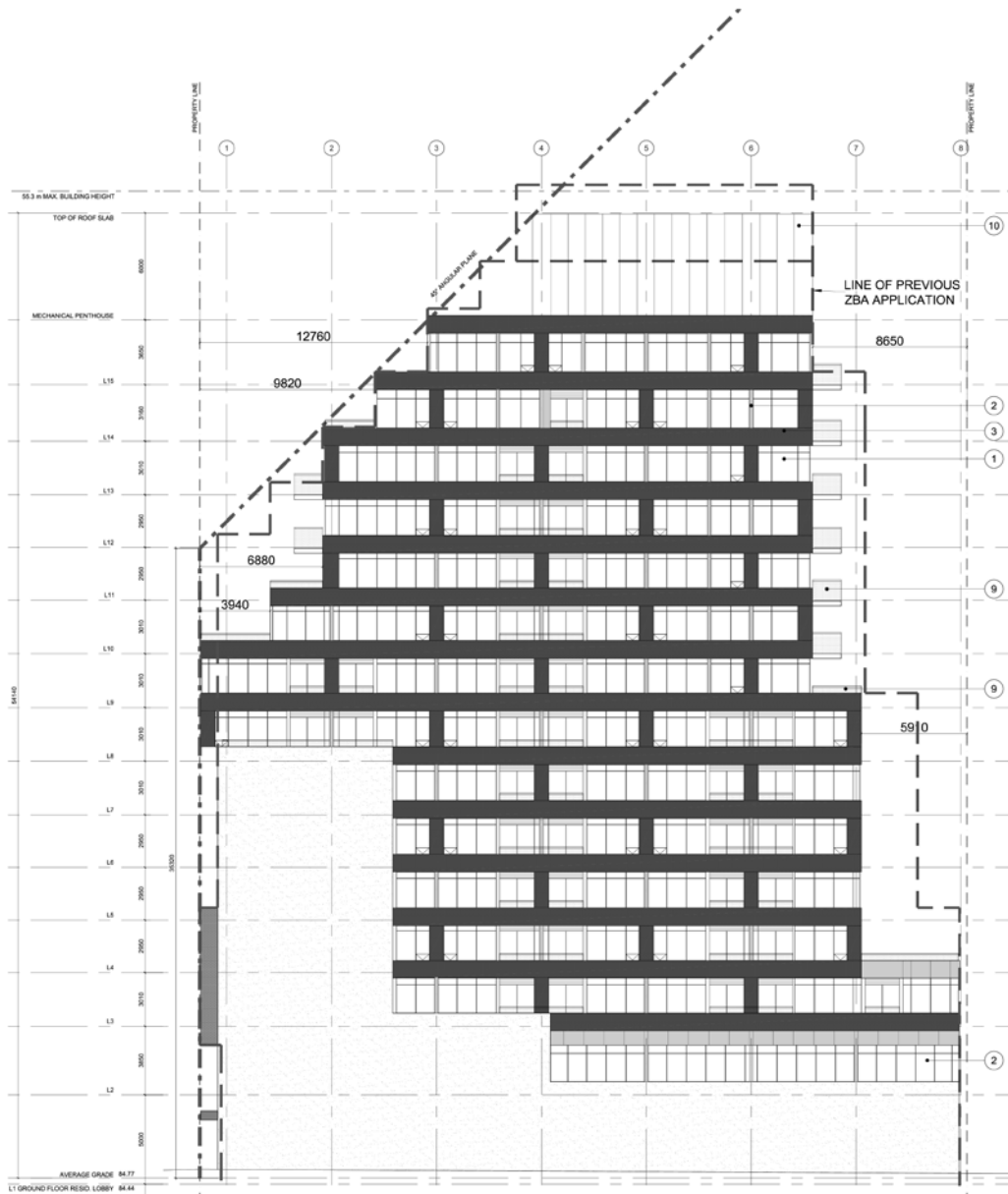
**485-489 Wellington Street West**

Not to Scale  
07/11/2017

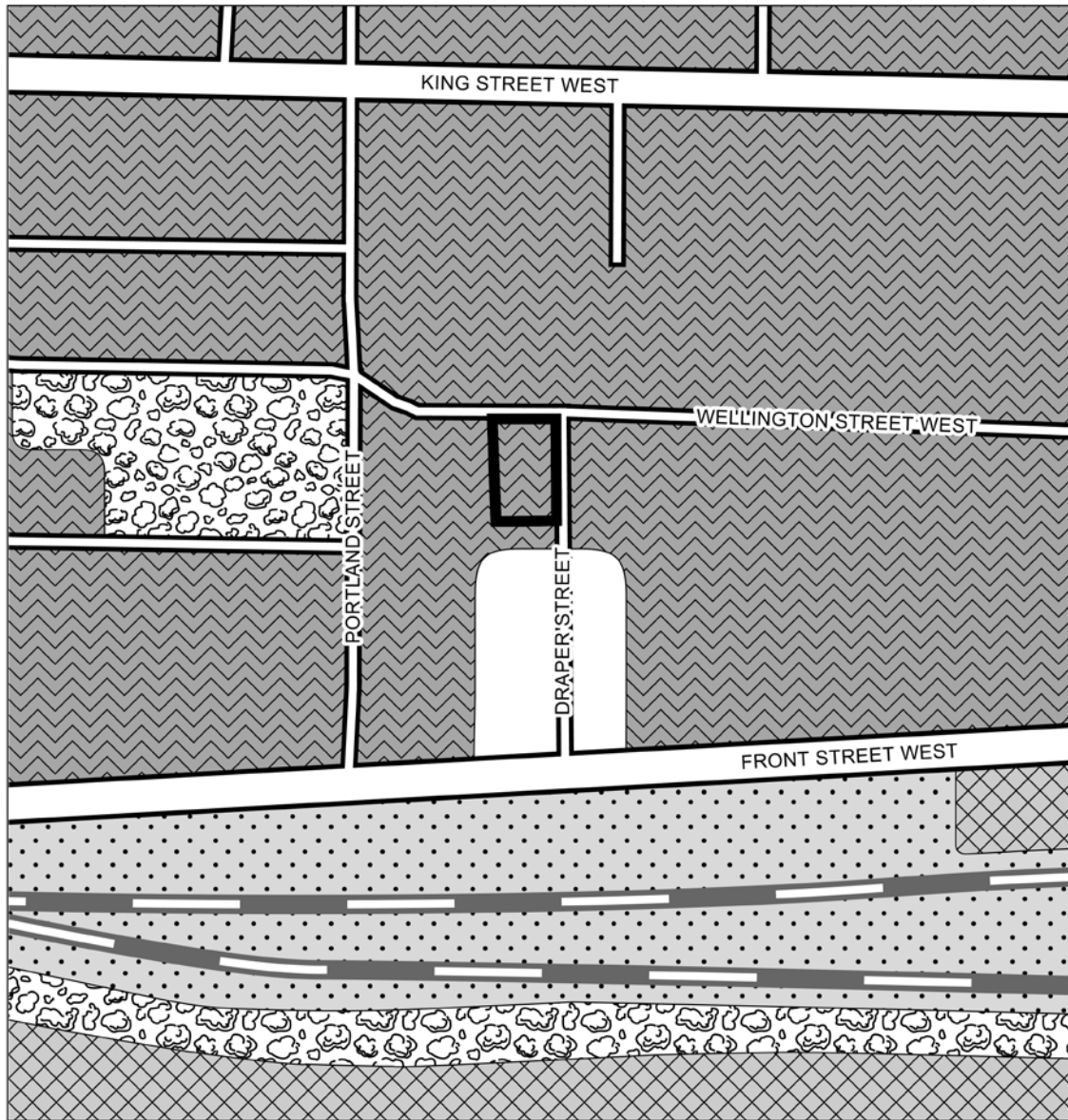
File # 16 114472 STE 20 0Z



## Attachment 5: West Elevation




Attachment 6: Official Plan



**Toronto**  
 Extract from Official Plan

485-489 Wellington Street West

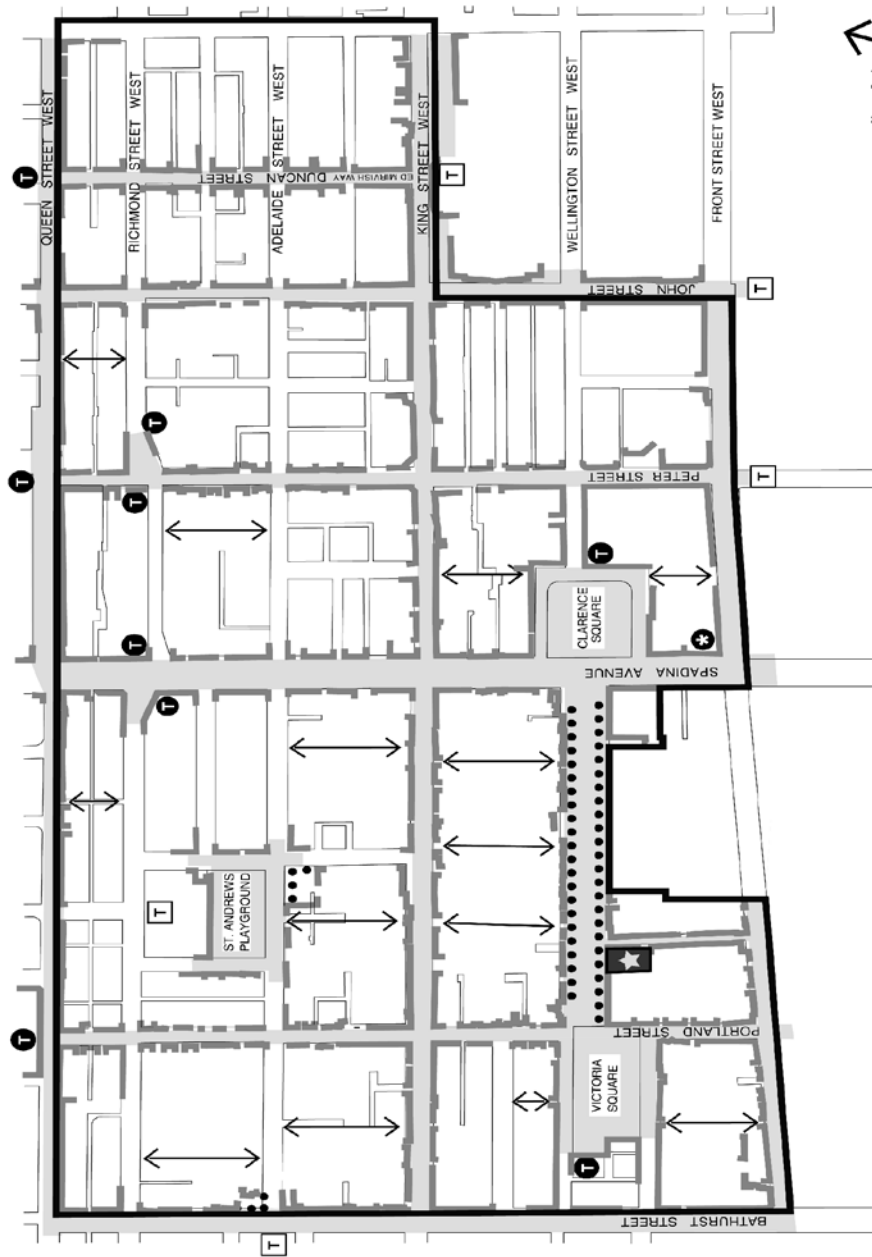
File # 16 114472 STE 20 0Z

- |   |  |
|---|--|
|  Site Location   |  Parks              |
|  Neighbourhoods  |  Utility Corridors  |
|  Mixed Use Areas |  Regeneration Areas |



Not to Scale  
 07/11/2017

# Attachment 7: King-Spadina Secondary Plan – Urban Structure Plan



**Toronto**  
City Planning Division

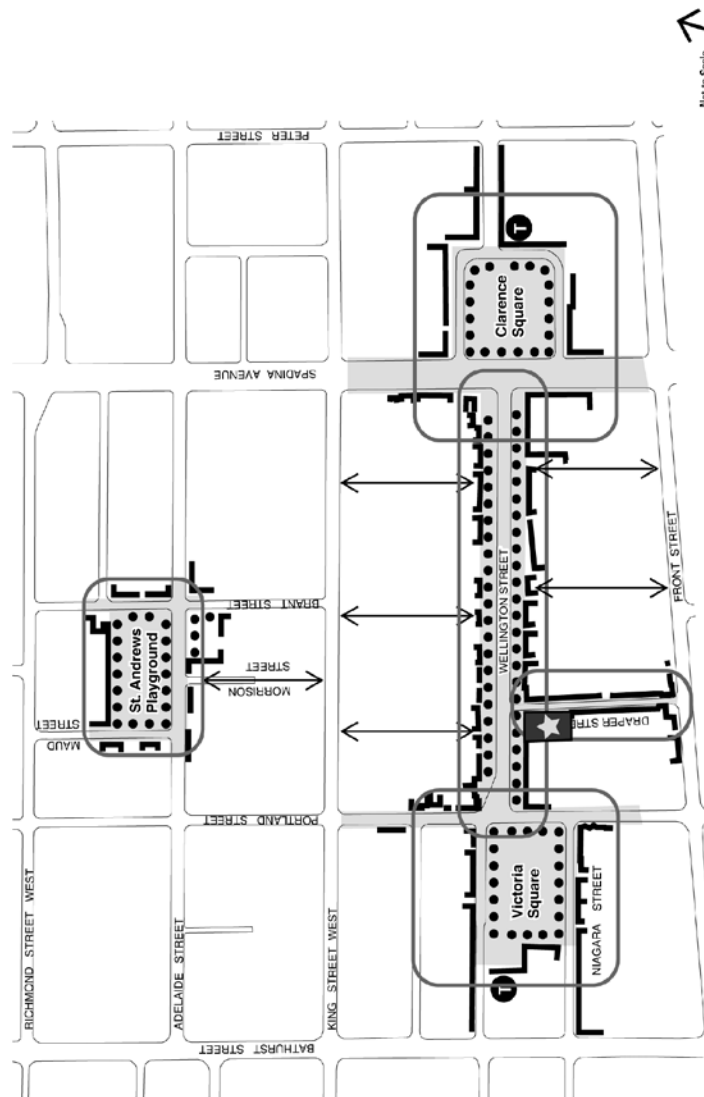
**485-489 Wellington Street West**  
File # 16 114472 STE 20 0Z

**King-Spadina Secondary Plan**  
MAP 16-1 Urban Structure Plan

Not to Scale

- Secondary Plan Boundary
- Potential Gateway
- Potential View Terminus
- Existing View Terminus
- Existing and Potential Building Edge
- Potential Mini-block Connections
- Significant Street & Open Space
- Landscape Edge
- Subject Site

# Attachment 8: King-Spadina Secondary Plan – Areas of Special Identity



485-489 Wellington Street West

File # 16 11/4472 STE 20 0Z

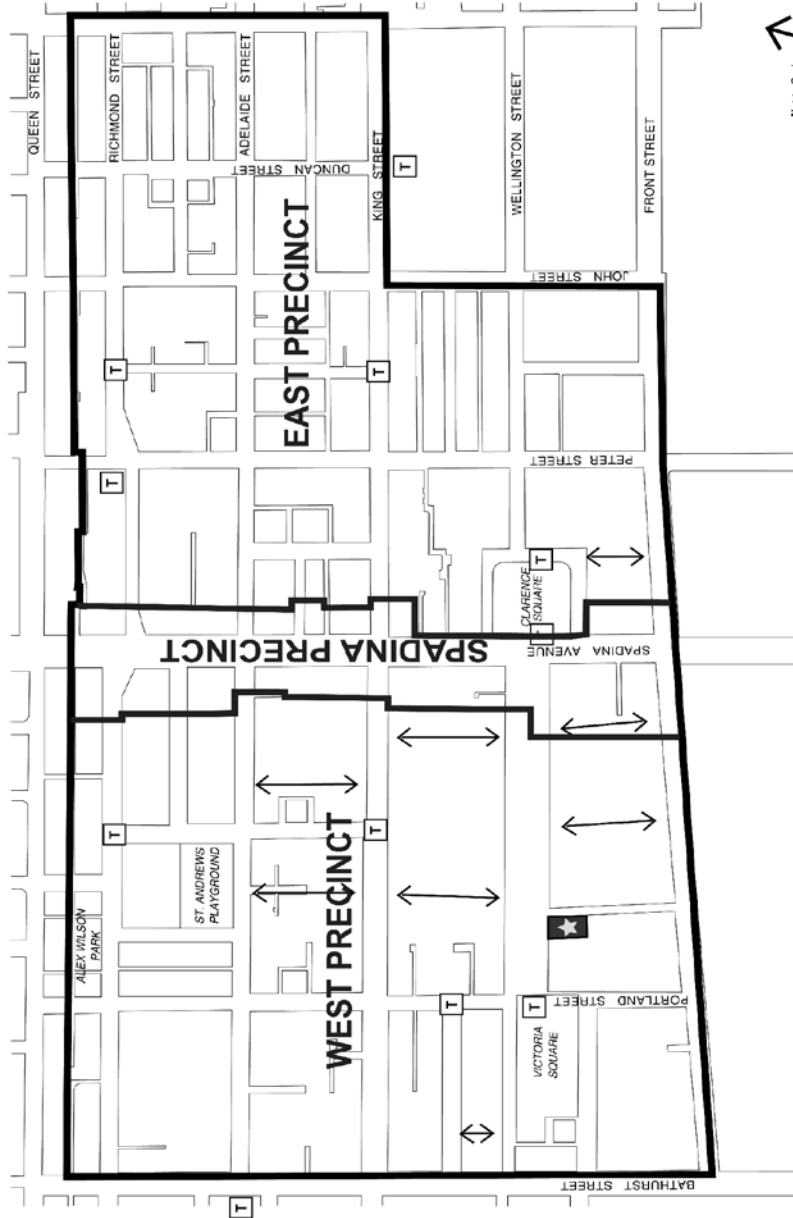
King-Spadina Secondary Plan  
MAP 16.2 Areas of Special Identity

Areas of Special Identity  
Subject Site

Potential View Corridor  
Landscape Edge  
Existing and Potential Building Edge  
Potential Mid-block Connections

May 2012

# Attachment 9: King-Spadina Secondary Plan Review – Precinct Plan



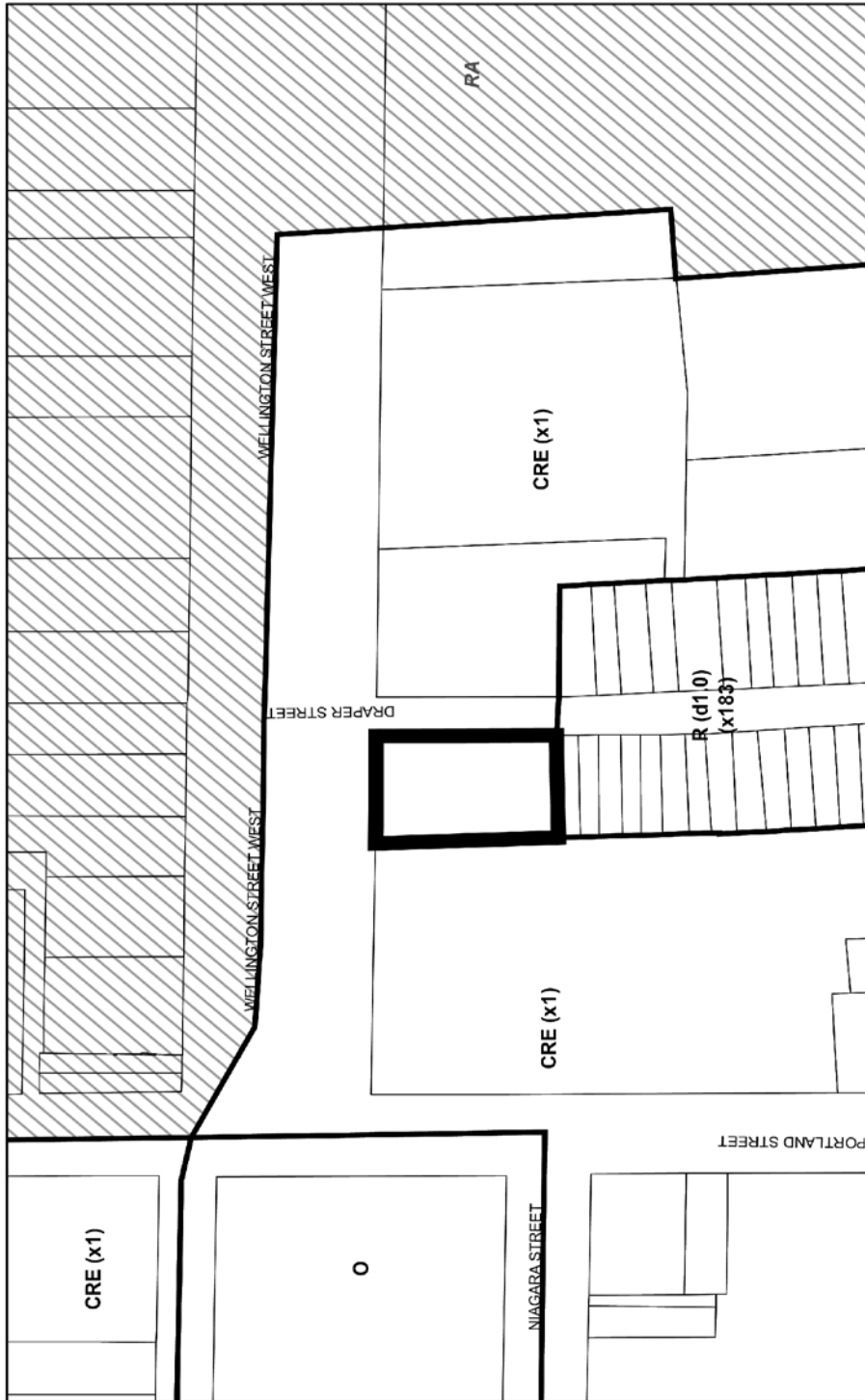
**485-489 Wellington Street West**  
 File # 16 114472 STE 20 0Z

- Secondary Plan Boundary
- Transit Station
- Potential Mid-block Connections
- Subject Site

**Official Plan Amendment No. 2 for King-Spadina Secondary Plan**  
 MAP 16.1 Urban Structure Plan

July 2006

# Attachment 10: Zoning



**Toronto**  
**Zoning By-Law No. 569-2013**  
**485-489 Wellington Street West**  
**File # 16 114472 STE 20 0Z**

- Location of Application
- R Residential
- CRE Commercial Residential Employment
- O Open Space
- RA Mixed-Use District
- See Former City of Toronto By-Law No. 438-86

↑  
 Not to Scale  
 Extracted: 07/11/2017

**Attachment 11: Application Data Sheet**

|                       |  |                     |                     |
|-----------------------|--|---------------------|---------------------|
| Application Type      | Rezoning   | Application Number: | 16 114472 STE 20 OZ |
| Details               | Rezoning, Standard   | Application Date:   | February 9, 2016    |
| Municipal Address:    | 489 WELLINGTON ST W  |                     |                     |
| Location Description: | PLAN D166 LOT 1 PT LOT 2 PT LANE **GRID S2014  |                     |                     |
| Project Description:  | Proposal for Zoning By-law Amendment to permit a 15 storey mixed use building with 131 residential units and 430 metres of retail space with one level of underground parking. The site is adjacent to the Draper Street Heritage Conservation District and lands designated as 'Neighbourhoods' in the Official Plan. |                     |                     |

|                       |               |                    |                                      |
|-----------------------|---------------|--------------------|--------------------------------------|
| <b>Applicant:</b>     | <b>Agent:</b> | <b>Architect:</b>  | <b>Owner:</b>                        |
| Lifetime Developments |               | Wallman Architects | Lifetime Wellington Street West Inc. |

**PLANNING CONTROLS**

|                            |                    |                           |
|----------------------------|--------------------|---------------------------|
| Official Plan Designation: | Regeneration Areas | Site Specific Provision:  |
| Zoning:                    | CRE(x1)            | Historical Status:        |
| Height Limit (m):          | 23                 | Site Plan Control Area: Y |

**PROJECT INFORMATION**

|                                    |        |         |                 |              |
|------------------------------------|--------|---------|-----------------|--------------|
| Site Area (sq. m):                 | 1153   | Height: | Storeys:        | 15           |
| Frontage (m):                      | 26.81  |         | Metres:         | 44.29        |
| Depth (m):                         | 42.81  |         |                 |              |
| Total Ground Floor Area (sq. m):   | 1008.7 |         |                 | <b>Total</b> |
| Total Residential GFA (sq. m):     | 8477.9 |         | Parking Spaces: | 32           |
| Total Non-Residential GFA (sq. m): | 430.7  |         | Loading Docks   | 1            |
| Total GFA (sq. m):                 | 8908.6 |         |                 |              |
| Lot Coverage Ratio (%):            | 87.5   |         |                 |              |
| Floor Space Index:                 | 7.72   |         |                 |              |

**DWELLING UNITS**

**FLOOR AREA BREAKDOWN (upon project completion)**

|              |       |                                  |                    |                    |
|--------------|-------|----------------------------------|--------------------|--------------------|
| Tenure Type: | Condo |                                  | <b>Above Grade</b> | <b>Below Grade</b> |
| Rooms:       | 0     | Residential GFA (sq. m):         | 8477.9             | 0                  |
| Bachelor:    | 0     | Retail GFA (sq. m):              | 430.7              | 0                  |
| 1 Bedroom:   | 98    | Office GFA (sq. m):              | 0                  | 0                  |
| 2 Bedroom:   | 19    | Industrial GFA (sq. m):          | 0                  | 0                  |
| 3 + Bedroom: | 14    | Institutional/Other GFA (sq. m): | 0                  | 0                  |
| Total Units: | 131   |                                  |                    |                    |

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