

49 Spadina Avenue - Zoning Amendment Application – Request for Direction Report

Date:	January 23, 2018
To:	City Council
From:	Acting Chief Planner and Executive Director, City Planning Division
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	17 122573 STE 20 OZ

SUMMARY

The application proposes to maintain the existing five-storey historic warehouse building at 49 Spadina Avenue, located on the western portion of the site, and to redevelop the remainder of the site with a 20-storey office building containing retail at grade and within the basement. No on-site parking will be provided and an existing loading space with access off of Clarence Square will be maintained. The proposed building will have a height of 84 metres (89 metres including the mechanical penthouse).

The applicant for the development proposal at 49 Spadina Avenue has appealed its Zoning By-law Amendment application to the Ontario Municipal Board (the "Board") citing Council's failure to make a decision within the time required by the *Planning Act*. A pre-hearing conference has been scheduled for February 27, 2018. The applicant for the subject site will also be bringing a motion before the Board at the pre-hearing to have this matter heard at the same time as the appeal of an adjacent property at 400 Front Street West (file no. 15 136961 STE 20 OZ). The hearing has been tentatively scheduled for three weeks beginning on June 11, 2018.



In the event the Board grants the motion to have the matters joined, a fourth week may be added to the hearing.

A Community Consultation meeting has been tentatively scheduled for February 28, 2018, for each of the applications at 49 Spadina Avenue and 400 Front Street West.

Issues specifically raised by the proposal include:

- This Zoning By-law Amendment application seeks to permit a development which does not conform with the built form and heritage policies of Official Plan, including but not limited to its applicable Secondary Plan.
- The proposal does not satisfactorily respond to adjacent heritage properties or address other aspects of the applicable built form urban design guidelines.
- The proposal creates an unacceptable shadow impact on Clarence Square Park, which is one of very few parks serving the area and is designated under the *Ontario Heritage Act* by City of Toronto By-law 713-2017.
- 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 proposal does not respond appropriately to the Steele Briggs Seed Building on the site, a building listed on the City's Heritage Register. The proposed office tower would not adequately conserve the cultural heritage value of that building.
- The proposed tower does not address the requirements for setbacks and stepbacks for towers on the site or with regard to the proposed tower development at 400 Front Street West.
- The proposal does not appropriately address a number of performance requirements set out in the general Zoning By-laws, such as 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

The City Planning Division recommends that:

1. 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 49 Spadina Avenue and

support the position outlined in the report dated January 23, 2018, from the Acting Chief Planner and Executive Director, City Planning Division.

2. City Council authorize the Acting 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.
3. In the event the Ontario Municipal Board approves the Zoning By-law Amendment application, in whole or in part, City Council directs the City Solicitor to request that any final order be withheld until such time as the City Solicitor advises the Board that:
 - i) Any such by-laws are in a final form acceptable to the City Solicitor and the Acting Chief Planner and Executive Director, City Planning Division. 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
 - ii) 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 Acting Chief Planner and Executive Director, City Planning Division and the City Solicitor.
4. In the event the Ontario Municipal Board approves the Zoning By-law Amendment application, in whole or in part, City Council require that an on-site parkland dedication pursuant to section 42 of the *Planning Act* be conveyed to the City to the satisfaction the General Manger, Parks, Forestry and Recreation.
5. 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

A pre-application consultation meeting was held on February 25, 2016, with the applicant to discuss a proposed redevelopment of the site. The proposal discussed at that time was for a contemporary 9-storey office building with retail uses on the first two floors to be constructed on the east portion of the site currently occupied by a two-storey building. An additional four floors of office uses were proposed to be added to the top of the five-storey listed heritage building (Steele Briggs Seed Building) on the west portion of the site.

Staff expressed concern regarding the resulting shadows on Clarence Square Park and the impact on the Steele Briggs Seed Building. Staff referenced the need for significant setbacks for the upper floors of the proposed building which would allow for the massing of the Steele Briggs Seed Building to be clearly legible. Staff also noted the need

for the proposed building on the site to address Clarence Square Park both in terms of its built form and at-grade relationship. The possibility of an on-site parkland dedication was also noted by staff.

On January 11, 2017, a second pre-application consultation meeting was held with the applicant. At that meeting the applicant and their consulting team presented an early iteration of the currently proposed 20-storey office building. Staff expressed concern regarding the possible impacts on Clarence Square Park which would result from the construction of a 20-storey office building on the site. The cantilevering of the proposed office building over the heritage building was also noted as a concern.

ISSUE BACKGROUND

Proposal

The proposal is for a 20-storey office building with retail uses located at grade and within the basement. A five-storey heritage building currently occupies the western half of the site and a two-storey addition constructed in the 1940's fills in the remainder of the site to the east. The proposed development will largely maintain the existing heritage building and redevelop the eastern portion of the site by demolishing the two-storey addition and replacing it with the 20-storey office tower.

The existing (Type B) loading area located off the public road on the north side of the property (Clarence Square) will be maintained at the west side of the proposed office building. There will be no vehicle parking spaces provided. A total of 85 bicycle parking spaces are proposed with 79 long term-spaces in the basement and six short term spaces at the front of the building adjacent Clarence Square.

Approximately 800 square metres of retail gross floor area and 18,000 square metres of office gross floor area are proposed in the 20-storey tower. The basement and ground floor of the proposed office building would contain retail uses. Bicycle storage, showers and mechanical rooms would also be located in the basement. Retail and office uses in the proposed tower would be accessed off Clarence Square, with one doorway to access the retail space on the ground floor located on the east side of the building. The existing access to the Steele Briggs Seed Building would be maintained off Clarence Square.

The proposed tower steps back from the lot line at the ground floor on the north, east and a portion of the south sides of the property. These stepbacks range from 1.55 to 1.8 metres. Above this level, the tower would extend to the lot lines of the irregular shape of the eastern portion of the site. The first five floors of the tower would be built adjacent to the Steele Briggs Seed Building on the west end of the site. The floor plate of the proposed office tower is smaller at levels 2-6. As the tower cantilevers out over the adjacent heritage building at level 7, the floor plates become larger (995 square metres). The upper office level (level 20) is stepped back from the north property line by approximately 3.4 metres to create an outdoor terrace. There is also a 1.0 metre stepback from the east property line at this level. The mechanical penthouse has the same floorplate as the 20th floor office below.

The ground floor of the proposed office building has height of 5.2 metres. Levels 2 to 5 vary in height in order to align with the floors of the retained Steel Briggs Seed Building. Level 6 of the proposed office tower is approximately 6.1 metres tall to accommodate the structure to allow for the cantilever at the 7th level. The proposed office building would cantilever over the existing heritage building starting at the 7th storey, creating a six metre overhang. Typical office floors above this level each have heights of 4.0 metres. The mechanical penthouse has a height of 5.0 metres. The total building height to the top of the 20th storey is 84.0 metres. The total height of the proposed tower, including the mechanical penthouse, is 89.0 metres.

Site and Surrounding Area

The irregularly shaped site is located at the southeast corner of Spadina Avenue and Clarence Square. The site contains a five-storey heritage building constructed in 1911 known as the Steele Briggs Seed building, which was included on the City's inaugural Inventory of Heritage Properties on June 20, 1973 (now the Heritage Register). This former warehouse building currently contains commercial and retail uses which will be maintained. In the late 1940s a two-storey addition was construction on the east side of the Steele Briggs Seed building which will in large part be demolished to accommodate the proposed office development.

The subject site has a frontage of approximately 36 metres on Spadina Avenue and 75 metres on Clarence Square. While the portion of the site containing the heritage building is square in shape (and the existing building fills this square lot line to lot line), the eastern half of the site containing the two-storey addition is irregular in shape as the southern lot line tapers in towards the east, resulting in a depth of only 15.6 metres along the eastern edge. The new development is proposed to be located primarily within this portion of the site.

The site is surrounded by the following uses:

South: To the immediate south (and also northeast) of the site is a property known as 400 Front Street West. The site is currently used as a surface parking lot, but is also the site of a development proposal (file no. 15 136961 STE 20 OZ) which is subject to an appeal at the Ontario Municipal Board. The site is shaped like a bow tie, consisting of a south parcel located at the northeast corner of Front Street and Spadina Avenue, and a northeast parcel located at the southwest corner of Wellington Street and Blue Jays Way, and is currently occupied by an unpaved parking lot. The proposal is for a 24-storey and a 25-storey mixed-use building on the south parcel and a 58-storey and 60-storey mixed-use building on the northeast parcel. Council has endorsed the need for an on-site parkland dedication as part of the application.

North: To the immediate north 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 designated by By-

law 713-2017 as being a place of cultural value and interest under 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 north of the townhouses is a gas station and an approved 36-storey mixed-use building at 57 Spadina Avenue (file no. 13 169365 STE 20 OZ).

To the northeast of the subject site, south of Wellington Street, is the northeast parcel of the 400 Front Street West proposed development noted above. This is the parcel which is proposed to contain a 58-storey and 60-storey mixed-use building. On the north side of Wellington Street West, east of Clarence Square Park, is a 16-storey hotel and residence (Soho Hotel and Residence).

West: To the west of the site across Spadina Ave. is the site of the former Globe and Mail offices and surface parking lot. These lands are currently being redeveloped as part of a large mixed-use development known as "The Well", (file no. 14 116571 STE 20 OZ) which consists of the block generally bounded by Wellington Street, Spadina Avenue, Front Street West and Draper Street. This development as approved consists of seven buildings containing 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 east and south of the subject site, within the same city block, are two 24-storey residential buildings with retail at grade.

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 (the "PPS") 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 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;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character; and
- Ensuring the conservation of Significant built heritage resources and significant cultural heritage landscapes.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on 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 (the "Growth Plan") 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;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserving our irreplaceable cultural heritage resources.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe 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 2.2.1.5 states that the architectural and cultural heritage of Downtown will be preserved by designating buildings, districts and open spaces with heritage significance and by working with owners to maintain and restore historic 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.

Section 2.2.1.1 notes that *Downtown* has a specific target for job growth, with a minimum combined gross density target of 400 jobs and residents per hectare. This figure is taken from the Growth Plan for the Greater Golden Horseshoe.

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.

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. Policies 3.1.5.32 – 33 deal specifically with development within Heritage Conservation Districts to ensure the integrity of the district's heritage values, attributes and character are conserved in accordance with HCD plans. Policy 3.1.5.21 outlines the requirements to be considered where additional gross

floor area might be granted in excess of what is permitted in the Zoning By-law where a heritage building or structure is part of a development.

Chapter Four – Land 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 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.

Official Plan Amendment 231

Official Plan Amendment No. 231 (OPA 231), adopted by City Council on December 18, 2013, received approval by the Minister of Municipal Affairs and Housing on July 9, 2014 and is in large part under appeal before the Ontario Municipal Board. As an outcome of the Official Plan and Municipal Comprehensive Reviews, OPA 231 contains new economic policies and designations to stimulate office growth in the *Downtown*, *Central Waterfront* and *Centres*, and all other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas* and also contains new policies with respect to office replacement in transit-rich areas. In particular, Policy 3.5.1(2a), currently in force and effect, requires:

2. "A multi-faceted approach to economic development in Toronto will be pursued that:
 - (a) Stimulates transit-oriented office growth in the *Downtown* and the *Central Waterfront*, the *Centres* and within walking distance of existing and approved and funded subway, light rapid transit and GO stations in other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas*".

Additionally Policy 3.5.1(6) requires that new office development will be promoted in *Mixed Use Areas* and *Regeneration Areas* in the *Downtown*, *Central Waterfront* and *Centres*, and all other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas* within 500 metres of an existing or approved and funded subway, light rapid transit or GO station. Policy 3.5.1 (9) requires the provision of office space on any site containing 1,000 square metres or more of office space, where residential development is proposed.

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 (a) refers to Victoria (Memorial) Square and Clarence Square and the need to ensure that development has regard for these important public spaces. (See Attachment 8 – King-Spadina Secondary Plan – Areas of Special Identity).

- the two parks are important 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.

Section 4 – Heritage

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

- The City shall seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more legal agreements.
- 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, roofline and profile and architectural character and expression.
- The height of buildings or structures on a lot containing one or more heritage buildings may be increased above the height limit otherwise specified in the Zoning By-law if the historic conservation, restoration and maintenance of such buildings are secured through satisfactory agreements pursuant to Section 37 of the *Planning Act*.

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 9 – 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 4.2.1 Public Realm, notes that the Clarence Square is the only public park in the East Precinct. The Guidelines note that the integrity of the square remains intact and that it is an important public space in King-Spadina. The Guidelines go on to provide direction for future development adjacent to the park, noting that:

Development around Clarence Square is expected to establish a strong physical and special continuity by framing the park with buildings of consistent massing, height, setbacks, continuity, character and articulation.

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.

With regard to separation distances (facing distances) between towers, the Guidelines refer to the 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

The King-Spadina Secondary Plan Review began as the "King-Spadina East Precinct Built Form Study". The first expansion to the Study area was made by City Council at its meeting on July 7, 2015, where the boundary was expanded to also include the Spadina Precinct. 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.

The geographic boundaries of the study were further expanded to include the West Precinct, thereby including the entire King-Spadina Secondary Plan Area by Toronto and East York Community Council at the September 6, 2017 meeting, through their consideration of the Draft Policy Directions Report. Draft policy direction includes:

- Proposed land use redesignation from *Regeneration Areas* to *Mixed Use Areas*;
- Public Realm Strategy;
- Urban Design Guidelines;
- Parkland acquisition prioritization;
- Built Form policies;
- Identification of Areas of Special Identity; and,
- Provisions for Infrastructure.

The Community Council decision and staff report, which provides a detailed background of the decision history of studies within this Secondary Plan area can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.60>.

King Spadina is one of the highest growth areas in the downtown. The King-Spadina Secondary Plan Review recognizes that this area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. The updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage and character of the area.

Staff anticipate that the Draft King Spadina Official Plan policies will be posted on the City Planning web site in the first quarter of 2018. A Final Report outlining the proposed Secondary Plan Amendments will be considered at a public meeting of the Toronto and East York Community Council under the *Planning Act*, after a consultation period to allow for public input on the draft policies.

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, including King-Spadina. A team led by Taylor-Hazell Architects developed the study, and was subsequently retained to prepare the Plan.

The first phase of the study involved the identification of the area's cultural heritage value, and the determination of potential HCD boundaries. In May 2014, the Toronto Preservation Board endorsed the 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 two HCDs and the community consultation process, the project team and City staff determined that a single HCD for the entire district would be more appropriate. The HCD boundary roughly aligns to that of the King-Spadina Secondary Plan, between Simcoe and Bathurst Streets, and Richmond

and Front/Wellington/King Street West. The subject site is within the boundaries of the HCD.

The final version of the HCD Plan was released for public comment in June 2017. The Plan was endorsed by the Toronto Preservation Board on June 22, 2017, followed by the September 6, 2017 Toronto and East York Community Council and was adopted by City Council at its October 2, 3, and 4, 2017 meeting.

The final report and City Council's decision are available at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

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.

The King-Spadina HCD Plan is currently under appeal.

TOcore: Planning Downtown

TOcore: Planning Downtown is an inter-divisional initiative, led by City Planning, which is updating the planning framework for Downtown and developing a series of five infrastructure related strategies to implement the plan. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city.

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 study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north, and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the PPS and the Growth 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.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to

Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained with the Proposed Downtown Plan in the review of all development applications within the Downtown going forward.

More information on Council direction pertaining to TOcore can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1>.

Further background information can be found at www.toronto.ca/tocore.

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

On October 5, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area as part of the TOcore: Planning Toronto's Downtown work.

By-law 1105-2016 implements OPA 352 and was enacted on November 9, 2016. The OPA creates Site and Area specific Policy 517 which identifies the geographic area to which this site and area specific policy applies and sets out detailed policies for Tall Buildings including among other things, the objectives that tall building development will have, and the components that will form the basis of performance standards in the zoning by-law to achieve these policies.

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.

Area-specific Zoning By-laws 1106-2016 and 1107-2016 were adopted at the same time as OPA 352, and establish detailed performance standards for portions of buildings above 24 metres in height.

City Council's decision document, OPA 352, amending zoning by-laws and the Final Report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Both OPA 352 and the implementing by-law are currently under appeal.

Site Plan Control

The proposed development is subject to Site Plan Approval. An application for Site Plan Control has not been submitted.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 10). As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks.

The By-law permits a maximum height of 18.0 metres for the west half of the subject property at 49 Spadina Avenue and 12.0 metres for the east half. The By-law also contains a number of requirements related to building setbacks from the side and rear lot lines.

The RA zone allows a range of uses including commercial, office, retail and residential. The requested uses are permitted under the By-law.

In May 2013, the City passed and enacted City-wide Zoning By-law 569-2013. The zoning that applies to the subject lands is substantially the same with regard to use, setbacks and height as Zoning By-law 438-86.

The subject lands at 49 Spadina Avenue are zoned CRE (x1) (Commercial Residential Employment). The maximum height permitted remains unchanged at 18.0 metres for the western half of the site and 12.0 metres for the eastern half.

Community Consultation

Staff are working with the applicant and the local Councillor to schedule a Community Consultation meeting for February 28, 2018

Reasons for the Application

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 18.0 and 12.0 metres by approximately 66 to 72 metres resulting in a proposed building height of 84 metres (89 metres including the mechanical penthouse). In addition, the proposed building does not comply with other restrictions and performance standards that are in effect on the lands.

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 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 provision of Sections 2 (r) of the *Planning Act* address the challenges of accommodating development in a manner which adds to livability in a high density neighbourhood.

The 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 18,000 square metres of office gross floor area and the workforce which would accompany the proposal, would contribute to the need for parks and open space, as well as services such daycare 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 proposed 20-storey office tower will not adequately conserve the cultural heritage values, attributes and character of the Steele Briggs Seeds Building and Clarence Square Park nor will it sufficiently mitigate negative visual impacts on these properties. Also, the massing of the proposed buildings generally do not acknowledge the importance of Clarence Square Park. 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, which includes the King-Spadina Secondary Plan, 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 to that extent not consistent with 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. 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 increased density that that would result from the proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

Section 1.2.1 of the Growth Plan establishes guiding principles which includes the conservation and promotion of cultural heritage resources. The proposed 20-storey building adjacent to the listed Steel Briggs Seed building does not represent appropriate conservation and does not establish an appropriate relationship with Clarence Square Park. In conjunction with the direction for intensification within the urban growth area, Section 2.2.1.4 (e) notes the need to ensure that development should provide for an attractive and vibrant public realm, including open spaces through site design and urban design standards. Section 5.2.5 of the Growth Plan also notes the need for development to address urban design and site design policies of the official plan and other supporting documents.

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 King-Spadina Urban Design Guidelines (2006), 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 its impact on heritage resources and its relationship to adjacent tall buildings.

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 nor does it conform to Policy 4.2.7 of the Growth Plan. The proposal will have a negative heritage impact on both the adjacent Steele Briggs Seed 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 high 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, the King-Spadina Urban Design Guidelines (2006), 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 building fails to adequately reflect the built form context of the adjacent properties or the policy framework of the King-Spadina neighbourhood.

Additionally, further 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.

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 office uses are permitted in this area of the *Downtown*, and provide a mix of uses which are encouraged in *Regeneration Areas*. The proposed development would provide more non-residential gross floor area for office uses to help to maintain a balance between live and work opportunities in an area which has seen a significant amount of predominantly residential growth. The proposed office use is supported by staff.

Heritage

Built Heritage and Cultural Landscapes

A Heritage Impact Assessment (HIA) prepared by ERA Architects and dated February 17, 2017, was submitted in support of the application. Heritage Preservation Services 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 the Steele Briggs Seed Building and Clarence Square Park nor will it sufficiently mitigate negative visual impacts on these properties.

The Steele Briggs Seed Building was constructed in 1911 and was included on the City's inaugural Inventory of Heritage Properties on June 20, 1973 (now the Heritage Register). The proposed office building will adjoin the east side of the Steele Briggs Seed Company Building and will cantilever over the existing heritage building starting at the 7th storey creating a six metre overhang or cantilever.

The massing of the north elevation of the proposed development will have an impact on the Steele Briggs Building. This impact should be partially mitigated through the use of a stepback at the height of the heritage building to create a base building fronting onto Clarence Square. The Heritage Impact Assessment describes how the design of the lower portion of the tower has been designed to respond to the Steele Briggs Seed Building. It is staff's opinion that further investigation of the relationship between the Steele Briggs Seed Building and the lower portion of the proposed addition is required to ensure that the proposal adequately responds to the strong vertical and horizontal articulation of the heritage building. For example, the north elevation of the proposed cantilever should be stepped back from the north elevation of the heritage building. This component should also be clad in masonry that complements the heritage building.

With regard to the relationship between the proposed building and Clarence Square. Policy 9.1.2 of the King-Spadina Heritage Conservation District Plan states that new development on non-contributing properties and additions to contributing properties shall not negatively impact the heritage attributes of Clarence Square Park. As is noted above, Heritage Preservation Services staff are of the opinion that the proposed development will not adequately conserve Clarence Square Park nor will it sufficiently mitigate negative visual impacts on the property.

It was noted earlier in this report that the Official Plan and the King-Spadina Secondary Plan include provisions for increasing permitted height or gross floor area beyond that permitted in the Zoning By-law where a heritage building is retained as part of a development. The Secondary plan speaks to the need for an agreement between the owner and the City regarding the extent of the conservation, restoration and maintenance and the Official Plan provides more extensive criteria as to what is required before such an incentive would be considered. Staff do not support the use of this incentive in this situation because they are not satisfied regarding the conservation of the Steele Briggs Seed Building, the built form of the proposed tower or the degree of impact on Clarence Square Park.

Archaeological Resources

The site is not identified as an area of archaeological potential therefore no Stage 1 Archaeological Report was required.

Height, Massing and Separation Distances

Height and Built Form

The height of the 20-storey office building and the absence of any stepbacks from Clarence Square Park (the proposed tower generally goes straight up for the full 20 storeys) results in a building that is out of context with the surrounding character. The proposed heights do not respond to the heritage context or to the adjacent tall building site to the south. The City's Official Plan policies 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. While staff appreciate that the proposed office use requires a greater floor plate size than would be typical of a residential building, this technical requirement also has to be balanced with built form considerations as contained within the King Spadina Secondary Plan and Urban Design Guidelines. A setback along the Clarence Square façade at the height of the adjacent heritage building should also be provided in keeping with the City's Tall Building's Guidelines.

The King Spadina Secondary Plan and the Urban Design Guidelines which support the implementation of the Secondary Plan seek to ensure that new development is compatible with adjacent heritage buildings in terms of massing, height, setbacks, setbacks 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 streetwall, the base of the building should respond proportionately to the width of the street and development should reinforce the existing streetscape and building rhythm of the street.

City staff have been working to ensure that development fronting Spadina Avenue is compatible with the overall scale and character of the street which can be achieved with stepping and heights that are complementary to the existing scale of the street. In this instance, the proposal for a 20 storey building having a height of 84 metres (89 metres including the mechanical penthouse) is too tall for the site.

It should be noted that with regard to the proposed tower on this site and the proposed redevelopment of the south parcel of 400 Front Street West to the south, the objective of reducing shadows on Clarence Square Park is of critical importance. Parks are an important amenity in a growing downtown neighbourhoods like King-Spadina, which has seen rapid growth in the last two to three decades.

Staff have been working with the applicants on both of these sites with the objective of reducing shadows resulting from proposed buildings on both sites. The proposed tower on this site 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 proposed tower is generally built to the south and east property lines with the exception of relatively small setbacks at the ground floor and the 20th floor and the mechanical penthouse. As a result, the proposal is located between approximately 11.0 metres to 16.5 metres from the proposed 400 Front Street development south of the subject site. This development proposal has also been appealed to the Ontario Municipal Board. The Request for Direction Report adopted by Council in response to the appeal of the Zoning Amendment application at 400 Front Street West can be found at: <https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-102793.pdf>

Council approved OPA 352 (By-law 1105-2016) is based on the City's Tall Building Guidelines and speaks to the importance of providing sufficient distance between towers to provide for privacy, sunlight and sky views. Council-adopted Zoning By-laws 1106-2016 and 1107-2016 require any building proposed within the Downtown to provide a minimum 12.5 metre stepback above a height of 24 metres from a lot line that is not a street line. While currently under appeal, these by-laws reflect Council direction related to achieving appropriate separation distances between tall buildings on the same lot as well as on adjacent lots.

OPA 352 acknowledges that some sites are simply too small to accommodate tall building development as it is not possible to provide the required separation distances. Development of tall buildings on such sites results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for building occupants and the overall liveability of the City.

The City Wide Tall Building Design Guidelines recognize that when a tall building is proposed adjacent to an existing tall building or a potential tall building development site, a cumulative impact of clustered towers occurs and therefore, in addition to a 25 metre tower separation distance, towers should be further shaped, placed and articulated to increase the actual and perceived distances between adjacent buildings.

The inadequate facing distance proposed for the site, like the height discussed above, are reflective of a building which is too large for its site, with insufficient regard being given to its relationship to the listed heritage building on the site, Clarence Square Park, or the adjacent proposed towers at 400 Front Street West.

Shadows on Clarence Square Park

According to the submitted Shadow Study, the shadow impact on Clarence Square Park will be quite significant, particularly between the hours of approximately 11:00 am and 2:00 pm during the spring and fall equinox. This contravenes the above noted Official Plan Policies as well as the draft King Spadina Heritage Conservation District Plan. It will negatively impact the function and utility of the park and will have long term impacts on the existing mature deciduous tree canopy as well as the grassed, open spaces. It will be necessary to reduce the shadow impact on Clarence Square by reducing the height of the building.

The City of Toronto Official Plan requires that shadow and uncomfortable wind conditions on neighbouring parks be minimized to preserve their utility. Built Form Policy 3.1.2.3 (f) specifies that new development will limit its impact on neighbouring streets, parks, open spaces and properties by minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Furthermore, the King-Spadina Secondary Plan also emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. To this end, King Spadina Urban Structure Policy 3.3 recognizes areas of special identity and policy 3.3 (a) identifies Clarence Square as a park that is an important historical

and community asset which played an important role in the early history of the City. The policy goes on to state that redevelopment sites which are close to the park should be developed in a manner that enhances the amenities of the park. Built Form policy 3.6 (f) states that 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.

Additionally, Clarence Square is designated under Part IV of the *Ontario Heritage Act* and is identified as a contributing property within the King Spadina Heritage Conservation District Plan. Policy 9.1.3 of the Plan states that new development on non-contributing properties and additions to contributing properties shall limit new net shadows on Clarence Square.

Open Space / Parkland / Streetscape

Proposed On-Site Parkland Dedication

As noted in the memorandum from Parks, Forestry and Recreation staff dated June 7, 2017, an on-site parkland dedication is required. The required parkland dedication as per the City's Parkland Dedication By-law is 47 square metres. The rationale for requesting an on-site parkland dedication in this location is due to the adjacency with the proposed development at 400 Front Street west, where a more substantial parkland dedication is being sought. The proximity to Clarence Square Park and the opportunity to expand the public realm in this area is also a factor in the request for an on-site parkland dedication.

As per the Official Plan, Parks, Forestry and Recreation seeks an unencumbered parkland dedication in acceptable environmental condition. The process and timing of the proposed dedication and any necessary design of an on-site parkland dedication should be agreed upon in principle and reflected in any proposed Zoning By-law amendment.

Streetscape

Further to the comments from Engineering and Construction Services, dated April 24, 2017, it is necessary to comply with the Vibrant Streets Design Guidelines, requiring a minimum pedestrian clearway of 2.1 metres, whereas only 1.5 metres is currently being provided along Clarence Square. Please refer to the design guidelines which are available at: www.toronto.ca/streetfurniture

Additionally, it will be necessary to explore opportunities to coordinate streetscape improvements around Clarence Square Park with those currently proposed for Wellington Street West between Clarence Square and Victoria Square. Staff will also be looking to secure a minimum sidewalk width of 6.0 metres, including the previously noted 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.

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 Avenue. By 2011, however, 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.

An office development such as the one proposed for the subject site will meet a need to balance the mix of live and work uses within King-Spadina, but will also add to the demands on public facilities such as parks and open spaces and for services such as child care.

Traffic Impact, Access, Parking

Parking Supply

The proposed development does not include any on-site parking. Zoning By-law 569-2013 requires a minimum of 61 parking spaces to be provided to serve the proposed development. The Transportation Impact Study submitted by the applicant supports the non-provision of parking based on residual capacity of nearby commercial parking garages. Transportation Services staff do not agree with the conclusion of the Transportation Impact Study. No estimation of the parking demand generated by the project has been provided. Staff have noted that parking requirements could be addressed through leases for off-site parking or through a cash-in-lieu payment to the Municipal Parking fund in lieu of the 61 required parking spaces.

Loading

Zoning By-law 569-2013 requires a minimum of two Type B and two Type C loading spaces. The applicant is proposing to provide one Type B loading space in the location of the existing loading space on the property. The applicant's Transportation Impact

Study included loading surveys to support the conclusion that that this loading facility would be sufficient to meet the needs of the existing and proposed building on the site. Transportation Services staff accept the conclusion of the study.

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 85 bicycle parking spaces would be provided. The proposed bicycle parking supply is acceptable.

Servicing

Engineering and Construction Services staff require that a revised Functional Servicing be provided. The Functional Servicing report needs to be revised to address outstanding issues raised in the memorandum from Engineering and Construction Services staff dated April 24, 2017.

No further submissions have been provided by the applicant. Given the extent of additional information required, it is not 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.

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.

City 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 Acting 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 Acting Chief Planner, City Planning Division and the City Solicitor.

Conclusion

Staff have reviewed the application for 49 Spadina Avenue, 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 assist in implementing 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 City Planning staff that the proposed development application constitutes overdevelopment of the site, is not good planning, and is not in the public interest. 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

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E-mail: Dan.Nicholson@toronto.ca

SIGNATURE

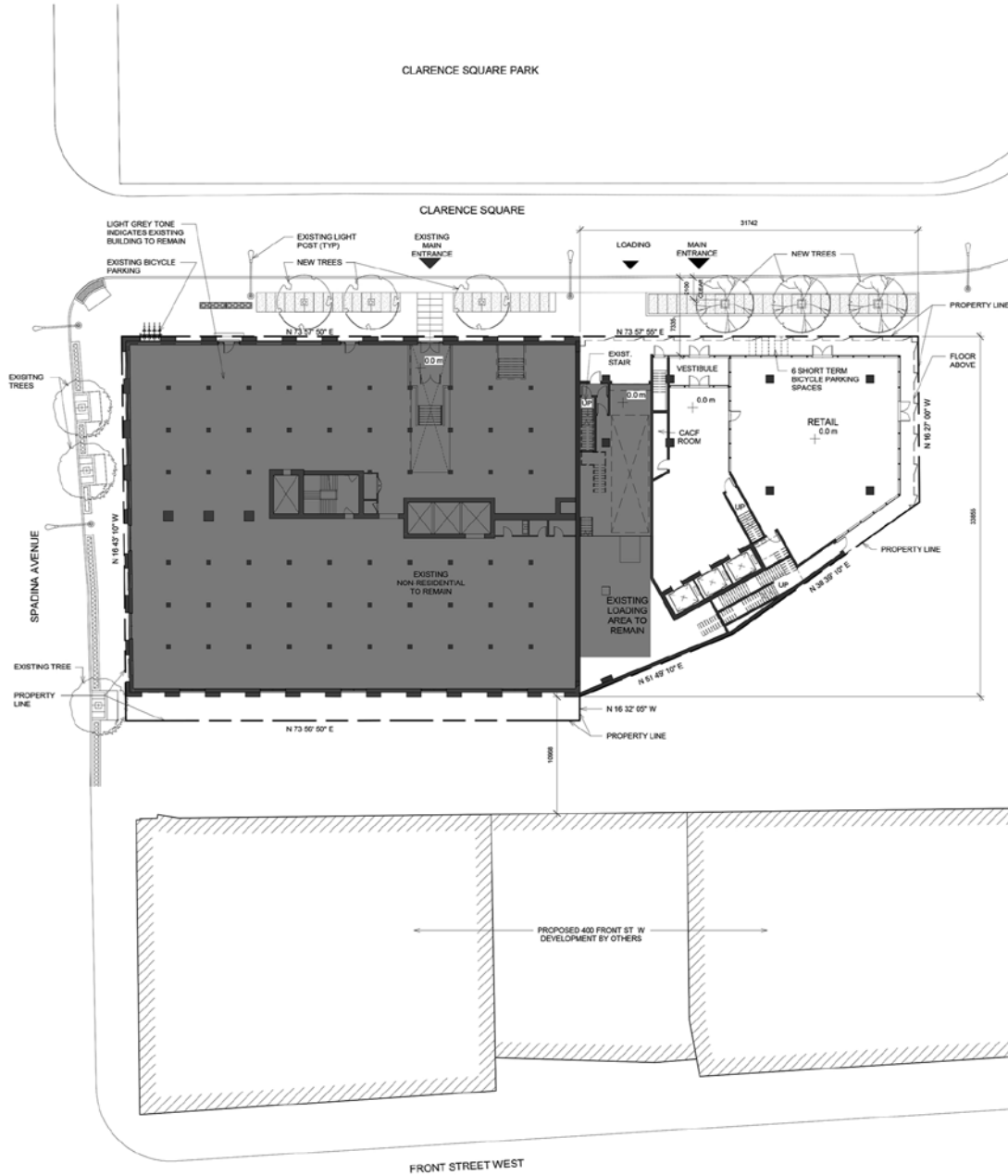
Gregg Lintern, MCIP, RPP
Acting Chief Planner and Executive Director
City Planning Division

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: North Elevation
- Attachment 3: East Elevation
- Attachment 4: South 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 – Urban Structure Plan
- Attachment 10: Zoning
- Attachment 11: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

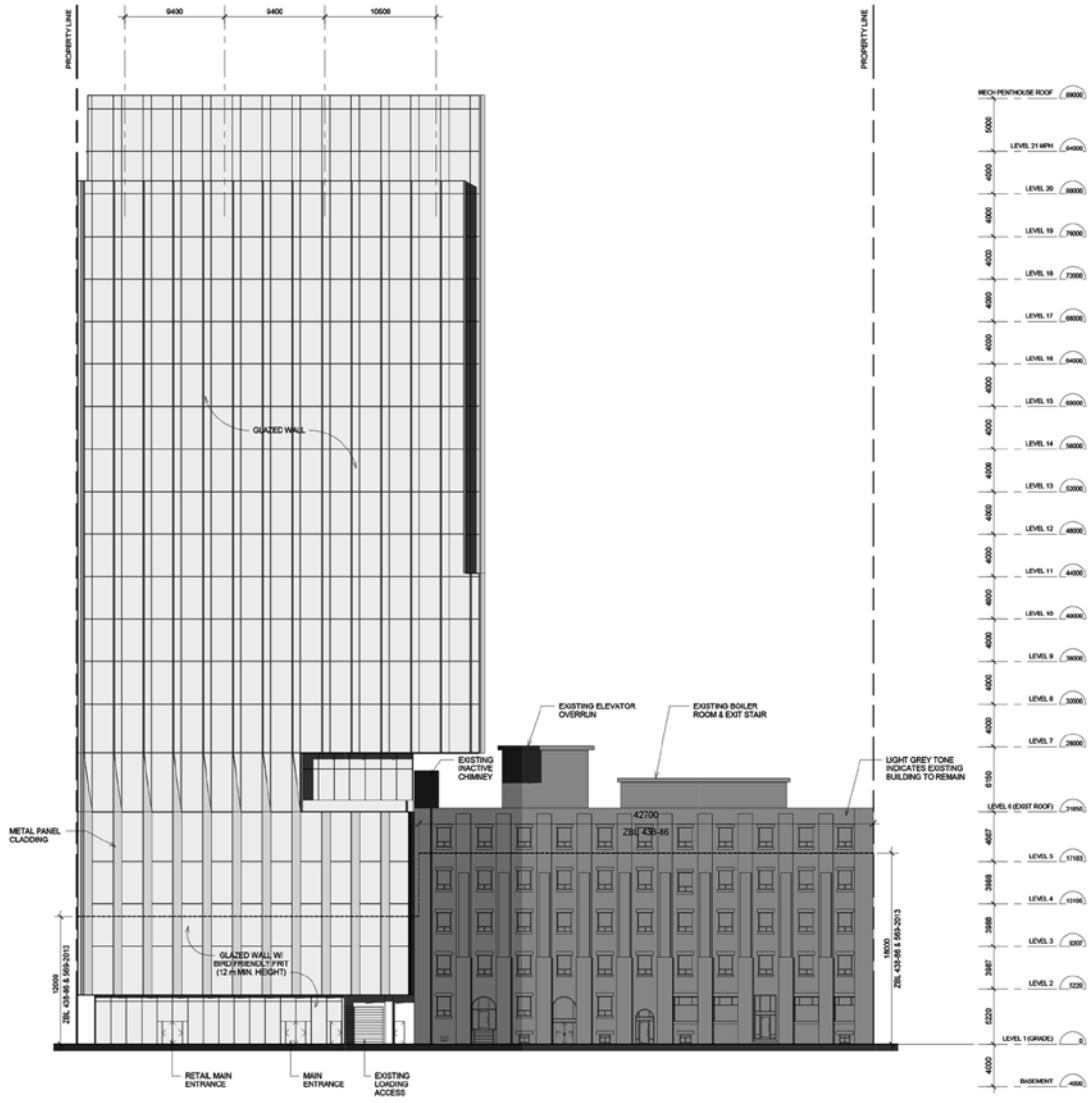
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12/04/2017

49 Spadina Avenue

File # 17_122573_STE 20 OZ

Attachment 2: North Elevation



North Elevation

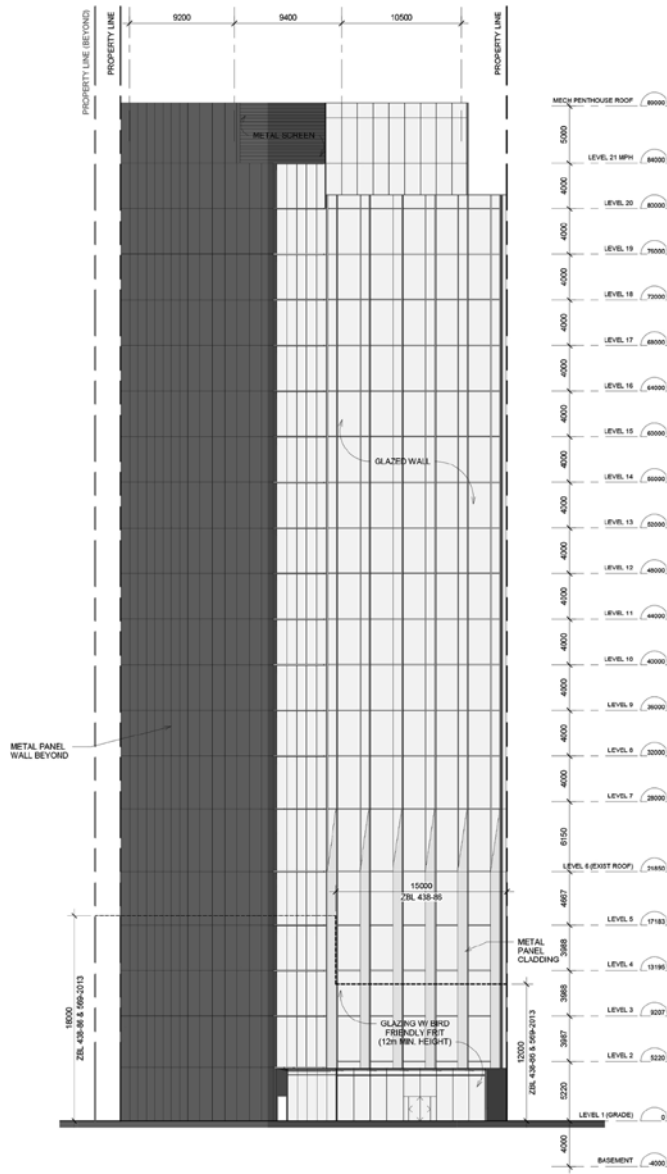
Applicant's Submitted Drawing

Not to Scale
12/04/2017

49 Spadina Avenue

File # 17_122573_STE 20 OZ

Attachment 3: East Elevation



1 East Elevation
A461 1:200

East Elevation

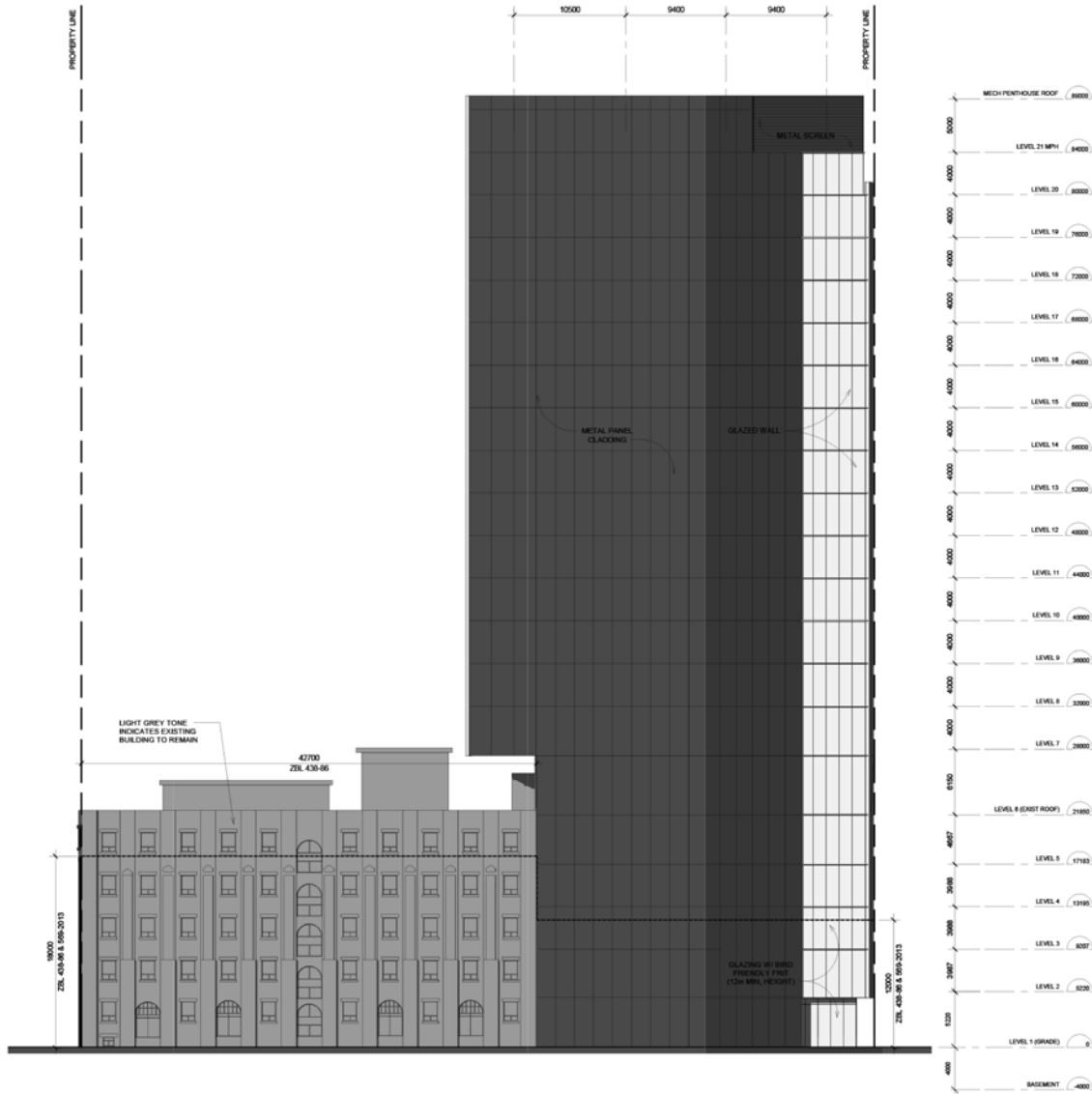
Applicant's Submitted Drawing

Not to Scale
12/04/2017

49 Spadina Avenue

File # 17_122573_STE 20 OZ

Attachment 4: South Elevation



South Elevation

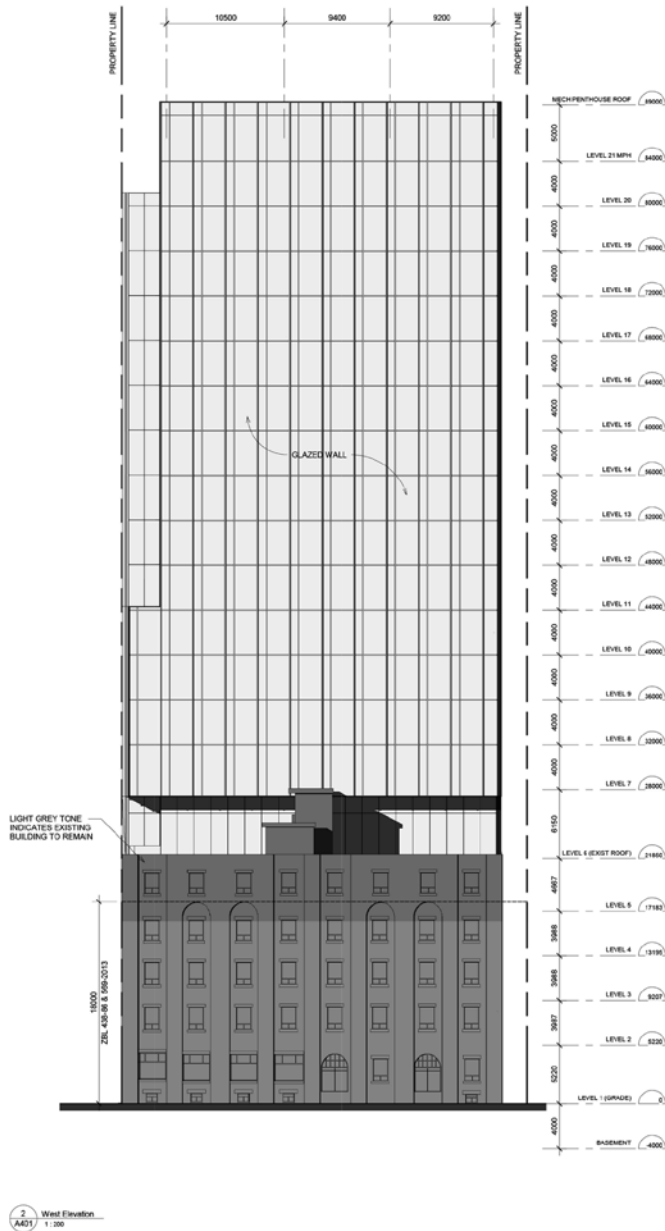
Applicant's Submitted Drawing

Not to Scale
12/04/2017

49 Spadina Avenue

File # 17_122573_STE 20 0Z

Attachment 5: West Elevation



West Elevation

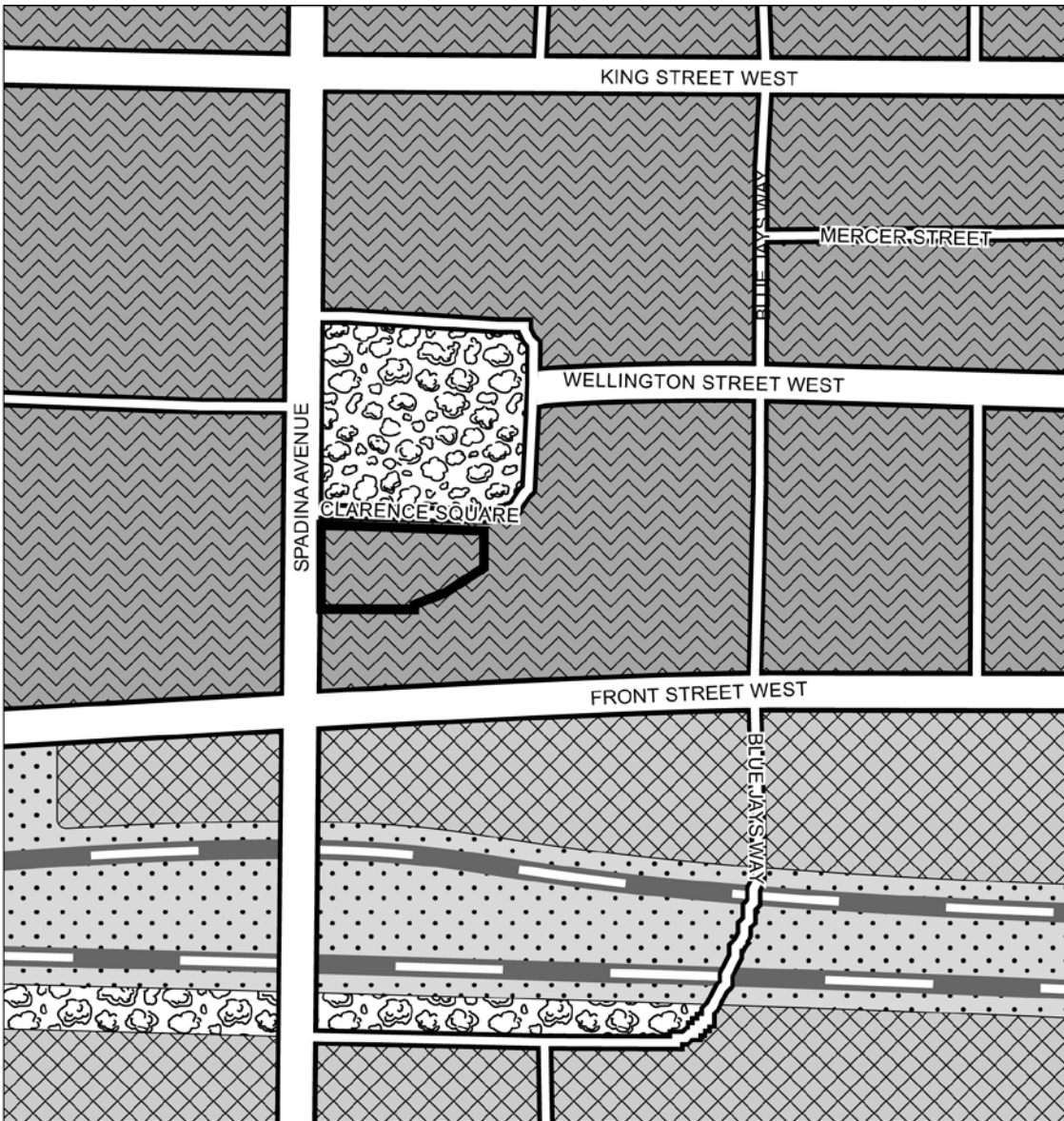
Applicant's Submitted Drawing

Not to Scale
12/04/2017

49 Spadina Avenue

File # 17_122573_STE 20 OZ

Attachment 6: Official Plan



Extract from Official Plan

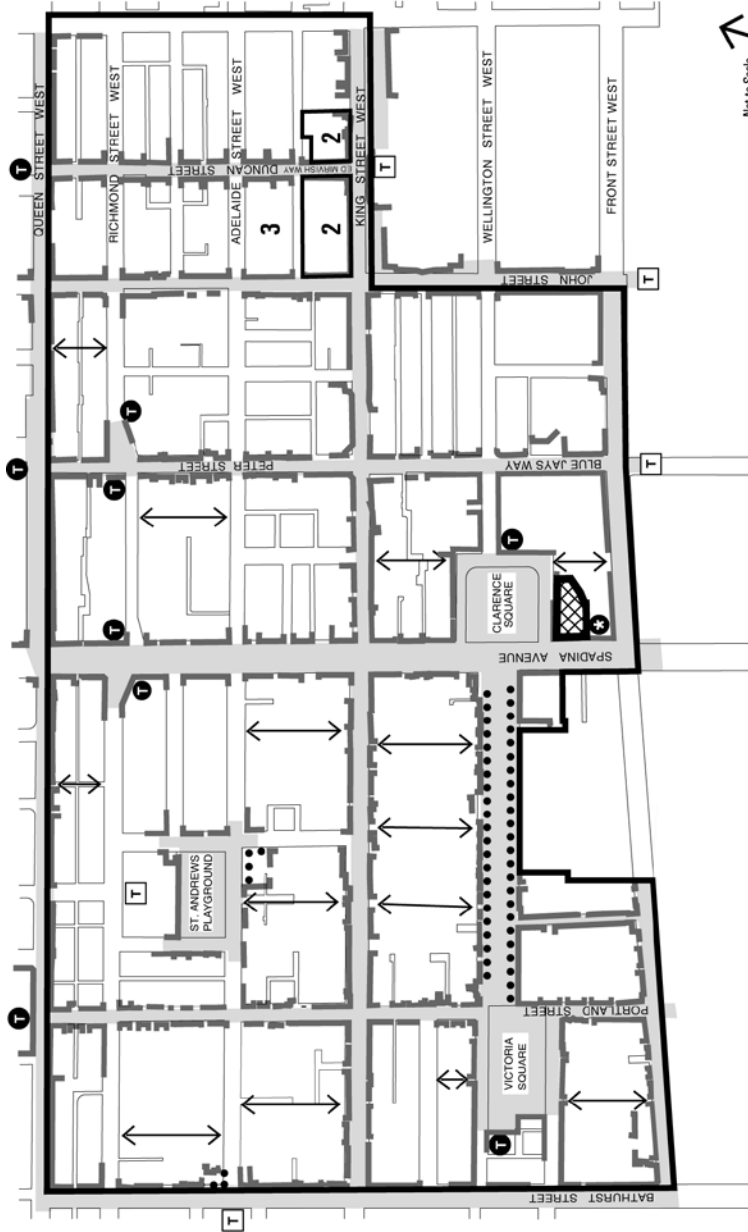
49 Spadina Avenue

File # 17 122573 STE 20 0Z



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Not to Scale
12/04/2017

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



Not to Scale

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
- Significant Street & Open Space
- Site and Area Specific Policy Areas
- Site and Area Specific Policy Areas
- Potential Mid-block Connections
- Landscape Edge

King-Spadina Secondary Plan

49 Spadina Avenue

Location of Site
Not to Scale
12/04/2017

File # 17_122573 STE 20 0Z

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



TORONTO City Planning

King-Spadina Secondary Plan

MAP 16-2 Areas of Special Identity

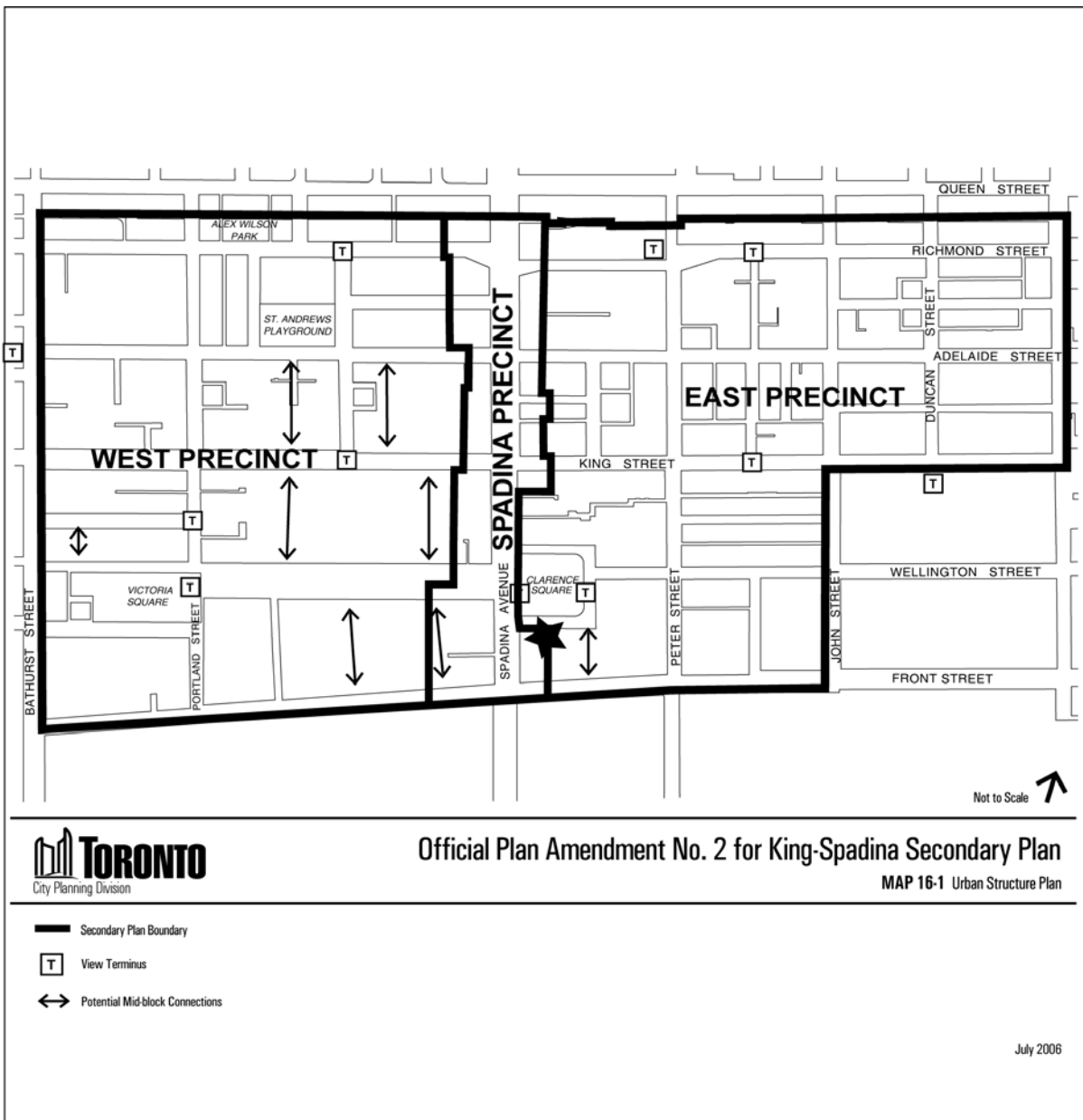
49 Spadina Avenue

File # 17_122573_STE 20 0Z

★ SUBJECT SITE - 49 SPADINA AVENUE

↑
Not to Scale
12/04/2017

Attachment 9: King-Spadina Secondary Plan Review – Urban Structure Plan



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

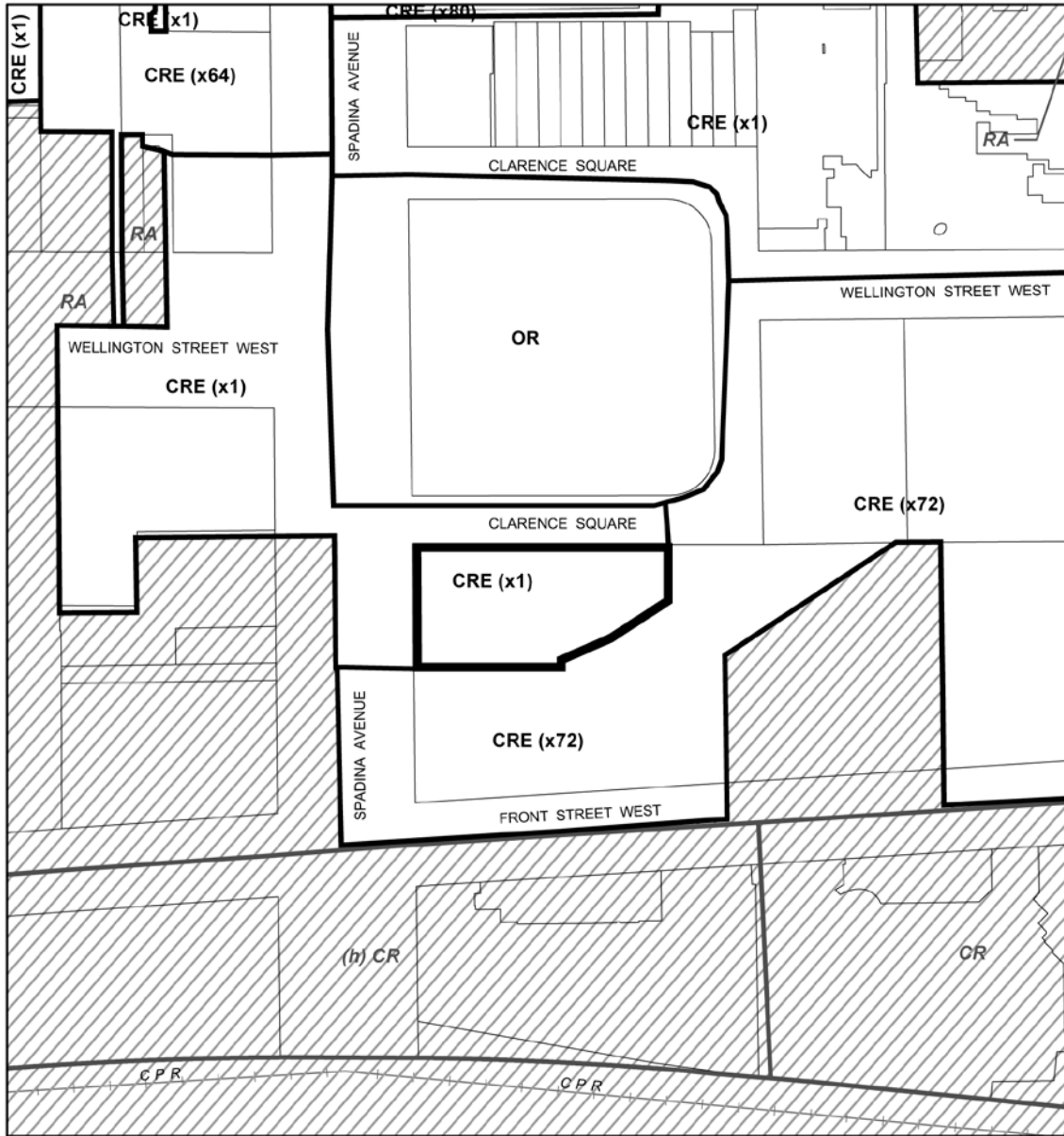
49 Spadina Avenue

File # 17_122573_STE 20 0Z

★ SUBJECT SITE - 49 SPADINA AVENUE

↑
Not to Scale
12/04/2017

Attachment 10: Zoning



Zoning By-Law No. 569-2013

49 Spadina Avenue

File # 17 122573 STE 20 OZ

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



Not to Scale
Extracted: 12/04/2017

Attachment 11: Application Data Sheet

Application Type	Rezoning	Application Number:	17 122573 STE 20 OZ
Details	Rezoning, Standard	Application Date:	February 28, 2017

Municipal Address: 49 SPADINA AVE

Location Description: PLAN 307 LOTS 1 TO 4 PLAN D167 LOT 19 PT LOTS 16 TO 18 PLAN 310 PT LOT 1 WHOLE BLK A **GRID S2015

Project Description: Zoning By-law amendment to facilitate the construction of a new 20-storey (plus mechanical penthouse) mixed-use building on the eastern portion of the site. The proposed new building will have a gross floor area of approximately 18,762 square metres (including 827 square metres of retail space on the ground and B1 levels).

Applicant:	Agent:	Architect:	Owner:
SWEENEY & CO ARCHITECTS INC		SWEENEY & CO ARCHITECTS INC	PORTLAND PROPERTY SPADINA INC.

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	CRE (x1)	Historical Status:	Y
Height Limit (m):	18	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	2372	Height:	Storeys:	20	
Frontage (m):	36.2		Metres:	84	
Depth (m):	74.8				
Total Ground Floor Area (sq. m):	1980				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	0	
Total Non-Residential GFA (sq. m):	26405		Loading Docks	1	
Total GFA (sq. m):	26405				
Lot Coverage Ratio (%):	83				
Floor Space Index:	11.1				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	334
1 Bedroom:	0	Office GFA (sq. m):	25685
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT:	PLANNER NAME:	Dan Nicholson, Planner
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