

150-158 Pearl Street and 15 Duncan Street - Zoning Amendment Application - Request for Direction Report

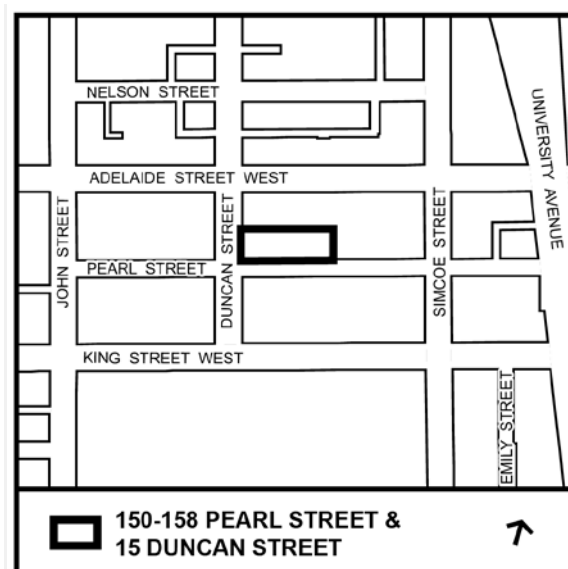
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| Date: | April 16, 2018 |
| To: | Toronto and East York Community Council |
| From: | Acting Director, Community Planning, Toronto and East York District |
| Wards: | Ward 20 – Trinity-Spadina |
| Reference Number: | 16 269407 STE 20 OZ |

SUMMARY

This application proposes to develop a 59-storey mixed use building incorporating existing heritage buildings with 2,338 square metres of commercial space and 511 residential units with 132 underground parking spaces at 150-158 Pearl Street and 15 Duncan Street.

The applicant has appealed its Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT) citing Council's failure to make a decision within the time required by the *Planning Act*. Pre-hearing conferences were held on October 31, 2017 and February 8, 2018. A third pre-hearing conference has been scheduled for June 11, 2018 and a hearing has been scheduled for the seven days beginning November 20, 2018.

The proposed development as currently configured is not supportable as it represents an overdevelopment of the site in terms of built form and density, and fails to conserve the heritage aspects of the existing listed heritage building. The proposal does not conform with Official Plan heritage and built form policies nor does it satisfactorily respond to the applicable built form urban design guidelines. Issues specifically raised by the proposal include:



- The proposed building height at 59 storeys (188 metres) is not in keeping with the existing and planned context for the King-Spadina East Precinct, including the planned transition down in heights from University Avenue to Spadina Avenue;
- The proposed built form is not consistent with the King Spadina Secondary Plan and the applicable built form guidelines, which require buildings to achieve a compatible relationship with the surrounding context through consideration of such matters as height, massing, scale, separation distances, architectural character and expression;
- The proposed mix of land uses represents a decrease in the amount of floor space for non-residential and office uses which is inconsistent with the policies of the King Spadina Secondary Plan and of Official Plan Amendment 231 requiring the retention and expansion of floor space for office uses where residential development is proposed; and
- The heritage properties on the site are not being conserved consistent with the heritage policies in the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Official Plan and the King Spadina Heritage Conservation District Plan.

This report seeks City Council's direction for the City Solicitor and other appropriate City staff to attend a Local Planning Appeal Tribunal hearing in opposition to the applicant's current development proposal and appeal. The report further identifies City staff concerns with the proposal and seeks Council authorization for staff to continue discussions on revisions to the proposal to resolve these concerns as the basis for a settlement.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and City staff, as appropriate, to attend the Local Planning Appeal Tribunal Hearing, and to oppose the Zoning By-law Amendment application for the lands at 150-158 Pearl Street and 15 Duncan Street in its present form for the reasons set out in this report (April 16, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize City Planning staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report, including:
 - a) conserving the heritage property at 150-158 Pearl Street and 15 Duncan Street consistent with the Official Plan and King-Spadina Heritage Conservation District Plan;
 - b) reducing the proposed height and massing, and increasing building setbacks to avoid overdevelopment of the site and to limit the negative impacts on adjacent properties;

- c) addressing issues relating to transportation and servicing, including configuration of the parking and loading areas;
 - d) improving compliance with Council's approved planning framework for the area including the King-Spadina Urban Design Guidelines (2006), and the Tall Buildings Design Guidelines; and
 - e) improving compliance with emerging policies reflected in the King Spadina Secondary Plan review.
3. City Council City authorize the Acting Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the Local Planning Appeal Tribunal.
 4. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of any Order until:
 - a) the final form of the Zoning By-law amendments are to the satisfaction of the Acting Director, Community Planning, Toronto East York District and the City Solicitor;
 - b) the owner has entered into a Heritage Easement Agreement with the City for the property at 150-158 Pearl Street and 15 Duncan Street to the satisfaction of the Senior Manager, Heritage Preservation Services including execution and registration of such agreement to the satisfaction of the City Solicitor;
 - c) the owner has provided a Conservation Plan prepared by a qualified heritage consultant for the property at 150-158 Pearl Street and 15 Duncan Street to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - d) the owner has addressed the outstanding items relating to servicing outlined in the memorandum from Engineering and Construction Services dated March 20, 2018; and
 - e) community benefits and other matters in support of the development as are determined appropriate are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Acting Director Community Planning, Toronto and East York District and the City Solicitor.
 5. City Council authorize the City Solicitor and other City staff to take such necessary steps as required to implement the foregoing.

Financial Impact

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

DECISION HISTORY

A pre-application consultation meeting was held in October 2016 with the applicant to discuss complete application requirements and to identify preliminary issues with the proposal. Staff identified a number of concerns, including the width of the curb cut for the loading and parking access, a need to replace all the existing office space on the site, the relationship of the proposed tower to the existing heritage buildings, the proposed setbacks, the proposed height and the appropriateness of the site for a tall building.

The applicant did not address the concerns identified by Staff in the pre-application meeting in their Zoning By-law Amendment application.

ISSUE BACKGROUND

Proposal

Original Proposal (December 2016)

The initial Zoning By-law Amendment application submitted on December 21, 2016, proposed a 59-storey mixed use building, with a maximum height of 188 metres (including mechanical penthouse). Four levels of underground parking containing 123 vehicular parking spaces were proposed, with two loading bays internal to the building accessed through separate entrances involving a 19 metre wide curb-cut on to Pearl Street.

The initial proposal contained a total of 610 residential units, consisting of 533 one-bedroom units (87%) and 77 two-bedroom units (13%). No three-bedroom units were proposed. The proposal would provide 40,676 square meters of residential gross floor area and 2,135 square metres of non-residential gross floor area, resulting in a floor space index of 20.85 times the area of the lot. A total of 1,018 square metres of indoor amenity space (1.67 square metres/unit) and 684 square metres of outdoor amenity space (1.12 square metres/unit) were proposed, with indoor amenity space located on the 5th through 7th storeys, and outdoor amenity space proposed on the 6th and 7th storeys.

The proposal would incorporate the existing heritage building at 15 Duncan Street, and the southerly façade of the existing heritage building at 150-158 Pearl Street. The heritage buildings would comprise a portion of the proposed 4 to 6 storey base building, with a tower with a floorplate of approximately 720 square metres located above. The tower stepped back approximately 10 metres from the east property line, 9.2 to 10 metres from the north property line, 11.8 metres from the west property line on Duncan Street, and 1.4 to 3 metres from the south property line on Pearl Street.

Revised Proposal (February 2018)

Revised application materials were submitted on February 6, 2018, and February 26, 2018, in response to City and agency comments. The revised materials continue to propose a 59-storey mixed use building, with a maximum height of 188 metres including the mechanical penthouse, but include a number of changes.

The revised proposal contains a total of 511 residential units, composed of 236 one-bedroom units (46.2%), 222 two-bedroom units (43.4%) and 53 three-bedroom units (10.4%), and proposes 38,740 square metres of residential gross floor area and 2,338 square metres of non-residential gross floor area, resulting in a floor space index of 20.0 times the area of the lot. A total of 1,142 square metres of indoor amenity space (2.23 square metres/unit) and 727 square metres of outdoor amenity space (1.42 square metres/unit) are proposed, with indoor amenity space located on the 4th through 7th storeys, and outdoor amenity space located on the 5th and 7th storeys.

Four levels of underground parking are proposed containing 132 vehicular parking spaces, with one Type C and one Type G loading space located internal to the building. Both the loading spaces and parking garage would be accessed through a single entrance with a 7 metre wide curb-cut on Pearl Street.

The revised proposal incorporates the existing heritage building at 15 Duncan Street, and the southerly façade of the existing heritage building at 150-158 Pearl Street. An approximately 12 metre deep portion of the easterly wall of the heritage building at 158 Pearl Street would be removed during construction and rebuilt. The heritage buildings would comprise a portion of the proposed 4 to 6 storey base building, with a tower with a floorplate ranging from approximately 600 to 700 square metres located above. The revised proposal contains tower stepbacks of approximately 12.5 metres from the east property line, 9.7 to 10 metres from the north property line, 11.7 to 12.0 metres from the west property line on Duncan Street, and 3 to 4.5 metres from the south property line on Pearl Street, with balconies intruding into the easterly and southerly stepbacks.

Site and Surrounding Area

The site is located at the northeast corner of Duncan Street and Pearl Street. The site is rectangular in shape with a site area of approximately 2,053 square metres and has a frontage of approximately 26.7 metres on Duncan Street and 76.2 metres on Pearl Street. The site currently contains a 3½-storey commercial building at 15 Duncan Street and a 3½-storey commercial building at 158 Pearl Street. Both buildings are listed on the City of Toronto's Heritage Register. The site also includes a surface parking lot. Both of the existing buildings contain office uses.

The site is surrounded by the following uses:

- North: Immediately north of the site is a 5 ½-storey mixed use building listed on the City's Heritage Register at 19 Duncan Street. A Zoning By-law Amendment application for a 57-storey mixed-use building with heritage conservation was recently approved by the Ontario Municipal Board for that site (File: 15 164825 STE 20 OZ). Farther north are 2- to 3-storey buildings on the north side of Adelaide Street West.
- South: On the south side of Pearl Street are a 3.5-storey mixed-use building at 11 Duncan Street, which has been identified as a contributing building in the King-Spadina Heritage Conservation District Study, and a 5-storey mixed-use building at 260 King Street West which is designated under Part IV of the *Ontario Heritage Act*. A 47-storey building at 224 King Street West is located southeast of the subject site. Official Plan and Zoning By-law Amendments for an 82-storey building at 266-270 King Street West (File: 12 276890 STE 20 OZ) were recently approved by the Ontario Municipal Board, to be located south of the building at 11 Duncan Street.
- East: Immediately east of the site is a surface parking lot at 217 Adelaide Street West, which is subject to a Zoning By-law Amendment application (File: 15 177189 STE 20 OZ) for a 56-storey building. City Planning staff recommended refusal of this application, and it was appealed to the Local Planning Appeal Tribunal by the applicant, and it remains under appeal at this time. Farther east are two buildings, a 5½ -storey mixed use office and retail building and an above-grade parking structure, at 100 and 130 Simcoe Street, 99 Pearl Street, and 203 and 211 Adelaide Street West which are the subject of a Zoning By-law Amendment application for a 59-storey mixed-use building (File: 16 192792 STE 20 OZ). This application has been appealed to the Local Planning Appeal Tribunal by the applicant on the basis of municipal non-decision, and remains under appeal at this time.
- West: On the west side of Duncan Street is a 4-storey building at 14 Duncan Street, which has been identified as a contributing building in the King-Spadina Heritage Conservation District Study, and a 3.5-storey building at 20 Duncan Street which is listed on the City of Toronto's Heritage Register. The block bounded by John Street, Adelaide Street West, Duncan Street and Pearl Street, located to the west of the subject site, is subject to an Official Plan Amendment (OPA 297), which guides development on that block. Zoning By-law Amendment applications for a 48-storey mixed-use building at 283 Adelaide Street West (File: 12 107447 STE 20 OZ), located on the western portion of the block, and for a 49-storey building at 263 Adelaide Street West (File: 12 152660 STE 20 OZ), located in the middle of the block, were recently approved by the Ontario Municipal Board. A Zoning By-law Amendment application for a 48-storey mixed use building at 14 Duncan Street (File: 17 159868 STE 20 OZ), located in the southern portion of the block, is currently under review.

Planning Act, Provincial Policy Statement and Provincial Plans

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;
- (k) the adequate provision of employment opportunities;
- (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 (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 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;
- 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 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 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 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 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.

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.

Section 3.1.5 of the Official Plan contains the policies that form the policy framework for heritage conservation in the City and provide direction on the conservation of heritage properties included on the City's Heritage Register, including 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 3.1.5.27 states that where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures, and landscapes on those properties is desirable and encouraged, and that the retention of facades alone is discouraged. Policies 3.1.5.32 and 3.1.5.33 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.

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 residential and commercial uses. To achieve a broad mix of commercial, residential, light industrial and live/work uses, the Official Plan also contains policies for *Regeneration Areas* requiring 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. Section 4.7.2 of the Official Plan provides development criteria in *Regeneration Areas*, to be guided by a Secondary Plan, which, in this case, is the King Spadina Secondary Plan.

Official Plan Amendment 231

Official Plan Amendment (OPA) 231, adopted by City Council 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 Local Planning Appeal Tribunal. 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:

"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 an increase in office space on any site containing 1,000 square metres or more of existing office space, where residential development is proposed.

The property at 150-158 Pearl Street and 15 Duncan Street is located in the *Downtown* and contains over 1,000 square metres of existing office uses and as such is subject to the policies in OPA 231.

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. The policies in the King Spadina Secondary Plan establish the historic fabric of the area as the context within which to assess new development, while achieving a mixture of compatible land uses and retaining and promoting commercial and light industrial uses. 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 of 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 4 – Heritage

Heritage buildings in the King-Spadina Area are essential elements of its 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.

King-Spadina Secondary Plan Review (2006)

OPA 2 (By-law 921-2006), which is under appeal to the Local Planning Appeal Tribunal, 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. The policy states that development will complement and reinforce the distinctive qualities of these precincts and corridor.

King-Spadina Urban Design Guidelines

Policy 5.3.2.1 of the Official Plan outlines that guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban Design Guidelines specifically are intended to provide a more detailed framework for built form and public improvements in growth areas. The King-Spadina Urban Design Guidelines (2006) were endorsed by Council at its meeting on September 25, 2006. The King-Spadina Urban Design Guidelines, in conjunction with the Official Plan and King-Spadina Secondary Plan policies, work together to achieve optimal building siting and design that enhances the public realm, while respecting and reinforcing the surrounding built environment and context.

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 4.1.1 notes that the Adelaide-Richmond-John heritage area in the East Precinct of King-Spadina has a rich inventory of historic buildings and a diverse historic building stock in terms of building form and scale. It further notes that there are a number of historically significant office and manufacturing buildings ranging between two and twelve storeys, although the majority of buildings are between five and seven storeys.

Section 4.1.3 notes that building heights in the East Precinct are variable, and that in many cases, the height of buildings is greater than that envisioned by the current King-Spadina planning framework. It is also noted that the east boundary of the Plan area is adjacent to the City's financial district where there are development permissions for significantly greater height, but that the vision for and character of King-Spadina is distinct from the adjacent

financial district and downtown core. This distinction is primarily based on the lower scale of its historic buildings, and should be preserved and enhanced through new development.

Section 5 contains built form guidelines that expand on Section 4 of the Guidelines. Section 5.4.1 recognizes that heights transition down to the west. Section 5.4.3 deals with angular planes and setbacks to minimize shadows and ensure adequate sunlight, and strengthen the existing streetwall scale to maintain a comfortable pedestrian experience. Section 5.4.4 addresses light, view and privacy requirements.

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

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

King-Spadina Secondary Plan Review

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 its 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 the King-Spadina 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 City of Toronto. 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. A final report on the draft Secondary Plan policies is anticipated to be before the Toronto and East York Community Council in 2018.

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 study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and that is 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 the 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 Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). 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, 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:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

More information on Council direction pertaining to TOcore can be found at <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 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. The purpose of OPA 352 is to establish the policy

context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016, which provide the detailed performance standards for portions of buildings above 24 metres in height. 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. OPA 352 and the implementing by-laws are currently the subject of appeals and are not in force, however they were considered in the review of this application as they are Council-adopted.

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

City-Wide Tall Building Design Guidelines

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

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

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing-Up Draft Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Council Decision and draft guidelines are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>

Zoning

The site is subject to former City of Toronto Zoning By-law 438-86. The site is also included in the new City-wide Zoning By-law, as enacted by City Council on May 9, 2013. This By-law is subject to appeals at the OMB and therefore is not in-force.

Under By-law 438-86, the site is zoned Reinvestment Area (RA). The By-law permits a maximum height of 30 metres to the top of the roof. The By-law also contains a number of requirements related to building setbacks from the side and rear lot lines. The RA zone permits a variety of residential and non-residential uses.

The site is zoned CRE(x74) under By-law 569-2013 with a maximum height limit of 30 metres to the top of the roof. The CRE(x74) zone has similar setback requirements and also permits a variety of residential and non-residential uses.

Site Plan Control

This proposal is subject to Site Plan Control. An application for Site Plan Approval has not yet been submitted.

Reasons for the Application

The proposal exceeds the maximum height permitted by the in-force Zoning By-law over a substantial portion of the site. Both Zoning By-laws 438-86 and 569-2013 permit a maximum height of 30 metres to the top of the roof with an additional 5 metres for mechanical penthouse, while the proposed development contemplates a height of 181 metres to the top of the roof (188 metres to the top of the mechanical penthouse). In addition, the proposed building does not comply with other Zoning By-law performance standards in effect on the lands including standards relating to the proposed quantity of parking and amenity space.

Community Consultation

Staff prepared a preliminary report for the March 15, 2017 Toronto and East York Community Council meeting that identified issues raised by the proposal, and a community consultation meeting was held on May 16, 2017. A number of written comments about the application have also been received.

The primary issues raised by members of the public include concerns relating to the separation of the proposed buildings from other towers, the conservation of heritage buildings on site, the family-friendliness of the development including the number of family-sized units and child-oriented amenity space, the adequacy of community facilities in the area, the provision of bicycle parking, concerns about accommodation for loading and garbage servicing, and the proposed treatment for the north face of the tower where elevators and service infrastructure would be located.

These comments have been considered in City Planning staff's review of the application.

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.

Local Planning Appeal Tribunal Appeal

The proposal was appealed to the Local Planning Appeal Tribunal by the Applicant for failure by the City to issue a decision within the time prescribed by the *Planning Act* (120 days) on July 28, 2017.

COMMENTS

City Planning's review of the Zoning By-law Amendment application described in the following sections is based on the revised application materials formally submitted on February 6 and 26, 2018, to develop a 59-storey mixed use building incorporating portions of the existing heritage buildings with 2,338 square metres of commercial space and 511 residential units with 132 underground parking spaces.

Planning Act, Provincial Policy Statement and Provincial Plans

The provisions of Sections 2 (d), (f), (k) and (r) of the *Planning Act* address the challenges of accommodating development in a manner which adds to livability in a high density neighbourhood, while conserving heritage resources and places for employment. The scale and massing of the proposed built form and proposed mix of uses poses challenges to ensuring 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 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 1.3.1 requires that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment and institutional uses to meet long-term needs, while encouraging compact, mixed-use development that incorporates compatible employment uses.

Policies 1.7.1 and 2.6 identify the importance of encouraging a sense of place by conserving features that help define character, including both built heritage resources on-site and the heritage attributes of adjacent lands.

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 proposed development 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, it does not sufficiently retain commercial and office uses, does not conserve built heritage resources, and represents overdevelopment of the site.

The Growth Plan for the Greater Golden Horseshoe informs municipal decision-making regarding the management of growth in communities. The site is within the *Downtown Toronto* Urban Growth Centre (UGC) identified in the Growth Plan, which is on track to achieve or exceed the UGC density target of 400 jobs and residents per hectare 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 would result from the proposed development is not required to meet the minimum growth figures set out in the Growth Plan.

Policy 4.2.7.1 of the Growth Plan also states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities. In its current form, the proposal does not conserve the heritage properties on the development site and is inconsistent with the heritage policies in the Growth Plan.

The Growth Plan recognizes the central role of municipalities in identifying locations for growth, the appropriate type and scale of development, and the transition of built form to adjacent areas, which are to be implemented through official plan policies 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 Plan, 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.

In its current form, this proposal has not adequately addressed the policy direction of the Official Plan and its supporting documents and therefore does not meet the conformity test with the Growth Plan for the Greater Golden Horseshoe.

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 on-going King-Spadina Secondary Plan Review, the King-Spadina Heritage Conservation District Plan, the King-Spadina Heritage Conservation

District Plan and the Tall Building Design Guidelines. As outlined below, the proposal as currently configured 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 for the neighbourhood.

Land Use

The proposed development is a mixed-use building containing retail, office and residential uses in the 4-storey base building with residential uses in a tower above. The existing buildings on the site contain approximately 3,930 square metres of non-residential gross floor area (GFA) for office uses, which would be replaced with approximately 2,338 square metres of non-residential GFA comprising retail and office uses, and 38,740 square metres of residential GFA.

The site is located in the *Downtown* in an area designated *Regeneration Areas* in the Official Plan. Development in *Regeneration Areas* is intended to provide a broad mix of commercial, residential, office, parks and open space, institutional, live/work and utility uses in an urban form. The framework for development in *Regeneration Areas* is set out in the associated Secondary Plan, which in this instance is the King-Spadina Secondary Plan.

The proposed uses are permitted by the Zoning By-law and supported by Official Plan policies for *Regeneration Areas*, however, the proposal represents a decrease in the amount of non-residential gross floor area for office uses as compared to existing conditions, which is inconsistent with Official Plan policies encouraging employment uses within the King-Spadina neighbourhood.

The King-Spadina Secondary Plan includes the objective that the King-Spadina Area is an important employment area and that the retention and promotion of commercial uses is a priority, and that the area will provide for a mixture of compatible land uses with the flexibility to evolve as the neighbourhood matures. Furthermore, OPA 231, which was adopted by City Council but is currently under appeal, requires new development that includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices to increase the non-residential gross floor area used for office purposes when the property is located in a *Regeneration Area* in the *Downtown*, which would include the subject site.

To meet the intent of the policies set out in OPA 231 and the policies of the Secondary Plan, the proposal would need to include a minimum of 3,930 square metres of GFA for office uses. The proposed reduction in non-residential GFA for office uses does not conform with the policy direction of the planning framework for the King-Spadina neighbourhood, and is not supported by staff.

Heritage

The properties at 15 Duncan Street and 154-158 Pearl Street are included on the City's Heritage Register, and have been identified as contributing to the King-Spadina Heritage Conservation District. Further, the site is located adjacent to a number of other heritage properties, including the abutting property to the north at 19 Duncan Street.

The property at 15 Duncan Street contains a three-storey factory building, known as the Canada Printing Ink Company Building, constructed in 1903 according to the designs of the Toronto architectural firm, Gregg and Gregg. This building is a well-crafted example of an early 20th century factory in the King-Spadina neighbourhood which was designed with features of Edwardian Classicism. The Canada Printing Ink Company Building was one of the first manufacturing buildings completed on the former Upper Canada College lands following the redevelopment of the campus for industrial uses.

The property at 158 Pearl Street, known as the White Swan Mills Building, contains a three-storey factory building also constructed in 1903 according to the designs of the Toronto architectural firm, Gregg and Gregg. This building is a well-crafted example of an early 20th century industrial building with features of Edwardian Classicism. Historically, the property relates to its direct associations with Upper Canada College and contains a rare surviving feature of the college in the north-east wing. This property is also valued for its contribution to the development of the King-Spadina area as part of an important collection of factories and warehouses that changed the area from institutional and residential to Toronto's manufacturing centre.

The King-Spadina Heritage Conservation District (HCD) Plan contains policies that are relevant to the development, including those of Section 6.2 requiring conservation of the heritage attributes and integrity of contributing properties, Section 6.11 setting out massing criteria for additions to contributing properties, Section 7.3 relating to development on properties that have portions that are contributing, and Section 7.6 relating to massing of development on non-contributing properties in relation to adjacent heritage resources.

Further, Section 1.6 (b) of the Tall Building Design Guidelines directs that development should "conserve the integrity of the cultural heritage values, attributes, character and three-dimensional form of an on-site heritage building or structure or property within an HCD. Façade retention alone is not an acceptable method of heritage preservation."

The built form and massing provided by the tower stepbacks proposed along Pearl Street is not sufficient to conserve the scale, form and massing of the heritage building at 158 Pearl Street. The applicant is requested to increase the stepback of the building mass, including that of projecting balconies, from Pearl Street above both the original building and the eastern addition sufficiently to mitigate the impact of the towers on the heritage building and maintain the form of the established lower-scale street wall.

The current proposal includes the removal of the entire north wall of both 15 Duncan Street and 158 Pearl Street. Additionally, a small podium addition is proposed along the top of the north elevation with no stepback. The north wall of these buildings is articulated with window openings and is visible through the lane to the north from Duncan Street and contains part of a surviving wall from the original Upper Canada College campus. The north elevation, along with the other publicly visible elevations, defines these as commercial detached buildings, and its removal and replacement with what appears to be a blank wall conflicts with the Official Plan policies encouraging whole building conservation and the whole building policy in the King-Spadina HCD Plan. The north elevation of the buildings

should be conserved, and additions above should be stepped back so as not to detract from the original height of the building.

The east elevation of the building at 158 Pearl Street, which includes the addition containing the remnant Upper Canada College wall, is also proposed to be removed. This elevation, including the later addition, is articulated with window openings and is fully visible from Pearl Street at present. As an attribute which defines the scale, form and massing of this commercial detached building, the east elevation should be conserved and its visibility maintained consistent with the Official Plan policies and the whole building policy in the King-Spadina HCD Plan.

New development must be designed to conserve the heritage values, attributes and character of the heritage properties on the site and to mitigate visual and physical impact on them. The removal of whole elevations along with the absence of sufficient step backs would strip these properties of their integrity as whole buildings and severely diminish their cultural heritage value. The proposed development, as currently configured, does not conform with the City's Official Plan Heritage policies, is not consistent with the City's Tall Building Guidelines, and is not consistent with the Council-approved policy direction for the neighbourhood found in the King Spadina Heritage Conservation District Plan.

Height, Massing and Separation Distances

Base Building

The proposal incorporates the existing heritage building at 15 Duncan Street, and the southerly façade of the existing heritage building at 150-158 Pearl Street. An approximately 12 metre deep portion of the easterly wall of the heritage building at 158 Pearl Street would be removed during construction and rebuilt. The heritage buildings would comprise the 4-storey tall, westerly portion of the proposed base building, with the podium increasing to a height of 6-storeys in the easterly portion of the site.

The proposal preserves the view of the uninterrupted street wall of historic commercial detached properties down Duncan Street from Queen Street West. The height of the proposed base building and the stepping back of the portion of the base building extending above the established streetwall height on Pearl Street is acceptable. While the massing of the base building is generally acceptable, a stepback should also be considered from the northerly lot line for the portion of new construction above the heritage building that is visible along the northerly lane from Duncan Street, and options to improve the interface between the heritage building and new construction should be investigated including options to increase visibility of the eastern heritage building elevation.

Building Height

The proposed overall building height of 59-storeys (188 metres including mechanical penthouse) is excessive in the built form context of the site and represents overdevelopment.

The direction for the King-Spadina Secondary Plan Review (formerly the King-Spadina East Precinct Built Form Study) adopted by City Council in August 2014 endorsed a downward gradation of tower heights from University Avenue in the east down to Spadina Avenue in the west, and recognized that not all properties would be appropriate for tall buildings.

While the proposed building height is a discernible step down from the Shangri La development at 188 University Avenue (212 metres height), it is excessive in the context of the prevailing built form fabric in its immediate vicinity, which includes the OMB-approved development at 19 Duncan Street (180 metres height), Theatre Park at 224 King Street West (157 metres height), the proposed development at 14 Duncan Street (157 metres height) and the maximum permitted height of 157 metres set out in OPA 297 for the Block west of Duncan Street. The Mirvish Gehry development is also located within the immediate vicinity at 274-284 King Street West (305 metres height) and 266-270 King Street West (275 metres height), however that development was the subject of site-specific Official Plan amendments, including the conservation of cultural space, addition of new cultural space and significant public realm improvements at an overall density less than that proposed by this application.

Given the existing and planned context, City Planning staff support a maximum height of 180 metres, including all mechanical elements, provided that the tower meets all other built form objectives relating to building massing and tower stepbacks. The proposed height of 188 metres is not supported.

Tower Separation Distances

The Tall Buildings Design Guidelines and OPA 352 provide guidance on the separation required between tall buildings to provide a high quality, comfortable public realm and appropriate access to sunlight and sky views in public spaces, and natural light, sky views and a reasonable level of privacy for occupants of tall buildings. Zoning By-laws 1106-2016 and 1107-2016, which implement the policies of OPA 352, identify a minimum setback of the greater of 3 metres from a lot line that abuts a street or 12.5 metres from the centreline of the abutting street as generally being sufficient to achieve these objectives.

The revised proposal contains tower setbacks of approximately 12.5 metres from the east property line, 9.8 to 10 metres from the north property line, 12.0 to 18.3 metres from the west property line abutting Duncan Street, and 3 to 4.5 metres from the south property line abutting Pearl Street, although balconies intrude into both the easterly and southerly setbacks.

The proposed minimum setback of 12.0 metres from the westerly lot line abutting Duncan Street is satisfactory and achieves the planning objectives for tower separation. The revised application proposes a setback of between 9.8 and 10 metres for the tower from the northerly property line. This is generally consistent with the 10 metre southerly setback that has been approved by the OMB for the abutting property at 19 Duncan Street, and taken together these stepbacks would provide a separation distance of 20 metres between buildings. While less than the preferred 25 metre distance, staff believe this would provide an acceptable separation between towers in this situation provided that the portion of the setback

that is currently less than 10 metres is increased to 10 metres, and that the tower meets all other built form objectives.

The revised application proposes a setback of 12.5 metres from the easterly property line, although balconies project 1.75 metres into the setback and are supported by corner pillars set back 10.75 metres from the property line which run the entire height of the tower. While a setback of 12.5 metres is acceptable, the design of the balconies and associated pillars extends the visually-enclosed massing of the building into the setback. The proposed building has a long east-west floor plate, and the balcony locations and pillar design serves to increase the visual impact on the public realm and other tall buildings within the vicinity, and would compromise the objectives of City policies and guidelines for tall buildings. City Planning staff do not support the proposed balcony projections into the easterly setback, and recommend that they be removed or revised to maintain the open visual character of the 12.5 metre separation distance in this location.

From the southerly lot line abutting Pearl Street, the revised application proposes a 4.5 metre setback for the 5th and 6th storeys, decreasing to 3.0 metres for portions of the 7th and 8th storeys and the entirety of the storeys thereabove, with balconies projecting between 1.5 and 1.8 metres into these setbacks. The submitted drawings do not show the setback distance as measured from the Pearl Street centreline. Pearl Street is a narrow street with a right-of-way width of 12.2 metres, and providing an adequate separation distance on the south frontage is important in order to reduce privacy and overlook issues for properties further south, including the Theatre Park Condos at 224 King Street West. Confirmation of the proposed setback distance as measured from the centreline of Pearl Street is required in order to confirm whether the southerly setbacks adequately address the objectives of the tall buildings policy framework. Staff are also concerned that the projection of balconies into the setback on the 5th through 7th storeys directly above the heritage building at 158 Pearl Street compromises the effect of the setback in distinguishing the base building from the tower and the conservation of the character and three-dimensional form of the heritage building. Staff do not support the balconies in this location.

Landscape, Streetscape and Public Realm

The revised application proposes to retain the existing approximately 0 metre setbacks in front of the heritage buildings, which is acceptable, increasing to 0.55 metres at the proposed residential entrance from Pearl Street to the east of the heritage building and 3.0 metres from the vehicular access to the easterly property line. The proposed 3.0 metre setback along a portion of the frontage that has heritage property is positive although it would be preferred if this setback could be provided for the entirety of the non-heritage frontage. It is also suggested that plantings either in the form of trees or narrow planter boxes be incorporated along Pearl Street if possible without impeding pedestrian flow to improve the public realm. Furthermore, Urban Forestry staff have identified that no private trees are currently proposed and that private tree plantings will be necessary to satisfy the requirements of the Toronto Green Standards.

The application also proposes the removal of the entire northerly elevation of the existing heritage buildings, which is visible from the abutting lane and Duncan Street, and its

replacement in the same location with apparent blank walls. This lane will be open for pedestrian use and the articulation of the north elevation contributes to both the heritage value of the existing buildings as well as the quality of the publicly accessible space in this location.

Community Services and Facilities

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.

The site is located in an area which is one of the 16 neighbourhoods identified in the TOcore Community Services and Facilities Study – Phase One. Two key points which emerge from Phase 1 of this study are: the need for affordable, appropriate and accessible space; and the need to develop innovative partnerships and collaborations to meet the challenges of growth in the Downtown.

A Downtown Community Services and Facilities Strategy is one of five infrastructure strategies prepared as part of phase 2 of the TOcore process, and explores opportunities to enhance existing assets through either facility improvements, renovations or expansions. This includes reviews by TDSB, TCDSB, TPL and City Divisions assessing the future demand of community services and the development of community hub models, and identifies other opportunities to explore include partnership with community based agencies, expand and reconfigure existing space and facilities, secure new innovative facilities and make the space affordable.

An addendum to the CS&F Study submitted in support of this application is required, which should provide further details on how the recreation needs of residents would be met and investigate opportunities raised by the development to address CS&F priorities including new and/or improved facilities to respond to growth projected for the area.

Traffic Impact, Parking and Loading

The Traffic Impact Assessment submitted in support of the proposal concluded that the projected site traffic would have minimal impacts on the area and could be acceptably accommodated on the adjacent road network. Transportation Services staff have reviewed the traffic impact analysis and have determined that it is acceptable. Vehicular access to the site is from Pearl Street, which is acceptable.

A total of 132 vehicular parking spaces are proposed for the development, which is less than the 422 spaces which would be required under the provisions of Zoning By-law 569-2013. A Transportation Study by WSP Canada Inc. dated February 2 and 14, 2018 submitted in support of the proposal justified a reduction in parking supply below what would generally be required. Transportation Services staff have reviewed the parking rate analysis and have determined that the proposed supply is acceptable.

Transportation Services staff have also indicated that they have no objections to the proposed loading arrangement, however, Solid Waste Management has requested additional design information to confirm that the space will meet standards for collection vehicle maneuvering.

The applicant has proposed 511 bicycle parking spaces for residential use located on the second floor and accessible by elevator, and 4 spaces for commercial use to be located at grade. The proposed bicycle parking supply and location are satisfactory.

Amenity Space

Policy 3.1.2.6 of the Official Plan requires that every significant multi-unit residential development provide indoor and outdoor amenity space for residents and that each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces. The Zoning By-law requires a minimum of two square metres of indoor and two square metres of outdoor amenity space per unit.

A total of 1,142 square metres of indoor amenity space is proposed, equalling 2.23 square metres per unit based on the revised unit count of 511 units, to be located in rooms on the 4th through 7th storeys. This exceeds the minimum expected amount of indoor amenity space, however staff are concerned by the fragmentation of this space across a number of floors.

A total of 727 square metres of outdoor amenity space is proposed, equalling 1.42 square metres per unit, to be located atop the base building on the 5th and 7th storeys. This is a shortfall of the expected amount of outdoor amenity space by 297 square metres. Staff are willing to consider outdoor amenity space provision of less than 2.0 square metres, but are concerned by the fragmentation of this space across floors and the usability of the relatively narrow portions of the outdoor amenity space.

Staff recommend that the applicant explore alternative designs for the amenity spaces to consolidate spaces and improve their functionality.

Provision of Family-sized Units

Official Plan policies state that a full range of housing in terms of form, affordability and tenure arrangements will be provided and maintained to meet the needs of current and future residents. The PPS and Growth Plan contain policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities design guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments.

The Official Plan housing policies, Growing-Up Guidelines and TOcore draft policies recommend a minimum of ten percent of all units as three-bedroom or greater in order to broaden the range of housing and meet the needs of families with children. The Growing-Up Guidelines further identify an ideal unit size of 90 square metres for two-bedroom units and 106 square metres for three-bedroom units as most suitable for families. The revised proposal contains a total of 511 residential units, composed of 236 one-bedroom units (46.2%), 222 two-bedroom units (43.4%) and 53 three-bedroom units (10.4%). Of these, 7 two-bedroom

units meet the Growing-Up Guidelines ideal unit size criteria. While a greater number of units meeting the ideal unit size criteria is preferred, the proposed mix of units would meet the intent of the relevant housing policies and guidelines, and should be maintained as part of any resubmission addressing the issues outlined in this report. Opportunities to deliver affordable housing will be sought through future Section 37 discussions with the applicant.

Servicing

Engineering & Construction Services staff require that the applicant submit a revised Functional Servicing and Stormwater Management Report and Hydrogeological Investigation to address outstanding issues relating to servicing and water. Further outstanding comments regarding fire services and waste management access also require the submission of revised drawings. These comments were outlined in a memorandum dated March 20, 2018.

Environment & Energy Division staff advise that Enwave Energy Corporation is extending its district heating and cooling systems in the vicinity, and require that the applicant submit a revised Energy Strategy Report evaluating potential efficiency improvements that connection to this system could provide. These comments were outlined in a memorandum dated February 14, 2018.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS. Should the Zoning By-law Amendment application be approved in some form, the site specific Zoning By-laws would secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure and Storage and Collection of Recycling and Organic Waste. Other applicable performance measures, such as Bird Friendly Design, will be secured through a possible future Site Plan Approval process.

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 site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The site is subject to the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, 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 approximately 197 square metres.

The applicant is requested to satisfy the parkland dedication requirement through the acquisition of an off-site parkland dedication that will contribute positively to existing parks within the King-Spadina area, or through cash-in-lieu. Official Plan policy 3.2.3.7 references the use of off-site parkland dedication where on-site dedication is deemed not feasible. The applicant is requested to work with other development applicants within 500 metres of the site to consolidate multiple off-site dedication requirements which could result in the conveyance of one suitable parkland site. The size and location of the parkland would be subject to the approval of the General Manager, Parks, Forestry and Recreation.

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: affordable housing, parkland and/or park improvements above and beyond the required Section 42 *Planning Act* parkland dedication, public art; streetscape improvements on the public boulevard not abutting the site; 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 development review process had not resulted in an agreement on the proposal.

City Planning staff recommend that the City Solicitor be directed to request the Local Planning Appeal Tribunal, 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 the by-laws to the Board in a form acceptable to the Acting Director, Community Planning, Toronto and East York District, and the City Solicitor. This includes providing for the appropriate Section 37 benefits to be determined and incorporated into any zoning by-law amendment and that 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 Director, Community Planning, Toronto and East York District, and the City Solicitor.

Conclusion

Staff have reviewed the Zoning By-law Amendment application for 150-158 Pearl Street and 15 Duncan Street on December 21, 2016, and the revised proposal submitted February 6, 2018, and determined that the proposal in its current configuration 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 in conformity 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 King-Spadina Urban Design Guidelines (2006), which support the Official Plan. It is also not consistent with the Council-endorsed directions of the on-going King-Spadina Secondary Plan Review. It is also not consistent with the Council-approved King-Spadina Heritage Conservation District Plan.

It is the opinion of City Planning staff that the proposed development, in its current configuration, fails to achieve a compatible relationship with the built form context, fails to conserve the heritage attributes of the listed buildings on site or 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 also set a negative precedent for development in the immediate area. The proposal does not represent 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 Local Planning Appeal Tribunal hearing in opposition to the appeal. The report also seeks Council authorization for staff to continue discussions with the applicant on revisions to the proposal to resolve these concerns as the basis for a settlement.

CONTACT

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E-mail: john.duncan@toronto.ca

SIGNATURE

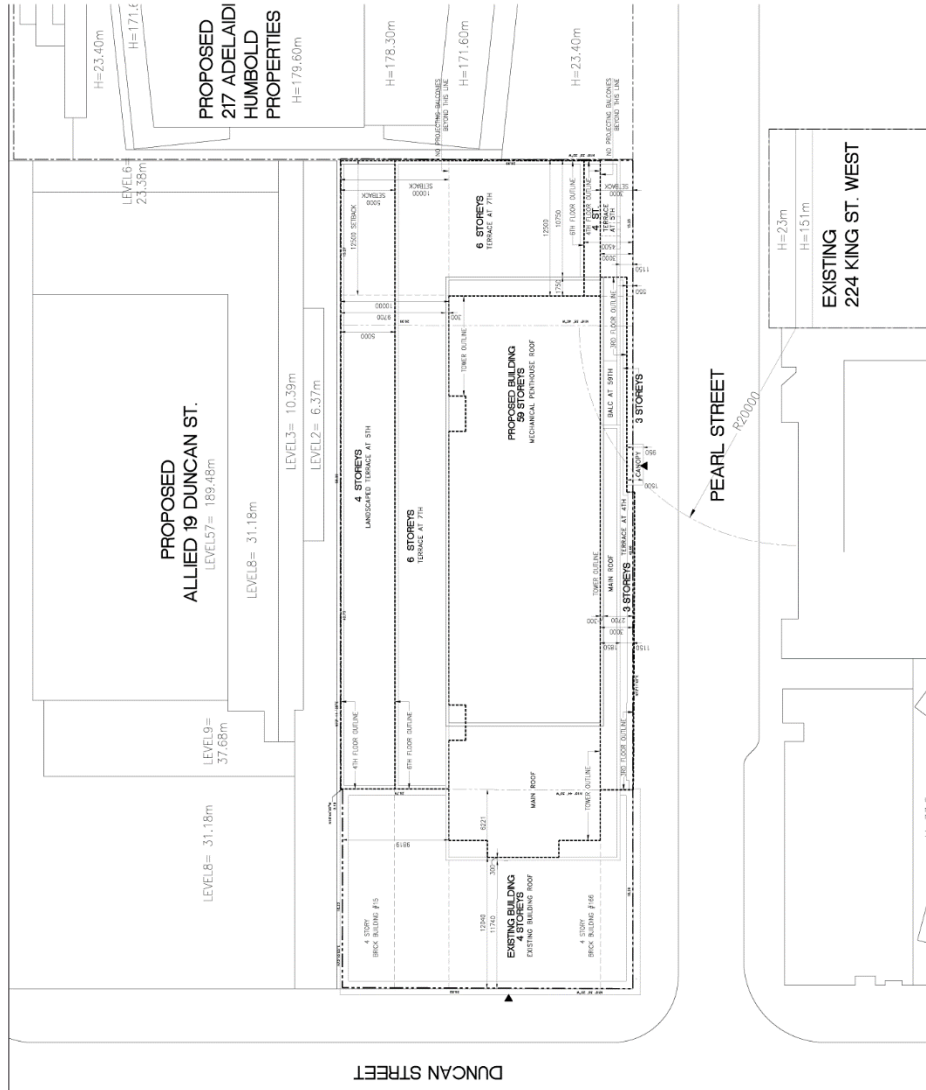
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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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 Review – Precinct Plan
- Attachment 9: King-Spadina Heritage Conservation District Plan
- Attachment 10: Zoning Map
- Attachment 11: Application Data Sheet

Attachment 1: Site Plan



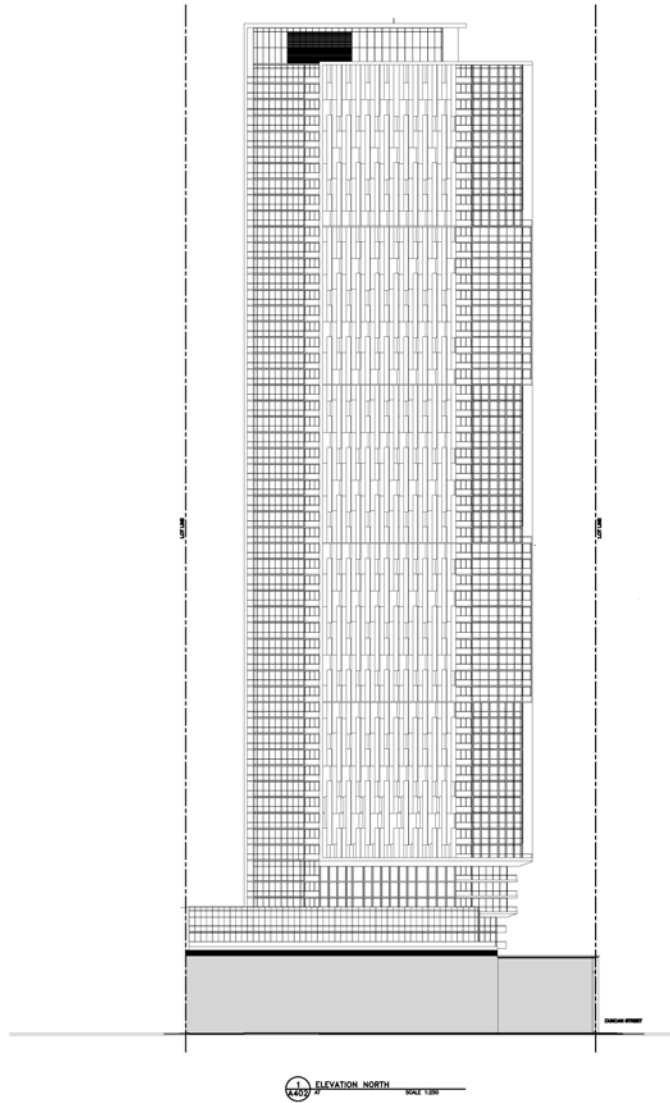
Site Plan

Applicant's Submitted Drawing

Not to Scale
04/03/2018

File # 16 269407 STE 20 0Z

Attachment 2: North Elevation



North Elevation

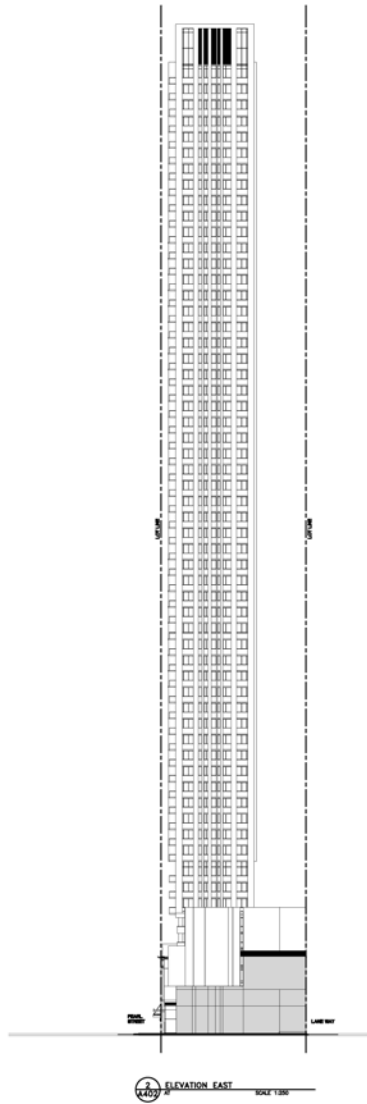
150-158 Pearl Street & 15 Duncan Street

Applicant's Submitted Drawing

Not to Scale
05/04/2018

File # 16 269407 STE 20

Attachment 3: East Elevation



East Elevation

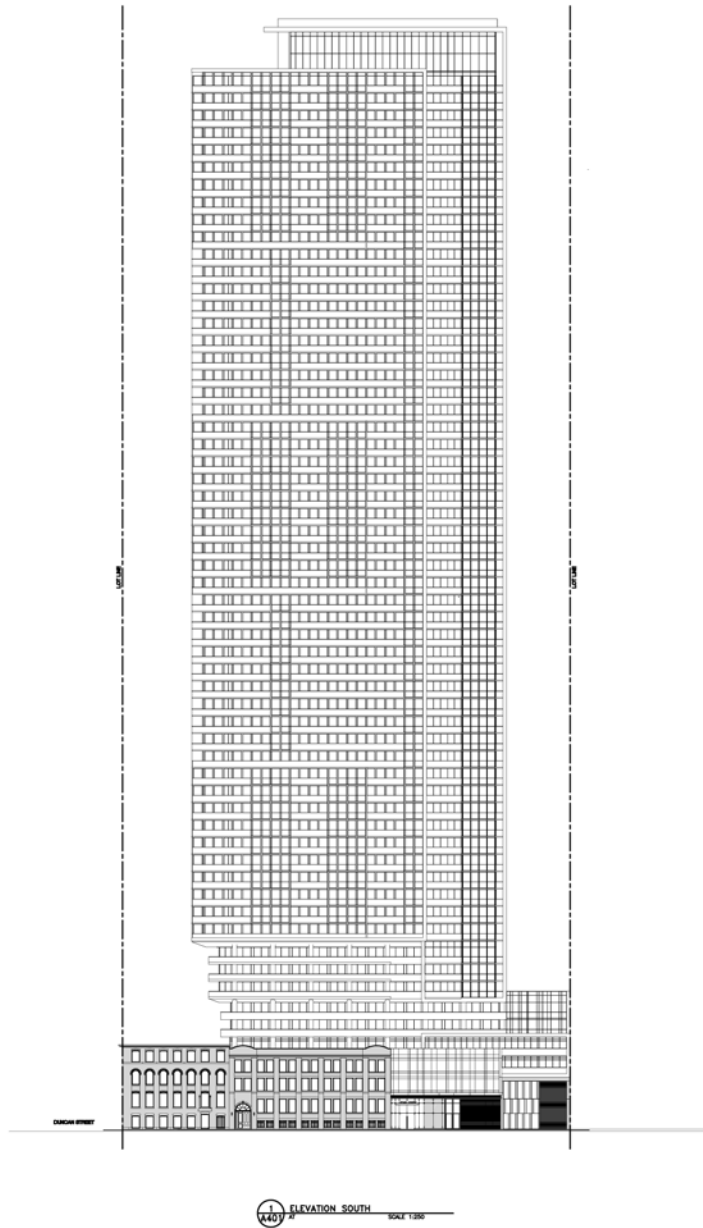
150-158 Pearl Street & 15 Duncan Street

Applicant's Submitted Drawing

Not to Scale
05/04/2018

File # 16 269407 STE 20

Attachment 4: South Elevation



South Elevation

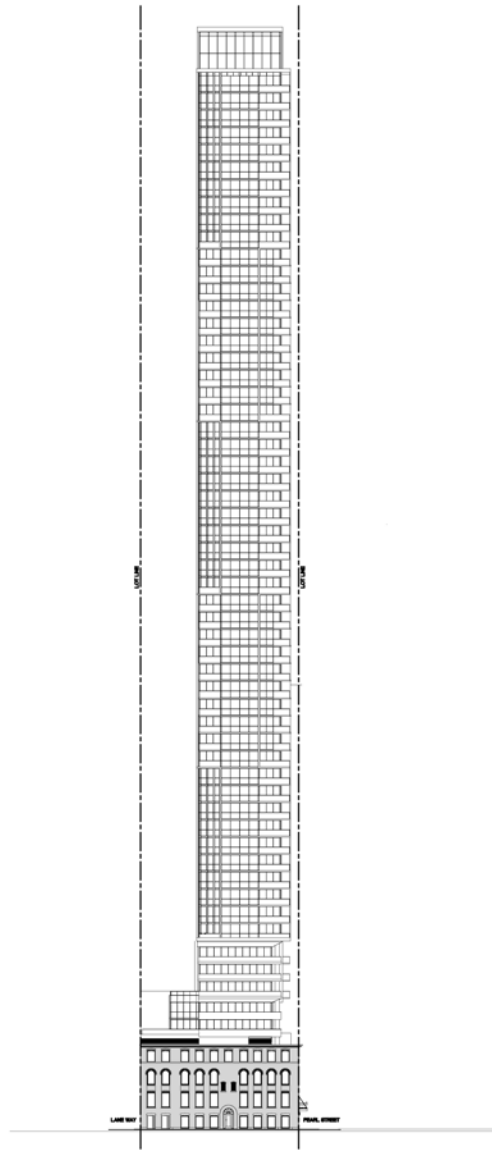
150-158 Pearl Street & 15 Duncan Street

Applicant's Submitted Drawing

Not to Scale
05/04/2018

File # 16 269407 STE 20

Attachment 5: West Elevation



2 ELEVATION WEST SCALE 1/8" = 1'-0"

West Elevation

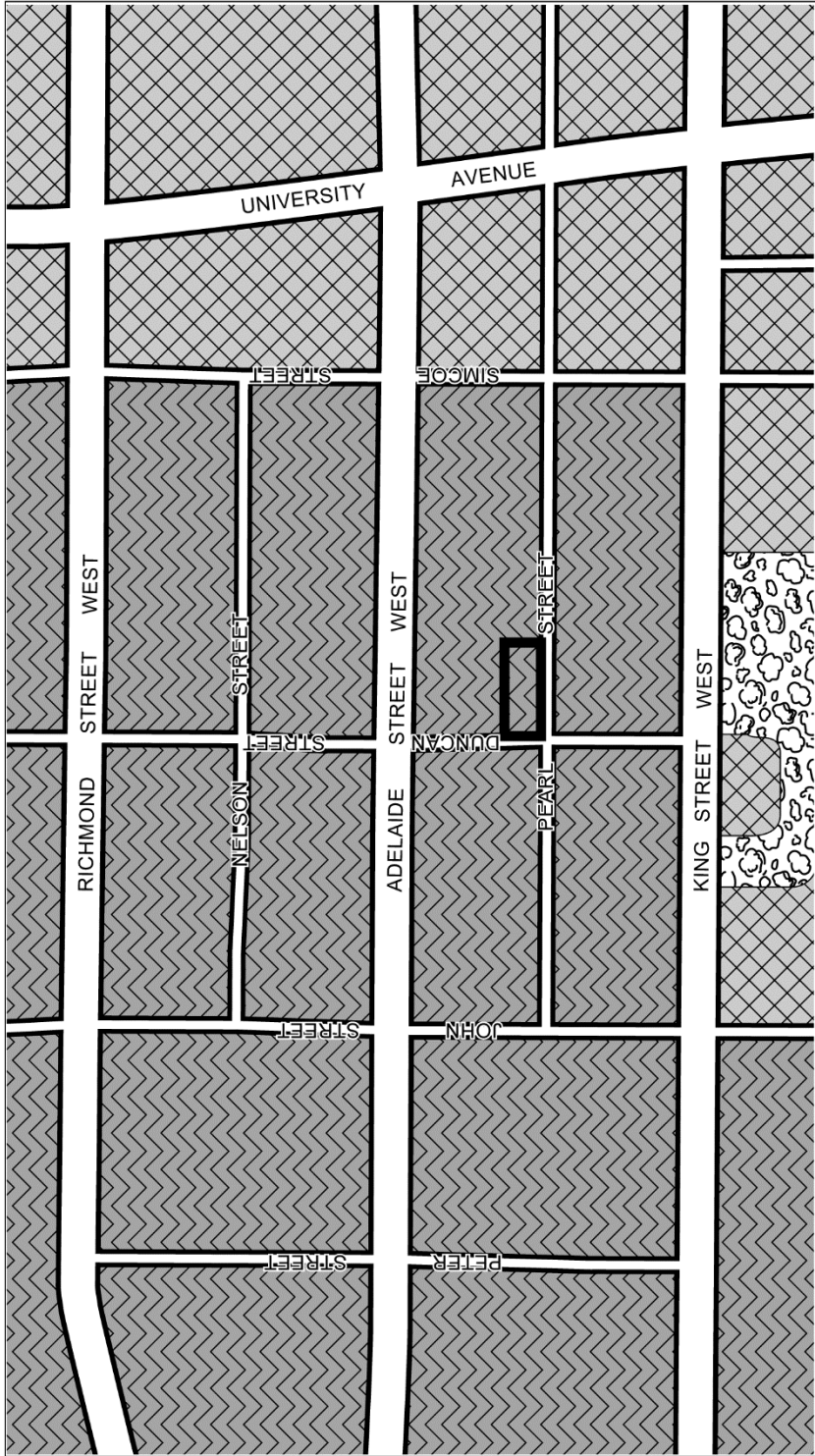
150-158 Pearl Street & 15 Duncan Street

Applicant's Submitted Drawing

Not to Scale
05/04/2018

File # 16 269407 STE 20

Attachment 6: Official Plan



150-158 Pearl Street & 15 Duncan Street

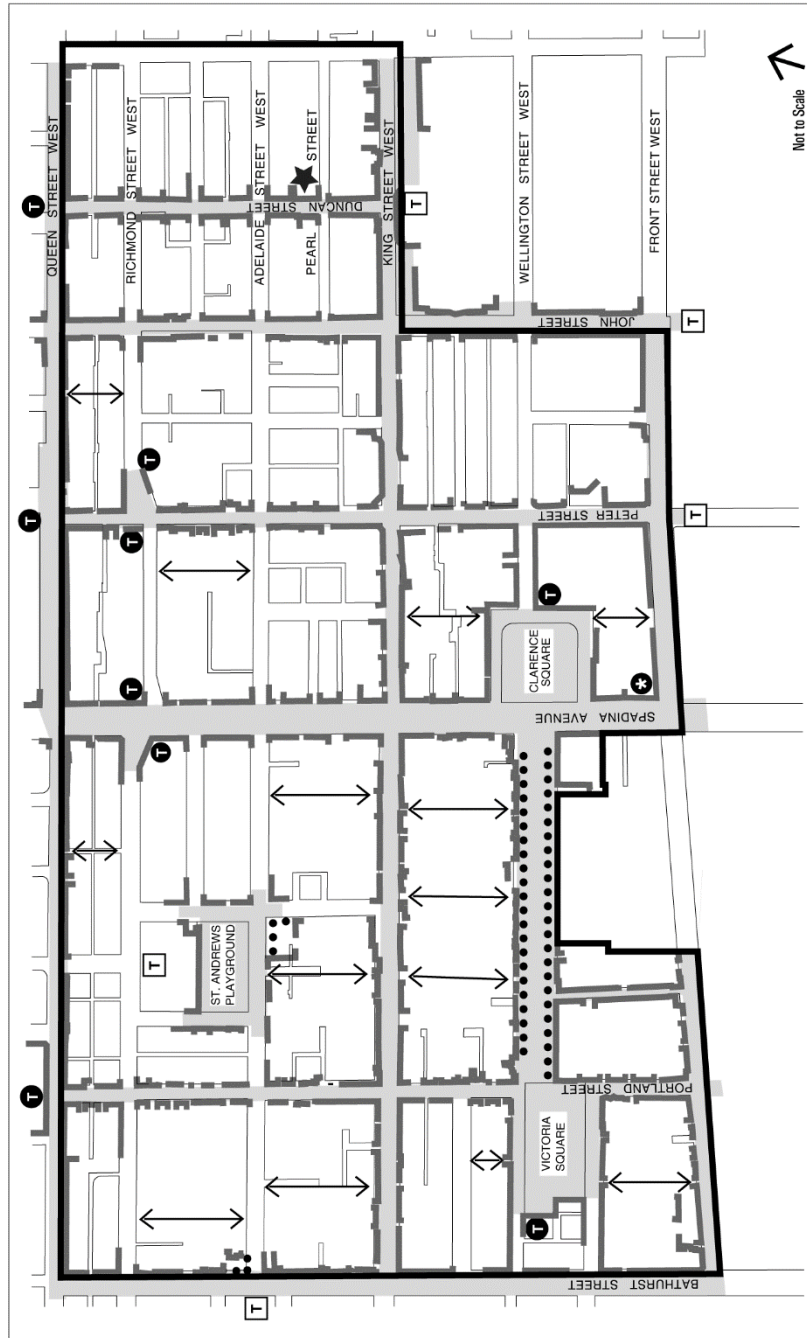
Toronto
Extract from Official Plan

File # 16 269407 STE 20 0Z

- Site Location
- Neighbourhoods
- Regeneration Areas
- Mixed Use Areas
- Parks & Open Space Areas
- Parks

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Not to Scale
04/05/2018

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



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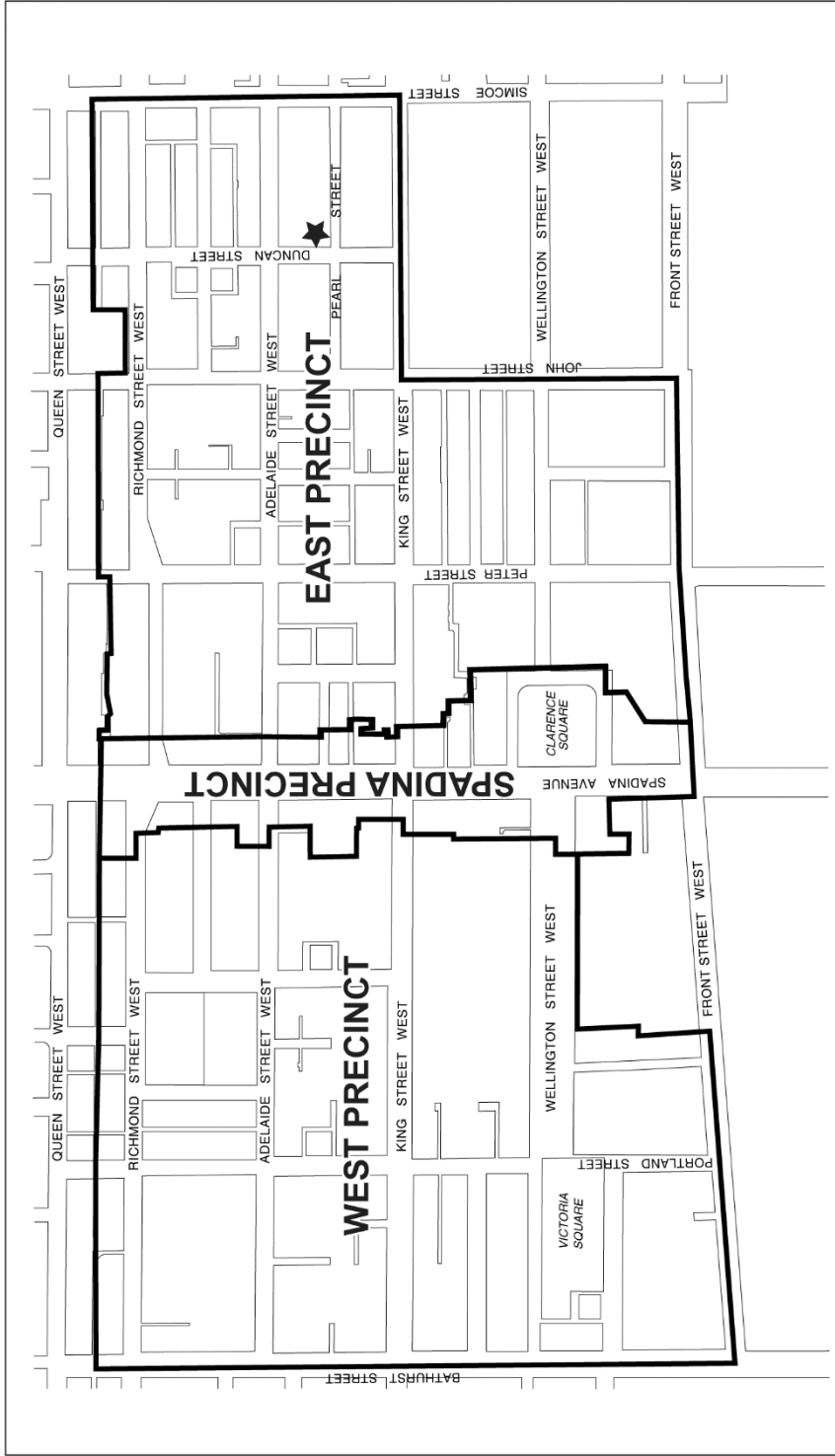
TORONTO
King-Spadina Secondary Plan
MAP 16-1 Urban Structure Plan

150-158 Pearl Street & 15 Duncan Street
File # 16 269407 STE 20 0Z

- Secondary Plan Boundary
- Potential Gateway
- Potential View Terminus
- Existing View Terminus
- Existing and Potential Building Edge
- Potential Mid-block Connections
- Significant Street & Open Space
- Landscape Edge
- Subject Site - 150-158 Pearl Street & 15 Duncan Street

Not to Scale

Attachment 8: King-Spadina Secondary Plan Review – Precinct Plan



**King-Spadina Secondary Plan
MAP 16-1 Precincts**

150-158 Pearl Street & 15 Duncan Street

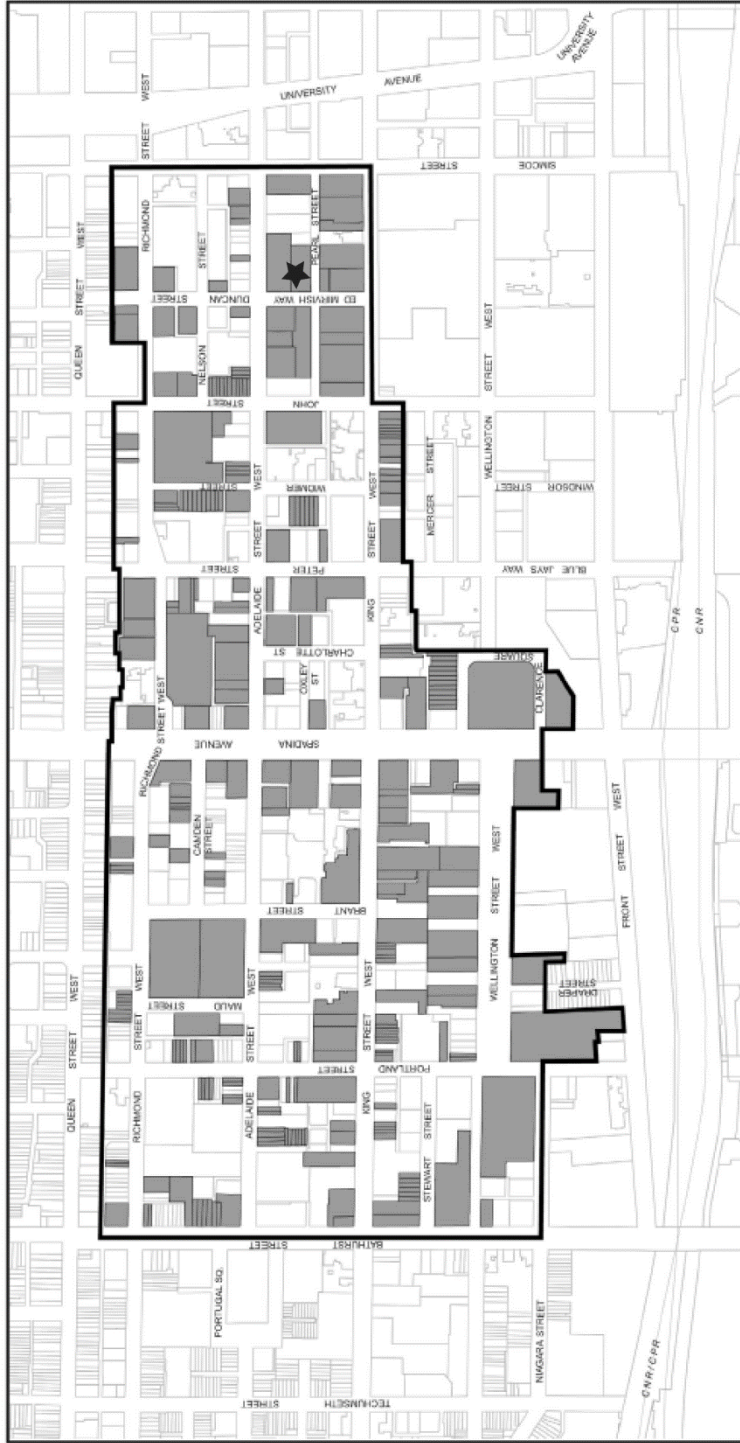
File # 16 269407 STE 20 0Z

★ Subject Site - 150-158 Pearl Street & 15 Duncan Street



Not to Scale

Attachment 9: King-Spadina Heritage Conservation District Plan



Proposed King-Spadina Heritage Conservation District
Contributing Properties

150-158 Pearl Street & 15 Duncan Street

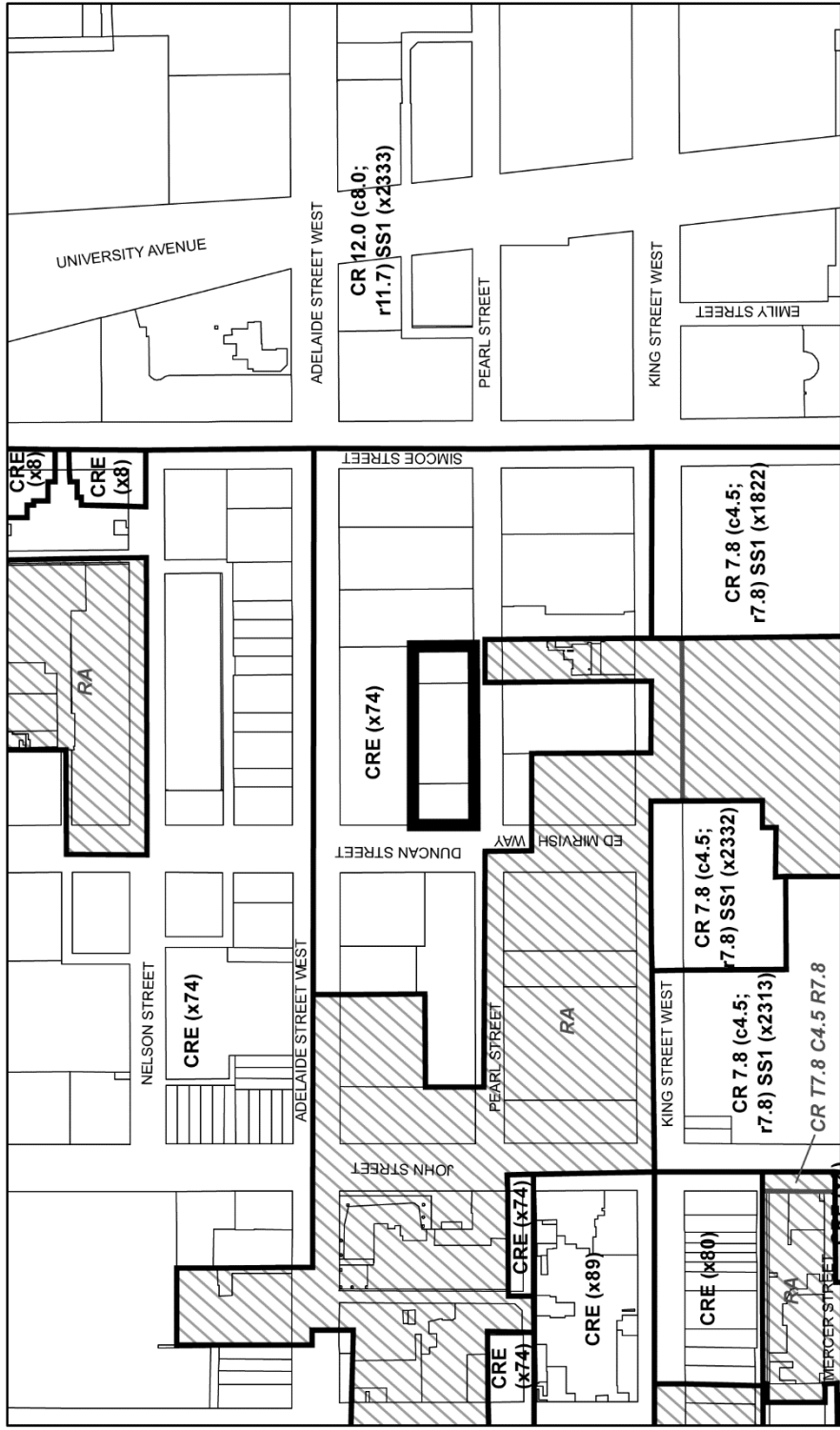
File # 16 269407 STE 20 0Z

★ Subject Site - 150-158 Pearl Street & 15 Duncan Street



Not to Scale

Attachment 10: Zoning Map



Toronto
Zoning By-Law No. 569-2013
150-158 Pearl Street & 15 Duncan Street
File # 16 269407 STE 20 0Z

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

↑
 Not to Scale
 Extracted: 03/10/2017

Attachment 11: Application Data Sheet

Municipal Address: 150 PEARL ST **Date Received:** December 21, 2016

Application Number: 16 269407 STE 20 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal for rezoning to allow a 59 storey mixed-use building containing 511 residential units (reduced from 610 units in initial proposal) and 2,338 sq. m of non-residential GFA, with 5 levels of underground parking. This application is under appeal to the OMB (Case No. PL170831), on the basis of municipal non-decision.

| | | | |
|------------------|--------------|-------------------------|--|
| Applicant | Agent | Architect | Owner |
| GOLDBERG GROUP | | RICHMOND ARCHITECTS LTD | REGISTERED NURSES ASSOCIATION OF ONTARIO |

EXISTING PLANNING CONTROLS

| | | |
|----------------------------|--------------------|--------------------------|
| Official Plan Designation: | Regeneration Areas | Site Specific Provision: |
| Zoning: | CRE (x74) | Heritage Designation: Y |
| Height Limit (m): | 30 | Site Plan Control Area: |

PROJECT INFORMATION

Site Area (sq m): 492 Frontage (m): 27 Depth (m): 18

| Building Data | Existing | Retained | Proposed | Total |
|------------------------------|-----------------|-----------------|-----------------------|---------------|
| Ground Floor Area (sq m): | | | 2,032 | 2,032 |
| Residential GFA (sq m): | | | 38,740 | 38,740 |
| Non-Residential GFA (sq m): | | 2,030 | 308 | 2,338 |
| Total GFA (sq m): | | 2,030 | 39,048 | 41,078 |
| Height - Storeys: | 4 | 4 | 59 | 59 |
| Height - Metres: | 14 | 14 | 181 | 181 |
| Lot Coverage Ratio (%): 98.9 | | | Floor Space Index: 20 | |

| Floor Area Breakdown | Above Grade (sq m) | Below Grade (sq m) |
|-----------------------------|---------------------------|---------------------------|
| Residential GFA: | 39,740 | |
| Retail GFA: | 2,338 | |
| Office GFA: | | |
| Industrial GFA: | | |
| Institutional/Other GFA: | | |

| Residential Units by Tenure | Existing | Retained | Proposed | Total |
|------------------------------------|-----------------|-----------------|-----------------|--------------|
| Rental: | | | | |
| Freehold: | | | | |
| Condominium: | | | 511 | 511 |
| Other: | | | | |
| Total Units: | | | 511 | 511 |

Total Residential Units by Size

| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|---------------------|--------------|-----------------|------------------|------------------|-------------------|
| Retained: | | | | | |
| Proposed: | | | | | |
| Total Units: | | | 236 | 222 | 53 |

Parking and Loading

Parking Spaces: 120 Bicycle Parking Spaces: 516 Loading Docks: 2

CONTACT:

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John.Duncan@toronto.ca