



**STAFF REPORT  
ACTION REQUIRED**

**217 Adelaide Street West Zoning Amendment - Request for Direction Report**

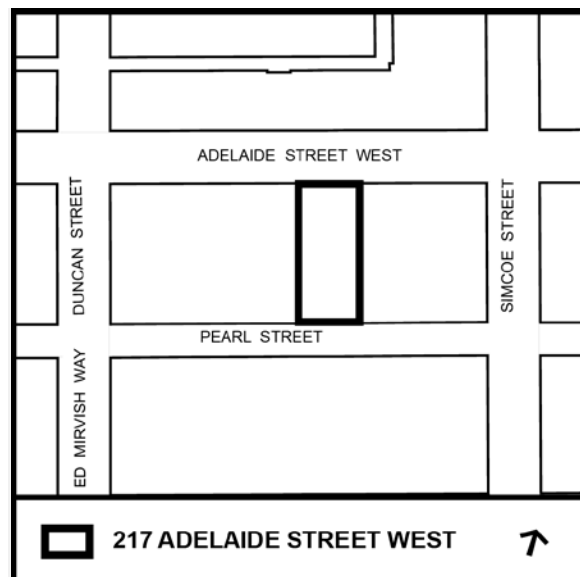
<b>Date:</b>	December 11, 2018
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 10 – Spadina-Fort York
<b>Reference Number:</b>	15 177189 STE 20 OZ

**SUMMARY**

This application proposes to redevelop the site at 217 Adelaide Street West currently occupied by a surface parking lot with a 25-storey commercial building containing office and hotel uses, and measuring 107.4 metres in height including mechanical penthouse. Parking totalling 61 spaces is proposed within a five-level below-grade garage accessed from Pearl Street. This is revised from the initial application for this site submitted in 2015 which had proposed a 56-storey residential building containing 410 residential units and 153 parking spaces within a four-level below-grade garage and within levels three to seven of the base building.

The purpose of this report is to obtain Council direction to oppose the application at the Local Planning Appeal Tribunal hearing scheduled for 7 days commencing April 23, 2018.

The proposed development is located on a mid-block site that is too small to accommodate a tall building. It represents over-development and would set a negative precedent. The site, measuring approximately 24 metres in width, cannot provide space for appropriate tower setbacks of a minimum of 12.5 metres from the east and west property lines, and the 25-storey tower is proposed to have very



minimal setbacks above the base building on the east, west and south sides. Such a proposal will have a negative impact on the surrounding King-Spadina East Precinct area as it does not meet the built form objectives nor maintain the intent of the City guidelines that apply to tall building development including: maintaining adequate sky view, light, privacy and tower separation distance.

The proposal is not consistent with the policies of the Provincial Policy Statement, 2014, and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017). It also does not conform with the Official Plan, including the King-Spadina Secondary Plan and does not maintain the intent of relevant Council approved guidelines such as the Tall Building Design Guidelines which support the Official Plan. It is also not consistent with Council endorsed directions of the King-Spadina Secondary Plan Review nor with Council-adopted Official Plan Amendment 352 nor with Official Plan Amendment 406. The proposed development is not good planning and is not in the public interest.

This report reviews the latest proposal and recommends that staff be directed to attend the LPAT in opposition to the appeals relating thereto.

## **RECOMMENDATIONS**

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### **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 current Zoning By-law Amendment application for the lands at 217 Adelaide Street West.
2. City Council authorize the 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 appeal be allowed in whole or in part by the Local Planning Appeal Tribunal.
3. 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 and content of the Zoning By-law amendments are to the satisfaction of the Director, Community Planning, Toronto and East York District, and the City Solicitor;
  - b) the owner submits updated drawings, a completed Servicing Report Groundwater Summary Form, a Hydrological Review Summary Form, an updated Servicing Plan FSP, and an updated Functional Servicing Report that address the outstanding comments from Development Engineering, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- c) the owner makes satisfactory arrangements, including entering into a financially secured agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to this infrastructure to support this development, according to the Functional Servicing Report and Site Services & Stormwater Management Report, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
  - d) community benefits and other matters in support of the development as are determined appropriate are secured in the implementing Zoning By-law amendments and in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the 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 September 2014 with the applicant to discuss complete application requirements and to identify preliminary issues with the proposal. Staff identified a number of concerns, including the inability of the site to accommodate appropriate tower setbacks and separation and its appropriateness for a tall building, concerns with the proposed building height, need for enhancements to the public realm, and inclusion of above-grade parking.

The applicant did not address the concerns identified by Staff in the pre-application meeting in their Zoning By-law Amendment application, which was submitted on June 19, 2015.

On October 29, 2015, the applicant filed an appeal with the Ontario Municipal Board (now Local Planning Appeal Tribunal) on the basis of Council's failure to make a decision on the application within 120 days of submission. At their meeting of December 9, 2015, Council adopted the recommendations of a report dated October 22, 2015 from the Director, Community Planning, Toronto and East York District, recommending that City Council refuse the application and authorize the City Solicitor and staff to appear before the OMB.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE12.8>

The applicant submitted a substantially revised proposal to the City in January 2018, with supporting materials following in April and May 2018.

## ISSUE BACKGROUND

### Proposal

#### Original Proposal (June 2015)

The initial Zoning By-law Amendment application submitted in June 2015 proposed a 56-storey residential building measuring 171.6 metres (179.6 metres to the top of the mechanical penthouse) containing 410 residential units, 147 parking spaces and 423 bicycle parking spaces. Vehicular parking was proposed to be provided in a four-level below grade parking garage as well as levels three to seven of the seven-storey podium. Levels one to three of the podium were proposed to contain the loading space, garbage and recycling room and both short and long term bicycle parking.

The proposed seven-storey podium had a height of 23.4 metres. A series of setbacks, increasing in size from 0.57 metres to 5.5 metres, would be provided from the Adelaide Street West property line between the ground floor and the seventh storey. Additionally, the north-western most corner of the podium would be setback 5.5 metres from Adelaide Street West for a width of approximately 12 metres, creating a forecourt which would accommodate the residential entrance located at the ground floor. The remainder of the podium would be located lot-line to lot-line on the east, west and south sides of the property.

The tower would be slightly irregular in shape with articulated floorplates ranging in size from 604 to 691 square metres and would be setback from Adelaide Street West between 8 metres to 9.5 metres at its eastern end and between 10 metres and 12 metres at its western end. At the rear, the tower would be setback from Pearl Street approximately 9.5 metres to 12.5 metres and 12 metres to 15 metres moving east to west. The tower would be aligned with the eastern property line with the exception of a 1.28 metre deep inset in the centre of the eastern wall. This inset would accommodate windows providing light for internal corridors. The remainder of the east wall would be blank. Along the west side, setbacks ranging from 1 metre to 3 metres would be provided on alternating floorplates. This wall would contain residential windows associated with corner units.

A total of 1,598 square metres of indoor residential amenity space would be provided on levels 8 and 9 and also on the mechanical penthouse level at a ratio of approximately 3.9 square metres per unit. A total of 386 square metres of outdoor amenity space was proposed along an eighth floor patio at the front and rear of the building as well as on the mezzanine level at a ratio of approximately 0.94 square metres per unit.

The proposed 410 residential units would have the following approximate breakdown: 66 bachelor units (16%), 211 one-bedroom units (52%), 112 two-bedroom units (27%) and 21 three-bedroom units (5%).

The original proposal as outlined above was appealed by the applicant to the Ontario Municipal Board (OMB) (now the Local Planning Appeal Tribunal (LPAT)) on October 30, 2015 on the basis of Council's failure to make a decision within 120 days, and was refused by City Council on December 9, 2015.

#### Revised Proposal (July 2016)

The applicant provided a substantially different proposal immediately prior to a July 25, 2016 OMB (now LPAT) Prehearing Conference, which incorporated a reduction in height to 47-storeys, consolidation of all parking below-grade, changes to the design of the ground floor and mezzanine levels, and revised uses from residential to a mix of commercial office, boutique hotel, commercial and day care uses.

#### Current Proposal (January/April/May 2018)

In January 2018, the applicant submitted a further substantially different proposal (the current proposal), with required supporting materials following in April and May 2018. The current proposal is for a 25-storey commercial building measuring 107.4 metres to the top of the mechanical penthouse, containing 13,924 square metres of commercial office space, 7,603 square metres of hotel space, and at-grade lobby and retail uses. Vehicular parking totalling 61 spaces is proposed to be provided within a five-level below-grade garage accessed from Pearl Street. A total of 64 bicycle parking spaces and shower/change facilities are proposed within the first below-grade level. Three loading spaces are proposed at the ground floor level, also accessed from Pearl Street.

The proposed building would have an eight-storey base building with a height of 36 metres, with a 17-storey tower plus mechanical penthouse above. The proposed building would be set behind a Privately-Owned Public Space (POPS) forecourt ranging in depth from 7.6 to 9.4 metres from the Adelaide Street lot line, and have no setback from the easterly and westerly side lot lines, and setbacks between 0 and 1.4 metres from the Pearl Street lot line.

The tower would be slightly irregular in shape with articulated exterior walls, and stepbacks increasing and floorplates decreasing at the top of the 8<sup>th</sup>, 16<sup>th</sup> and 24<sup>th</sup> floors. The tower would stepback approximately 1 to 4.4 metres from the front of the podium. From the 9<sup>th</sup> to 16<sup>th</sup> floors, setbacks would range from 1 to 1.8 metres from the side lot lines and from 0 to 1.5 metres from Pearl Street, with a floorplate size of approximately 887 square metres. From the 17<sup>th</sup> to 24<sup>th</sup> floors, setbacks would range from 1.8 to 2.4 metres from the side lot lines and from 0.6 to 2.1 metres from Pearl Street, with a floorplate size of approximately 837 square metres. Commercial office uses would be located on the 2<sup>nd</sup> to 16<sup>th</sup> floors, with hotel rooms occupying the 17<sup>th</sup> to 24<sup>th</sup> floors, and a two-storey lounge and mechanical penthouse 10 metres in height located above.

### **Site and Surrounding Area**

The site is a through lot located on the south side of Adelaide Street West north of Pearl Street, mid-block between Simcoe Street and Duncan Street, and has a width of approximately 24 metres and depth of approximately 57 metres, with a total lot area of 1,383 square metres.

- North: The block to the immediate north of the subject site contains a restaurant and night club and a number of three to five-storey commercial buildings, including a historically designated building at 200 Adelaide Street West.
- East: The adjacent consolidated site to the east contains a five-storey above-grade parking garage at 207-211 Adelaide Street West and a 5½ -storey brick mixed use office and retail building at 90-100 Simcoe Street and 130 Pearl Street, and is the subject of a Zoning By-law Amendment application for a 59-storey mixed-use building (File: 16 192792 STE 20 OZ). That 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. Farther east, on the opposite side of Simcoe Street is the four-storey Enwave building, a surface parking lot and a 12-storey brick commercial building. On the north side of Adelaide Street, east of Simcoe Street is a three-storey designated heritage building and the 66-storey Shangri La hotel and condominium at 180 University Avenue.
- South: South of the site, fronting King Street West on the east and west sides of Ed Mirvish Way is the site of proposed 82 and 92-storey mixed-use buildings (File: 12 276890 STE 20 OZ) for which Official Plan and Zoning Amendments were approved by the OMB (now LPAT). Directly east of this proposal is the Royal Alexandra Theatre and the 47-storey mixed-use Theatre Park building at 224 King Street West.
- West: Adjacent to the north half of the subject site, on the southeast corner of Adelaide Street West and Duncan Street at 19 Duncan Street and 219-223 Adelaide Street West, is a 5 ½-storey mixed use building for which a Zoning By-law Amendment application for a 57-storey mixed-use building with heritage conservation was approved by the OMB (now LPAT) (File: 15 164825 STE 20 OZ). Adjacent to the south half of the subject site, on the northeast corner of Pearl Street and Duncan Street at 15 Duncan Street and 150-158 Pearl Street, are two 4-storey commercial buildings and a surface parking lot for which a Zoning By-law Amendment application for a 58-storey mixed-use building with heritage conservation was recently approved by the LPAT (File: 16 269407 STE 20 OZ). Farther west, the block bounded by John Street, Adelaide Street West, Duncan Street and Pearl Street is subject to an Official Plan Amendment (OPA 297), which guides development on that block and permits a total of three tall buildings. 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 approved by the OMB (now LPAT). 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.

The site is adjacent to a number of listed and designated heritage properties, as follows: 19 Duncan Street, 216 Adelaide Street West, 214 Adelaide Street West, 212 Adelaide Street West, 208 Adelaide Street West, 214 King Street West, 220 King Street West, 224 King Street West, and 150 Pearl Street

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

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

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; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which Toronto forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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 GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.



In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this Report.

### **Official Plan**

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City, identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged. Policy 2.2.1.2 identifies maintaining and improving the public realm, especially linkages among Downtown streets, parks and accessible open spaces as an investment priority. Policy 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 built form, streets, setbacks, heights and relationship to landmark buildings.

Chapter Three – Building a Successful City, identifies that most of the City's future development will be infill and redevelopment, and as such, will need to fit in, respect and improve the character of the surrounding area.

Section 3.1.2 *Built Form* provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on

the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow impacts on streets, open spaces and parks.

Additionally, Section 3.1.3 *Built Form – Tall Buildings* provides policies related to the development of tall buildings. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale, and further 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 notes 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 regarding development adjacent to heritage properties. Policy 3.1.5.4 provides that properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council. Policy 3.1.5.5 provides 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. Policy 3.1.5.26 provides 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 3.1.5.32 provides that impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved. Policy 3.1.5.33 provides that Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District Plans.

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

Policy 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. Policy 4.7.2 also provides that the Secondary Plan will guide the revitalization of the area through matters such as, amongst others, urban design guidelines related to the unique character of each Regeneration Area.

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.

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

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.

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.

Heritage buildings in the King-Spadina Area are essential elements of its physical character and the policies of Section 4 – Heritage, direct that 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 LPAT and as such is not in force, 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 (2006)**

Urban Design Guidelines 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 criteria 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 deemed 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 4.1.3 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 criteria that expand on Section 4 of the Guidelines. Section 5.2.1 notes that the street wall height should be generally consistent along the street edge, and that new development should reinforce the continuity of the street wall of a particular street using existing building heights and setbacks as the basis for the design of the street frontage. Section 5.4.1, 5.4.2, 5.4.3 and 5.4.4 set out built form principles to be applied in considering whether a tall building is appropriate, including assessing whether the impact of the proposed building on light, view, privacy and sunlight access on nearby properties and in the public realm.

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 and most recently in the implementing zoning by-law amendments to OPA 352 which are currently under appeal.

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

The King-Spadina Secondary Plan Review began as the "King-Spadina East Precinct Built Form Study" pursuant to direction from Toronto and East York Community Council at its meeting on April 8, 2008. 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*;
- A 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 is intended to 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. The final Community Consultation meeting on the revised Secondary Plan policies took place on December 4, 2018. A final report on the draft Secondary Plan policies is anticipated to be before the Toronto and East York Community Council in the first quarter of 2019.

### **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 property 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 to the Local Planning Appeal Tribunal.

The property at 217 Adelaide Street West is located within the King-Spadina Heritage Conservation District and is identified as a non-contributing property in the King-Spadina Heritage Conservation District Plan. City Council designated the King-Spadina Heritage HCD and adopted the King-Spadina HCD Plan on October 4, 2017 by by-law 1111-2017, as amended by by-law 1241-2017, but the HCD Plan has not come into force given appeals to the Local Planning Appeals Tribunal.

### **Official Plan Amendment 352**

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>

### **Official Plan Amendment 406**

City Council adopted the Downtown Plan Official Plan Amendment (OPA 406), as amended, at its meeting of May 22-24, 2018. The Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Further, City Council authorized the City Planning Division to seek provincial approval of the OPA under Section 26 of the Planning Act, and enacted By-law 1111-2018 on July 27, 2018. The By-law is available here:

<https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>

OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

On August 2, 2018, the City Clerk issued the Notice of Adoption for OPA 406. Ministry of Municipal Affairs and Housing (MMAH) confirmed that the City's application is complete and now has 210 days from the date of receipt (August 9, 2018) to issue a

decision. Council has directed Staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally 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 to the east.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the Planning Act, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe (2017). City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan (2017) and has regard to matters of provincial interest under Section 2 of the Planning Act.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

Section 3 of the Downtown Plan sets out objectives for how growth will be accommodated in the Downtown. Policy 3.3 requires that new buildings will fit within their existing and planned context, among other objectives.

Map 41-3 of the Downtown Plan designates the site as Mixed Use Areas 1 – Growth. Policies within Section 6 provide detailed guidance relating to land use and appropriate built form. Policies 6.20, 6.22 and 6.23 state that Mixed Use Areas are expected to contain development of varying scales and intensities and a diverse range of building typologies dependent on the site characteristics, based on the existing and planned context, and that not all sites will be appropriate for or be able to accommodate the maximum scale of development while also supporting the liveability of the development and neighbourhood. Development will be required to address specific site characteristics including lot width and depth, location on a block, on-site or adjacent heritage buildings, parks or open spaces, shadow impacts, and other sensitive adjacencies, potentially resulting in a lower-scale building.

Policies 9.1.1, 9.1.3, 9.2, 9.5, 9.6 and 9.7 set out expectations that development will contribute to improving and expanding the public realm to accommodate existing and anticipated pedestrian volumes and a range of pedestrian amenities, including widened sidewalks, street trees, access to transit and transit shelters.



Policies 9.1.1, 9.1.2, 9.16, 9.26, 9.27, 9.28 and 9.29 provide guidance on the considerations that will guide the design and location of new development, especially for tall buildings, to ensure that they appropriately interface with the surrounding public realm and the planned context. These policies include generally limiting the floorplate of towers to 750 square metres in area, requiring contextually appropriate transitions from tall buildings towards the public realm and separation distances from adjacent buildings which are to be accommodated within a development site, and identifying expectations for the mitigation of shadow and wind impacts on streets, parks and open spaces.

### **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>.

As discussed above, amongst other policies in the Official Plan, Policy 1 in Section 5.3.2 - Implementation Plans and Strategies for City-Building 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.

Guiding principles for the assessment of tall building proposals include: considering relationships to other tall buildings, including the cumulative effect of multiple towers on sunlight, comfort and quality in the public realm; minimizing shadow and wind impacts, and protecting sunlight and sky view, for streets, parks, open spaces and neighbouring properties; and ensuring high-quality living and working conditions, including access to open space, interior daylighting, and privacy for building occupants.

The Guidelines provide direction on locating and designing tall buildings to achieve these principles. Guideline 3.1.1 indicates that base buildings should be designed to align with the scale and height of neighbouring streetwall buildings and be well-proportioned in relation to the street right-of-way width. Guideline 3.2.1 indicates that tower floorplates should generally be limited to 750 square metres in area and be located and articulated to minimize impacts on surrounding streets, parks, open spaces and properties. Guidelines 3.2.2 and 3.2.3 provide direction regarding the placement and separation required for the tower component of tall buildings. The guidelines indicate that towers should be setback a minimum of 12.5 metres from side rear property lines or the centreline of an abutting laneway, in order to provide a minimum separation distance of 25 metres between facing towers, with the separation further increasing as towers increase in height.

The Guidelines note that the construction of tall buildings on sites that are too small to accommodate the minimum tower setbacks and stepbacks results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for building occupants, and the overall liveability. If it is not feasible to construct a tower on a site after applying these minimum setbacks and stepbacks, then the site may be too small for a tall building and only able to accommodate a lower-scale building form such as a mid-rise building.

### **Zoning By-laws**

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 LPAT and is not yet in full force and effect.

Under By-law 438-86, the site is zoned *Reinvestment Area* (RA). As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks. The By-law permits a maximum height of 30 metres to the top of the roof. A three metre stepback must be provided from the main wall of the building for any portion of the building above a height of 20 metres. 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 wide range of uses, including commercial, office, retail and residential. The requested hotel, retail and commercial office uses are permitted under the By-law.

The site is zoned *Commercial Residential Employment* (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. 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 revised proposal contemplates a height of 107.4 metres to the top of the roof including 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 setbacks and the provision of parking and loading spaces.

## **Community Consultation**

A community consultation meeting was held on October 5, 2015 and was attended by approximately 60 members of the community. At the meeting, staff made clear that the application as initially proposed was not supportable. Staff explained that, due to the limited width of the site, it is not possible to provide adequate tower setbacks on-site to achieve the appropriate tower separation distances between the subject property and adjacent properties. Staff noted that it was their understanding that the applicant had made an effort to reach out to adjacent property owners in an attempt to arrive at a compromise that would allow the required tower separation distances to be provided for, in the most part, on adjacent lands, but that no such agreement had been achieved to the City's knowledge.

Comments made at the community meeting included:

- concerns regarding the impact on Adelaide Street should the adjacent property to the east develop in a similar fashion and abut right against its west property line;
- questions regarding the proposed height of almost 180 metres when only 30 metres is permitted as-of-right;
- impact on the three heritage buildings located on the north and south sides of Adelaide Street West between Duncan Street and Pearl Street; and
- concerns regarding traffic impact on Adelaide Street West and concern that a portion of Adelaide Street will be encumbered during construction.

Letters of objection were received from the adjacent property owner to the west at 19 Duncan Street and 219-223 Adelaide Street West and from the adjacent property owner to the east at 211 Adelaide Street West and 90-100 Simcoe Street in relation to the original proposal. In both instances, the letters cited tower separation distances as the key concern leading to the objections.

Additional community consultation meetings were not held in relation to the revised proposal submitted in July 2016, nor the current proposal submitted in January 2018.

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.

## **Local Planning Appeal Tribunal Appeal**

The original proposal was appealed to the Local Planning Appeal Tribunal (then Ontario Municipal Board) by the Applicant on October 29, 2015 on the basis of the

City's failure to issue a decision within the time prescribed by the *Planning Act* (120 days).

A 7-day hearing has been scheduled by the LPAT for the current 25-storey commercial building proposal commencing April 23, 2019.

## **COMMENTS**

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

Section 2 of the Planning Act requires that "The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest as set out in its sub-sections. The provisions of Sections 2 (d), (p), (q) and (r) of the Planning Act address the challenges of accommodating development in a manner which adds to livability in a high density neighbourhood, conserves features of significant architectural, cultural, historical, archaeological or scientific interest, appropriately locates growth and development and promotes a built form that is well-designed, encourages a sense of place and provides for public spaces that are of high quality, safe accessible, attractive and vibrant. Section 2 (d) specifically identifies the conservation of features of significant architectural, cultural historical, archaeological or scientific interest as a matter of provincial interest.

The scale and massing of the proposed built form poses challenges to ensuring that intensification within the King-Spadina East Precinct is sustainable, well designed, encourages a sense of place, conserves heritage properties, and provides for public spaces that are of high quality, vibrant and attractive.

The PPS (2014) contains policies related to managing and directing development. It requires that sufficient land be made available for intensification and redevelopment; that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock and areas; and that they establish and implement minimum targets for intensification and redevelopment within built up areas.

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

Policy 2.6.3 directs that "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

Policy 4.7 of the PPS indicates that the Official Plan is the most important vehicle for implementing the policy direction of the PPS. Further, Policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context.

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 associated objectives of the Official Plan. It is therefore not consistent with the PPS, including that it does not fit harmoniously into its existing and planned context and it represents overdevelopment of the site.

The Growth Plan for the Greater Golden Horseshoe (2017) 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, rather than any one particular area within Downtown, and 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.

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 Policies 2.2.2.4, 5.2.5.5b, and 5.2.5.6 provide 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 406, OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 all provide direction on the appropriate scale, massing, height and separation distances between buildings within the King-Spadina area.

Policy 4.2.7(1) of the Growth Plan states that cultural heritage resources, which includes built heritage resources, will be conserved in order to foster a sense of place and benefit communities. Both the PPS and the Growth Plan outline that built heritage resources are generally located on a property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

This proposal has not addressed the policy direction of the Official Plan and its supporting documents and therefore does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe in terms of appropriate scale and transition.

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

The application has been assessed in the context of the planning framework for King-Spadina which includes the Official Plan, the King-Spadina Secondary Plan, the ongoing King-Spadina Secondary Plan Review, the King-Spadina Heritage Conservation District Plan (enacted but under appeal and as such is not in force), the King-Spadina Urban Design Guidelines and the Tall Building Design Guidelines. As outlined below, the proposal as currently configured does not meet the planning objectives for King-Spadina. 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 located in the *Downtown* and *Regeneration Areas* of the Official Plan and is in an appropriate location for development that supports growth and conforms to the City's growth management strategy along with the objectives and policies that support it. The King-Spadina Area is characterized by a dynamic mix of uses including residential, entertainment, institutional and office which is anchored by a high concentration of creative and cultural uses. The City's new Employment policies focus on the need to retain and grow employment in the City while advocating for the replacement of existing office space on any redevelopment site.

While the initial 2015 proposal for a residential building would regenerate an underutilized site containing a surface parking lot, as encouraged by the King-Spadina Secondary Plan, and the proposed residential uses were permitted, it also represented a lost opportunity to provide a true mix of uses which are the cornerstone of *Regeneration Areas*. In response to comments from staff noting the constraints on the site and encouraging the possibility of redevelopment with a new purpose built, mid-rise office building, as has been approved elsewhere in King Spadina, the applicant revised the proposal to incorporate commercial office and boutique hotel uses, although still in a tall building form.

The current proposal no longer contains residential units, and instead proposes a mix of uses including 13,924 square metres of commercial office space, 7,603 square metres of hotel space and at-grade retail uses, which are supportive of the land use objectives of the planning framework. While the height and intensity of use proposed continues to represent overdevelopment of a small constrained site, the general mix of uses proposed would be appropriate in a mid-rise building which met the built form policies for the area and the site constraints.

### **Block Planning**

The King-Spadina East Precinct Built Form Study – Status Update (now King-Spadina Secondary Plan Review) report from the Chief Planner to Council, dated August 5, 2014, encouraged future development to generally be determined on a block-by-block rather

than site-by-site basis. This approach can help avoid situations where the first tower application on a block attempts to export facing distance constraints to other properties resulting in too many towers on one block and a poor relationship of new buildings to their context. The intention of a block planning exercise is to ensure that adequate tower separation distances are maintained in instances where no site is able to accommodate these within their own property limits, while at the same time ensuring that the most desirable relationship between new buildings within their existing and planned context is achieved.

There has been one instance in the King-Spadina East Precinct where a number of tower applications were submitted at the same time within a single block and the applicants entered into a joint block planning exercise as none of the proposed development sites on the block was able to meet required tower separation distances within their own property. This led to the approval of OPA 297, permitting three towers within the block bounded by John Street, Adelaide Street West, Duncan Street and Pearl Street.

In meetings with the applicant as well as at community consultation meetings, staff acknowledged the possibility of a potential block plan exercise on this block. Following these initial discussions, staff looked at the entire block and spoke to the various land owners, and determined that there were at least two other sites within the block able to redevelop with a tall building within their own property limits without requiring any agreements from adjacent properties. The property on the eastern edge of the block, at 100 Simcoe Street and 203-211 Adelaide Street West, has an appropriate size and configuration to redevelop with a potential future tall building within its own property limits, although the current development application on that site is not supported primarily due to lack of heritage conservation. The property at the northwestern corner of the block, at 19 Duncan Street and 219-223 Adelaide Street West, is also of an appropriate size and configuration, and has had a rezoning application settlement with the City approved by the LPAT for a 58-storey tall building incorporating a 12.5 metre easterly tower setback and 10 metre southerly tower setback.

Following further analysis through the development review process, it was identified that a third tower could be accommodated on the property at the southwestern corner of the block, at 15 Duncan Street and 150-158 Pearl Street, where a rezoning application settlement with the City was recently approved by the LPAT to permit a 58-storey tall building incorporating a 12.5 metre easterly tower setback and 10 metre northerly tower setback.

The proposed and approved developments identified above represent a substantial level of intensification within the block, while providing for acceptable tower separation distances of at least 20 metres by providing adequate tower setbacks within their own properties in all circumstances. The property at 217 Adelaide Street West cannot meet these criteria and is not large enough for, nor supportable as, a tower site.

## **Separation Distances, Density and Height**

The King Spadina Secondary Plan sets out the desired type and form of physical development that may occur in this area and the resultant built form. Policy 3.6 of the Secondary Plan protects the character of King-Spadina by requiring consideration of matters such as building height, massing, scale, setbacks and stepbacks and by minimizing the wind and shadow impacts on streets, parks and open spaces. Within this framework, density, height and massing are all concerns with the application, but, in particular, given the small size and mid-block location of the lot, the siting of the tower with only minimal setbacks from the east, west and south property lines is a key concern.

### Separation Distances

The Tall Building Design Guidelines, and OPA 352 and associated by-laws 1106-2016 and 1107-2016 which are currently under appeal, the recently enacted TOcore Downtown Plan (OPA 406) which is not yet in force, the King-Spadina Secondary Plan, the direction from the ongoing King-Spadina Secondary Plan Review, and the King-Spadina Urban Design Guidelines (2006) form and inform a policy framework that sets out specific criteria to be addressed in considering the development of a tall building, including longstanding requirements for separation distances between tower faces.

The rationale behind these separation requirements is to ensure that development provides good quality-of-life both for residents of the new building and for the effects on the public realm. For residents, adequate spacing protects for adequate natural light, sky view and privacy. For the public realm, tower spacing affects sky views and access to light at street level. Reducing the spacing by moving tall buildings closer together can compromise liveability within units as well as the quality of the public realm. If it is not feasible to construct a tower on a site after applying appropriate building setbacks and stepbacks, the site is too small for a tall building.

In particular, tower elements of a tall building should be set back at least 12.5 metres from the side and rear lot lines or from the centre line of an abutting street or lane, with the objective of achieving a minimum separation distance of 25 metres between towers on neighbouring properties. The placement of towers should not negatively impact the development potential of adjacent properties and, for this reason, each property owner is responsible for providing their share of the appropriate tower separation within the boundary of their own site. The Guidelines also recognize that when a tall building is proposed adjacent to an existing tall building or a potential tall building development site, a cumulative impact of clustered towers occurs and therefore, in addition to a 25 metre tower separation distance, towers should be further shaped, placed and articulated to increase the actual and perceived distances between adjacent buildings.

There have been instances in the King-Spadina East Precinct, including within this block, where 20 metre separation distances between tower faces have been accepted where it had been demonstrated in all of the circumstances that the intent of the built form policies has been maintained. However, as noted above, the proposed tower setbacks on this site are substantially less than the 12.5 metres set out in the planning policy framework, with proposed tower setbacks from the east and west property lines ranging from 1.0 to 2.4



metres, and proposed podium and tower setbacks from Pearl Street ranging from 0 to 2.1 metres from the property line, which corresponds to approximately 6.1 to 8.2 metres from the street centreline. Taking into account the approved and proposed development applications on neighbouring properties, which all incorporate the expected 12.5 metre tower setbacks along the property lines abutting the subject site, development of a tall building on the subject site would result in inadequate tower separation distances totalling between 13.5 and 14.9 metres, which falls well short of the 25 metre expectation and would impact all the tall buildings within the block. Achieving even the minimum side yard setback of 10 metres on the east and west sides of this property as has been sometimes supported by staff would yield a tower which is 4 metres wide. The provision of these minimal setbacks would create undue adverse impact on light, view and privacy for neighbouring properties and the public realm, and further demonstrates that this site is too narrow to accommodate a tower.

### Density

Zoning By-laws 438-86 and 569-2013 do not provide density limits for areas respectively zoned *RA* and *CRE*. Rather, the built form is determined by other performance standards such as height, setbacks and stepbacks and compliance with the King-Spadina policy framework. The proposal's height of 107.4 metres including mechanical penthouse and limited setbacks and stepbacks result in a density of 16.07 times the area of the lot. This density falls within the range of densities approved in the vicinity, however those comparable developments are generally on larger or less-constrained sites and meet the built form direction included in the applicable regulations and guidelines. Given the constrained nature of this site, the proposed density represents overdevelopment.

### Height

The current proposal's 25-storey building involves a substantial decrease in height from the initial proposal for a 56-storey residential building and the July 2016 Prehearing Conference proposal for a 47-storey building. However, due to the inability to provide adequate tower separation distances as discussed above, it is clear that the subject site cannot accommodate a tall building development while meeting the intent of the Tall Building Design Guidelines.

Given the issues noted above, this site is too constrained to accommodate a form of development beyond a midrise typology. The proposed development does not meet the overall intent and purpose of the City-wide Tall Building Guidelines, particularly with respect to Guideline 3.2.3 - Separation Distances, nor those of the King-Spadina Urban Design Guidelines (2006). Furthermore, it does not conform to the policies of the Official Plan, nor meet the intent of OPA 352 and its implementing zoning by-laws, nor the intent of OPA 406.

### **Heritage**

The introduction of a tall building on the subject site with its limited stepbacks and tall base building, as proposed, would overwhelm and diminish the scale, form and massing of the buildings on the adjacent heritage properties at 19 Duncan Street, 158 Pearl Street,

208-216 Adelaide Street West and 214 King Street West thereby not conserving their cultural heritage values, attributes and character as three, four and five-storey buildings.

The proposal shows new construction in an undulating form rising eight storeys after which there are varying step backs of the remainder of the tower. The proposal does not employ strategies to mitigate the impact of the new development on the adjacent heritage properties such as presenting a sensitive street wall height, defining an appropriately scaled base building through the use of meaningful tower step backs and incorporating compatible articulation and materials into a base building – all applicable to both the Adelaide and Pearl Street elevations. As such, the proposal does not conserve the adjacent heritage buildings as required by the Official Plan.

Further, the proposal does not meet the objectives of the King-Spadina Secondary Plan as it does not achieve a compatible relationship with adjacent heritage buildings. The proposed base building is situated well back from Adelaide Street West resulting in an incompatible setback with the established street wall. Additionally, the absence of a consistent street wall height on both the Adelaide and Pearl Street elevations and the lack of solid materials incorporated into the proposed base building render the new building incompatible with the adjacent heritage buildings.

The subject proposal does not conserve the cultural heritage value of the adjacent heritage properties at 19 Duncan Street, 158 Pearl Street, 208-216 Adelaide Street West and 214 King Street West as required in the City's Official Plan and, by extension, does not satisfy the policies in the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and the Planning Act

#### King-Spadina Heritage Conservation District Plan

While the King-Spadina HCD Plan was adopted by City Council and is currently under appeal to the LPAT, staff reviewed the subject application in the context of the plan's emerging policy framework.

The proposal does not meet many of the objectives of the King-Spadina HCD Plan, adopted by City Council on October 2, 2017. The tower as proposed does not provide a compatible relationship with the adjacent heritage properties or the HCD in general in that the new building does not provide a continuity of the street wall in terms of set back and height. The eight-storey base building with minimal tower step backs would provide an overwhelming street wall presence that is not subordinate to the values and attributes of the HCD. Further, the design of a base building does not respond to the materiality, proportions and solid to void ratios of adjacent heritage buildings or the district's heritage character and attributes.

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

Engineering and Construction Services staff have reviewed the application. Staff have concerns about the proposed configuration of the parking and loading facilities, on-site truck movements, the groundwater pumping and discharging strategy and sewer connections. Engineering and Construction Services requires further revisions to the

plans, revisions to the functional servicing report and design changes to allow trucks to enter and exit the loading spaces in a forward motion.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. At the time of approval of Map 8B in 2006, the lands which are the subject of this application were in an area with 3.00 + hectares of local parkland per 1,000 people, which was in the highest quintile of current provision of parkland. King-Spadina has seen a sustained high rate of population growth over the last decade, and the site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

This application is for a zoning by-law amendment to facilitate the development of a 25-storey non-residential building with 22,224.32 square metres of non-residential gross floor area. In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu in the event of any approval. The non-residential nature of this proposal is subject to a 2% parkland dedication. The value of the cash-in-lieu of parkland dedication would be appraised through Real Estate Services. Payment would be required prior to the issuance of the first above grade building permit.

### **Mid-block Connection**

Through the King-Spadina East Precinct Public Realm Strategy, this site has been identified as a potential location for a mid-block connection to connect Adelaide Street West to Pearl Street. Development on this property should implement this strategy.

### **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 and appropriate plant materials, would be secured through a possible future Site Plan Approval process.

### **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).

The subject site is located within the area subject to the Downtown Plan (OPA 406) as enacted. A series of five infrastructure-related strategies have been developed to implement the Downtown Plan and ensure infrastructure planning is aligned with long-term growth, including the Community Services and Facilities (CS&F) Strategy. Building on the Official Plan policies contained in Section 3.2.2, the CS&F Strategy responds to the needs of a growing and diverse population for recreation, child care, libraries, schools and human services and supports by linking the provision of these services with a growing resident and worker population. Discussions on Section 37 benefits have not been advanced as the development review process has not resulted in an agreement on an acceptable 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 Tribunal in a form acceptable to the 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 Director, Community Planning, Toronto and East York District, and the City Solicitor.

## **Conclusion**

Staff have reviewed the revised Zoning By-law Amendment application for 217 Adelaide Street West submitted in January, April and May, 2018, and determined that the proposal does not have regard to relevant matters of provincial interest set forth in section 2 of the Planning Act, and is not consistent with the Provincial Policy Statement (2014) or in conformity to the Growth Plan for the Greater Golden Horseshoe (2017). The proposal does not conform with the Official Plan, including the King-Spadina Secondary Plan, nor does it meet the intent of the Council-approved King-Spadina Urban Design Guidelines (2006) nor the Tall Buildings Design Guidelines, which support the Official Plan. It is also not consistent with the Council-endorsed directions of the on-going King-Spadina Secondary Plan Review, Council-adopted Official Plan Amendment 352, Council-adopted Official Plan Amendment 406, or the Council-approved King-Spadina Heritage Conservation District Plan.

It is the opinion of City Planning staff that the proposed development represents overdevelopment of the site and block, fails to achieve a compatible relationship within the built form context, fails to provide a compatible relationship with the adjacent heritage properties or the HCD in general, 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.

## **CONTACT**

John Duncan, Planner  
Tel. No. (416) 392-1530  
E-mail: John.Duncan@toronto.ca

## **SIGNATURE**

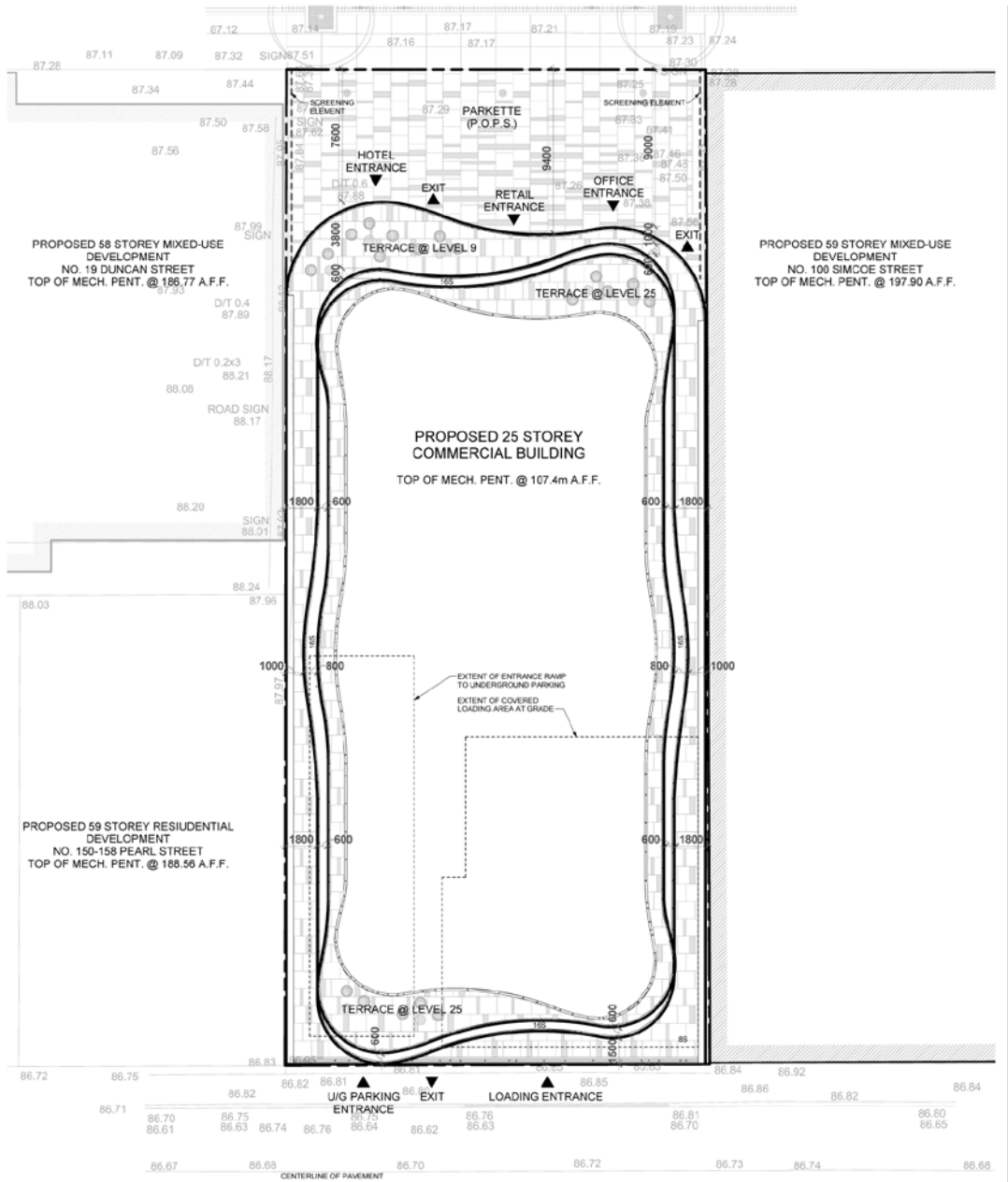
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Gregg Lintern, RPP, MCIP  
Chief Planner and Executive Director  
City Planning Division

## **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: Zoning Map  
Attachment 8: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

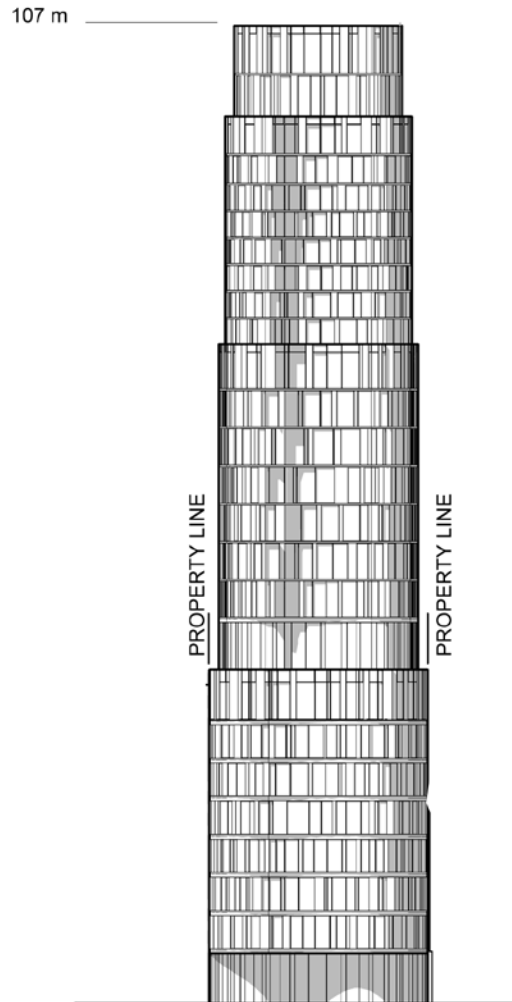
217 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale 

File # 15 177189 STE 20 OZ

## Attachment 2: North Elevation



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### North Elevation

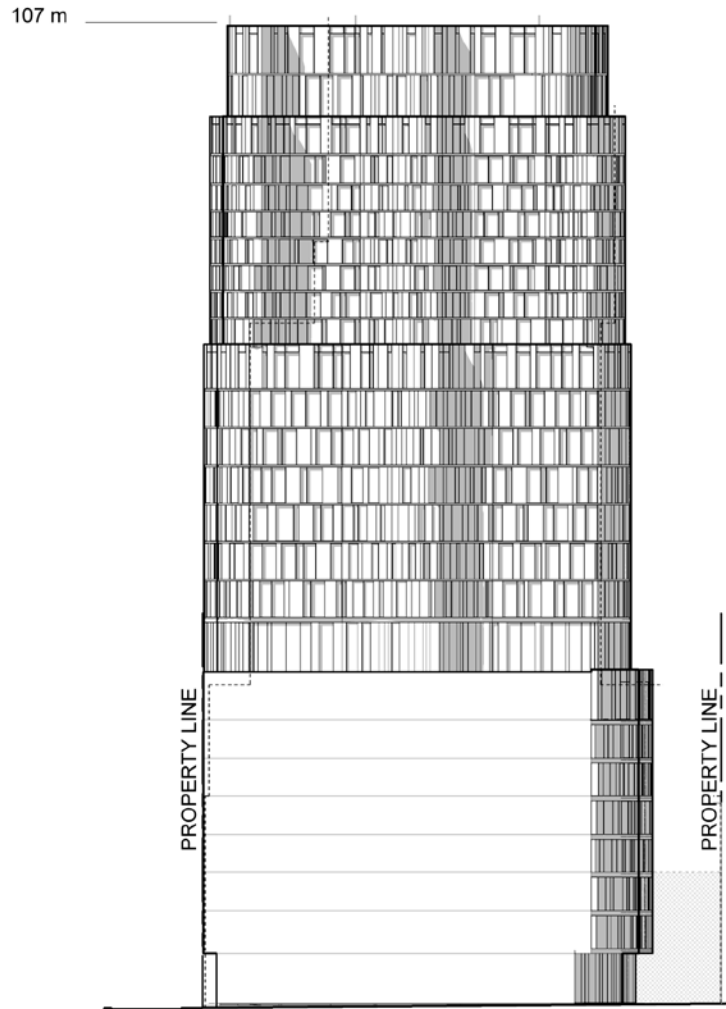
Applicant's Submitted Drawing

Not to Scale  
11/29/2018

217 Adelaide Street West

File # 15 177189 STE 20 0Z

**Attachment 3: East Elevation**



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**East Elevation**

**217 Adelaide Street West**

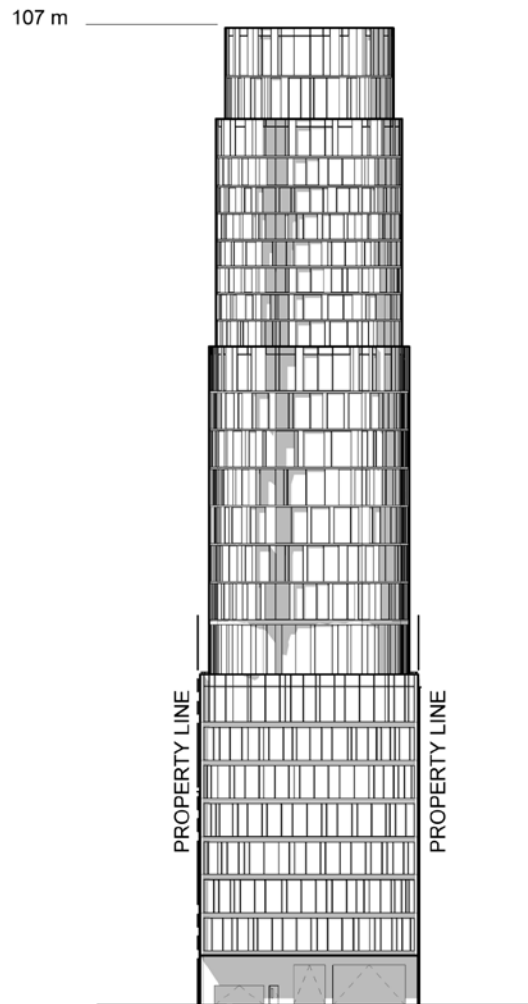
Applicant's Submitted Drawing

Not to Scale  
11/29/2018

File # 15 177189 STE 20 0Z



## Attachment 4: South Elevation



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### South Elevation

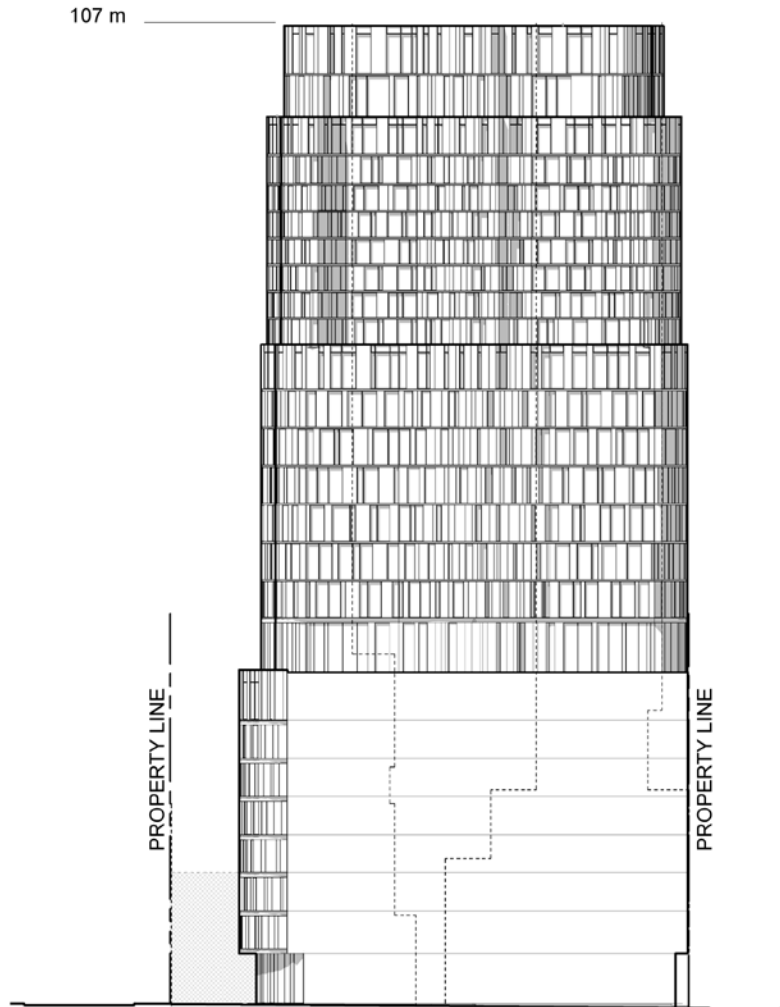
Applicant's Submitted Drawing

Not to Scale  
11/29/2018

217 Adelaide Street West

File # 15 177189 STE 20 0Z

## Attachment 5: West Elevation



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### West Elevation

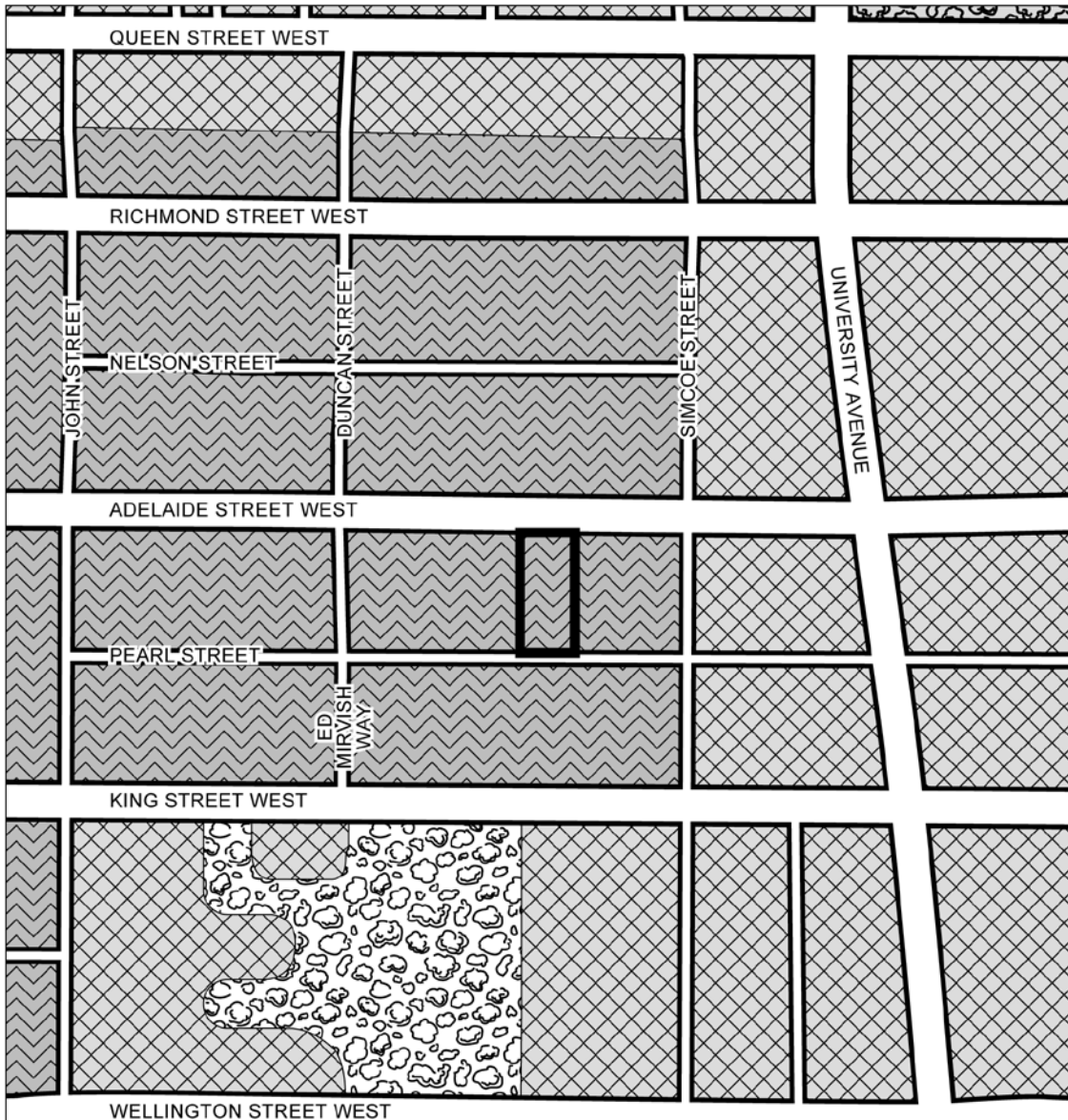
Applicant's Submitted Drawing

Not to Scale  
11/29/2018

217 Adelaide Street West

File # 15 177189 STE 20 02







## Attachment 6: Official Plan



### Official Plan Land Use Map #18

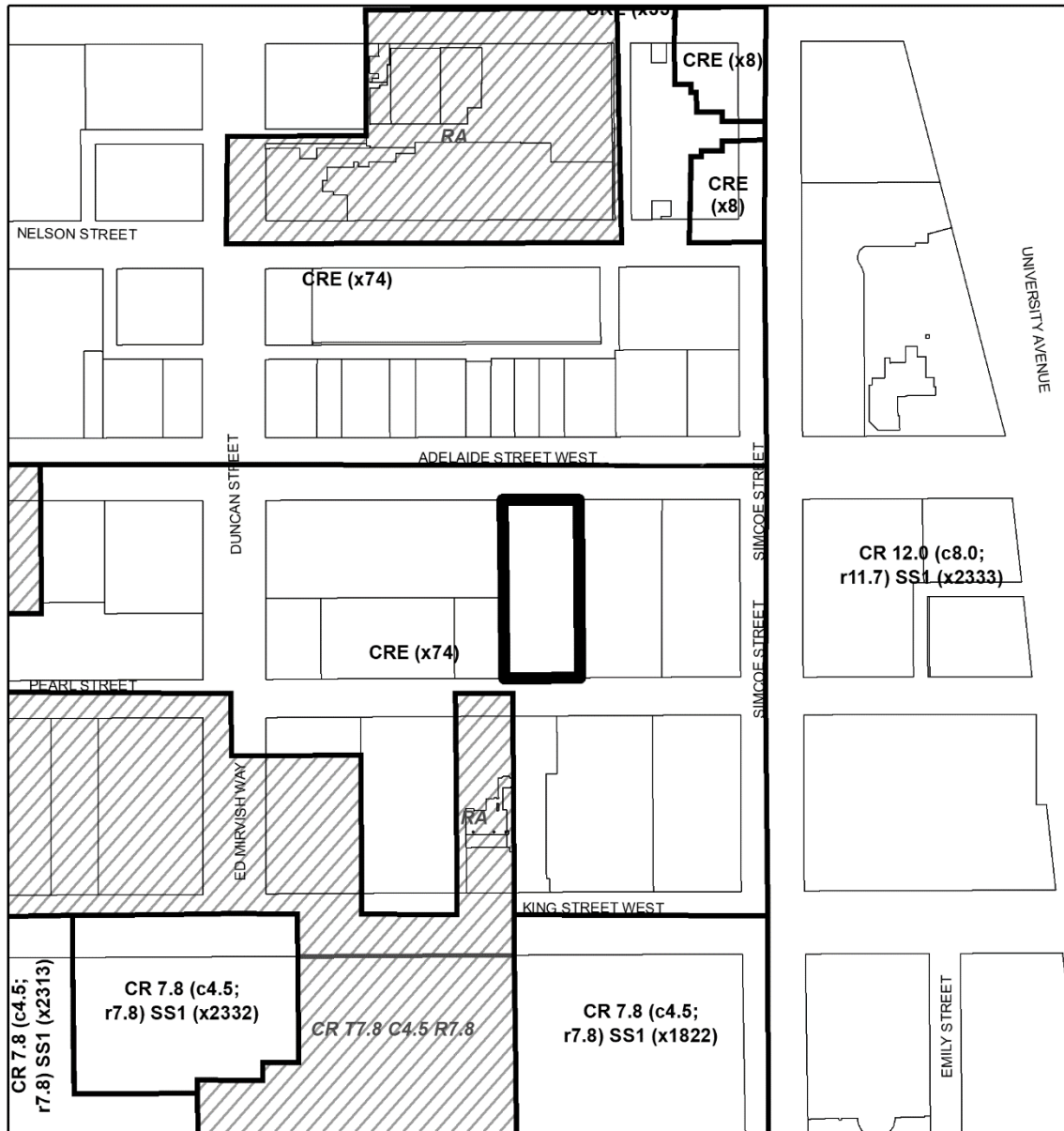
217 Adelaide Street West

File # 15 177189 STE 20 0Z

 Location of Application	 Parks & Open Space Areas
 Mixed Use Areas	 Parks
 Regeneration Areas	 Other Open Space Areas

  
 Not to Scale  
 11/29/2018

# Attachment 7: Zoning Map



Zoning By-law 569-2013

217 Adelaide Street West

File # 15 177189 STE 20 0Z



Location of Application

CR Commercial Residential    CRE Commercial Residential Employment



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

CR Mixed-Use District  
RA Mixed-Use District



Not to Scale  
Extracted: 11/29/2018

### Attachment 8: Application Data Sheet

**Municipal Address:** 217 ADELAIDE ST W    **Date Received:** June 19, 2015

**Application Number:** 15 177189 STE 20 OZ

**Application Type:** Rezoning

**Project Description:** Substantially amended Zoning Amendment application submitted to address City concerns regarding the previous proposal for a 56-storey residential building. The application has been appealed to the Ontario Municipal Board (OMB). The revised proposal is for a 25-storey commercial building with retail, office and hotel uses with an overall height (including the mechanical penthouse) of 107 metres. Vehicular parking is proposed to be located below grade, with 61 spaces to be provided in a four level automated parking system.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
BOUSFIELDS INC		KIRKOR ARCHITECTS + PLANNERS	217 ADELAIDE HOLDINGS LIMITED

#### EXISTING PLANNING CONTROLS

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

#### PROJECT INFORMATION

Site Area (sq m): 1,383                      Frontage (m): 24                      Depth (m): 57

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			1,307	<b>1,307</b>
Residential GFA (sq m):				
Non-Residential GFA (sq m):			22,224	<b>22,224</b>
<b>Total GFA (sq m):</b>			<b>22,224</b>	<b>22,224</b>
Height - Storeys:			25	<b>25</b>
Height - Metres:				

Lot Coverage Ratio (%): 94.5                      Floor Space Index: 16.07

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:		
Retail GFA:	7,726	
Office GFA:	13,924	
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:				
Other (Hotel):			192	<b>192</b>
<b>Total Units:</b>			<b>192</b>	<b>192</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:	192				
Proposed:					
<b>Total Units:</b>	<b>192</b>				

**Parking and Loading**

Parking Spaces: 61      Bicycle Parking Spaces: 64      Loading Docks: 1

**CONTACT:**

John Duncan, Planner  
(416) 392-1530  
John.Duncan@toronto.ca