

126, 132 and 142 John Street, 259, 261, 263 and 267 Richmond Street West and 41 to 59 Widmer Street - Zoning Amendment Application – Final Report

Date: February 5, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 10 - Spadina-Fort York

Planning Application Number: 19 144266 STE 10 OZ

SUMMARY

This application proposes a mixed-use development with retail, office, open space and institutional uses in a 3 to 8 storey base building, and residential uses in two towers with heights of 37 and 42 storeys (131 metres and 145.2 metres, respectively, including mechanical penthouses), on the properties known as 126, 132 and 142 John Street, 259, 261, 263 and 267 Richmond Street West and 41-59 Widmer Street.

The proposal would permit a total gross floor area of 86,000 square metres, including 693 dwelling units, comprising 403 studio and one-bedroom units, 220 two-bedroom units and 70 three-bedroom units, and a minimum of 23,700 square metres of non-residential space, as well as a two-level underground garage with 231 vehicle and 829 bicycle parking spaces. The proposal incorporates two designated heritage building façades, a mid-block pedestrian connection between John Street and Widmer Street, a 62 space child-care centre and a 700 square metre Privately-Owned Publicly Accessible Space at the southwest corner of John Street and Richmond Street West.

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposed mixed use development is in keeping with the intent of the Toronto Official Plan, the Downtown Plan and the King-Spadina Secondary Plan, particularly as they relate to public realm, built form, intensification and mix of uses in the Downtown, and with the King-Spadina Heritage Conservation District (HCD) Plan and Queen Street West HCD Plan. Staff worked with the applicant and the community to arrive at a built form and massing that includes appropriate setbacks and heights, a harmonious public realm within the John Street Cultural Corridor project, and heritage conservation. The provision of an on-site child care centre and affordable housing through a Section 37 contribution, provision of new office space and other non-residential floor space, and creation of a range of dwelling unit types will help address

housing and community issues. Staff recommend that Council support approval of the application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 126, 132 and 142 John Street, 259, 261, 263 and 267 Richmond Street West and 41 to 59 Widmer Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report dated February 5, 2021 from the Director, Community Planning, Toronto and East York District.
2. City Council amend Former City of Toronto Zoning By-law 438-86 for the lands at 126, 132 and 142 John Street, 259, 261, 263 and 267 Richmond Street West and 41 to 59 Widmer Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to the report dated February 5, 2021 from the Director, Community Planning, Toronto and East York District.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the bills contemplated in recommendations 1 and 2 to City Council for enactment, City Council require the owner(s) to:
 - a. enter into an Agreement pursuant to Section 37 of the Planning Act, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor securing the matters identified in Recommendation 5 and 6 at the owner's expense, with such Agreement to be registered on title to the lands at 126, 132 and 142 John Street, 259, 261, 263 and 267 Richmond Street West and 41 to 59 Widmer Street in a manner satisfactory to the City Solicitor;
 - b. amend the existing Heritage Easement Agreement pursuant to Section 37 of the Ontario Heritage Act for the property at 126 John Street, including execution and registration of such amending agreement to the satisfaction of the City Solicitor; and
 - c. the owner has withdrawn their appeal(s) of:
 - i. the King-Spadina Secondary Plan (OPA 486), and if not an appellant, but rather a party to such appeals, the owner shall withdraw as a party and not seek any party or participant status on the appeals; and
 - ii. Official Plan Amendment 352 and the associated zoning by-law amendments, and if not an appellant, but rather a party to such appeals, the owner shall withdraw as a party and not seek any party or participant status on the appeals as such appeals relate to the site.

5. City Council direct that the owner be required to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following community benefits at the owner's expense, as follows:

a. a cash contribution of six million, two hundred thousand (\$6,200,000.00) dollars to be allocated towards the provision of new affordable housing and/or the Toronto Community Housing Corporation revolving capital fund for repairs to Toronto Community Housing Corporation housing in the local Ward, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, whereby:

i. two million and one-hundred thousand (\$2,100,000.00) dollars shall be paid to the City by the owner within thirty (30) days after the last day the Zoning by-law Amendments are in full force and effect and the statutory appeal period has lapsed; and

ii. four million and one-hundred thousand (\$4,100,000.00) dollars shall be paid to the City by the owner prior to the issuance of the first above-grade building permit for any building on any part of the lands;

b. the cash contributions referred to in Recommendations 4(a)(i) and 4(a)(ii) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;

c. in the event the cash contributions referred to in Recommendations 4(a)(i) and 4(a)(ii) above have not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;

d. the provision of a non-profit licensed Child Care Centre to be located in the base building of the development on the lands, comprising of a minimum of 780 square metres of interior space and a minimum of 390 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area, with the precise location, capacity and related matters to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Children Services and such Child Care Centre shall generally be in accordance with the following:

i. shall be constructed, finished, furnished and equipped by the owner, including a minimum of five (5) parking spaces will be reserved for the exclusive use of the child care facility for pick-up/drop-off operations, between the hours of 6:30am and 6:30pm from Monday to Friday. These

spaces to be assigned accordingly, and be located in close proximity to the elevators providing the shortest route between the underground parking garage and the child care facility, which shall be barrier-free. A parking pass will be provided for officials conducting inspections of the child care facility;

ii. prior to the issuance of any above grade building permit for any portion of the lands, a letter of credit in the amount sufficient to guarantee 120% of the estimated cost of the design, construction and handover of the Child Care Centre complying with the specifications and requirements of the Section 37 Agreement, shall be provided to the City to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer and Treasurer,

iii. the Child Care Centre, subject to Recommendation 5 e, shall be conveyed, or such lease arrangements entered into to the satisfaction of the Executive Director, Corporate and Real Estate Management and City Solicitor, prior to any residential occupancy on the lands; and

iv. the details of the other matters as described in these Recommendations, such as timing, location, obligations and any such matters to implement the Child Care Centre, in respect of the non-profit licensed Child Care Centre community benefit will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2016) and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor;

e. at the discretion of the Executive Director, Corporate and Real Estate Management, in consultation with the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, the Child Care Centre may either be:

i. conveyed to the City, at no cost to the City, in fee simple, in an acceptable environmental condition; or

ii. an interest acquired by the City through the entering into a lease agreement with the City for 99 years or conveyance for the child care facility; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs (of the building common areas), repair and maintenance costs (excluding wear and tear), property damage, and local improvement charges;

f. where there is a conveyance of the Child Care Centre to the City in accordance with Recommendation 5. e. i., require that on, or prior to, the conveyance of the Child Care Centre, the City and the owner enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal

consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Child Care Centre, and the development to be constructed within base building of the development; and

g. prior to the conveyance of the Child Care Centre or takeover of the Child Care Centre in accordance with the terms of any such lease, the owner shall pay to the City the sum of \$500,000.00 to provide one-time cash contributions in support of the child care facility, including:

i. a one-time cash contribution in the amount of \$90,000.00 to the Child Care Facility Replacement Reserve Fund to replace appliances and large equipment due to wear and tear, to be paid prior to the child care facility being made available to the City;

ii. a one-time cash contribution in the amount of \$150,000.00 towards Start-Up Operating Costs for the defrayment of operational deficits during the first year of operation, to be paid prior to the child care facility being made available to the City;

iii. a one-time cash contribution in the amount of \$180,000.00 towards toys, furnishing and equipment in accordance with provincial and municipal standards based on a mutually agreeable inventory list provided by the Child Care Centre Operator and/or the General Manager, Children's Services, which will be finalized and approved by the General Manager, Children's Services; and

iv. the cash contributions referred to in Recommendations 5(g)(i), 5(g)(ii) and 5(g)(iii) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment.

6. City Council direct that the following matters are also required to be secured in the Section 37 Agreement as matters required to support the development of the site, including:

a. the construction, provision and maintenance of privately owned publicly accessible open space (POPS) on the lands, with a minimum size of 700 square metres along the Richmond Street West and John Street frontages of the site to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the POPS and any required public access easements to connect the POPS to

adjacent POPS and/or public rights-of-way, where necessary. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration, design and timing of conveyance of the POPS shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;

b. the provision of public pedestrian easements as necessary to provide an appropriate pedestrian clearway along Widmer Street, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;

c. the provision of a public pedestrian easement to provide a grade-level mid-block pedestrian route through the site connecting John Street and Widmer Street, to the satisfaction of the Chief Planner and Executive Director, City Planning, with the exact location, design and timing of delivery of the pedestrian easement to be determined in the context of a Site Plan Approval. The owner shall own, operate, maintain and repair the public pedestrian easement and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the public pedestrian easement at certain times of the day and night, generally aligned with the operating hours of the commercial uses within the development, and the owner shall not restrict other uses of this space, so long as they do not unreasonably obstruct pedestrian movement, with the specific location, configuration, design and timing of conveyance of the easement shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;

d. as part of a site plan application for the lands, the owner has, at the owner's sole expense:

i. submitted a revised Functional Servicing Report including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Review, including Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

ii. secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services should it be determined that improvements or upgrades and/or new infrastructure are required to support the development satisfactory to the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor; and

- iii. made satisfactory arrangements with Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;
- e. as part of a site plan application for the lands, the Owner shall submit an updated wind study and implement any wind mitigation measures required as identified, satisfactory to the Chief Planner and Executive Director, City Planning;
- f. prior to final Site Plan Approval for any part of the site, the Owner shall submit a construction management plan for the development to address such matters as may be identified in the Section 37 Agreement and required through the Site Plan Approval process, satisfactory to the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor;
- g. provisions related to the displacement, retention and return of the Theatre/Cinema Tenant and/or comparable cultural spaces be included in the Section 37 Agreement with terms and conditions satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- h. the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

The applicant held pre-application Community Open Houses on June 25, 2018 and February 20, 2019. The current application was submitted on April 24, 2019 and deemed complete on June 25, 2019. A Preliminary Report on the application was adopted by Toronto and East York Community Council on June 25, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area.

The Preliminary Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE7.52>

PROPOSAL

The application proposes the demolition of the existing 6 storey RioCan Hall commercial complex and its replacement with a mixed-use development containing retail, theatre, office and institutional uses in a 3 to 8 storey base building, and residential uses in two towers above with overall heights of 37 and 42 storeys (131 metres and 145.2 metres, respectively, including mechanical penthouses). The development incorporates two designated heritage building façades on John Street, an internal mid-block connection between John Street and Widmer Street, a 62 space child care centre and a 700 square metre Privately-Owned Publicly Accessible Open Space at the southwest corner of John Street and Richmond Street West.

The development as proposed would have a total gross floor area of 79,711 square metres, consisting of 8,462 square metres of retail space on the ground, second and fourth floors, 3,283 square metres of theatre space on the ground and third floors, 17,912 square metres of office space on the third to eighth floors, a three-storey 781 square metre child care facility, and 693 dwelling units in the tower components. The development incorporates a centralized shared loading facility, and a two-level underground garage with 231 vehicle and 829 bicycle parking spaces.

Setbacks from property lines	Street Level	Base Building	Tower A	Tower B	
North Richmond Street West	3 - 21 m	0 – 19 m	25 m	5.5 – 25.7 m	
South	0 m	0 – 7.5 m	14.3 m	27.7 m	
East John Street	0 – 4.2 m	0 – 4.2 m	8.2 m	58.6 m	
West Widmer Street	5.6 m	0 m	60.9 m	11.7 m	
Height in Storeys		2 - 8 storeys	42 storeys	37 storeys	
Height in metres (including MPH)		13 to 44 m	139.2 m (145.2 m)	125.0 m (131.0 m)	
Tower Floorplate	n/a	n/a	900 m ²	850 m ²	
Gross Floor Area	Residential	Non-residential	Total		
	49,273 m ²	30,438 m ²	79,711 m ²		
Floor Space Index	10.65 FSI				
Residential Unit Mix	Studio	1-Bedroom	2-Bedroom	3-Bedroom	Total
	104 units (15%)	299 units (43.2%)	220 units (31.7%)	70 units (10.1%)	693 units
Amenity Space	Indoor	Outdoor	Total		
	1,386 m ²	1,093 m ²	2,479 m ²		
Vehicle Parking	Residential	Non-Residential	Total		
	118 spaces	113 spaces	231 spaces		

Bicycle Parking	Short-term	Long-term	Total
	145 spaces	684 spaces	829 spaces

The proposed site-specific zoning by-law would permit a total gross floor area of 86,000 square metres, and require a minimum of 23,700 square metres of non-residential space representing full replacement of the existing non-residential gross floor area.

The proposed Site Plan and Elevation drawings can be found as Attachments 7 and 8 to this report.

Site and Surrounding Area

The site is located at the southwest corner of Richmond Street West and John Street with frontages of 75.98 metres on John Street, 92.05 metres on Richmond Street West and 93.57 metres on Widmer Street, and has an area of 7,488 square metres

The site currently contains an existing six-storey mixed-use entertainment and retail complex (RioCan Hall) including a movie theatre, restaurants and other retail uses, with a gross floor area of approximately 23,670 square metres and 425 below grade parking spaces, which was completed in 1999. The existing complex incorporates two conserved heritage building facades on its John Street frontage at Nelson Street, which are designated under Part IV of the Ontario Heritage Act.

The surrounding context is as follows:

North: Opposite the site on the north side of Richmond Street West (20 metre right-of-way), is a 10-storey commercial office building with at-grade retail at the northwest corner of Richmond Street West and John Street (150 John Street). To its west are located 6-1/2 storey (296 Richmond Street West) and 3-storey (300 Richmond Street West) commercial buildings, the 39-storey mixed-use Picasso building (306 Richmond Street West), and a 27-storey mixed-use building (330 Richmond Street West). The 39-storey and 27-storey mixed use buildings incorporate 9-storey base building streetwall elements with small setbacks to the towers above. Further north, on the west side of John Street a 6-storey addition is proposed on an existing five-storey commercial building (160 John Street). At the northeast corner of John Street and Richmond Street West is the 5-storey Wesley Building (299 Queen Street West), which is designated under Part IV of the Ontario Heritage Act and is currently used as the Bell Media/CTV headquarters. The site is located one block south of the Queen Street West Heritage Conservation District (HCD) which contains a variety of low-rise main street buildings with at-grade retail.

East: John Street (20 metre right-of-way width) runs from Grange Park to the Rod Robbie pedestrian bridge over the Union Station Rail Corridor, connecting many of Toronto's key cultural institutions, and is undergoing streetscape improvements to provide a better pedestrian experience in this role. Opposite the site on the east side of John Street between Richmond Street and Nelson Street, are two-storey buildings with outdoor patios containing restaurant uses (133 to 145 John Street), which abut on their east a City-owned surface parking lot at 229 Richmond Street West, acquired in 2020 for strategic city-building purposes. Farther south on the east side of John Street between Nelson Street and Adelaide Street West is a group of 3-storey rowhouses

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containing restaurant, retail and office uses (109 to 129 John Street), which have been designated under Part IV of the Ontario Heritage Act, and abut on their east the Toronto Fire Station 332.

South: Immediately abutting the site along John Street is a shallow three-storey house-form building containing a restaurant (118 and 122 John Street), with a single-storey building located behind it with automotive and surface parking uses (284 Adelaide Street West), and a single storey building restaurant located farther south at the northwest corner of John Street and Adelaide Street West (280 Adelaide Street West). The 42-storey mixed-use Bond Condos building (290 Adelaide Street West) is located mid-way between John Street and Widmer Street and directly abuts the site, including a 7-storey base portion and tower with zero setback from the shared lot line. At the northeast corner of Widmer Street and Adelaide Street West is a group of 3½-storey rowhouses (302 to 310 Adelaide Street West) containing retail and office uses, with surface parking located between these rowhouses and the site.

West: Opposite the site on the west side of Widmer Street (10.7 metre right-of-way width) at the southwest corner of Widmer Street and Richmond Street West is a group of 2-storey rowhouses containing commercial and office uses (279 to 277 Richmond Street West). To the south of these rowhouses is a 41-storey residential building (40 to 58 Widmer Street) which includes a 2- to 7 storey base and is currently under construction. At the northwest corner of Adelaide Street West and Widmer Street is an 8-storey warehouse building containing office uses (312 Adelaide Street West).

Reasons for Application

The proposal requires an amendment to Zoning By-laws 569-2013 and 438-86, as amended, to expand permitted uses and increase the permitted maximum building height, and to establish development standards related to building setbacks, parking, loading and amenity space, among other provisions.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Arborist Report and Tree Preservation Plan
- Stage 1 Archaeological Assessment
- Architectural Plans
- Conceptual Landscape Plans and Composite Utility Plan
- Draft Amending Zoning By-laws to 569-2013 and 438-86
- Energy Strategy Report
- Functional Servicing and Stormwater Management Report
- Geotechnical and Hydrogeological Review
- Heritage Impact Assessment including Conservation Strategy
- Noise Impact Study
- Pedestrian Wind Assessment

- Planning & Urban Design Rationale including Community Services & Facilities Study
- Complete Community Assessment
- Public Consultation Strategy and Summary Reports
- Documentation of Registered Easements and Restrictive Covenants
- 3D Building Massing Model
- Shadow Impact Analysis
- Toronto Green Standards Version 3.0 Checklist
- Urban Transportation Considerations Report
- Functional Design for Proposed Widmer Street Modifications

These reports/studies can be accessed through the Application Information Centre (AIC) at: <https://aic.to/126JohnSt>

Agency Circulation Outcomes

The application together with the applicable reports noted above, has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held on February 24, 2021 by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the resolution of planning conflicts involving public and private interests; and the promotion of 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.

Provincial Land-Use Policies: 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.

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.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2020), 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

The City of Toronto Official Plan can be found at: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

On September 21, 2020, the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendments can be found at:

<http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2019.PH11.4>

This application has been reviewed against the policies of the City of Toronto Official Plan, the Downtown Plan, the King-Spadina Secondary Plan, the revised King-Spadina Secondary Plan (OPA 486) and the Downtown Tall Building Separation Policies (OPA 352), as follows:

Chapter 2 - Shaping the City

2.2.1 Downtown: The Heart of Toronto

The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan.

Policy 2.2.1-1 states that Downtown will be planned to exceed a combined gross density of 400 residents and jobs per hectare.

Policy 2.2.1-2 states that Downtown will continue to be shaped as the region's largest economic node in a way that supports its economic competitiveness and provides a full range of housing opportunities.

Policy 2.2.1-3 recognizes that this will require partnerships to improve the public realm, promote arts and culture, maintain resiliency and support the Downtown's specialty retail and entertainment destinations.

Policy 2.2.1-4 directs that the quality of the Downtown will be improved by maintaining and upgrading public amenities, streets and open spaces, enhancing existing parks, and strengthening the range and quality of the social, health and community services located Downtown, and providing a diverse range and mix of housing opportunities.

Policy 2.2.1-5 recognizes the importance of preserving the Downtown's architectural and cultural heritage of Downtown by working with owners to restore and maintain historic buildings.

Policy 2.2.1-6 directs the development and application of design guidelines to ensure new development respects the context of historic districts in terms of the fit with existing streets, setbacks, heights and relationship to landmark buildings.

Policy 2.2.1-11 prioritizes street improvements to enhance the pedestrian environment and other measures to make it safer to walk and cycle in the Downtown.

Chapter 3 - Building a Successful City

3.1.1 The Public Realm

Policy 3.1.1.2 recognizes the role of the public realm in providing the organizing framework and setting for development, and directs that it will foster complete, well-connected walkable communities, support active transportation and public transit, provide a comfortable, attractive and vibrant, safe and accessible setting for civic life and social interaction and recreation, and fit within a larger network that contributes to the City's climate resilience.

Policy 3.1.1.3 promotes expanding and enhancing the public realm to support and contribute to a high quality of life for existing and future populations.

Policy 3.1.1.6 recognizes the diverse roles of City streets as significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities, and directs that they will incorporate a Complete Streets approach balancing the needs of their various users.

Policy 3.1.1.12 directs that interior concourses and mid-block connections will be designed to complement and extend, but not replace, the role of the public streets, parks and open spaces as the main place for civic life and pedestrian activity.

Policies 3.1.1.13 and 3.1.1.14 provide direction on measures to ensure that sidewalks and other components of the public realm will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians and users of all ages and abilities.

Policy 3.1.1.16 prioritizes the preservation, long-term growth and increase in the amount of healthy trees in relation to development.

Policy 3.1.1.18, 3.1.1.19, 3.1.1.20 and 3.1.1.27 provide direction on the location, design and accessibility of new parks and open spaces, including POPS, to ensure they are integrated into the broader public realm and provide appropriate landscaping and features.

3.1.2 Built Form

Policy 3.1.2.1 requires development to be located and organized to fit within its existing and planned context, including in its accessibility and relationship to adjacent streets and open spaces.

Policy 3.1.2.2 directs development to provide accessible open space where appropriate.

Policy 3.1.2.3 requires development to protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2.4 requires new development to locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties.

Policy 3.1.2.5 requires that development be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm.

Policies 3.1.2.6, 3.1.2.7 and 3.1.2.8 require new development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

Policy 3.1.2.9 emphasizes the importance of designing publicly visible building facades with scale, proportion, materiality and rhythm that fits and respects its context.

Policy 3.1.2.10 requires development to provide public realm improvements that promote civic life and provide amenity for pedestrians, and make streets, parks and open spaces attractive, comfortable and functional.

Policies 3.1.2.11, 3.1.2.12 and 3.1.2.13 encourage the provision of high quality shared amenity spaces as part of new residential developments.

3.1.3 Built Form – Building Types

Policy 3.1.3.8 states that tall buildings should typically consist of carefully integrated base, tower and top portions.

Policy 3.1.3.9 directs the base portion of tall buildings to respect and reinforce good street proportion and pedestrian scale and be lined with active, grade-related uses.

Policies 3.1.3.10 and 3.1.3.11 guide the design of the tower portion of a tall building to reduce the physical and visual impacts of the tower onto the public realm; limit its shadow impacts and maximize access to sunlight and open views of the sky from the public realm; limit and mitigate pedestrian level wind impacts; and provide access to daylight and protect privacy in interior spaces within the tower.

Policy 3.1.3.12 guides the design of the top portion of a tall building to integrate mechanical systems with its overall design and contribute to the surrounding skyline identity and character.

3.1.5 Heritage Conservation

Section 3.1.5 provides policy direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties. Portions of the subject site are identified as a potential heritage property.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Policy 3.1.5.5 requires proposed alterations or development on or adjacent to a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.

Policy 3.1.5.26 requires new construction on, or adjacent to a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate the visual and physical impact on it.

Policy 3.1.5.32 requires that impacts of developments within Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved.

3.2.1 Housing

3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents.

3.2.2 Community Services and Facilities

Policy 3.2.2.7 encourages the inclusion of community services facilities in all significant private sector development.

3.2.3 Parks and Open Spaces

Policy 3.2.3.1 sets out actions to enhance and expand the City's system of parks and open space system, including through the use of privately-owned publicly accessible open spaces.

Policy 3.2.3.3 states the effects of development on parks and open spaces, including additional shadows, will be minimized as necessary to preserve their utility.

Chapter 4- Land Use Designations

The subject lands are designated *Regeneration Areas* on Map 18 of the Official Plan.

Policy 4.7.1 states that *Regeneration Area* will provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work uses and utility uses, to revitalize underused areas of the City with new homes and jobs while optimizing existing infrastructure, retaining and reusing existing buildings and improving their streetscape and open space systems.

Policy 4.7.2 directs that development and revitalization in *Regeneration Areas* is to be guided by a Secondary Plan, in this case the King Spadina Secondary Plan, and associated guidelines and strategies.

Chapter 5 - Implementation

Section 5.1.1 Height and/or Density Incentives

This section refers to Section 37 of the Planning Act which gives municipalities the authority to pass zoning by-laws involving increases in the height and/or density of development in return for the provision by the owner of community benefits. Section 5.1.1 of the Official Plan includes policies dealing with the use of Section 37. The policies state that Section 37 community benefits are capital facilities and/or financial contributions toward specific capital facilities and include amongst other matters, the provision of affordable housing.

Downtown Plan

Official Plan Amendment 406 was adopted by City Council on May 22, 2018, received approval by the Minister of Municipal Affairs and Housing on June 5, 2019, and is now in-force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan (the Downtown Plan), and applies to all applications deemed complete after June 5, 2019. The Plan—in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities—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 management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan 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.

Policies 3.1 to 3.5 set out the goals of the Downtown Plan encouraging the provision of the complete range of amenities, services and infrastructure, and public space and housing, required to support complete communities.

Map 41-14 locates the site within the King-Spadina Cultural Precinct, and identifies John Street as a Cultural Corridor. Policy 12.6 provides that the clustering of creative industries and culture sector economic activities, jobs and cultural spaces, building attributes that support the spatial requirements of creative industries and the culture sector and allow for flexible use of the spaces, and the participation of the arts and design community in local public realm improvements will be encouraged. Policy 3.11 emphasizes the importance of protection and promotion of non-residential uses in the Financial District, the Health Sciences District, the King-Spadina and King-Parliament Secondary Plan Areas and the Bloor-Bay Office Corridor to allow for long-term employment growth. Policies 6.9.1 and 6.9.2 encourage the replacement of all existing non-residential gross floor area, including potential replacement of cultural spaces, and inclusion of uses that complement and enhance the culture sector and support opportunities to grow the culture sector economy.

Map 41-3 of the Downtown Plan designates the subject lands as Mixed Use Areas 2 – Intermediate, with a small part at its southern limit designated Mixed Use Areas 1 - Growth. See Attachment 4 of this report for the Downtown Plan designation of the site. The site is also located within 500 metres of existing and planned rapid transit stations

as identified in Map 41-4. Policies 6.21, 6.25 and 6.26 provide that development will include building typologies, including tall buildings, with height, scale and massing dependent on the site characteristics and supportive of intensification suitable for a downtown growth area. Policies 6.18, 6.27 and 6.34 to 6.38 encourage development to provide a diverse range of uses, including retail, service, office, institutional and residential uses of sufficient intensity to optimally support existing and planned transit.

Map 41-5 identifies John Street as a Priority Retail Street. Policies 6.29 to 6.43 provide direction regarding the type, location, scale and pattern of uses to be implemented on ground floor frontages to animate streets and maintain and enhance the area's retail vitality.

Policy 7.44 encourages the provision of Privately Owned Publicly-Accessible Spaces (POPS) to expand the public realm by creating open spaces and connecting existing or planned streets, parks and open spaces, and sets criteria to ensure they are located and designed to be accessible and visible while serving the local population as part of a larger network.

Policies 8.3, 8.4, 8.5 and 8.27 direct the incorporation of pedestrian and public realm improvements through development and other projects, including through the consolidation of vehicle access points, to achieve streets that are safe, comfortable, functional and accessible in all seasons for pedestrians of all ages and abilities. Policies 9.2 to 9.7 provide direction to improve and expand the public realm through the provision of building setbacks, generally 6 metres at grade where appropriate, as community benefits to provide adequate space for sidewalks, walkways, parks and open spaces including POPS, street trees and other landscaping and amenities.

Map 41-12 identifies Richmond Street as a Priority Cycling Route. Policy 8.13 provides that development, where reasonable as a community benefit, and street reconstruction will secure opportunities to provide additional links to the cycling network and additional bike parking spaces where appropriate.

Policies 9.8 to 9.10 set out design direction for base buildings to achieve contextually appropriate scale, fit and transition.

Policies 9.11 to 9.16 set out criteria governing the appropriate scale of tall buildings, including their relationship with the public realm and neighbouring properties, and a framework including setbacks, stepbacks, height and floorplate size. Policies 9.17 to 9.21 provide further guidance directing development to limit shadow and wind impacts within the public realm. Policies 9.22 to 9.27 set out criteria for how and where tall buildings will provide transition to lower scale buildings and to open spaces.

Policies 9.30 to 9.34 require the provision of adequate amenity spaces in new developments, and set out criteria for their location and design.

Policies 10.1 to 10.3 prioritize the provision of community services and facilities to support communities and improve quality of life, including through their incorporation into new developments as a community benefit.

Policies 11.1 provides direction to achieve a balanced mix of unit types and sizes, and support the creation of housing suitable for families, within new development.

The in-force Downtown Plan can be found at:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

King-Spadina Secondary Plan

The King Spadina Secondary Plan establishes the area's historic fabric as the context within which new development is to be assessed, while seeking to achieve a mixture of compatible land uses and retaining and promoting commercial and light industrial uses. The King-Spadina Secondary Plan emphasizes reinforcement of the valuable characteristics and qualities of the area through special attention to built form and the public realm. Major objectives include that:

- 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.

The policies of Section 3 – Built Form, and in particular the policies of Section 3.6 General Built Form Principles, state that:

- The lower levels of new buildings will be sited and organized to enhance the public nature of streets, open spaces and pedestrian routes;
- Servicing and parking are encouraged to be accessed from lanes rather than streets;
- New development will be designed to minimize pedestrian/vehicular conflicts;
- New buildings will be sited for adequate light, view, privacy and compatibility with the built form context;
- New buildings will achieve a compatible relationship with their built form context through consideration of such matters as height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression;
- Buildings adjacent to streets, parks or open spaces will be massed to provide appropriate proportional relationships and will be designed to minimize the wind and shadowing impacts on the streets, parks or open spaces;
- New development will provide comprehensive, high quality, coordinated streetscape and open space improvements to promote greening, landscape enhancement, access, orientation and confidence in personal safety; and
- New developments will include high quality open spaces for the use of residents, visitors and area workers.

The policies of Section 4 – Heritage state that heritage buildings in the King-Spadina Area are essential elements of its physical character, and that 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.

Official Plan Amendment 486 – Updated King-Spadina Secondary Plan

Official Plan Amendment 486 was adopted by City Council on January 29, 2020, and has been appealed to the Local Planning Appeal Tribunal. OPA 486 replaces the existing King-Spadina Secondary Plan with an updated Secondary Plan to provide clear and consistent guidance for development in the area over the next 20 years, ensuring that the area continues to be a place to live and work, and where new buildings add to the character and context that defines each part of the Secondary Plan area. OPA 486 builds on the direction set forward in the Downtown Plan by bringing forward more specific policy guidance on land use, built form, public realm and specific Areas of Special Identity, and on the success of the 1996 King-Spadina Secondary Plan.

As an area targeted for growth and new investment, OPA 486 recommends that development provide a full mix of uses that are designed to be compatible with their existing and planned context, conserve cultural heritage resources, and improve and expand the public realm. The Secondary Plan is to be read in concert with the Downtown Plan, and will prevail over the Downtown Plan to the extent of any conflict.

OPA 486 builds on the frameworks provided by the Downtown Plan and the in-force King-Spadina Secondary Plan.

Further information regarding the updated King-Spadina Secondary Plan can be found at: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/king-spadina-secondary-plan-review/>

Official Plan Amendment 231 – Employment Policies Review

Official Plan Amendment 231 ("OPA 231"), adopted by City Council December 18, 2013, received approval by the Minister of Municipal Affairs and Housing on July 9, 2014, and remains partially 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.

Policy 3.5.1(2)(a), currently in force and effect, requires that a multi-faceted approach to economic development in Toronto will be pursued that 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.

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.

Official Plan Amendment 352 - Updating Tall Building Setbacks Downtown

On October 5-7, 2016, City Council adopted Official Plan Amendment 352 - Downtown Tall Building Setback Area ("OPA 352"). OPA 352 is currently under appeal before the Local Planning Appeal Tribunal. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of all buildings in the Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide detailed performance standards for portions of buildings above 24 metres in height.

Further information regarding OPA 352 can be found at www.toronto.ca/tocore

Zoning

The site is zoned Commercial Residential Employment (CRE) by By-law 569-2013, with a maximum permitted height of 30.0 metres. See Attachment 6 for the zoning.

The site is zoned Reinvestment Area (RA) by Former City of Toronto Zoning By-law 438-86, subject to site-specific by-law 1997-0016. The zoning sets out maximum permitted heights between 18.5 and 30.0 metres, and supporting development standards.

City of Toronto Zoning By-law 569-2013 can be found at: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

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. 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 King-Spadina HCD Plan is currently under appeal.

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.

Queen Street West Heritage Conservation District Plan

At its meeting of July 16, 17, 18 and 19, 2007, Council passed By-law 979-2007 pursuant to Section 41 of the *Ontario Heritage Act*, designating Queen Street West between University Avenue and Bathurst Street as the Queen Street West Heritage Conservation District. The overall objective of the Queen Street West HCD Plan is the protection, conservation and enhancement of the area's heritage attributes so that the District's heritage character and identity is protected in the long-term.

The HCD Plan recognizes that the valuable attributes of the area include that the north sidewalk of Queen Street West is afforded sunlight for much of the day and during most seasons, particularly in spring, summer and fall, and accordingly provides guidance that the existing permitted heights in the Zoning By-law are affirmed and that new buildings outside the Heritage District should not result in greater shadowing on Queen Street West.

Design Guidelines

The following design guidelines have been reviewed in the evaluation of this application:

- City-wide Tall Building Design Guidelines
- King-Spadina Urban Design Guidelines (2006)
- Draft King-Spadina East Precinct Public Realm Strategy (2014)
- Growing Up: Planning for Children in New Vertical Communities Guidelines
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings
- Retail Design Manual

The City's Design Guidelines can be found at: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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.

King-Spadina Urban Design Guidelines

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.

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.

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 stepbacks to minimize shadows and ensure adequate sunlight, and strengthen the existing streetwall scale to maintain a comfortable pedestrian experience. Section 5.4.4 addresses light, view and privacy requirements.

The Guidelines note 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.

Growing Up Urban Design Guidelines

In July 2020, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities 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 of 20 or more residential units. The objective of the Growing Up Guidelines is to consider the needs of children and youth in the design and planning of vertical neighbourhoods which in turn, will enhance the range and provision of housing for households across Toronto. Implementation of the Guidelines also presents the opportunity to address housing needs for other groups, including roommates forming non-family households, multi-generational households and seniors

who wish to age-in-place. This will increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

Retail Design Manual

The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. This Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces to achieve good city building and economic objectives, and contributes to an animated and inviting public realm. City Council adopted the Retail Design Manual on October 27, 2020.

Community Consultation

A community consultation meeting was held on June 20, 2019 which was attended by approximately ten members of the public. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a town hall format question and answer period. Additional public comments were received during the review of the application. Comments regarding the proposal related to:

- Timeline for the redevelopment
- Retention of an appropriately sized cinema use
- Importance of retaining current large format retail and fitness tenants
- Support for addition of office uses
- Size, configuration and maintenance of the POPS
- Effects of Widmer Street reconfiguration and signalization of intersections
- Reduction in amount of commercial parking from existing complex

The timeline for the redevelopment has not been finalized and depends on market forces. The development as proposed incorporates a 6-screen cinema in comparison to the existing 14-screen Scotiabank Theatre cinema, however the configuration shown is conceptual. The size of the cinema will be refined as the development process proceeds, taking into account the needs of a cinema tenant. Staff recommend that provisions related to the displacement, retention and return of the cinema tenant and/or comparable cultural spaces be included in the Section 37 agreement. The configuration of the proposed retail spaces can be refined to support a variety of retail uses, however it is not possible to ensure nor require the return of specific tenants.

The POPS would be owned and maintained by the owner, and be subject to conditions to ensure public access is maintained. In addition to the POPS itself, the proposed development includes other on-site street-level space that could be used for patios and private activity.

The applicant has continued work on the reconfiguration of Widmer Street, and the proposed alterations and installation of traffic signals would be subject to other City approvals at a later stage in development. Parking concerns have been addressed to the satisfaction of Transportation Services.

Site Plan Control

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

COMMENTS

Planning Act

The Planning Act governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. Section 2 of the Planning Act sets out matters of provincial interest that City Council shall have regard to in making any decision under the Planning Act and requires that municipalities, when carrying out their responsibility under this Act regard shall be had to matters of provincial interest including:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development; and
- (r) the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the Planning Act, are particularly relevant to this proposal.

The proposed development has regard to the relevant matters of provincial interest. These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2020).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). 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, and Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any of the policies of the Plans.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows.

The application has been reviewed against the PPS in its entirety. Key PPS policies relevant to this development include:

- Policies 1.1.1 a) and b) which promote efficient development and land use patterns to achieve healthy, liveable and safe communities that accommodate an appropriate affordable and market-based range and mix of residential, employment, institutional and open space uses,;
- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development accommodating a significant supply and range of housing options through intensification and redevelopment;
- Policy 1.1.3.4 which refers to appropriate development standards being promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
- Policy 1.3.1 which promotes economic development and competitiveness through an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs, in compact mixed-use development;
- Policy 1.4.3 which directs an appropriate range and mix of housing options and densities and in establishing minimum targets for affordable to low and moderate income households and development standards for residential intensification;
- Policy 1.6 which refers to the provision of public service facilities;
- Policy 1.7.1 e) which encourages a sense of place by promoting well designed built form and cultural planning and by conserving features that help define character including built heritage resources and cultural heritage landscapes;
- Policy 2.6.1 which states that significant built heritage resources shall be conserved, and
- Policy 2.6.3 which prohibits 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.

The PPS references development standards, an appropriate range and mix of housing, provision of public service facilities as well as conservation of heritage resources. Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key. The proposed development represents an appropriate level of intensification and mix of uses on this site in this location within the City's Downtown growth area, and conserves the heritage resources on the site while providing an appropriately massed and scaled built form.

As further discussed below, the consistency with the PPS relates to the provision of healthy communities through the retention of space for the existing commercial uses, and introduction of new office and residential uses and the provision of an on-site public service facility in the form of a child care centre within the development. Additionally, the proposed massing incorporates appropriate development standards. In the opinion of City Planning, the proposed development and Zoning By-law Amendments are consistent with the PPS (2020).

The application has been reviewed against the Growth Plan in its entirety. Key Growth Plan policies relevant to this development include:

- Policy 1.2.1 which sets out guiding principles including the achievement of complete communities, the efficient use of land, a range and mix of housing options to serve all sizes, incomes and ages of households, improve the integration of land use planning with planning in public service facilities and conservation of cultural heritage resources;
- Policy 2.2.1.2 c) which directs growth to strategic growth areas;
- Policy 2.2.1.4 a) refers to the achievement of complete communities that feature a diverse mix of land uses including residential and employment uses and convenient access to local stores and public service facilities and in c) a range and mix of housing options to accommodate the needs of all household sizes,
- Policy 2.2.1.4 which supports the creation of a diverse mix of land uses and housing options within a more compact built form and vibrant public realm;
- Policy 2.2.2.3 which directs intensification to incorporate an appropriate type and scale of development and transition of built form to adjacent areas, to be implemented through official plan policies and designations, zoning and other supporting documents;
- Policies 2.2.5.1 to 2.2.5.4 and 2.2.5.15 which directs retail and major office uses to areas that have frequent transit service and support active transportation, and can achieve complete communities;
- Policies 2.2.6.2 and 2.2.6.3 which consider range and mix of housing options and unit sizes;
- Policy 4.2.5.2 which encourages opportunities for the expansion of an open space system; and
- Policy 4.2.7.1 which states cultural heritage resources will be conserved.

Policy 5.2.5.6 of the Growth Plan states that its policies are to be implemented by municipalities through the development and implementation of urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. As such, the City's Official Plan policies and design guidelines have direct relevance to assessing conformity.

The development site is located in the Downtown Urban Growth Centre to which intensification is directed. The policies of the Official Plan identify the subject lands as within a Mixed Use Area appropriate for growth, and contemplate development with appropriately massed and scaled built form, that conserves heritage resources and improves the public realm.

As discussed in this report, the application proposes a mix of uses, including the retention of space for existing retail uses and the introduction of major office uses, residential uses and an on-site public service facility in the form of a child care centre. Its built form and density have been designed to provide for substantial intensification in an appropriate type and scale of development, representing a compact built form that supports transit and active transportation. In the opinion of City Planning, the proposed zoning by-law amendments conform to the Growth Plan (2020).

Land Use

The site is located within the Downtown and is designated *Regeneration Areas* in the Official Plan. *Regeneration Areas* are key to the Plan's growth strategy, reintegrating areas of the City that are no longer in productive urban use due to shifts in the local or global economies, with their redevelopment and revitalization guided by Secondary Plans. *Regeneration Areas* are encouraged to provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work uses and utility uses.

The Official Plan policies for the Downtown promote development that supports its role as the premier employment centre in the GTA, while further encouraging the provision of a full range of housing opportunities through residential intensification in the *Regeneration Areas*. The updated Employment policies in OPA 231 promote the development of transit-oriented office growth in the *Regeneration Areas* in the Downtown and in proximity to major transit stations.

The site is within the boundaries of both the Downtown Plan and King-Spadina Secondary Plan. The policies of these plans are aligned and designate the subject lands as predominately *Mixed Use Areas 2 – Intermediate* in the Downtown Plan while the in-force King-Spadina Secondary Plan provides more general land use direction without establishing land use designations. The *Mixed Use Areas* are intended to absorb most of Downtown's anticipated increase in office, retail and service employment and the majority of new housing. Incorporating a diverse mix of uses contributes to communities that meet people's needs for daily living and working, and enable live-work proximities such that people can walk and cycle to their destinations reducing the need for longer trips.

The site is also within the King-Spadina Cultural Precinct and the John Street Cultural Corridor, as identified in the Downtown Plan. Within this area, development is encouraged to retain and expand spaces for culture sector employment and businesses. This includes designing buildings with physical attributes and flexibility that meets the spatial requirements of creative industries to support and strengthen the sector and promote creative artistic activity.

The existing 23,670 square metre commercial complex contains restaurants and multi-storey large format retail stores accessed at street level, primarily along John Street, with one retail store, the 14-screen Scotiabank Theatre and a fitness centre on upper levels, accessed from Richmond Street West.

The proposed development retains 8,462 square metres of retail floor space and 3,283 square metres for a 6-screen theatre, and diversifies the mix of land uses on the site through the introduction of 17,912 square metres of office uses, 693 residential units, a 781 square metre child care facility and a large publicly accessible open space.

The proposed theatre supports City policy objectives to retain spaces for culture sector businesses and supports the vitality of the John Street Cultural Corridor. Staff recommend that provisions related to the displacement, retention and return of the cinema tenant and/or comparable cultural spaces be included in the Section 37

agreement. To meet a theatre's functional requirements, the proposed building is configured with a 3-storey volume for this space, however the by-law is proposed to permit a greater gross floor area to facilitate reconfiguration for other permitted uses should retention of the theatre use not be possible.

This supports the objectives of the Downtown and Regeneration Areas policies, and the *Mixed Use Areas* policies of the Downtown Plan and the King-Spadina Secondary Plan for permitted land uses and intensification. The proposed development creates a wider variety of uses through the introduction of office and residential uses and an on-site child care centre, and supports City and Provincial policy objectives to create more complete communities.

Built Form – Base Building

This proposed built form has been reviewed against the policies of the Official Plan, including the Downtown Plan, OPA 352, and the King-Spadina Secondary Plan, as well as relevant design guidelines described in the Policy Consideration Section of the Report.

The lower floors of buildings shape, define and support the public realm, and are the main interface between the public and private realms, where pedestrians experience the building. Careful consideration of building siting, massing, materiality and design is required to ensure that the base of a tall building relates well to the scale and proportion of adjacent streets, buildings and open spaces, fits comfortably within the context of its neighbouring streetwall heights, provides transition to adjacent lower-scaled properties, and animates and promotes the use of adjacent streets, parks and open spaces. Base buildings are to be the primary defining element at street level and from the adjacent public realm, with towers set back from the base building along all street frontages to reinforce a pedestrian scale.

The proposed base building presents an articulated massing with variations in overall height and streetwall height, setbacks, stepbacks and materials, resulting in multiple visually distinct base elements that relate proportionately to their local contexts.

At the south end of the Widmer Street frontage, the building element containing the child care facility and vehicular access is 2 storeys (13 metres) in height providing an appropriate transition to the adjacent 3-storey rowhouses located at the northeast corner of Widmer Street and Adelaide Street West. This building element is set back 5.1 metres from Widmer Street to provide for a widened sidewalk zone, pick-up/drop-off area and street trees. Directly north of the vehicular access, the base building is set back 10 metres and increases to 6 storeys (30 metres) in height, at the location of one of the main lobby/concourse entrances. North of the entrance, the base building steps back to a 0 metre setback from Widmer Street, and increases to a total of 9 storeys (44 metres) in height, stepping back 3 metres above a 7 storey (33 metre) streetwall. This building element extends around the corner and along Richmond Street West, and provides a 5.6 metre setback at street level to provide sidewalk space along Widmer Street. The 7-storey streetwall and the width of the base building elements are generally in keeping with that of commercial warehouse and base buildings on the north side of Richmond Street West and within the precinct more generally.

The 7 and 9 storey (33 and 44 metre) base building element continues around and along the western portion of the site's Richmond Street West frontage, and then turns south towards the central lobby/concourse entrance, framing the proposed 700 square metre POPS located in the northeast corner of the site. To the east of the main lobby/concourse entrance, another 7-storey (33 metre) element is set back 21 metres from Richmond Street West providing both retail patio space for and the proposed POPS.

This 7 storey (33 metre) element continues around and along the John Street frontage at a setback of 4.2 metres to the location of the main lobby/concourse entrance, which is set back 6.3 metres from John Street. South of the building entrance, the conserved 4 storey heritage building facades are situated directly on the east (John Street) property line and extend to near the south property line. An additional 2 -storey element above part of the heritage building facades is stepped back 4 metres. This massing increases the prominence of the retained heritage facades, and provides transition towards the lower scale 3 storey heritage buildings to the south of the site on either side of John Street.

The different base building elements use combinations of materials and architectural details to further break up the massing and to present the appearance of a harmonious collection of pedestrian scaled buildings. The proposed development also provides retail uses, transparency and building entrances along all three of its street frontages and facing onto the POPS

The proposed base building heights are generally in keeping with those of historical commercial warehouse buildings within the King-Spadina East Precinct, and with the established streetwall on the north side of Richmond Street West.

Built Form – Tower Massing, Setbacks and Sun Shadow Impacts

The achievement of appropriate massing for a tall building requires consideration of the design and placement of the tower components to provide appropriate separation distances, floor plate sizes and orientations to minimize their negative impact on light, view and privacy for the surrounding public realm and residents within buildings.

The policies of the Official Plan require tall buildings to adequately limit shadow impacts on the public realm and neighbouring properties and maintain adequate sky-view from the public realm. Providing adequate separation distances between towers, stepbacks and limiting building floorplate areas allow daylight and sunlight to penetrate the street and lower building levels. The Tall Building Design Guidelines identify a separation distance between towers of 25 metres as appropriate, generally achieved by providing a 12.5 metre tower setback from interior lot lines and the centrelines of abutting streets. The Downtown Plan and the Tall Building Design Guidelines direct that residential floorplates should generally be a maximum of 750 square metres, although increases may be appropriate where impacts can be addressed.

The built form and public realm policies of the updated King Spadina Secondary Plan (OPA 486 (under appeal)) include the identification of Height Transition Zones within

King-Spadina which provide direction limiting heights to achieve objectives for precinct-level architectural character, and creation of appropriate sunlight and shadow conditions. As specifically relevant to this proposal, Policy 6.4 provides that no net-new shadow be cast on the north sidewalk of Queen Street West, particularly in the spring, summer and fall, in accordance with the Queen Street West Heritage Conservation District Plan, and policy 6.6.5 directs that development will fit beneath a 45-degree angular plane taken from the curb on the north side of Queen Street West within Height Transition Zone E.

The proposed development includes two residential towers above the base building. Tower A is located in the southeast area of the site and rises to a total height of 42 storeys (146 metres including mechanical penthouse), and has a typical floorplate of approximately 850 square metres. The tower is set back 6.5 metres from John Street, 25.5 metres from Richmond Street West, 61 metres from Widmer Street and 14.5 metres from the southerly property line. The upper floors of Tower A step back by between 2 to 3.5 metres at each storey above the 38th level in order to remain under the 45-degree angular plane taken from the curb on the north side of Queen Street West specified in OPA 486. Tower A casts no net-new shadow on the north sidewalk of Queen Street West after 12:18PM for most of the spring, summer and fall, with the exception of March 21st and the immediately following days, on which the shadow clears the north sidewalk at approximately 12:20PM.

Tower B located in the northwest area of the site and rises to a total height of 37 storeys (132 metres including mechanical penthouse), and has a typical floorplate of approximately 900 square metres. The tower is set back 11.7 metres from Widmer Street, 5.5 metres from Richmond Street West, 58.8 metres from John Street and 27.7 metres from the southerly property line. Its upper floors step back by between 2.5 and 3.3 metres at each storey above the 31st level in order to remain under the 45-degree angular plane taken from the curb on the north side of Queen Street West, and casts no net-new shadow on the north sidewalk of Queen Street West after 12:18 PM between the March 21st and September 21st equinoxes.

The proposed height, stepping and placement of the towers conforms to the OPA 486 Height Transition Zone policies and fulfills the policy intent to avoid net-new shadow on the north sidewalk of Queen Street West after 12:18PM between the March 21st and September 21st equinoxes, and the direction of the Queen Street West HCD Plan relating shadow impacts. The proposed tower floor plates exceed the 750 square metres specified in the Downtown Plan and Guidelines, however have been sculpted to minimize the potential impacts of larger floorplates in relation to shadow, sky-view and wind.

The location and orientation of the towers has been designed to minimize direct facing conditions with adjacent tall buildings. The separation distance between the two proposed towers on the subject lands is 28 metres. In relation to The Bond tower on the abutting lot line at 290 Adelaide Street West, Tower A provides a separation distance of approximately 20 metres and Tower B provides a separation distance of approximately 28 metres. Tower B provides a separation distance of approximately 25 metres from the 40-58 Widmer Street tower on the west side of Widmer Street, and a separation distance of approximately 25.5 metres from Picasso tower on the north side of

Richmond Street West at 306 Richmond Street West. These separation distances generally meet or exceed the minimum 25 metre distance recommended in the Tall Building Design Guidelines. Regarding the separation distance between Tower A and The Bond tower to the south, the provided 20 metres arises from the zero lot line setback of that building, however the resulting privacy and light impacts are mitigated by the proposed offset tower placement which reduces direct facing conditions.

The proposed towers are of heights that fit within the planned and existing built form context, provide appropriate tower separation distances and have been designed and located to provide sunlight, daylight and sky views from the public realm and reasonable privacy in adjacent buildings, and represent an appropriate built form which conforms to the policies of the Official Plan and relevant guidelines.

Heritage Conservation

The site contains a heritage property integrated into the existing complex along its east façade on John Street, designated under Part IV of the Heritage Act and subject to a Heritage Easement Agreement. The subject lands are also located within the King-Spadina HCD Plan, and in proximity to the Queen Street West HCD Plan. A Heritage Impact Assessment and Conservation Strategy were submitted in support of the proposed development, and reviewed by staff.

The protected heritage resources on site are in the form of two contiguous building facades at the south end of the complex fronting on John Street, terminating the vista looking west from Nelson Street. The southerly building was constructed in 1886 for the John Burns Carriage Manufacturers and occupied for nearly a century by the Turnbull Elevator Manufacturing Company and its successors. This building displays features of the Renaissance Revival style, with Classical details applied in brick, stone and metal. The northerly building was constructed in 1905-1906 for the Turnbull Elevator Manufacturing Company. It is distinguished by Classical detailing and large segmental-headed window openings on the east wall.

The proposed development maintains and integrates the existing heritage facades in a portion of the development that can be read as a mid-rise brick building, and enhances the three dimensional perception of the heritage facades through the partial reconstruction of the exterior side walls and other mitigation measures. Additional massing above the facades steps back approximately 4 metres which is similar to the existing condition. A three storey addition will be constructed at this setback. Above this portion, additional reveals help to clearly distinguish the tower component from the volume below. The base building element north of the facades is massed with proportions compatible with the scale of John Street, and is set back from the street to position the heritage facades as the more prominent building faces along John Street.

In relation to the development's built context and heritage adjacencies, the new base building is located and massed to provide increased prominence to the retained heritage facades and adjacent to the adjacent listed house-form building at 122 John Street. The retained heritage facades together with the height and articulation of the new base buildings along John Street would also provide a compatible relationship to the listed house-form buildings on the opposite side of John Street. The height and

articulation of the new base buildings along Richmond Street is considered compatible with the adjacent listed buildings at 296 and 269 - 277 Richmond Street West.

Overall, the proposed base buildings present a variety of built form elements along the three street frontages in terms of volumes, massing, materials and design. They contribute to the existing diversity that is characteristic of the King-Spadina HCD, which combines a mixture of low-rise buildings from a first phase of development (1880-1900), mid to-high rise manufacturing buildings from a second phase of development (1900-1940) as well as high rise buildings which have contributed to the current wave of development (late 20th to early 21st century).

As discussed previously, the height, design and configuration of the tower components of the building have been carefully considered to ensure that they do not cast net-new shadow on the northerly sidewalk of Queen Street West for much of the day during the Spring, Summer and Fall, in conformity with the direction of the Queen West HCD Plan.

Heritage Planning staff have submitted a Report to the Toronto Preservation Board providing detailed analysis and recommendations relating to heritage matters.

Public Realm

The policies of the Official Plan, Downtown Plan and King-Spadina Secondary Plan recognize the public realm as the fundamental organizing element of the city, and its importance in supporting health, liveability, social equity and overall quality of life. City streets in particular provide significant public open spaces which connect people and places and should incorporate a Complete Streets approach that supports their diverse roles. The lower floors of buildings shape, define and support the public realm, and are the main interface between the public and private realms, where pedestrians experience the building. Careful consideration of building siting, massing, materiality and design is required to ensure that the base of a tall building relates well to the scale and proportion of adjacent streets, buildings and open spaces, fits comfortably within the context of its neighbouring streetwall heights, provides transition to adjacent lower-scaled properties, and animates and promotes the use of adjacent streets, parks and open spaces.

As previously noted, the proposed base building presents an articulated massing with variations in its streetwall height, setbacks, stepbacks and materials, resulting in multiple visually distinct base elements that are well-proportioned in relation to the surrounding buildings and streets. Vehicle and loading accesses are consolidated into a single access from Widmer Street, improving pedestrian comfort and safety on the more well-travelled John Street and Richmond Street West frontages. The development also incorporates animated retail and restaurant uses along its street and open space frontages and expanded building setbacks at street level to provide an enhanced pedestrian experience.

A privately-owned publicly-accessible open space (POPS) of approximately 700 square metres to be located at the northeast corner of the site is being proposed as part of the development. Staff consider the proposed POPS to be a positive element of the proposal. The location of the POPS provides a highly visible open space that integrates with and expands the adjacent John Street Cultural Corridor streetscape improvements.

The proposed base building contains retail and animating uses at-grade, which face towards the POPS. The development incorporates additional private open space between the building and POPS to accommodate restaurant patio uses without impinging into the POPS itself. Staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the Site Plan Control process.

Shadow Impact and Pedestrian Level Wind Studies were submitted in support of the application and reviewed by staff. The Shadow Impact Study demonstrates that shadow impacts within the area are appropriately limited, including in relation to the north sidewalk of Queen Street West. The Wind Study identified generally suitable wind conditions on and around the site for all anticipated uses in the summer and shoulder seasons. The study identified winter conditions in the street level plaza and rooftop amenity areas as generally suitable for walking, which could be improved through the use of mitigation measures including trees and landscaping, to be refined and secured through the Site Plan Control process.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a 10% parkland dedication, while the non-residential is subject to 2%.

The value of the cash-in-lieu of parkland dedication will be appraised through Corporate Real Estate Management. Payment will be required prior to the issuance of the first above grade building permit.

Tree Preservation

An Arborist Report & Tree Protection Plan and Conceptual Landscape Plans were submitted in support of the application. The report indicates there are six trees along Widmer Street and five trees along John Street owned by the City which are protected under the provisions of the City's Street Tree By-law. There are no private trees located on-site. The development proposes the removal of the six existing trees on Widmer Street to facilitate its reconfiguration for two-way traffic, identifies one tree on John Street as marked for removal by the City, and proposes protection of four trees on John Street.

The development proposes the planting of two street trees on Widmer Street, six street trees on Richmond Street West, and the provision of a total of ten street trees on John Street in conformity with the City's John Street Corridor Improvements project. The development further proposes five private trees on its Widmer Street frontage, 13 private trees within the proposed POPS and ten private trees on rooftop levels.

Additional Urban Forestry technical comments will be addressed as part of the Site Plan Control application, which would include a detailed landscape plan, composite utility plan and landscape details including cross sections.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The policies of the Official Plan and Downtown Plan encourage the inclusion of community services and facilities in all significant private sector developments, including as a community benefit. The Downtown Plan's associated CS&F Strategy identifies the provision of on-site non-profit child care facilities as a priority, to contribute towards the approximately 3,700 new child care spaces that will be required to meet the demand generated by growth.

A Complete Community Assessment and CS&F Study were submitted in support of the application. The application proposes an on-site non-profit licensed child care centre as a community benefit. This facility would be located on the ground and second floors within the development and accommodate 62 children, including infants, toddlers and preschoolers, within a minimum of 780 square metres of interior space and a minimum of 390 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area. The space would be conveyed to the City and the City would occupy, lease or sub-lease the space to a non-profit operator at or below market rent. City Planning and Children's Services staff have reviewed the CS&F Report and proposal, and worked with the applicant to arrive at a satisfactory space and configuration.

Staff recommend that the proposed child care centre be secured as a community benefit under Section 37 of the Planning Act. To support the child care centre, the benefit to be secured would also include one-time cash contributions to satisfy the developer financial obligations set out in the City's Child Care Development Guideline. These include contributions towards:

- Equipment Costs to fully equip the facility with toys, furnishing and equipment in accordance with provincial and municipal standards;
- Replacement Reserve Fund for the facility to replace appliances and large equipment due to wear and tear; and

- Start-Up Operating Costs for the defrayment of operational deficits during the first year of operation..

The tenure of the space is being advanced with the owner and the recommendations reflect the option for it to be conveyed to City as a freehold, fee simple interest in the land or as a leasehold interest for 99 years. The final determination will be satisfactory to the Executive Director, Corporate and Real Estate Management, in consultation with the Chief Planner, the City Solicitor, and the General Manager, Children's Services.

Housing Unit Mix

The PPS, the Growth Plan and the City's Official Plan clearly acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs of a wide range of people throughout their life cycle is essential to the creation of complete communities.

The Downtown Plan includes housing policies to achieve a balanced mix of unit types and to support the creation of housing suitable for families. The plan requires that developments containing more than 80 residential units include a minimum of 15% 2-bedroom units, a minimum of 10% 3-bedroom units, and an additional 15% of units as some combination of 2- and 3-bedroom units or units that can be converted to 2 and 3 bedroom units through accessible or adaptable design measures.

The Council-adopted Growing Up: Planning for Children in New Vertical Communities draft urban design guidelines provide further guidance on the proportion and size of larger units recommended in new multi-unit residential developments, and identifies ranges of 87-90 square metres for two-bedroom and 100-106 square metres for three-bedroom units as optimal.

The proposed development includes 220 (32%) two-bedroom units and 70 (10%) three-bedroom units in its total of 693 units, and supports the unit mix objectives of the Growing Up guidelines, the Downtown Secondary Plan, Official Plan housing policies, and the Growth Plan's growth management and housing policies to accommodate within new development a broad range of households, including families with children.

Of the multi-bedroom units, two of the two-bedroom units and 59 of the three-bedroom units support the unit size objectives of the Growing Up guidelines to accommodate a broad range of households, including families with children. Staff will work with the applicant through the Site Plan Control Approval process to identify opportunities to increase the proportion of larger two-bedroom units.

The application further supports the development of a full range of housing through the inclusion of a cash contribution in the amount of \$6,200,000 towards the provision of affordable housing units within the local ward as a community benefit under Section 37 of the Planning Act.

Amenity Space

Official Plan Policy 3.1.2.11 requires that every significant multi-unit residential development provide indoor and outdoor amenity spaces for use of their residents, designed to consider the needs of residents of all ages and abilities over time and throughout the year. Downtown Plan Policies 9.30 to 9.36 encourage amenity space to be designed in an appropriate form and the provision of pet amenity areas. The Zoning By-law requires a minimum of 4.0 square metres of amenity space per unit, of which at least 2.0 square metres per unit shall be indoor.

The proposed development includes a total of 2,479 square metres of amenity space (3.6 square metres per unit) for the residential uses, being 1,386 square metres of indoor amenity space (2.0 square metres per unit) and 1,093 square metres of outdoor amenity space (1.6 square metres per unit). The residential amenity space comprises the full contiguous indoor and outdoor space on the 9th level of the building, includes a pet relief area, and has been designed to connect the two residential towers. In addition to the residential amenity space, the proposed development also incorporates a 390 square metre terrace on the 3rd level for exclusive use of the child care facility, and various outdoor terraces on the 6th, 7th and 8th levels serving the office uses.

The proposed indoor amenity space provision meets the by-law standards and is appropriate. The outdoor amenity space provides less than 2 square metres per unit, however is in keeping with similar approved developments in the vicinity and is supplemented by the POPS space at street level, and is appropriate.

Traffic Impact, Access, Parking

A Transportation Impact Study was submitted with the application and has been reviewed by Transportation Services staff. The proposed development would consolidate vehicle and loading access from multiple existing locations on John Street, Richmond Street West and Widmer Street to a single location on Widmer Street. To facilitate this change, the applicant recommends that the intersections of Widmer Street with Richmond Street West and Adelaide Street West be signalized, and that Widmer Street, which presently runs one-way in the northbound direction, be converted to run two-way from Richmond Street West to the middle of the block and run one-way southbound from there to Adelaide Street West.

The proposed changes to the operation of Widmer Street would require separate approvals by City Council, Community Council and District Operations. The applicant would be responsible for obtaining all required approvals, and would need to submit an acceptable functional plan during the Site Plan Control approval process which reflects the proposed traffic signals and the associated modifications, and would be responsible for all costs associated with the installation of all improvements/alterations, including the installation of the above-noted traffic control signals and modification of any existing traffic signal controls and pavement marking changes and signage and relocation of utility poles and other public utilities.

Transportation Services staff have reviewed the proposal and agree that the proposed closure of existing accesses onto Richmond Street and John Street and replacement with a consolidated access onto Widmer Street is generally acceptable.

The development proposes a total of 231 parking spaces on two underground parking levels, consisting of 118 residential parking spaces (a ratio of 0.17 spaces per residential unit) and 113 non-residential parking spaces for the shared use of residential visitors, office, retail, theatre and child care uses, with five reserved for use as short-term pick-up and drop-off spaces for the child care facility.

A total of 829 bicycle parking spaces are proposed, consisting of 42 short-term spaces located at street level, and 103 short-term and 684 long-term spaces located on the first underground level and accessed from a bicycle parking entrance ramp on John Street at the southern limit of the property or via elevators. The proposed number of bicycle spaces meets the requirements set out in Zoning By-law 569-2013.

The proposed configuration of the underground parking levels and access is generally acceptable. Staff have deemed the proposed parking supply to be appropriate as it reflects the development's location in a highly accessible area of the Downtown, and is in keeping with policy direction to promote active transportation and limit automobile travel in the Downtown core.

The proposed development incorporates a centralized internal loading facility at-grade, accessed from Widmer Street. The facility will provide for all formal retail, commercial, and residential delivery activity as well as all waste management activity. The facility would ensure that all vehicle movements and turning are accommodated within the site and include a total of seven loading spaces (4 Type 'B', 2 Type 'C' and 1 Type 'G'), which meets and exceeds the requirements set out in Zoning By-law 569-2013.

Site Servicing

A Functional Servicing and Stormwater Management Report, and Geotechnical and Hydrogeological Review were submitted in support of the application. Engineering and Construction Services staff have reviewed the reports and advise that there are no issues preventing approval of the application. They do however require, as a condition of approval, that the Owner enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development.

Staff further note that the owner shall provide any necessary modifications to the hydrogeology assessment to the satisfaction of the General Manager, Toronto Water and Chief Engineer and Executive Director, Engineering and Construction Services, and shall submit a revised Functional Servicing and Stormwater Management Report for review and acceptance by Engineering & Construction Services, as part of a future site plan application.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the site specific Zoning By-law, should this application be approved by City Council.

Other applicable TGS performance measures will be secured through the Site Plan Approval process, should the application be approved.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- A cash contribution of \$6,200,000.00 towards the provision of new affordable housing and/or the Toronto Community Housing Corporation revolving capital fund for repairs to Toronto Community Housing Corporation housing in the local Ward, and where the funds are:
 - (i) \$2,100,000 to be paid at the time of the expiry of the statutory appeal period for the By-law,
 - (ii) \$4,100,000 to be paid prior to the issuance of the first above-grade building permit for all or part of the lot.
- The owner shall provide for the design, construction, and finishing of a non-profit licensed child care centre in contiguous areas on the ground floor and second floor (which may be relocated within the lands or lot during the term of the lease, subject to the approval of the Chief Planner and Executive Director, City Planning and the General Manager, Children's Services) to accommodate 62 children, including infants, toddlers and preschoolers, comprising of a minimum of 780 square metres of interior space and a minimum of 390 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area. The Child Care Centre will be provided to the City either through a lease agreement with the City or a conveyance of a freehold interest in land, both at

no cost or expense to the City and include a minimum of five (5) parking spaces reserved for exclusive use of the Child Care Centre. The typical requirements, including design specifications, letter of credit, insurance, etc will be provided substantially in accordance with the Child Care Development Guidelines (2016).

- The owner shall pay to the City the sum of \$500,000.00 to provide one-time cash contributions in support of the child care facility, including:
 - one-time cash contribution in the amount of \$90,000.00 to the Child Care Facility Replacement Reserve Fund to replace appliances and large equipment due to wear and tear, to be paid prior to the child care facility being made available to the City;
 - one-time cash contribution in the amount of \$150,000.00 towards Start-Up Operating Costs for the defrayment of operational deficits during the first year of operation, to be paid prior to the child care facility being made available to the City;
 - one-time cash contribution in the amount of \$180,000.00 towards toys, furnishing and equipment in accordance with provincial and municipal standards based on a mutually agreeable inventory list provided by the Child Care Centre Operator and/or the General Manager of Children's Services, which will be finalized and approved by the General Manager of Children's Services;

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- The construction, provision and maintenance of privately owned publicly accessible open spaces (POPS) on the lands, with a minimum size of 700 square metres along the Richmond Street West and John Street;
- Provision of public pedestrian easements as necessary to provide an appropriate pedestrian clearway along Widmer Street;
- Provision of a public pedestrian easement to provide a grade-level mid-block pedestrian route through the site connecting John Street and Widmer Street;
- The owner will provide revised functional servicing and stormwater management reports and make any satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services to design, financially secure, pay for, construct and make operational any upgrades and improvements to the municipal infrastructure, should it be determined that upgrades and/or improvements are required to the infrastructure to support this development, in accordance with the accepted engineering reports;
- The Owner shall submit an updated wind study as part of an application for Site Plan Approval and implement any wind mitigation measures required as identified, satisfactory to the Chief Planner and Executive Director, City Planning;

- Prior to Site Plan Approval, the Owner will submit a construction management plan for the development to address such matters as may be identified in the Section 37 Agreement and required through the Site Plan Approval process, satisfactory to the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor;
- Provisions related to the displacement, retention and return of the Theatre/Cinema Tenant and/or comparable cultural spaces be included in the Section 37 Agreement with terms and conditions satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- The Owner shall construct and maintain the Development in accordance with Tier 1, Toronto Green Standard and the Owner is encouraged to achieve Tier 2, Toronto Green Standard, where appropriate;

Conclusion

Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to creating complete communities with commercial, institutional, employment and residential uses, enhancing and expanding the public realm, conserving heritage resources and providing intensification within a contextually appropriate built form. Staff worked with the applicant to address and resolve key concerns relating to shadow impacts, and the appropriate mix of uses. Staff recommend that Council support approval of the application.

CONTACT

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

SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Final Report - Zoning Amendment - 126 to 142 John Street, 259 to 267 Richmond Street West
and 41 to 59 Widmer Street

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Downtown Plan Mixed Use Areas Map
Attachment 5: Updated King-Spadina Secondary Plan (OPA486) Height Transition
Zones Map
Attachment 6: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 7: Site Plan
Attachment 8: Elevations

Attachment 9: Draft 569-2013 Zoning By-law Amendment
Attachment 10: Draft 438-86 Zoning By-law Amendment

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 126-142 John Street, 259-267 Richmond Street West and 41-59 Widmer Street
Date Received: April 24, 2019

Application Number: 19 144266 STE 10 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment application to permit a mixed-use development including two buildings, 37 and 42 storeys in height (131.0 metres and 145.2 metres, respectively, including mechanical penthouses). Proposed uses include two levels of retail, seven levels of office space, a daycare, the replacement of the existing movie theatre, an on-site publicly accessible privately owned open space and 693 residential units. The total gross floor area proposed is 80,334 m², consisting of 49,983 m² of residential floor area, and 30,351 m² of non-residential floor area. Two levels of below grade parking are proposed with 231 vehicle and 829 bicycle parking spaces.

Applicant	Agent	Architect	Owner
RIOCAN (FESTIVAL HALL) TRUST	N/A	Hariri Pontarini Architects	FESTIVAL HALL DEVELOPMENTS LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	By-law 1997-0016
Zoning:	Commercial Residential Employment (CRE) (x74)	Heritage Designation:	Y
Height Limit (m):	18.5 m, 30 m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 7,488 Frontage (m): 92 Depth (m): 76

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	6,580		3,085	3,085
Residential GFA (sq m):			49,273	49,273

Non-Residential GFA (sq m):	17,249	30,438	30,438
Total GFA (sq m):	17,249	79,711	79,711
Height - Storeys:	6	42	42
Height - Metres:	30	139	139

Lot Coverage Ratio (%): 41.2 Floor Space Index: 10.65

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	49,273	
Retail GFA:	8,462	
Office GFA:	17,912	
Industrial GFA:		
Institutional/Other GFA:	4,064	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			693	693
Other:				
Total Units:			693	693

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		104	299	220	70
Total Units:		104	299	220	70

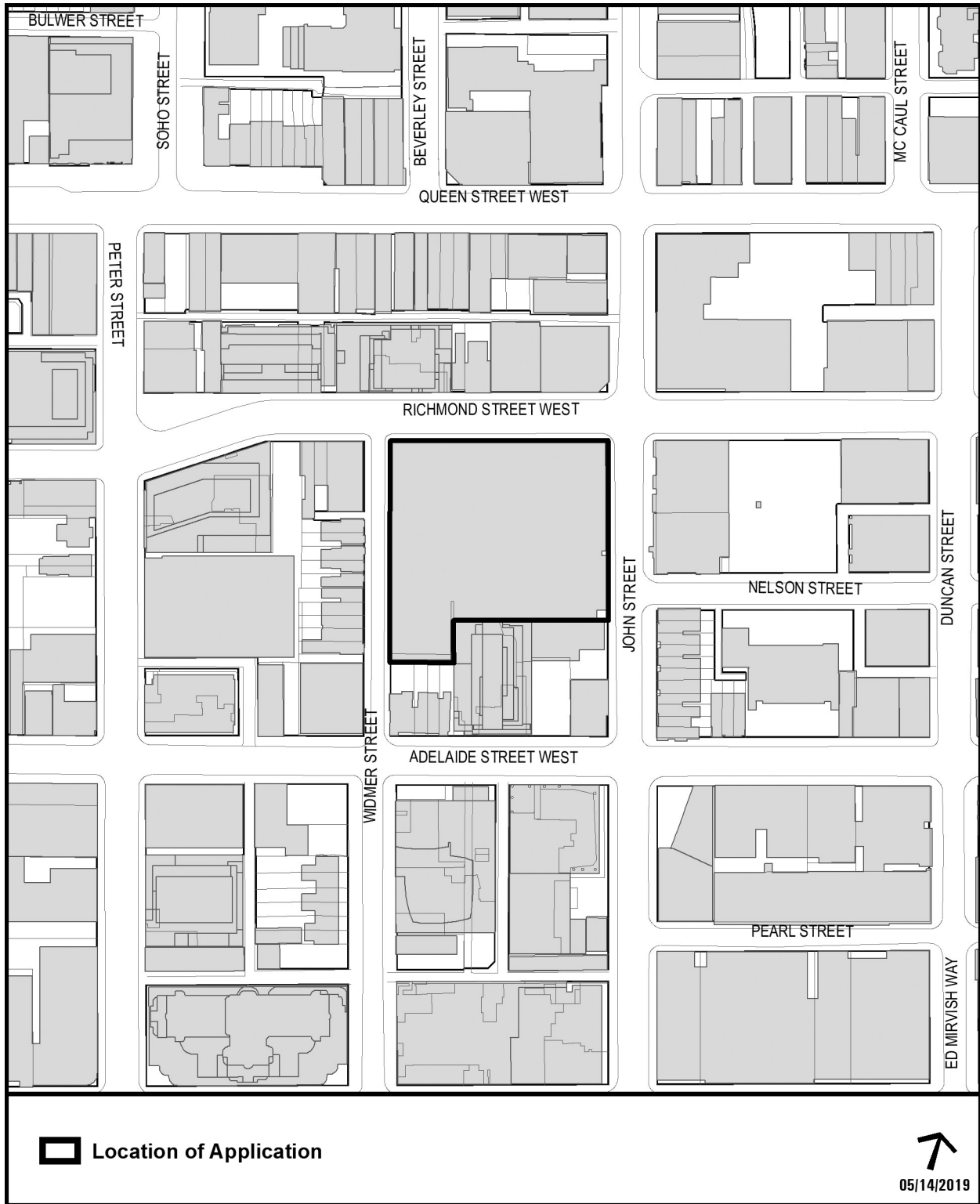
Parking and Loading

Parking Spaces: 231 Bicycle Parking Spaces: 829 Loading Docks: 7

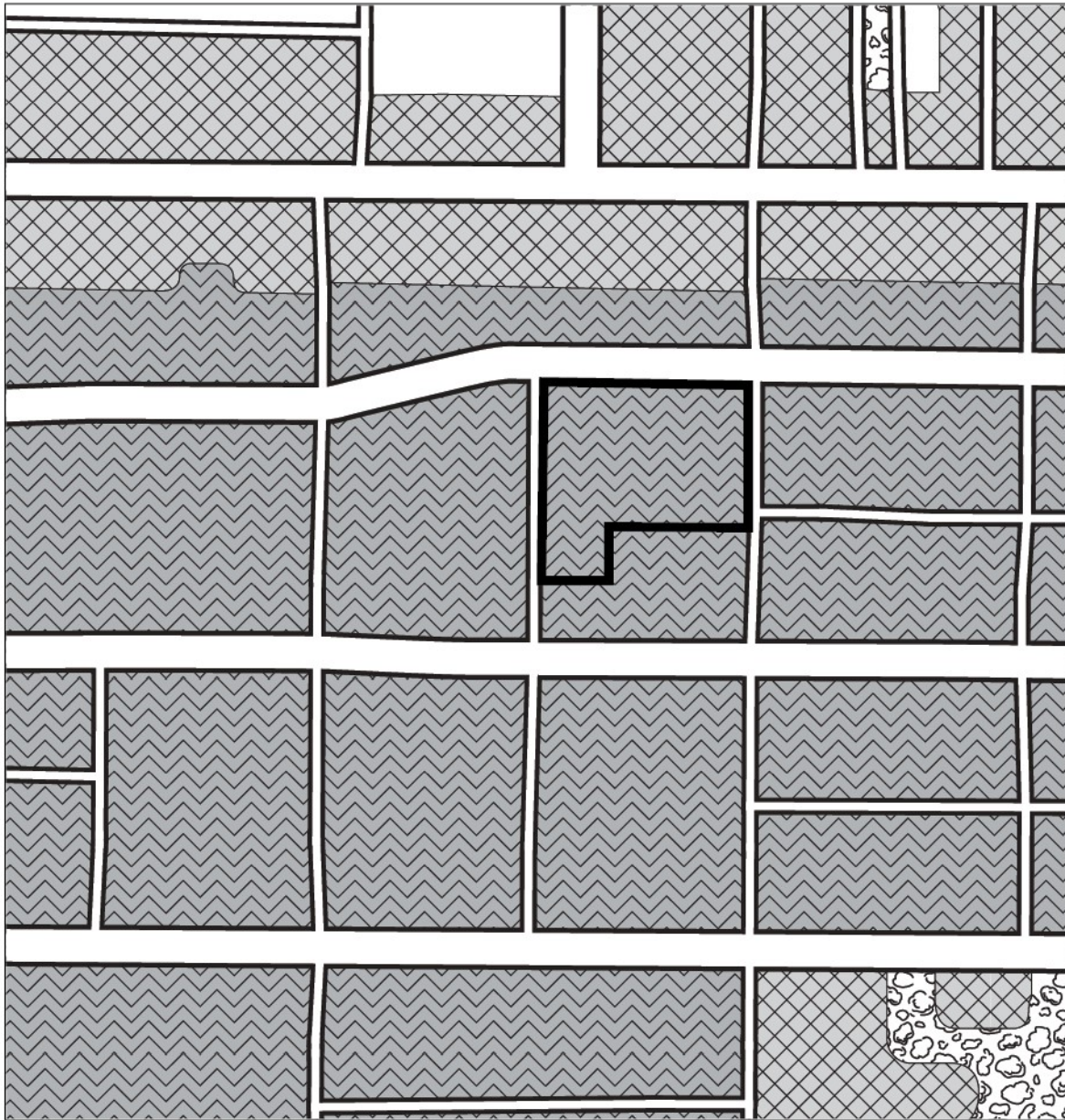
CONTACT:

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

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #10

126, 132, 142 John St., 259, 261, 263, 267 Richmond St.

W. & 41-59 Widmer St.

File # 19 144266 STE 10 OZ

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas

Parks & Open Space Areas



Parks

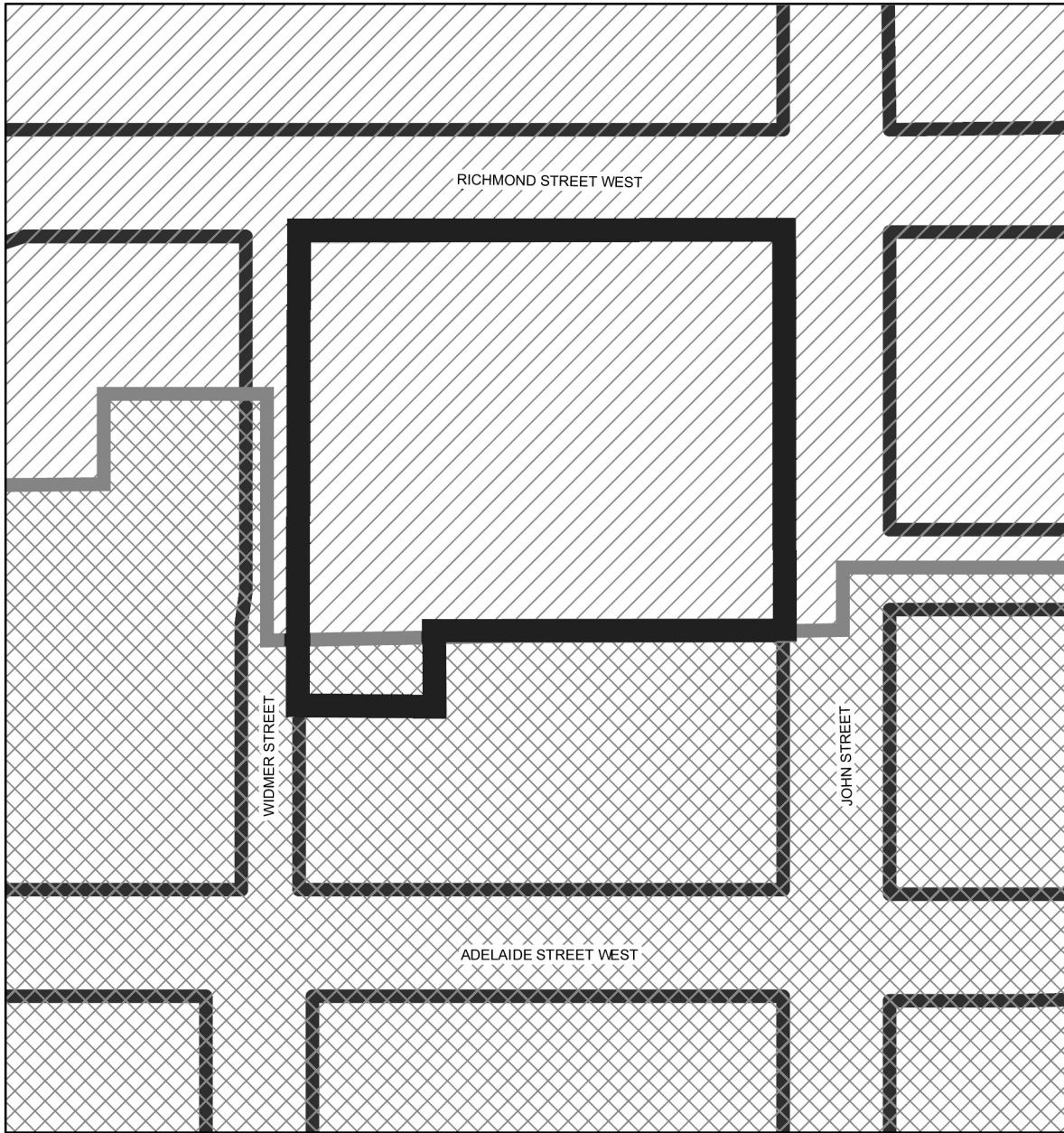


Regeneration Areas



Not to Scale
05/14/2019




Attachment 4: Downtown Plan Mixed Use Areas Map



126, 132 and 142 John Street; 259, 261, 263 and 267 Richmond Street West & 41-59 Widmer Street

Downtown Plan - MAP 41-3 Mixed Use Areas

File # 19 144266 STE 10 0Z

-  Location of Application
-  Mixed Use Areas 1 - Growth
-  Mixed Use Areas 2 - Intermediate




Not to Scale
07/28/2020

Attachment 5: Updated King-Spadina Secondary Plan (OPA486) Height Transition Zones Map



126, 132 and 142 John Street; 259, 261, 263 and 267 Richmond Street West & 41-59 Widmer Street

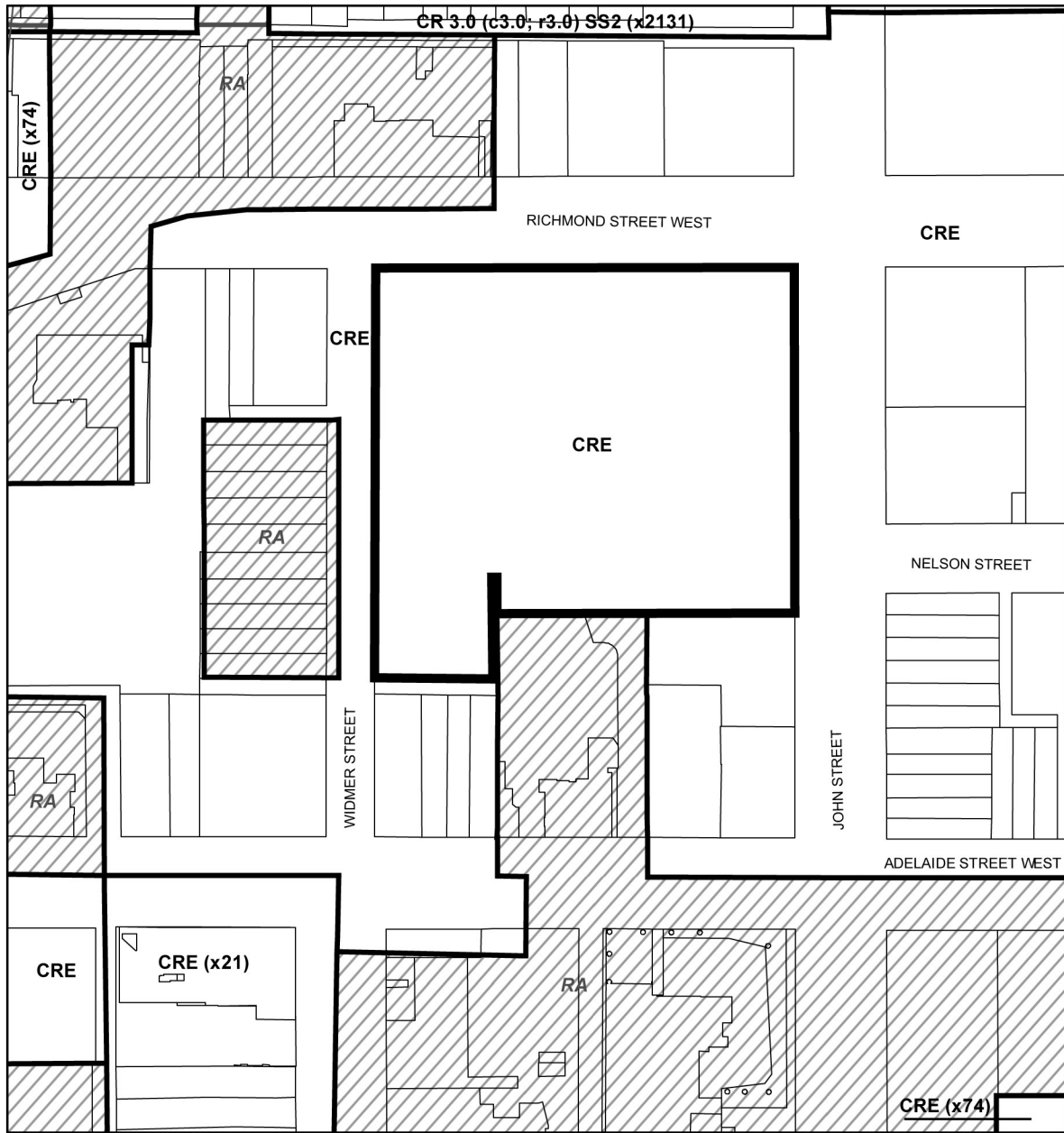
King-Spadina Secondary Plan - MAP 16-4 Height Transition Zones File # 19 144266 STE 10 0Z

 Location of Application



Not to Scale
07/28/2020

Attachment 6: Existing Zoning By-law Map



Zoning By-law 569-2013

126, 132 and 142 John Street; 259, 261, 263 and 267 Richmond Street West & 41-59 Widmer Street
File # 19 144266 STE 10 OZ



Location of Application

CR Commercial Residential CRE Commercial Residential Employment



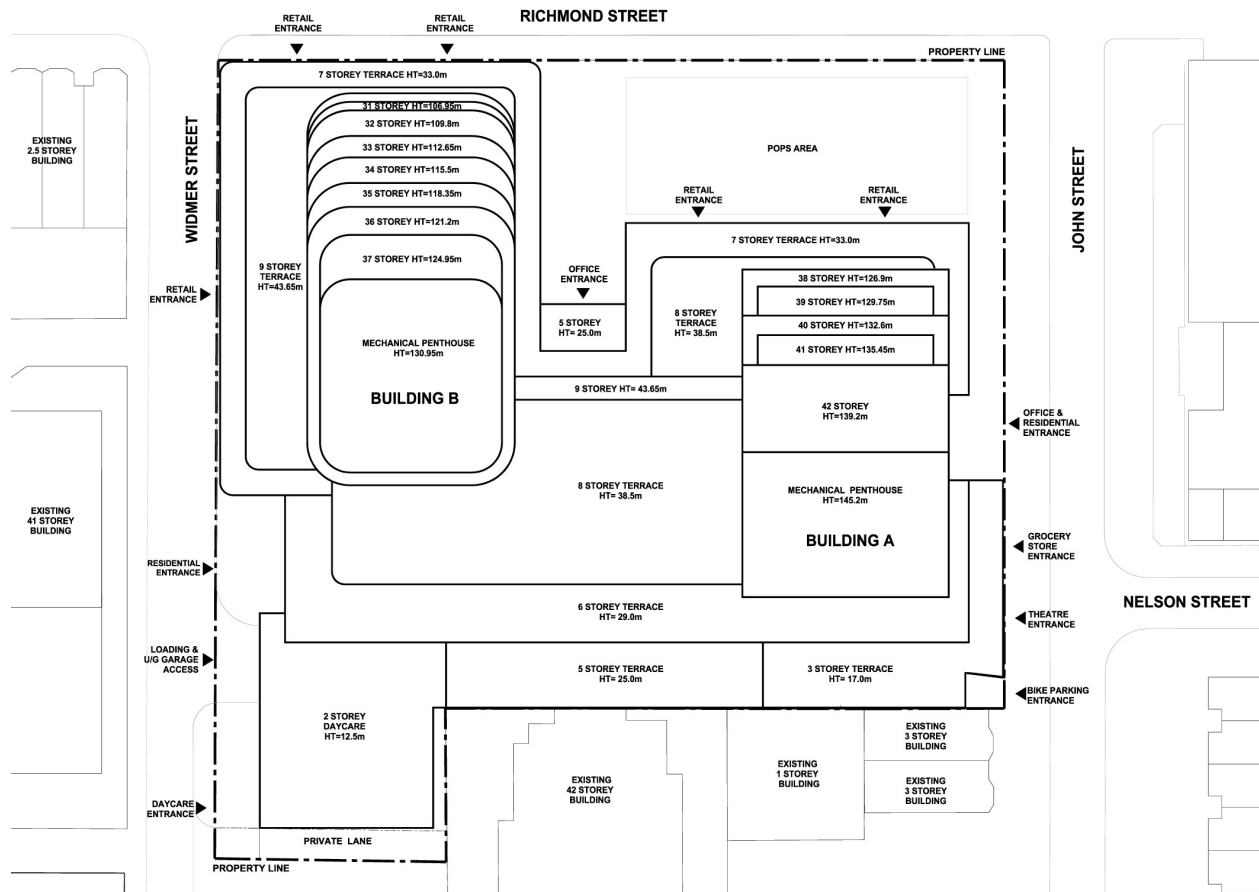
See Former City of Toronto By-law No. 438-86

MCR Mixed-Use District
RA Mixed-Use District



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Extracted: 07/20/2020

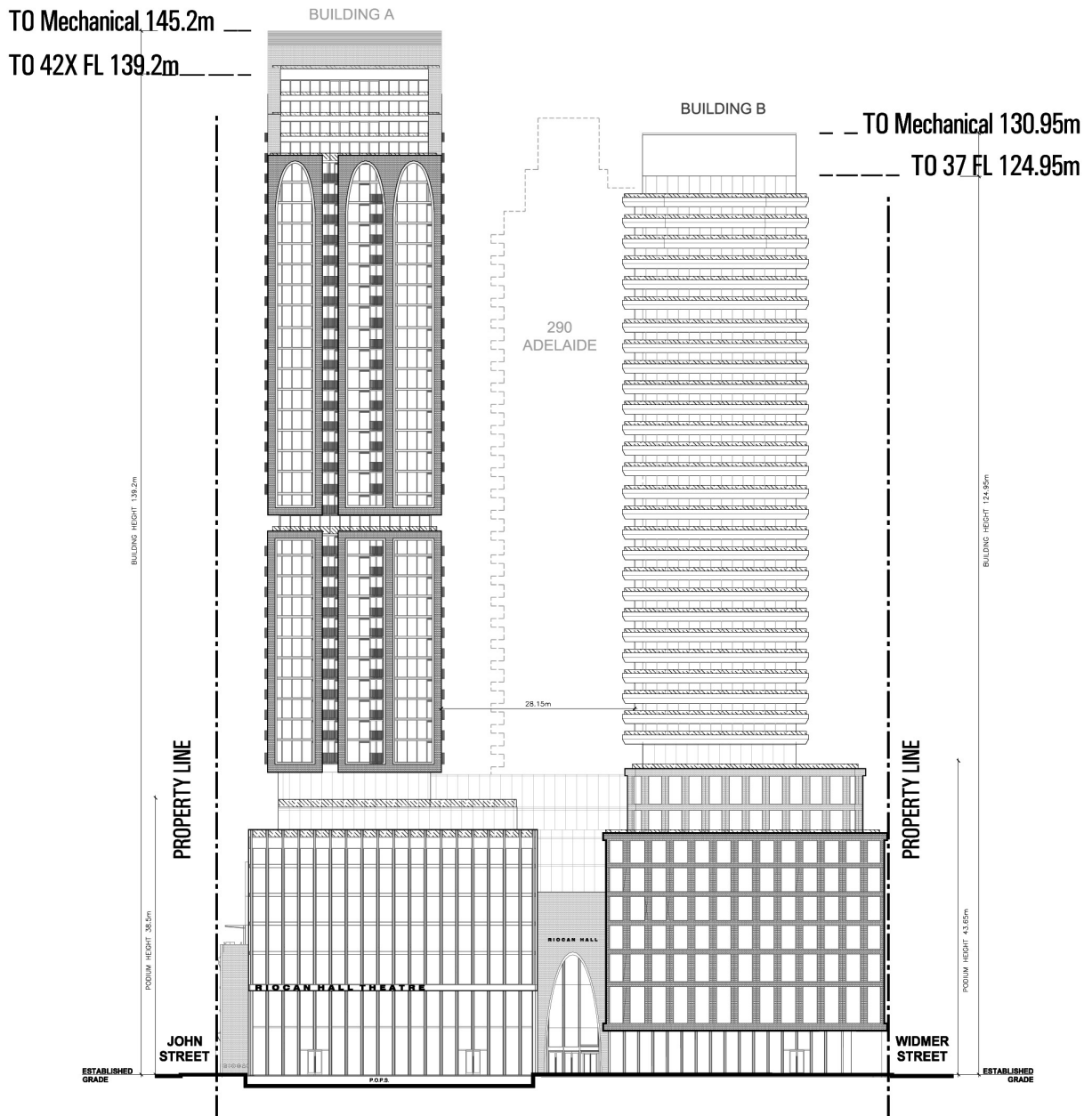
Attachment 7: Site Plan



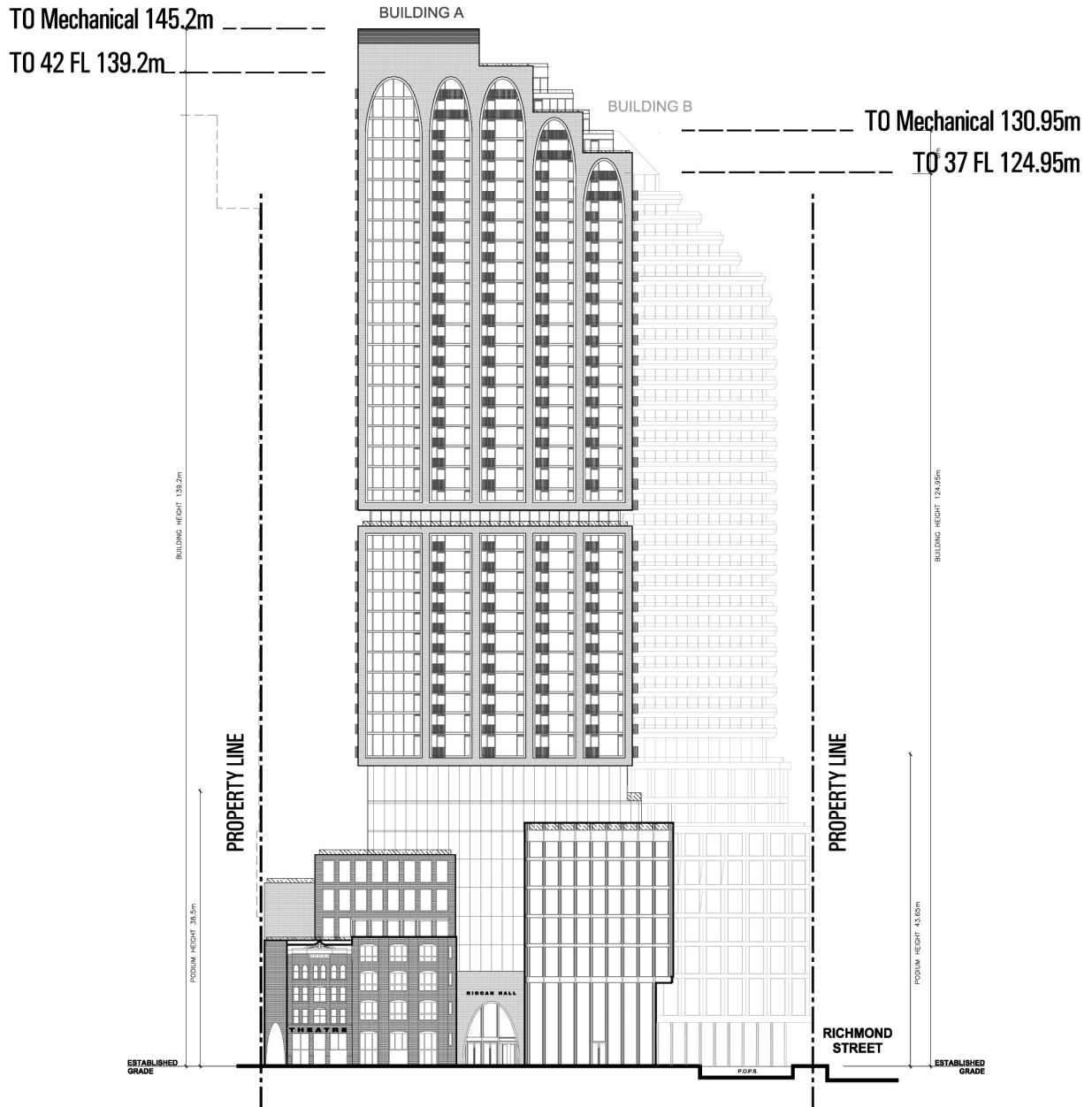
Site Plan



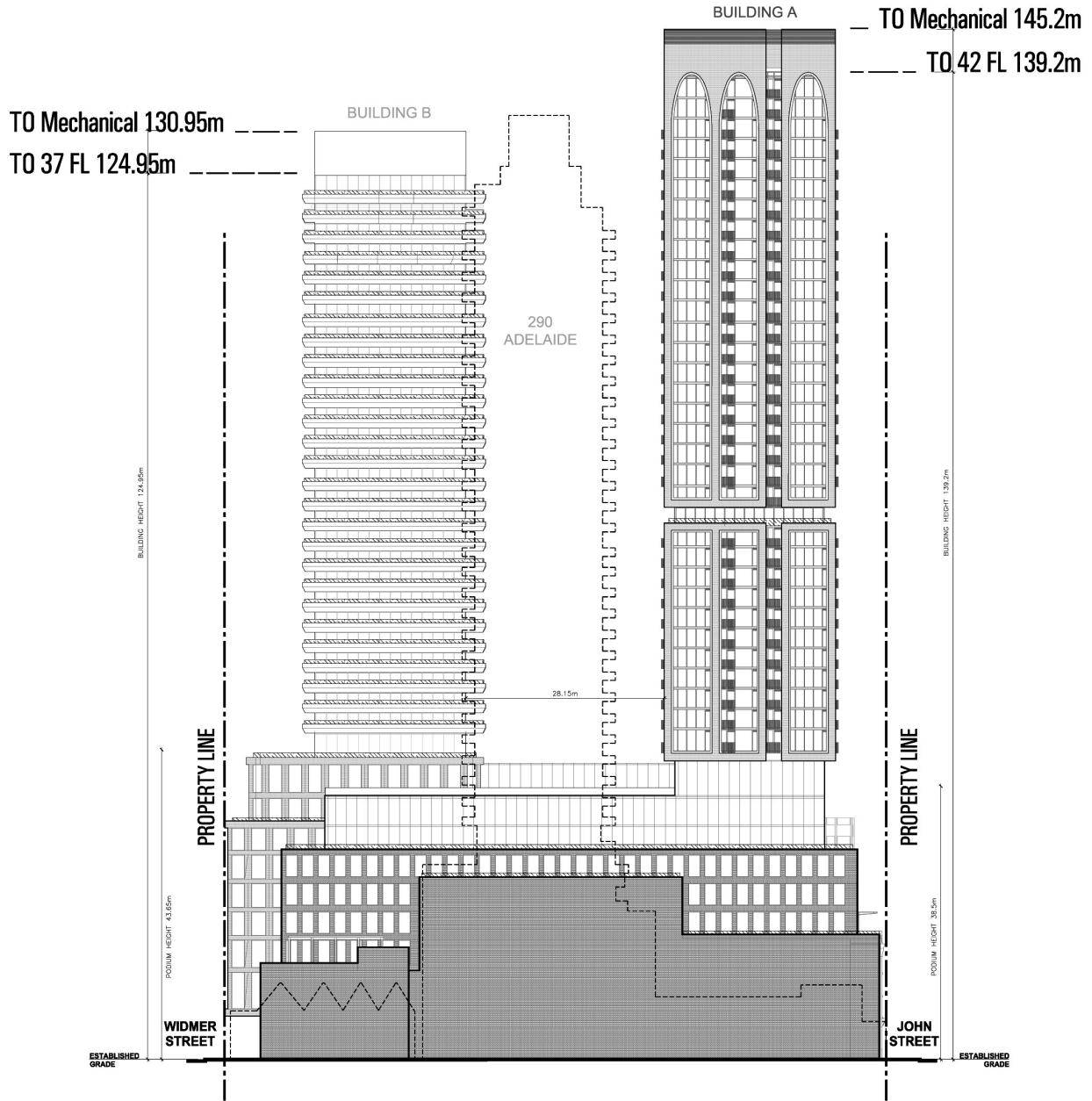
Attachment 8: Elevations



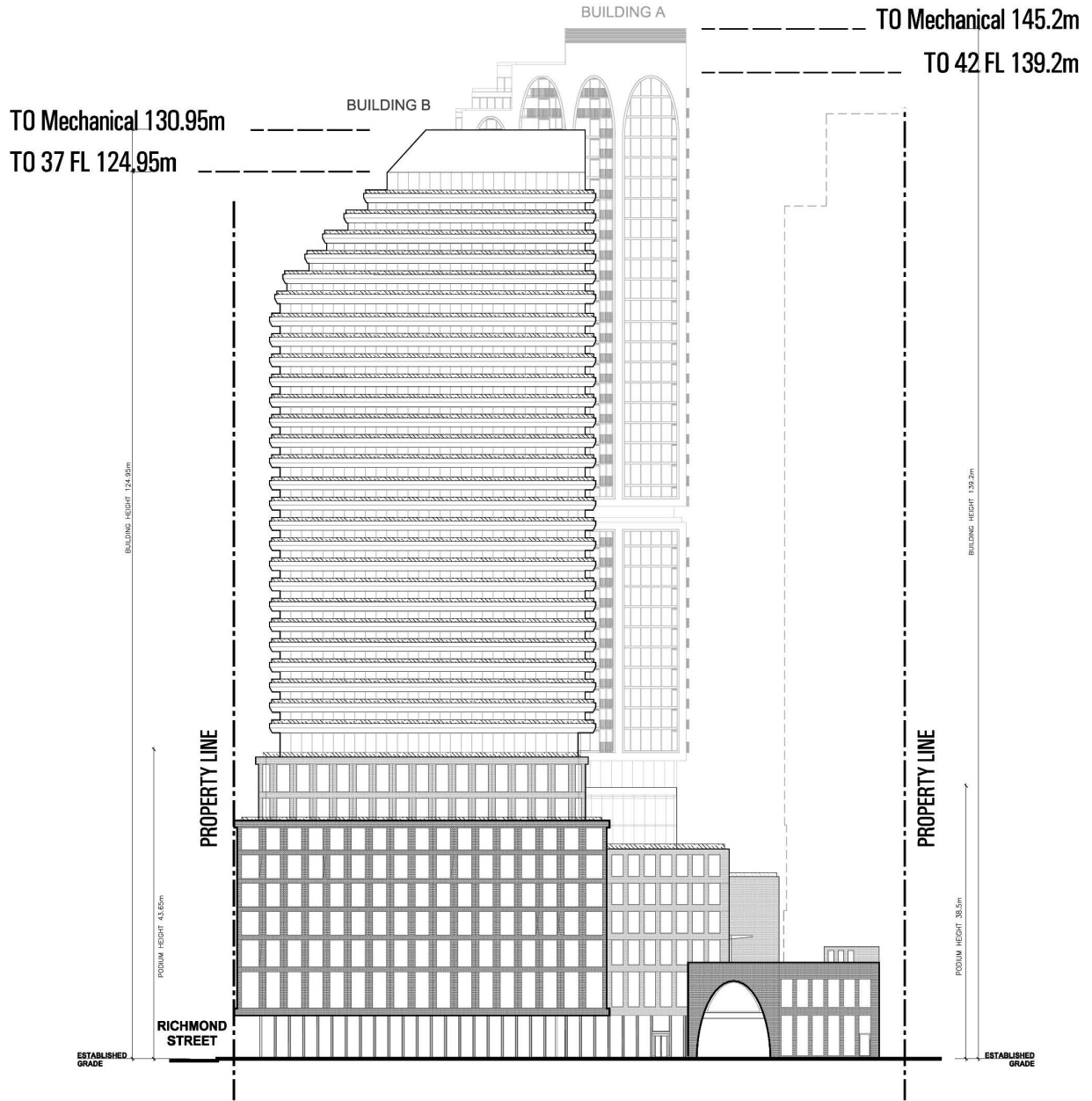
North Elevation



East Elevation



South Elevation



West Elevation

Attachment 9: Draft 569-2013 Zoning By-law Amendment

Under Separate Cover

Attachment 10: Draft 438-86 Zoning By-law Amendment

Under Separate Cover