

**295 Adelaide Street West and 100-104 John Street–
Zoning Bylaw Amendment Application – Final Report**

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| Date: | January 15, 2010 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 20 – Trinity-Spadina |
| Reference Number: | 08 164515 STE 20 OZ |

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a 43-storey mixed use building and a publicly accessible landscaped open space, with 338 below grade parking spaces, at 295 Adelaide Street West, 100 and 104 John Street, on the site of a commercial parking lot. Proposed uses include retail, restaurant, and residential condominium (approximately 471 dwelling units), and possibly a hotel (76 rooms). If a hotel is not included, the development will contain approximately 529 units. The site includes a heritage building located at the north end of the site (104 John Street), which is proposed to be moved to the south end of the site adjacent to an existing building of heritage character.

The proposal is consistent with the King Spadina Built Form Study in that it is located in an area appropriate for tall buildings. It meets the intent of the 2006 King Spadina Urban Design Guidelines, and the Tall Buildings Guidelines.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended for the lands at 295 Adelaide Street West and 100-104 John Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 8 to the report dated January 15, 2010, from the Director of Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Prior to the introduction of Bills, City Council require that the applicant's Functional Servicing Report and Transportation Impact Study shall be revised to the satisfaction of the Executive Director of Technical Services.
4. Prior to the introduction of Bills, City Council authorize the introduction of the necessary Bill authorizing the entering into a Heritage Easement Agreement for the relocation of 104 John Street.
5. Prior to the introduction of Bills, City Council require the applicant to submit a Conservation and Rehabilitation Plan for the relocation and restoration of the heritage building at 104 John Street, prepared by a qualified heritage consultant, to the satisfaction and acceptance of the Manager, Heritage Preservation Services. The Conservation and Rehabilitation Plan must include the following items: (1) "blow-up" elevations and sections of the heritage property; (2) existing conditions assessment; and (3) feasibility study to further explore the method in which relocation of the structure would occur so that the integrity of the heritage structure is not physically compromised.
6. Prior to the introduction of Bills, City Council authorize the appropriate City officials and require the owner to execute an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
 - a. An indexed cash contribution of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one or more of the following:
 - streetscape improvements on John Street
 - design development supporting the John Street streetscape project

- Heritage Conservation District Studies in the King Spadina East Precinct subject to the appropriate Official Plan Amendment coming into force and effect

\$100,000 of the above cash contribution is to be provided at the enactment of Bills, for the purpose of contributing to design development for the John Street streetscape or one or more Heritage Conservation District studies within the East Precinct of King-Spadina, subject to the appropriate Official Plan Amendment coming into force and effect, a percentage to be provided prior to the issuance of an above-grade building permit, and the remaining percentage is to be provided prior to the release of the condominium for registration;

- b. A public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost;
- c. The provision of a publicly accessible landscaped open space on the John Street frontage of the site, with a minimum size of 335 sq. m;
- d. In substantial accordance with the Conservation Plan prepared by Goldsmith Borgal & Company Ltd. Architects, dated June 17, 2009, and on file with the Manager, Heritage Preservation Services, the owner shall relocate and restore the heritage building at 104 John Street, and in the event of a lesser expenditure than identified in the Conservation Plan, the difference shall be re-directed to Heritage Conservation District studies within the King-Spadina East Precinct;
- e. Prior to Site Plan Approval, the applicant shall provide additional information, based on the proposed Conservation Plan drawings to include documentation substantially in accordance with that outlined in Section 3.2.1 Option A (page 12) of the submitted Conservation Plan, specifically:
 - i) a detailed plan to outline mitigation measures that address construction impacts relative to the on-site heritage structures;
 - ii) plans for interpretive panels or other interpretive materials to communicate the development history of the property including the research content, design and location of the interpretive materials. The interpretation plan shall include panels or materials at both the existing location of the heritage building and the proposed location within the development site. All above components of the plan shall be to the satisfaction of the Manager of Heritage Preservation Services; and

- iii) provide a landscape plan for the subject property to the satisfaction of the Manager of Heritage Preservation Services.
- f. Prior to the issuance of any building permit, including for demolition, excavation, shoring, foundation or above grade, the owner shall;
 - i) provide a Letter of Credit in a form and in an amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan;
 - ii) provide final plans satisfactory to the Manager of Heritage Preservation Services;
- g. Prior to the release of the Letter of Credit, the owner shall provide evidence and documentation that the project scheme has been implemented, per the approved Conservation Plan, satisfactory to the Manager, Heritage Preservation Services;
- h. Prior to Site Plan Approval, provide a program of commemoration/ interpretation of archaeological findings within the context of the site's development, to the satisfaction of the Manager, Heritage Preservation Services;

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

- i. A minimum of ten percent (10%) of the residential units in the building will have at least three bedrooms, or be convertible to three or more bedrooms;
- j. Architectural plans, elevations and landscape drawings will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division in conjunction with the Site Plan Application, and the owner will be required to submit 1:50 scale elevation drawings for the podium illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- k. The owner shall incorporate in the construction of the building, and thereafter, maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director;
- l. The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director of City Planning Division, received May 4, 2009;

- m. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as reviewed and accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support the development;
 - n. The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for Site Plan Approval;
 - o. Provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirement to maintain in good order and operation;
7. City Council authorize the appropriate City officials to complete the process to stop up and close the public laneway at the north end of the site.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

King-Spadina Secondary Plan Review

In 2005, a review of the King-Spadina Secondary Plan was initiated by Council to evaluate specific matters related to entertainment uses in the area, community infrastructure, built form policies and the policies related to the public realm. In September 2006, City Council enacted amendments to the King-Spadina Secondary Plan and RA zoning to update the planning framework for the Plan area which resulted in Official Plan Amendment 921-2006 and Zoning By-law Amendment 922-2006. The amendments to the Secondary Plan refined certain policies and updated maps to reinforce the original intent of the Plan to protect and enhance the area's unique physical attributes and heritage warehouse character. A new policy 3.7 provides criteria for considering tall buildings in certain parts of the East Precinct, which include stepbacks above the base building and a requirement to not export facing distance constraints onto adjacent sites. The Zoning By-law amendment includes a provision that permits an additional 5 metres of building height, including mechanicals, subject to the mechanicals being wrapped and falling within a 45 degree angular plane from the street, for a total height of 35m.

These amendments are currently under appeal to the Ontario Municipal Board by some area owners and developers. A series of pre-hearing conferences have resulted in many appeals being withdrawn or settled. The hearing has been adjourned with the consent of all parties until May 2010. The applicant was not among the parties that appealed the amendments.

King-Spadina East Precinct Built Form Study

In April 2008, Council directed staff to undertake a further study of the built form in the East Precinct of the King-Spadina Secondary Plan Area, in response to the large number of applications that continued to challenge the planning framework of the area. This study recognizes areas within the East Precinct, which have been identified as Second Tier height areas, that can accommodate more height than currently permitted as-of-right, subject to meeting the criteria for development as set out in the King-Spadina Secondary Plan, the 2006 King-Spadina Urban Design Guidelines, the City's Tall Building Guidelines, and providing an appropriate Section 37 contribution. Any proposal seeking a Second Tier height beyond the current zoning permission of 30 m plus 5 m for mechanical will be required to undergo a rezoning process. This framework was approved by City Council at its meeting of September 30 and October 1, 2009. Further work by staff will involve preparation of detailed guidelines regarding urban design, built form and performance criteria to guide future development, and the development of a revised Secondary Plan and Zoning By-law for the King-Spadina East Precinct.

The subject site is within a Second Tier height area where staff has identified the potential for some additional height beyond the current as-of-right permission.

ISSUE BACKGROUND

Discussions with the Applicant

The original application, submitted in June 2008, proposed a 42 storey residential tower (147 m including mechanical and architectural roof feature) at the northeast corner of the site, with an 8-storey podium containing hotel and other commercial uses covering the west portion of the site. The proposal included the relocation of the heritage building at 104 John Street to the south end of the site, and a publicly accessible landscaped open space fronting onto John Street.

In June 2008, the applicant took part in a City-led urban design charette intended to address proposed redevelopment of the city block bound by Adelaide Street West to the north, John Street to the east, King Street West to the south, and Widmer Street to the west. In addition to the application on the subject site, the block contains the TIFF/Bell Lightbox site along the King Street West frontage of the block, and a proposal for a 43 storey (143 m) building, containing residential units, community/ performance space and retail uses, which was approved at the City Council meeting of September 30 and October 1, 2009.

The urban design charette examined the relationships of buildings on the block, with particular emphasis on pedestrian circulation, grade related uses and tower siting. As a result of the charette, the following changes were made to the proposals for the block:

- a separation distance of 25 m between the three towers on the block was achieved;
- the existing laneway between the proposed building and the adjacent proposal at 21-31 Widmer/ 299 Adelaide Street was redesigned as a pedestrian courtyard;

- a servicing area at the south end of the lane was designed to coordinate parking, loading and servicing operations between the proposed towers on the block.

Subsequent discussions between staff and the applicant have resulted in a reduction in height and floor plate.

Community Consultation

A Community Consultation Meeting was held on June 25, 2008. Issues and questions raised in the meeting included the following:

Reduction in area parking: Business owner expressed concern that the new developments were reducing the amount of public parking available as developments were proposed for existing parking lots. Businesses in heritage buildings were particularly affected since they are seldom able to provide parking. Staff indicated that the issue of parking was being assessed as part of the approval process.

Pearl Street terminus: The architect was asked what the building would look like from Pearl Street as the building would be the terminus for it. It was felt that it should be treated as a focal point. The architect indicated that he would take a look at that suggestion.

Current Proposal

This application proposes a 43-storey, 125 m (135.3 m including mechanical penthouse and rooftop architectural feature) mixed use building with an 8-12 storey podium. Proposed uses include a possible hotel (76 rooms), and residential condominium (between 471 and 529 dwelling units, depending on whether a hotel is included in the development). Both scenarios include retail and restaurant at grade. A total of 42,237 sq. m of development is proposed if there is a hotel component, and 42,078 sq. m if there are only residential units. The retail and restaurant comprise approximately 969 sq. m, and the hotel, if included, would comprise approximately 5,097 sq. m. The proposal includes 338 below grade parking spaces and 200 bicycle parking spaces. The listed heritage building (104 John Street) currently located at the north end of the site is proposed to be moved to the south end of the site adjacent to another building of heritage character (86 John Street) on an abutting lot. The proposal also includes a 335 sq. m landscaped publicly accessible open space fronting on John Street. The building is also set back more than 6 m from John Street along the northern half of the site. Refer to Attachment 7: Application Data Sheet (describing combined hotel and residential option).

An existing lane between the subject site and the approved development at 21-31 Widmer/ 299 Adelaide Street is designed as a pedestrian / drop-off area that contains an entrance to the hotel and/or residential lobby, and creates a publicly accessible mid-block connection through the building lobby to the proposed open space on John Street. The south end of the lane will accommodate servicing functions for all three developments on the block.

Site and Surrounding Area

The site fronts on both Adelaide Street West and John Street. The majority of the site is currently used as a parking lot, with a listed heritage building containing a restaurant. The north end of the site includes a short City-owned north-south lane, which is proposed to be closed.

The subject site is surrounded by the following uses:

North: low rise commercial uses on the north side of Adelaide Street, and, fronting on John Street just north of Adelaide Street, a series of designated Victorian buildings used as restaurants;

East: a surface parking lot, and warehouse buildings characteristic of King Spadina's Warehouse District, containing commercial uses;

South: a public lane and the 42-storey Toronto International Film Festival / Bell Lightbox project, currently under construction; and

West: a public lane and the approved proposal at 21-31 Widmer Street and 299 Adelaide Street West to permit a 43 storey building.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be

implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

Chapter Three – Building a Successful City identifies that most of the City’s future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Development will be located, organized and massed to fit harmoniously with its existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, and limiting shadow and wind impacts. This section of the Plan also contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings, including locating buildings parallel to the street, with clearly visible entrances and ground floor uses with views to the street; locating and organizing parking and servicing to minimize impacts; providing an appropriate scale for adjacent streets; minimizing shadowing, loss of sky view and wind impacts; contribution to the skyline character; and fit within the local context.

The site is designated *Regeneration Area* in the Official Plan, which permits the proposed hotel, residential and commercial uses.

Section 2.4 Policy 12 of the Official Plan requires that hotels make provision for a taxi stand on private property.

King-Spadina Secondary Plan

The subject site is located within the King-Spadina Secondary Plan area. The King-Spadina Secondary Plan (Chapter 6.16 of the Official Plan) provides a framework for reinvestment and development, the fundamental intent of which is to encourage reinvestment for a wide range of uses in the context of a consistent built form that relates to the historic building stock and the pattern of streets, lanes and parks.

In particular the policies of Section 3 – Built Form specify that new buildings will achieve a compatible relationship with their built form context through consideration of such matters of building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression. The policies encourage buildings to be located along the street edge with lower levels providing public uses accessed from the street; encourage servicing and parking to be accessed from rear lanes; site new buildings for adequate light, view and privacy; encourage compatibility with the built form context; provide appropriate proportional relationships to streets and open spaces; and minimize wind and shadow impacts on streets and open spaces. Further, Section 4 – Heritage, seeks compatible relationships between new developments and heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression. Section 6.3 of the Secondary Plan specifically encourages the removal of surface parking lots.

The Urban Structure section of the Secondary Plan identifies a number of north-south “Significant Streets”. John Street is considered a significant street with a number of important public institutions.

By-law 921-2006, which is under appeal to the Ontario Municipal Board, proposed amendments to the King-Spadina Secondary Plan that are intended to further clarify and reinforce the fundamental intent of the Plan, re-emphasizing that new development should respond to the unique physical character of the area.

King-Spadina East Precinct Built Form Study

The findings of the King-Spadina East Precinct Built Form Study include the principle that heights decrease generally from east to west (University Avenue to Spadina Avenue), and from south to north (Front Street to Queen Street). Within this general height trend are areas of localized conditions. One of these localized areas is south of Adelaide Street to Front Street, adjacent to the Metro Hall and Financial District area, which contains the subject site. This is a Second Tier height area with the potential for heights up to 115 m, subject to meeting appropriate performance criteria including the objectives of the King-Spadina Secondary Plan, the 2006 King-Spadina Urban Design Guidelines and the City’s Tall Building Guidelines, as well as providing an appropriate Section 37 contribution.

The Built Form Study also recognizes that heights beyond the Second Tier may be appropriate. Specific considerations for this site include its location adjacent to the landmark TIFF / Bell Lightbox tower and the landmark status of the block, as well as creating a downward transition in height to the north towards the Warehouse District and the Queen Street West Heritage Conservation District. Staff have been working cooperatively with this applicant and are of the opinion that this proposal generally meets the direction of the study.

King-Spadina Urban Design Guidelines

The King-Spadina Urban Design Guidelines (2004) support the implementation of the King-Spadina Secondary Plan. Specifically for John Street, given its role as a pedestrian street and location for outdoor cafes and restaurants, the Guidelines recommend a 3 hour sunlight standard at mid-day between March and September. Built form and building design, including height and massing, fenestration, and patterns of horizontal and vertical articulation, are to be based on the historic building types prevalent in the area.

Updated King-Spadina Urban Design Guidelines were adopted by Council in September 2006. The updated Guidelines encourage new buildings to reinforce and complement the historic built form character of the area and reinforce the street wall height and structure of the public realm. The Guidelines also encourage new buildings to provide publicly accessible open spaces, and recognize that lanes are often used as pedestrian short-cuts. The Urban Design Guidelines evaluate tall buildings in terms of massing, height, impacts on light, view, privacy, sunlight access and wind conditions, as well as ensuring that the potential for other sites appropriate for tall buildings to develop in a similar manner is

maintained. In addition, setbacks between 3 and 9 m are encouraged so that tall portions of buildings do not overwhelm the street wall.

In addition to these Guidelines, tall buildings are to be assessed in accordance with the City's Tall Building Design Guidelines, including guidelines for tower separation, floor plate and sky view and shadow impacts.

City of Toronto Tall Building Guidelines

The Tall Building Guidelines provide direction on matters related to the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate light and privacy, minimum side and rear yard tower setbacks of 12.5 m, and articulation of tower floor plates that are larger than 743 sq. m. to break down the massing of the building.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended. The RA zoning permits a range of uses and a maximum building height of 30 metres for this site. An additional 5 metres is permitted for rooftop mechanical elements. The Zoning By-law also contains a number of requirements related to building setbacks from the side and rear lot lines. The site is also subject to a number of specific exceptions found in Section 12(2) of Zoning By-law 438-86, as amended. These include restrictions related to commercial parking, a requirement for a 3-metre setback above 20 metres on all street frontages, parking space requirements, angular planes for sunlight streets, restrictions on non-residential gross floor area, and restrictions on nightclubs.

By-law 922-2006, implementing the zoning by-law amendments arising from the 2006 King-Spadina Secondary Plan review, added provisions that included requirements for windows of dwelling units to maintain a separation of 15 m, and 7.5 m to a lot line that is not a public street. By-law 922-2006 is under appeal to the Ontario Municipal Board.

Site Plan Control

The proposed development is subject to Site Plan Approval. An application was made in June 2009 and is currently under review.

Reasons for Application

The following variances from Zoning By-law 438-86, as amended, have been identified by the Chief Building Official:

- The proposed height of 135.3 metres exceeds the permitted height (30 metres plus 5 m for mechanical) by approximately 100 metres;
- The proposal does not comply with the 3 metre setback requirements above 20 metres;
- The proposed building depth from Adelaide Street is greater than the maximum 50 metre depth;

- A setback of 7.5 metres from both the rear lot line and the centre line of the laneway is required for the portion of the building that is located beyond 25 metres of a street. The proposed building is set back 3.0 metres from the centre line of the laneway on the west side and 0 metres from the rear lot line;
- The proposed outdoor residential amenity space does not meet the requirement of 2 sq. m per unit;
- The proposed indoor amenity space is not located in contiguous rooms;
- The proposed outdoor amenity space is not adjacent to or directly accessible from any of the indoor amenity spaces (except the 11th floor pool); and
- a variance for the size of bicycle parking spaces.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

The proposal is consistent with the Provincial Policy Statement by proposing intensification within a built-up urban area near higher-order transportation.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe, by proposing intensification within the Downtown, which is identified as an Urban Growth Area.

Land Use

The replacement of a large surface parking lot with a residential and hotel mixed-use development is consistent with the policy direction of the Official Plan and King-Spadina Secondary Plan.

Height and Massing

The height of 125 m (135 metres including mechanical and architectural roof feature) is approximately 20 m lower than the TIFF/ Bell Lightbox building, which was intended as the landmark for the King-Spadina area. The proposed height is 20 m higher than the Second Tier height of 115 m identified in the King Spadina East Precinct Built Form Study. Staff accept that this block has a unique status in the area and can accommodate a 135 m tall building. Staff do not anticipate this height to leapfrog across Adelaide Street, but rather, regard this block as distinct from the Warehouse District to the north and east.

The tower floor plate of approximately 750 square metres (gross floor area) generally meets the recommendations of the Tall Building Guidelines. Its location at the north end of the site achieves 25 m of separation from the other two towers on the block.

Streetscape and Public Realm

The proposed development provides an opportunity to make a significant contribution to the John Street revitalization project, through the provision of a publicly accessible open space, and through an allocation of a portion of the Section 37 cash contribution to fund street improvements. Street animation on John Street is provided with retail, a restaurant in the relocated heritage building, and access to residential and hotel lobbies through the proposed open space. Street trees are also proposed. There may be some modifications to the proposed streetscape plans as the detailed design for the John Street revitalization project moves forward.

The applicant proposes to replace the existing sidewalks and provide street trees along Adelaide Street West from John Street to the public lane. Decorative paving and pedestrian-scale lighting is proposed along the pedestrian portion of the lane. Additional landscape and material details, and coordination of the improvements with the adjacent development at 21-31 Widmer/ 299 Adelaide, will be addressed as part of Site Plan review.

Heritage and Archaeology

The proposal involves moving the listed heritage building at 104 John Street (Richard West House) to the south end of the site, beside an existing heritage character building at 86 John Street. Together, these buildings will provide a terminus to Pearl Street. The relocated building will be integrated into the development and will continue to be used as a restaurant space.

Heritage Preservation Staff have accepted in principle the proposal to relocate the building. A report by Heritage Preservation Staff to the November 26, 2009 meeting of the Toronto Preservation Board recommends that City Council approve the proposed alterations to the heritage property at 104 John Street and also designate the property under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value as a rare surviving example of residential row architecture in the area and for its contribution to the historic and contextual fabric that exists within the King-Spadina Secondary Plan area. The report also recommends designation of 104 John Street in order to secure a Heritage Easement Agreement for its relocation and restoration. These recommendations will be considered by City Council on January 26, 2010.

The property is located within the original Toronto General Hospital reserve and a portion of the property coincides with the site of Toronto's first hospital. The applicant has undertaken an extensive archaeological survey and has found deposits associated with the hospital and is currently undertaking salvage measures on the site. Significant findings will be interpreted and/or preserved and displayed, possibly in the TIFF/ Bell Lightbox development or in another publicly accessible location, with details to be determined during the Site Plan Review process. The provision of an appropriate interpretive program will be secured in the Section 37 agreement.

Shadow Impacts

On its own, the proposed building creates a relatively slim shadow. When compared to an as-of-right building, the shadow most significantly affects the east sidewalk of John Street, including the restaurant patios on the east side north of Adelaide, which are shaded by the subject proposal in the early afternoon in the shoulder seasons and in mid-afternoon in the summer. John Street is not identified as a “sunlight street” subject to an angular plane in Section 12(2)260 of Zoning By-law 438-86, however the King-Spadina Urban Design Guidelines seek to ensure a 3-hour sunlight standard on John Street at mid-day between March and September.

The publicly accessible open space proposed on John Street is in sun for approximately two hours in the morning in the shoulder seasons, and until mid-afternoon in the summer. For much of the day it is shaded by surrounding buildings, including shadows cast by the subject proposal.

Wind

A pedestrian wind study was submitted in June 2009. It recommends mitigation for the roof-top outdoor amenity spaces. Mitigation measures will be secured through the Section 37 agreement and details resolved during the Site Plan review process.

Traffic Impact, Parking and Loading, and Lane

A Traffic Impact Study (revised) was submitted with the application for Site Plan Approval in June 2009. The revisions addressed comments provided by Technical Services staff. Technical Services staff reviewed the revised report as part of the Site Plan application submitted by the applicant in June 2009, in the context of the hotel-condo option. Technical Services staff accepted the findings of the revised report and noted the traffic impacts of the development are acceptable for the hotel-condo option. The residential-only option will result in less traffic on the abutting roads when compared to the previous proposal that was analysed and accepted by Technical Services.

The development includes 338 vehicular parking spaces and 200 bicycle parking spaces. This supply meets the King-Spadina parking requirements of section 12(2)246 of Zoning By-law 438-86 for both the hotel-condo and all residential scenarios.

The proposed loading spaces vary depending on whether a hotel is included in the proposal. Technical Services staff reviewed the proposed loading supply as part of the Site Plan application submitted by the applicant in June 2009, in the context of the hotel-condo option. The loading spaces proposed for the hotel-condo option are one Type G and one Type B and G combined. This varies from the by-law requirement, however Technical Services staff have found the loading supply acceptable.

Vehicular and loading access to the proposed development is via an existing public lane abutting the west side of the development and adjacent to the proposal at 21-31 Widmer/299 Adelaide Street. The proposal includes conveyance of lands to widen this existing lane to accommodate pedestrian circulation and drop-off at the north end, and parking

access and servicing at the south end, at the rear of the three buildings within the block. The proposed access is generally acceptable to Technical Services staff.

The proposal requires the closing of a short public lane running north-south from Adelaide Street. The applicant has agreed to a strata conveyance of the lane, with the City retaining ownership above a height of 125 m. The amendment to the Zoning By-law will be conditional on the closing of this lane.

Municipal Servicing and Stormwater Management

A Functional Servicing Report (revised) was submitted in December 2009. This report is still under review, and must be accepted by Technical Services staff prior to the introduction of Bills to Council.

Amenity Space

The total amount of indoor amenity space provided in the proposal meets the Zoning By-law requirement of 2 sq. m per unit. The proposal will be required to provide a minimum of 200 square metres of indoor amenity space, including a kitchen and washroom, for the exclusive use of the condominium (i.e., not shared with the hotel), to allow adequate space for condominium board meetings. This will be secured in the Site-Specific Zoning By-law for the site.

The applicant's drawings show approximately 801 sq. m of outdoor amenity space in both the hotel and no hotel scenarios. This achieves a ratio of 1.5 sq. m per unit if the all-residential scenario is developed. This is acceptable.

In the event that the hotel use ceases or changes, the indoor and outdoor amenity space provided in the project as a whole must continue to be accessible to the condominium residents. This will be secured in the Site-Specific Zoning By-law for the site.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.42 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes a minimum of 471 residential units on a site of 0.3055 hectares (3,055m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.628 hectares (6,280m²). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development, for either option, would be 0.03055 hectares (305.5m²).

The non residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 16 of the former City of Toronto Municipal Code

(which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.03055 hectares (305.5m²) would not be of a useable size and the site would be fully encumbered with below grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

The application is not subject to the new mandatory Green Development Standard. However, the applicant has indicated that a number of green features will be included in the project. These include most minimum standards for Air, Water, and Solid Waste, and Ecology; and all minimums for Energy that were part of the previous non-mandatory checklist. Further refinements will be sought during the Site Plan review process.

Section 37

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

- a. An indexed cash contribution of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one or more of the following:
 - streetscape improvements on John Street
 - design development supporting the John Street streetscape project
 - Heritage Conservation District Studies in the King Spadina East Precinct subject to the appropriate Official Plan Amendment coming into force and effect

\$100,000 of the above cash contribution is to be provided at the enactment of Bills, for the purpose of contributing to design development for the John Street streetscape or one or more Heritage Conservation District studies within the East Precinct of King-Spadina, subject to the appropriate Official Plan Amendment coming into force and effect, a percentage is to be provided prior to the issuance of an above-grade building permit, and the remaining percentage is to be provided prior to the release of the condominium for registration;

- b. A public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost;

- c. The provision of a publicly accessible landscaped open space on the John Street frontage of the site, with a minimum size of 335 sq. m;
- d. In substantial accordance with the Conservation Plan prepared by Goldsmith Borgal & Company Ltd. Architects, dated June 17, 2009, and on file with the Manager, Heritage Preservation Services, the owner shall relocate and restore the heritage building at 104 John Street, and in the event of a lesser expenditure than identified in the Conservation Plan, the difference shall be re-directed to Heritage Conservation District studies within the King-Spadina East Precinct;
- e. Prior to Site Plan Approval, the applicant shall provide additional information, based on the proposed Conservation Plan drawings to include documentation substantially in accordance with that outlined in Section 3.2.1 Option A (page 12) of the submitted Conservation Plan, specifically:
 - i) a detailed plan to outline mitigation measures that address construction impacts relative to the on-site heritage structures;
 - ii) plans for interpretive panels or other interpretive materials to communicate the development history of the property including the research content, design and location of the interpretive materials. The interpretation plan shall include panels or materials at both the existing location of the heritage building and the proposed location within the development site. All above components of the plan shall be to the satisfaction of the Manager of Heritage Preservation Services; and
 - iii) provide a landscape plan for the subject property to the satisfaction of the Manager of Heritage Preservation Services.
- f. Prior to the issuance of any building permit, including for demolition, excavation, shoring, foundation or above grade, the owner shall:
 - i) provide a Letter of Credit in a form and in an amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan;
 - ii) provide final plans satisfactory to the Manager of Heritage Preservation Services;
- g. Prior to the release of the Letter of Credit, the owner shall provide evidence and documentation that the project scheme has been implemented, per the approved Conservation Plan, satisfactory to the Manager, Heritage Preservation Services;

- h. Prior to Site Plan Approval, provide a program of commemoration/ interpretation of archaeological findings within the context of the site's development, to the satisfaction of the Manager, Heritage Preservation Services;

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

- i. A minimum of ten percent (10%) of the residential units in the building will have at least three bedrooms, or be convertible to three or more bedrooms;
- j. Architectural plans, elevations and landscape drawings will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division in conjunction with the Site Plan Application, and the owner will be required to submit 1:50 scale elevation drawings for the podium illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- k. The owner shall incorporate in the construction of the building, and thereafter, maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director;
- l. The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director of City Planning Division, received May 4, 2009;
- m. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as reviewed and accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support the development;
- n. The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for Site Plan Approval;
- o. Provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirement to maintain in good order and operation.

Development Charges

It is estimated that the development charges for this project will be approximately \$3,305,000 if the hotel is included, and approximately \$3,122,000 if there is no hotel component. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONCLUSION

The proposal provides a generally desirable redevelopment of a parking lot with a mixed use building. The proposal includes a landscaped publicly accessible open space and provides an opportunity to make a significant contribution to streetscape improvements on John Street. It is consistent with the direction of the emerging built form study in that it is located within an area that can accommodate tall buildings without destabilizing the warehouse built form character of the area, and meets the intent of the Tall Building Guidelines.

CONTACT

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Fax No. 416-392-1330
E-mail: jjosefo@toronto.ca

SIGNATURE

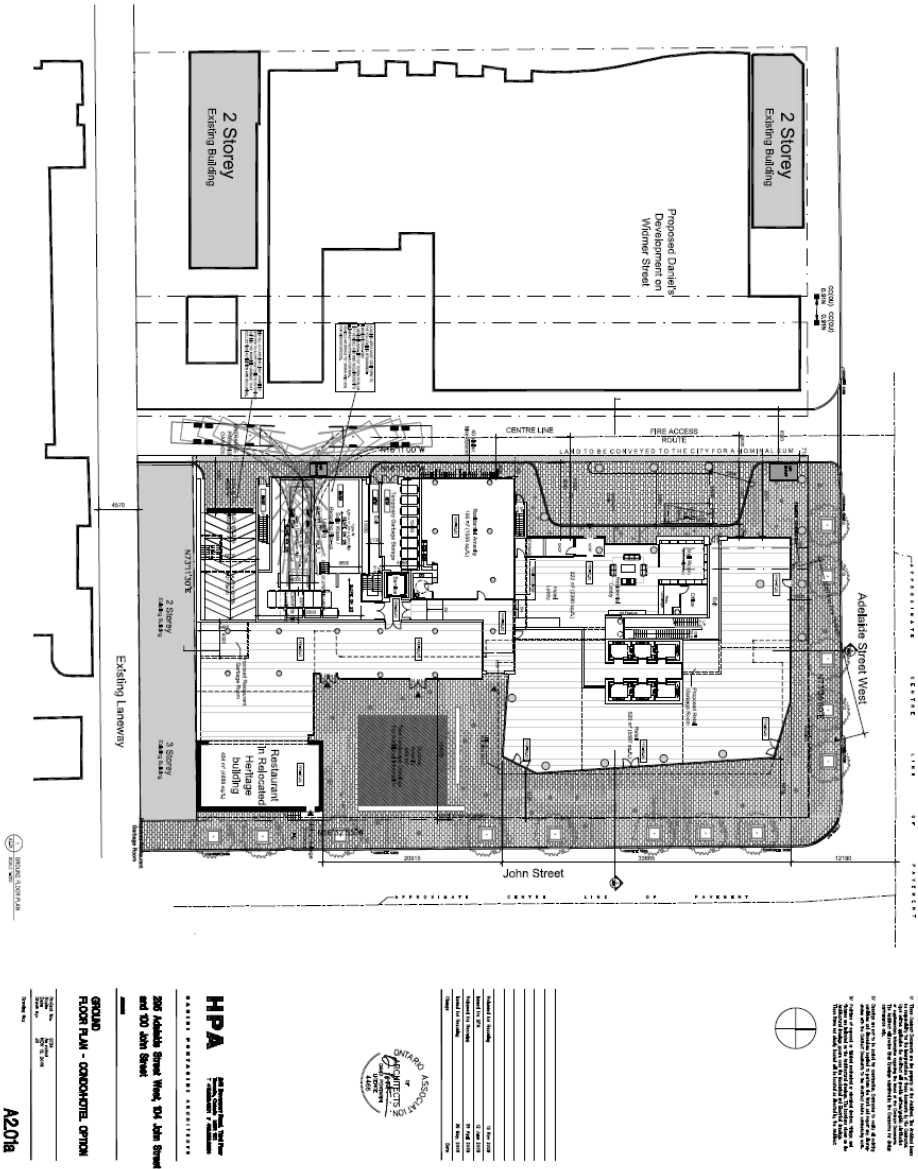
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: South Elevation
Attachment 4: West Elevation
Attachment 5: North Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



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GROUND FLOOR PLAN - CONCEPT OPTION
 Project No. 08-164515-STE-20-OZ
 Drawing No. A207a

PREPARED BY: [Signature]
 CHECKED BY: [Signature]
 DATE: [Date]

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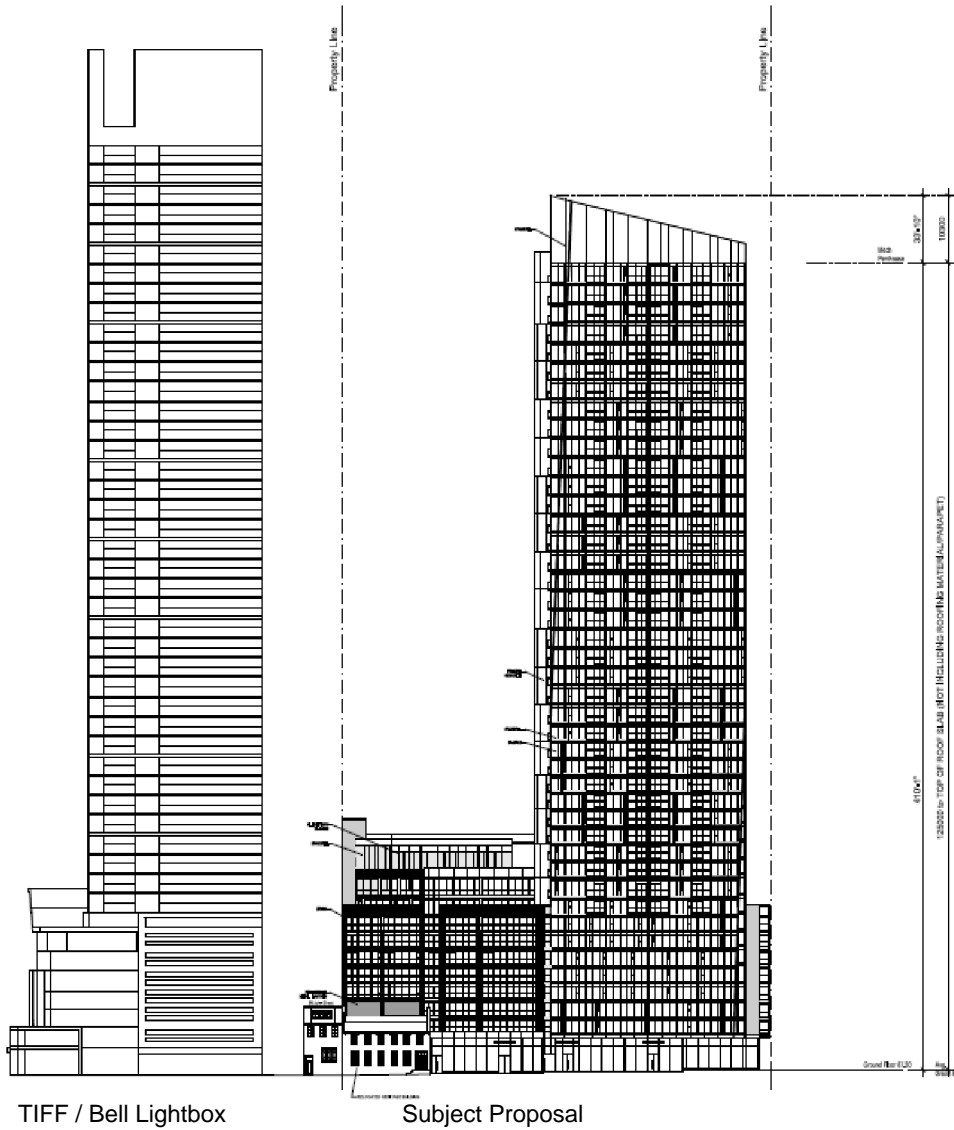
Site Plan Street

295 Adelaide St. W / 100-104 John

Applicant's Submitted Drawing
Not to Scale

File # 08 164515 STE 20 OZ

Attachment 2: East Elevation



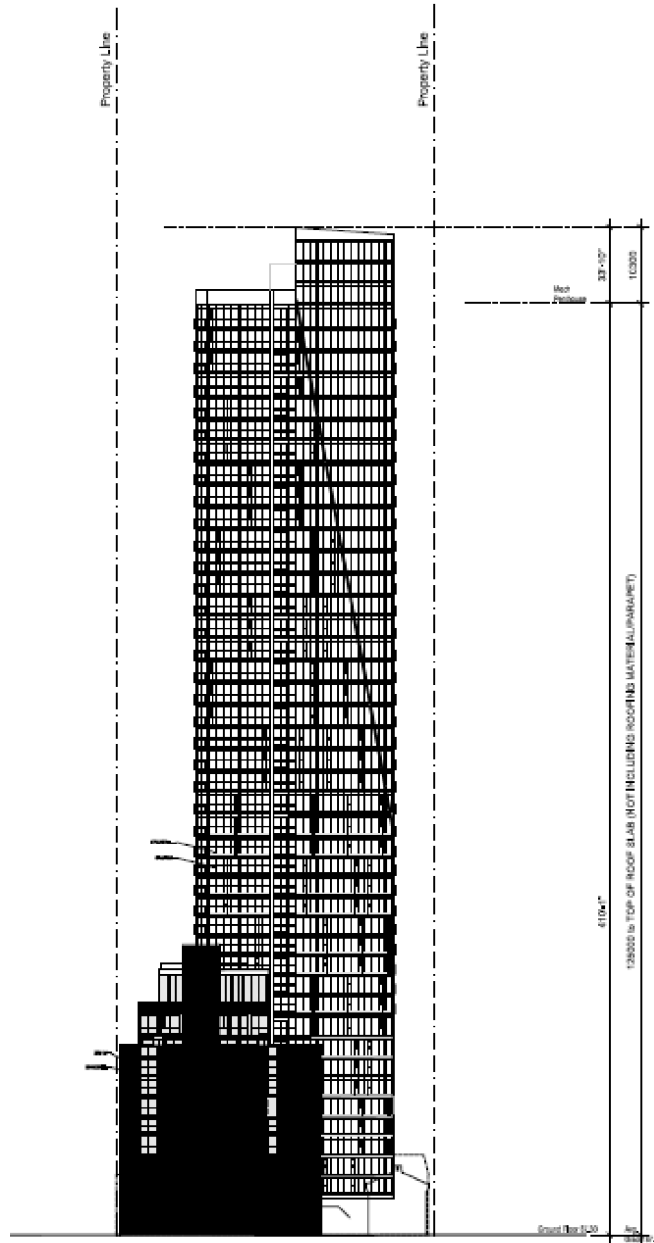
East Elevation John Street

295 Adelaide St. W / 100-104

Applicant's Submitted Drawing
Not to Scale

File # 08 164515 STE 20 OZ

Attachment 3: South Elevation



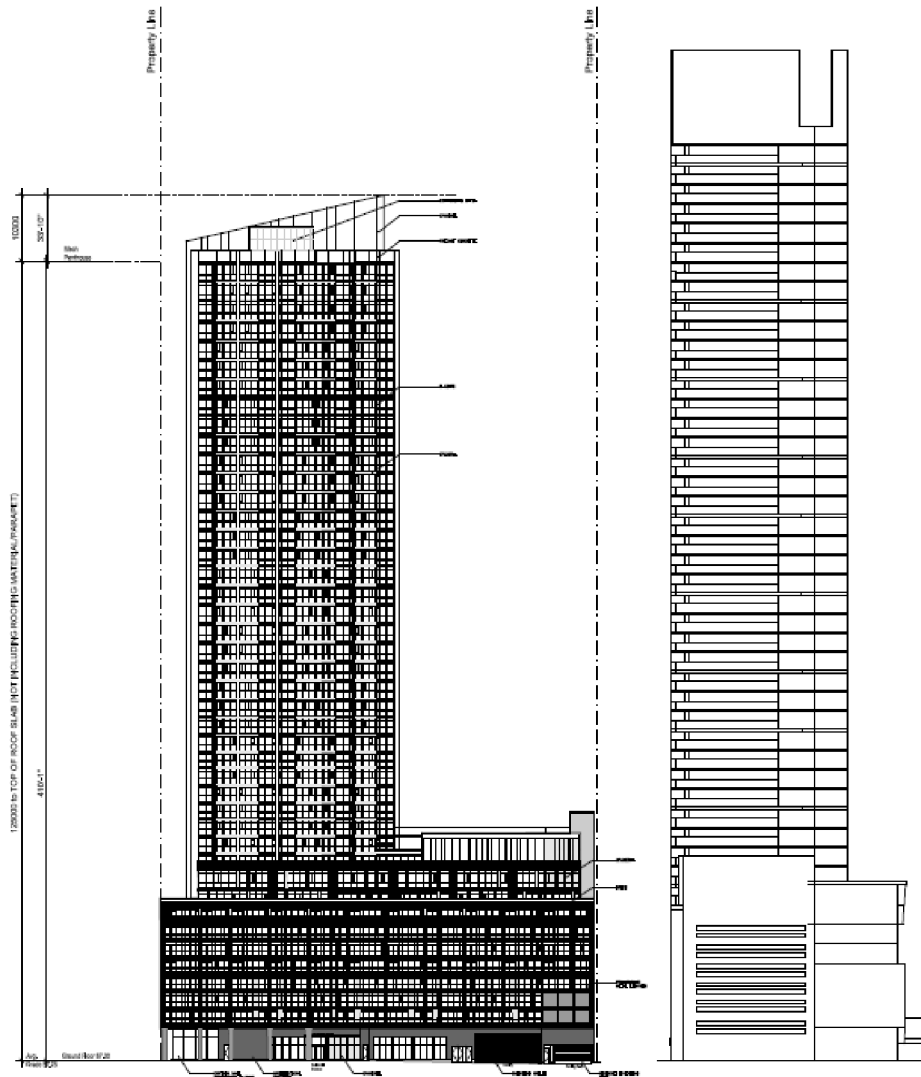
South Elevation
John Street

Applicant's Submitted Drawing
Not to Scale

295 Adelaide St. W / 100-104

File # 08 164515 STE 20 OZ

Attachment 4: West Elevation



Subject Proposal

TIFF / Bell Lightbox

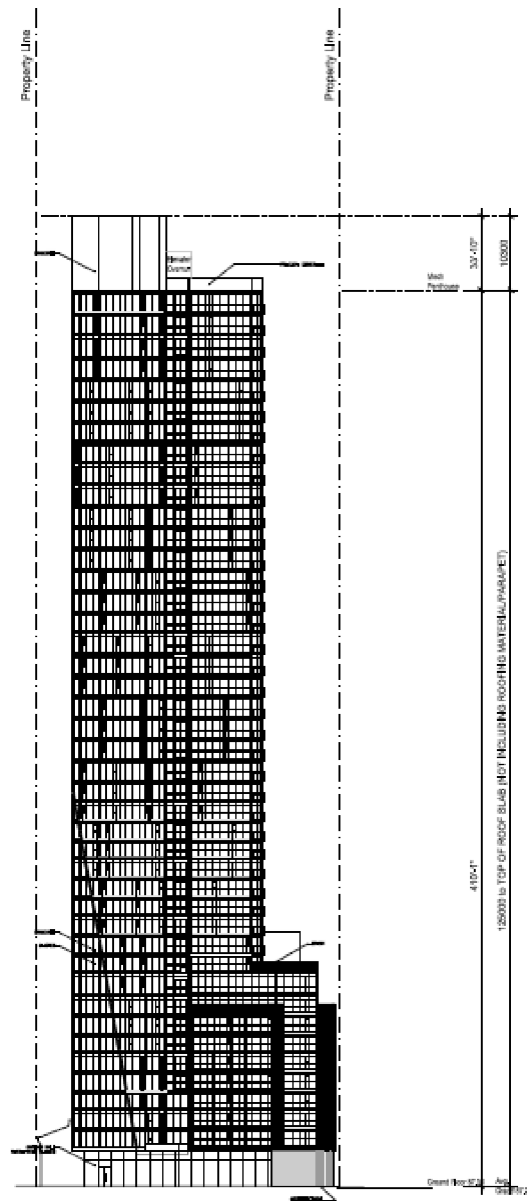
West Elevation John Street

295 Adelaide St. W / 100-104

Applicant's Submitted Drawing
Not to Scale

File # 08 164515 STE 20 OZ

Attachment 5: North Elevation



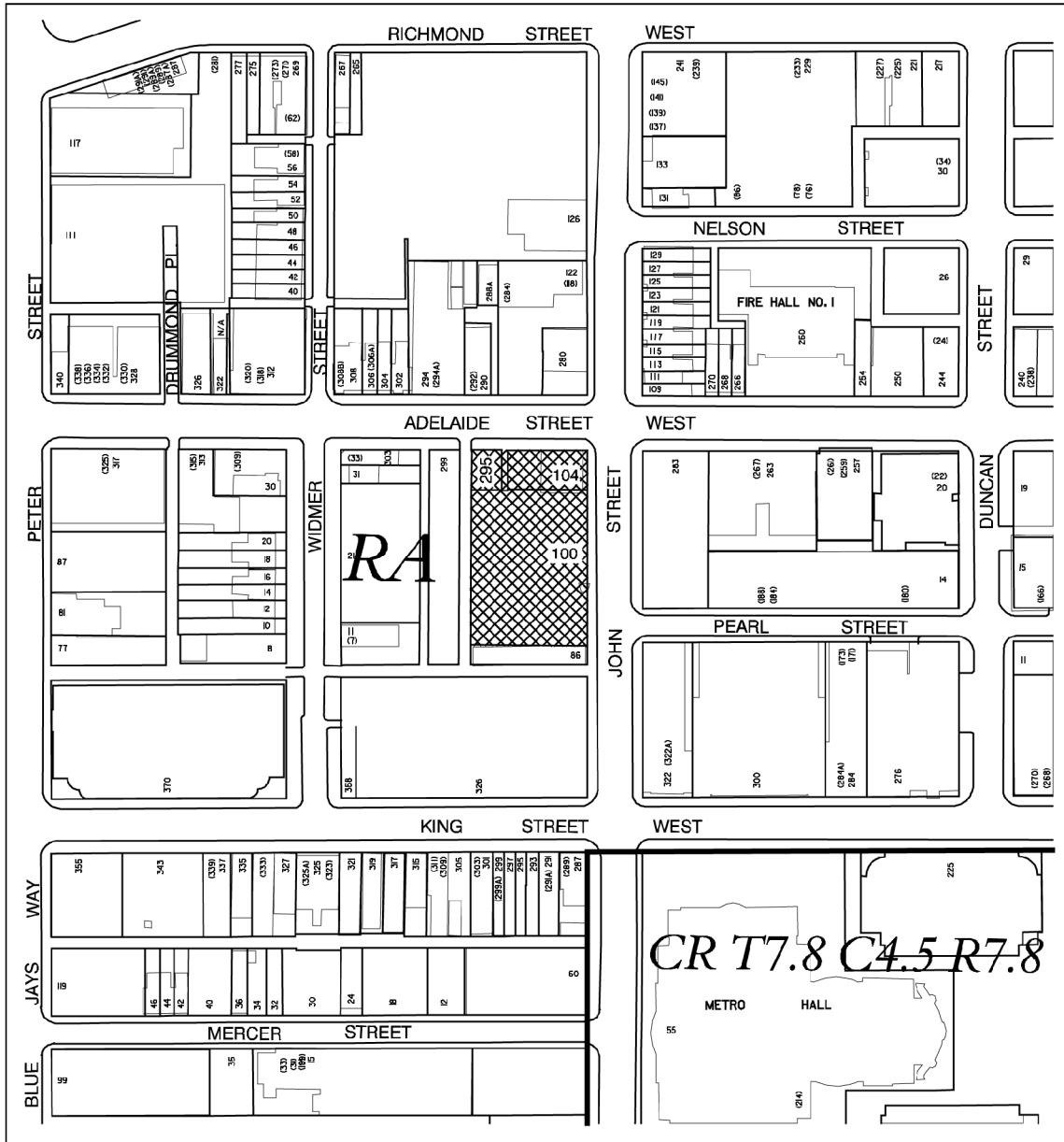
**North Elevation
John Street**

Applicant's Submitted Drawing
Not to Scale

295 Adelaide St. W / 100-104

File # 08 164515 STE 20 OZ

Attachment 6: Zoning



295 Adelaide Street West & 100 & 104 John Street

File # 08_164515

- CR Mixed-Use District
- RA Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 06/05/08 - AA

Attachment 7: Application Data Sheet

Application Type Rezoning Application Number: 08 164515 STE 20 OZ
Details Rezoning, Standard Application Date: June 2, 2008

Municipal Address: 295 ADELAIDE ST W
Location Description: PL 37E LT1 **GRID S2015
Project Description:

Rezoning application to permit an 8 and 43 storey building on the lands containing 443 residential units, 104 hotel units, and 388 vehicular parking spaces below grade. Included in the proposal is the retention but relocation of the existing heritage structure at 104 John Street to south easterly corner of the property. Revised submission November 19 2009 for 471 residential units and 76 hotel units, and 338 parking spaces below grade.

| | | | |
|-------------------|----------------|--------------------------------|--|
| Applicant: | Agent: | Architect: | Owner: |
| PATRICK DEVINE | PATRICK DEVINE | HARIRI PONTARINI ARCHITECTS | PINNACLE INTERNATIONAL (ADELAIDE ST) LTD |

PLANNING CONTROLS

| | | | |
|----------------------------|--------------------|--------------------------|---|
| Official Plan Designation: | Regeneration Areas | Site Specific Provision: | |
| Zoning: | RA | Historical Status: | Y |
| Height Limit (m): | 30 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|--------|---------|-----------------|--------------|
| Site Area (sq. m): | 3055.8 | Height: | Storeys: | 43 |
| Frontage (m): | 42.33 | | Metres: | 125 |
| Depth (m): | 71.96 | | | |
| Total Ground Floor Area (sq. m): | 1556 | | | Total |
| Total Residential GFA (sq. m): | 36170 | | Parking Spaces: | 338 |
| Total Non-Residential GFA (sq. m): | 6066 | | Loading Docks | 2 |
| Total GFA (sq. m): | 42237 | | | |
| Lot Coverage Ratio (%): | 50.9 | | | |
| Floor Space Index: | 13.82 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| Tenure Type: | Condo | | Above Grade | Below Grade |
|--------------|-------|----------------------------------|-------------|-------------|
| Rooms: | 0 | Residential GFA (sq. m): | 36170 | 0 |
| Bachelor: | 0 | Retail GFA (sq. m): | 969 | 0 |
| 1 Bedroom: | 354 | Office GFA (sq. m): | 0 | 0 |
| 2 Bedroom: | 117 | Industrial GFA (sq. m): | 0 | 0 |
| 3 + Bedroom: | 0 | Institutional/Other GFA (sq. m): | 5097 | 0 |
| Total Units: | 471 | | | |

CONTACT: **PLANNER NAME:** **Judy Josefowicz, Senior Planner**
TELEPHONE: **416-392-1306**

Attachment 8: Draft Zoning By-law Amendment

To be provided prior to the February 9, 2010 meeting of the Toronto and East York Community Council