

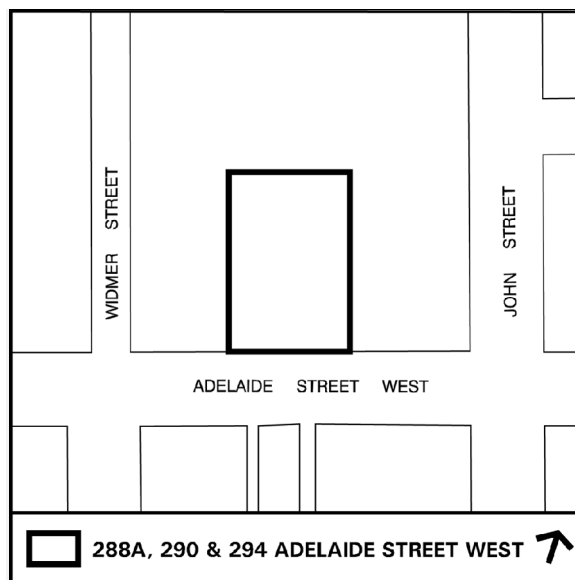
**288A, 290 and 294 Adelaide Street West– Zoning
Amendment Application – Refusal Report**

Date:	July 20, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	09 198079 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. It proposes a 37 storey mixed use building, 122.4 metres high, including mechanicals, at 288A, 290 and 294 Adelaide Street West. The proposed development includes 281 apartments, approximately 276 square metres of retail space, 1562 square metres of office space, an at grade loading space, an 86 space, 5 level commercial parking garage above grade, and 4 levels of residential parking underground with 160 parking spaces.

The proposal represents over-development of the property contrary to the planning framework for King-Spadina. The building height that exceeds the zoning by-law permissions by 87.4 metres is significantly out of scale with the existing and planned built form context and creates negative impacts on the public realm and abutting and nearby properties that affects their use and enjoyment. Its approval would set a negative precedent for future development that undermines the vision for this area of the City. It also includes a 5 level above-grade commercial parking garage that promotes the use of private automobiles over transit and gives priority to commuter and all-day parking in the downtown



contrary to the objectives of the Official Plan. City Planning recommends that Council refuse the zoning by-law amendment application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the Zoning By-law Amendment application for 288A, 290 and 294 Adelaide Street West for the reasons set out in this report including:
 - a. the proposal represents over-development of the property,
 - b. the proposal is out of scale with the existing and planned built form context,
 - c. the proposal would create negative impacts on the public realm and adjacent and nearby properties affecting their use and enjoyment,
 - d. the proposal would set a negative precedent for future development undermining the vision for this area of the City,
 - e. the proposal promotes commuter and all day parking in the downtown contrary to the policies of the Official Plan,
 - f. the proposal is inconsistent with the King-Spadina Urban Design Guidelines and Criteria for the Review of Tall Buildings Proposals,
 - g. the proposal is inconsistent with the Provincial Policy Statement,
 - h. the proposal does not conform to the Growth Plan for the Greater Golden Horseshoe, and
 - i. the proposal does not complement its heritage context or the warehouse character of the Adelaide Street and Richmond Street corridors.
2. City Council authorize the City Solicitor together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event that the application is appealed to the Ontario Municipal Board.
3. City Council authorize City Planning in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Planning History for King-Spadina

In 1996, Council of the former City of Toronto approved Part II Official Plan and Zoning By-law amendments for King-Spadina and King-Parliament (the Kings) that introduced a planning framework aimed to encourage rejuvenation of these historic districts that were

instrumental in shaping the City. The Part II Plan for King-Spadina was included as a Secondary Plan in the new City of Toronto Official Plan adopted by Council in 2002. Along with the objectives and policies of the Official Plan, the Secondary Plan seeks to encourage investment in King-Spadina for a broad range of uses in a manner that reinforces its historic built form, pattern of streets, lanes and parks. These objectives were implemented through the Reinvestment Area (RA) zoning, urban design guidelines and a community improvement plan.

There has been significant investment through new construction and conversions of existing buildings in King-Spadina since the approval of the planning framework in 1996. Along with this investment, a number of issues have arisen related to land use, community services and facilities, quality of life, built form and the public realm.

To address these issues Council has re-examined the planning framework for King-Spadina. In 2006 Council enacted amendments to the King-Spadina Secondary Plan (OPA 2) and the Zoning By-law (By-law 922-2006) and adopted new urban design guidelines for the area. In 2006, Council adopted design criteria for the review of tall building proposals that implement the built form policies of the Official Plan and these apply throughout the City including King-Spadina. A study of the built form in the east precinct of King-Spadina, within which the subject site is situated, that addressed area specific issues related to height, massing and built form context was considered by Council in 2009. A community improvement plan has also been approved for King-Spadina. Among other things, it includes a strategy for public realm improvements. Some of these improvement projects are being realized through initiatives such as the John Street Environmental Assessment, new mid-block connections, and a number of proposed publicly accessible privately owned plazas. In addition the Entertainment District Business Improvement Association's Master Plan, that includes portions of King-Spadina, provides the BIA's recommended directions for King-Spadina.

Together these initiatives provide a framework for development in King-Spadina. They encompass the vision for King-Spadina as an area where growth is encouraged, while ensuring that its place as an historic district, essential to the development of the City, is maintained and reflected in its buildings and along its streets well into the future.

King Spadina Secondary Plan Review

In 2005, the King-Spadina Secondary Plan review was initiated by Council to evaluate development issues in King-Spadina related to entertainment uses, community facilities, public realm and built form. In September 2006 Council enacted amendments to the Secondary Plan and Zoning By-law for the area. The amendments were appealed to the Ontario Municipal Board (OMB) and many of these appeals have since been withdrawn or resolved. A further prehearing on the outstanding appeals has not yet been scheduled by the OMB.

The official plan amendment introduced new policies to reinforce the major objectives of the planning framework for King-Spadina that encourages reinvestment for a range of uses in a manner that protects and enhances its historic built form. It introduced a new

urban structure for King-Spadina removing the historic Queen Street West area, and identifying three distinct areas: the East and West Precincts; and the Spadina Avenue Corridor. It provides that development will complement and reinforce the distinctive qualities of these precincts and corridor. Heritage areas are identified in the East and West Precincts and Spadina Avenue Corridor, along with policies to reinforce the historic built form character of these areas. Further, these heritage areas are to be considered for district designation under the Ontario Heritage Act.

The amendment also added policies to urban structure and built form policies of the Secondary Plan that reinforce and enhance the public realm policies adding John Street, King Street West and Wellington Street West as 'Areas of Importance' where zoning by-law, design guidelines and other measures to promote and reinforce their contribution to King Spadina are to be implemented. These streets are intended to have unique public realm solutions for improvements and alterations consistent with their special character and status. John Street's identification as a Cultural Corridor linking important public institutions was added and the policies provide that its design should reflect this unique status.

To address public realm and built form issues arising from development proposals for tall buildings in the East Precinct, Section 3.7 was added that identifies the specific areas in King-Spadina where proposals for building heights significantly in excess of the existing zoning permissions can be considered. These areas are limited to areas on the north side of King Street West, the south side of Wellington Street West and south of Wellington Street West all between Spadina Avenue and John Street. Further the plan provides that development proposals within these areas will be evaluated, among other things, on their ability to meet the City's tall building design criteria.

Policies were added to promote community improvements and to strengthen the heritage character of the area. Commercial parking below grade is also provided for recognizing King-Spadina's place within the entertainment district of the City where commercial parking may be needed to support new development.

The site is situated within the East Precinct of King-Spadina in a Heritage area (Attachments 1 and 2). The proposal for a 122.4 metre tall building is significantly in excess of the 35 metre height limit (including mechanical) permitted in the zoning by-law. The site is not situated in an area where zoning amendments for development proposals that seek height increases significantly in excess of zoning permissions are to be considered.

King-Spadina Urban Design Guidelines

Along with the official plan and zoning by-law amendments, in September 2006 Council adopted revised Urban Design Guidelines for King-Spadina. These guidelines seek to reinforce the physical character and identity of King-Spadina. Using the historic fabric as the backdrop, the guidelines provide direction on how to assess development proposals to ensure that new buildings and public realm improvements preserve and reinforce the area's unique heritage character.

The guidelines address the importance of streets to the character of King-Spadina and their contribution to the public realm. Special character streets are identified due to their significance from a historic and cultural perspective and John Street is identified as a special street and Cultural Corridor. The guidelines place importance on the protection of sun access to the public realm and ensuring that there is adequate sunlight on both sides of the street at street level particularly east of Spadina Avenue where tall buildings have been approved.

The built form guidelines provide direction on how to evaluate development proposals that meet the as-of-right permissions in the zoning by-law, and those where significant increases in height are proposed beyond the as-of-right permissions. Development proposals that are within as-of-right permissions are assessed at three levels: the 'Pedestrian Scale', including weather protection, parking and loading, pedestrian links and crime prevention through environmental design; the 'Street Wall Scale', recommending a 1:1 street proportion for the street wall and consistent setbacks; and a 'Design and Architectural Quality Scale' to ensure that building design and materials are of high quality, and are compatible with and complement the existing heritage fabric.

Additional 'Urban Scale' guidelines are included that provide further direction on how to evaluate development proposals that seek increases in building height above as-of-right permissions, particularly in locations identified in the King-Spadina Secondary Plan as having the potential for building heights substantially in excess of current permissions. Along with ensuring that new development respects the prevailing pattern of height transition in this area, these guidelines note that buildings in the East Precinct that have heights beyond the permitted zoning and are anomalous with the heritage fabric of the area should not be used as precedents for development. Further, the City's tall building criteria are to be used to evaluate any tall building elements above the as-of-right permissions for King-Spadina.

The 'Urban Scale' guidelines seek to address potential adverse impacts of building height, particularly tall buildings, on adjacent and nearby properties, the public realm and on the quality of life of existing and future residents in King-Spadina. They provide direction on matters related to shadow impacts, angular planes, setbacks and light, view and privacy, all relevant for applications that propose additional height.

The guidelines propose angular planes along with height limitations and setbacks as measures to minimize shadow impacts, ensure adequate sunlight, and strengthen the existing street wall scale to maintain a comfortable pedestrian experience. To ensure that long term quality of life is maintained issues of light, view and privacy are addressed.

Access to natural light, the protection of privacy and reasonable views are important factors that affect living conditions. Consequently, buildings should be positioned and located in such a way that limits their impacts on the public realm and adjacent buildings.

In order to ensure that people have access to natural light, adequate sky views and that privacy in their homes is protected, the guidelines propose a minimum facing distance of 25 metre between tall building elements. This facing distance can be achieved by requiring a minimum setback of 12.5 metres from property lines for tall building elements. To address light, view and privacy issues for residents living in podiums, adherence to minimum side and rear yard setbacks guarantees minimum facing distances, addressing quality of life issues for these residents as well.

Within this framework, development proposals are evaluated not only on their ability to achieve optimum proximity, light, view and privacy conditions, but are also assessed in relation to the impacts on other properties in the same block, with similar potential. The ability of these nearby properties, within their existing and/or planned context, to achieve optimum proximity, light, view and privacy conditions is equally important. To ensure that adjacent and nearby properties are not negatively impacted facing distances and setbacks should be addressed within the development site and not exported to adjacent and nearby properties.

The proposal does not meet the 'Urban Scale' criteria with respect to the setback of the podium (minimum 7.5 metres) from side and rear yards, or the tall building element (setbacks of 12.5 metres to property lines) required to ensure adequate light, view and privacy for the development and to protect for these conditions on other properties in the same block.

Design Criteria for the Review of Tall Building Proposals

The City's 'Design Criteria for the Review of Tall Building Proposals' provide guidelines for the design and evaluation of tall buildings in the City. Aimed to implement the built form policies of the City's Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals. Criteria and indicators are related to four main areas; site context, site organization, building massing and the pedestrian realm.

In considering site context, in addition to requirements for master plans on larger sites, tall building proposals must address concerns related to transitions between taller buildings and lower scale features nearby. Measures such as height limits, setbacks, stepbacks and angular planes are used to achieve appropriate transitions in scale and the protection of sunlight and sky views.

Design criteria related to site organization address issues of building placement and orientation, location of building entrances, servicing and parking requirements, enhancement of adjacent streets and open spaces, and respect for heritage buildings.

Building massing is a critical consideration in assessing tall buildings. The scale of the base component of a tall building should have good street proportion to maintain access to sunlight and sky views along the street, should integrate with adjacent buildings and minimize the impacts of parking and servicing uses. To break down the mass of the building smaller floor plates and building articulation is recommended. Adequate space

between tall building elements allows for appropriate light and privacy for existing and new buildings, as well as allowing appropriate sunlight, wind and sky view to adjacent streets parks, open spaces and properties. Conditions beyond the required by-law minimums are often required to achieve light, view and privacy. The criteria include a minimum spacing of 25 metres between the shafts of tall building elements. On compact sites where a tall building is proposed the shaft of the tall building must be located a minimum of 12.5 metres away from the property line.

New tall buildings are expected to enhance the public realm by providing active frontages, and high quality streetscape and landscape design elements. To reduce negative impacts of taller buildings elements, a minimum stepback of 5 metres for the tower from the street edge of the base building is required. Other considerations include weather protection, limiting shadowing impacts and uncomfortable wind condition on nearby streets, properties and open spaces, as well as minimizing additional shadowing on neighbouring parks to preserve their utility.

The proposal does not meet the minimum separation criteria for compact sites needed to ensure adequate light, view and privacy for the proposal, and to protect for these conditions on adjacent properties. The shaft of the building is proposed to be situated 7.5 metres from the east and west property lines and extends to the north property line while the tall building criteria requires a minimum setback of 12.5 metres from these property lines. As well, the proposal does not meet the minimum stepback of 5 metres for the tall building elements from the street edge of the base building as required. Instead a setback of 3 metres from Adelaide Street is proposed for levels 9 to 31.

King-Spadina East Precinct Built Form Study

A further study of the East Precinct of King-Spadina was initiated by Council in April 2008 due to the number of development applications in this area of King-Spadina proposing heights above those permitted by the zoning by-law. This study evaluated the character of the East Precinct and provides more specific direction on where and how additional development can be accommodated while protecting the features that make this area distinctive and successful.

The study identified five character areas in the East Precinct and established an approach to considering development within each area in a manner that protects, reinforces and enhances its heritage character.

Among other things, it established 'First' and 'Second Tier' height zones within the character areas. In the 'First Tier' zones, height is limited to the as-of-right permissions in the Zoning By-law. Heights that are greater than the as-of-right permission can be considered in the 'Second Tier' height zones subject to a number of considerations, among these; respect for heritage in the immediate context, including podium scale, materiality, proportion and architectural rhythm, preservation of sunlight on parks and important pedestrian streets such as John Street, conformity with the King-Spadina design guidelines and achieving a 25 metre tower separation and maximum 750 square metre floor plate to address light, view and privacy. Appropriate Section 37

contributions for increased height would also be required. This framework for considering development applications within the East Precinct was considered by City Council at its meeting of September 30, October 1, 2009 and has been applied to the review of development applications subsequent to Council consideration.

The site is in the 'Warehouse District' character area and in a 'First Tier' height zone that has a height limit of 30 metres plus 5 metres for mechanicals subject to angular plane requirements (Attachments 3 and 4). The 'Warehouse District' generally includes the Richmond Street and Adelaide Street corridors and is characterized with mid-rise brick and beam buildings, many of historic significance. The mid-rise built form character of the 'Warehouse District' is one of the most distinctive features of the King-Spadina area (Attachment 5). The preservation and enhancement of this character is an important goal of the King-Spadina planning framework.

The height limits within this zone are intended to protect and reinforce the historic built form character of the Warehouse District, while providing for new development. They also provide for a transition area from the 'Second Tier' height zones to the south and east to the low-rise area in the Heritage Conservation District along Queen Street West to the north, further strengthening the historic built form character of this area of the Warehouse District.

Toronto Entertainment District Master Plan

In 2008 the Entertainment District Business Improvement Association (BIA) initiated a Master Plan Study of the BIA that was completed in May 2009 intended to articulate the long-term vision for the BIA and provide guidance for change. Although the boundaries of the BIA are different than those of King-Spadina it does encompass the East Precinct and a portion of the Spadina Avenue Corridor and the Master Plan complements the planning framework for King-Spadina.

Similar to the Built Form Study, the Master Plan identifies areas of distinct character within the BIA, and three are within the East Precinct of King-Spadina. These include the 'Warehouse Precinct', the 'King Street Precinct' and the 'Front Street Precinct' and they are closely related to the character areas identified in the Built Form Study.

The subject site is in the 'Warehouse Precinct', "defined by a concentration of mid-rise brick and beam structures many of which have historic and architectural significance". "Richmond Street and Adelaide Street are the main streets and primary focus for the precinct", that "contains a broad mix of uses, including office, commercial, restaurants, bars and nightclubs, pockets of Victorian house forms and book-ended with high density residential uses". "The area currently serves as a transition in scale and character between the large scale developments and the Financial District to the south and east, and the low-rise adjacent Queen Street West Heritage Conservation District and neighbourhoods to the north".

The objectives of the Warehouse Precinct seek to protect, reinforce and leverage the warehouse look and feel of the precinct to create a unique heritage destination and

attraction while continuing to intensify the mix and variety of uses but with sensitivity to the precinct's heritage character and function as a transition between areas of varying scale and intensity. They also seek to enhance streetscapes and promote active uses at-grade to create a vibrant and inviting street life and create new public spaces to enhance the areas appeal and liveability.

The Master Plan contains a public realm framework for enhancements and improvements a built form framework addressing issues such as heritage, scale, transitions, height and massing, and an implementation strategy for action.

John Street is given special consideration as a Cultural Corridor and the central north/south spine of the district. Improvements that promote its special status are recommended. Richmond Street and Adelaide Street are secondary streets distinguished by the prominence of brick and beam buildings as 'Heritage Streets' and improvements are recommended to transform them into inviting pedestrian places.

Areas considered appropriate for low, mid-rise and high-rise buildings are identified. The Warehouse Precinct is considered a mid-rise area where built form should reinforce the character of the precinct and where point towers are inappropriate as they detract from the area character and threaten the retention of heritage buildings.

ISSUE BACKGROUND

Proposal

The application proposes a 37 storey building, 122.4 metres high, at 288A, 290 and 294 Adelaide Street West (Attachment 6). The proposed building consists of a 6 storey (25.3 metre) podium containing 213 square metres of retail space, 1562 square metres of office space, a single level loading area (473 m²), and a 5 level, above grade commercial parking garage with 86 parking spaces. There are 281 residential units proposed in a 31 storey tower (93.9 metre) above the podium and a mechanical penthouse (7.4 metres) on top. The mix of apartment units includes; 23 studio, 148 one bedroom, 99 two bedroom and 11 three bedroom apartments. The tower portion of the building above the podium includes three offset sections; central, east and west (Attachments 7, 8, 9, & 10).

Four levels of underground parking with 160 parking spaces are proposed for the residential uses. No residential visitor parking is proposed. Forty-seven visitor bicycle parking spaces are proposed on the ground floor and 208 bicycle parking spaces for residents are proposed in the parking garage. Access to loading and parking is proposed off Adelaide Street from a 6 metre wide driveway at the east end of the site.

Proposed common amenity space includes 608 square metres within the building and 425 square metres on outdoor terraces. Balconies, as well as private outdoor terraces of varying sizes are proposed in association with the apartments. Four trees are proposed to be planted along Adelaide Street. Additional site and development statistics are outlined in the application data sheet; Attachment 11.

The proposal has been revised from the initial submission that included 282 apartments and 17 live-work units. Revisions have also been proposed to the podium design. It appears that a setback of 4.5 metres at levels four and five of the podium is proposed from the west property boundary, however, an elevator shaft is located within this area in the underground parking garage. In the initial proposal the podium setbacks from Adelaide Street ranged from 0.4 to 3 metres with the end walls extending into the Adelaide Street right-of-way. In the current proposal the setback of the podium varies from 1.1 metres to 4.4 metres from Adelaide Street.

Site and Surrounding Area

The site is on the north side of Adelaide Street about mid-block between John Street and Widmer Street. The site is 1630 square metres in area, rectangular in shape, and has a frontage of about 33 metres on Adelaide Street and a depth of about 49 metres. There are two buildings on the site; a single storey and a two-storey building that are currently used as a restaurant. There is a walkway at the eastern edge of the site that leads to an outdoor patio behind the restaurant. There are 11 trees in the northern portion of the site that are proposed to be removed.

Surrounding uses include:

North & West: A retail/entertainment complex abuts the north and west sides of the subject property. This complex includes several movie theatres, a large book store, restaurants and other retail and commercial uses. It also incorporates designated heritage buildings along the John Street frontage. Heights in this complex range from 9 to 30 metres.

West: There are five, 3 storey Victorian row houses that face Adelaide Street adjacent to the west of the site, extending to Widmer Street. These have been converted to retail and commercial uses. There is a small surface parking lot to the north of the row houses. These row houses were identified through the East Precinct Built Form and Master Plan studies as important properties that contribute to the heritage character of King-Spadina. There is a mix of historic warehouses and row houses ranging in height from 3 to 8 storeys on the west side of Widmer Street between Adelaide Street and Richmond Street that contain retail, commercial and residential uses. These historic buildings were also identified through the Built Form and Master Plan Studies as important properties that contribute to the heritage character of King-Spadina.

East: There is an automotive service use adjacent to the east that has surface parking along Adelaide Street and a single storey building at the north end of the property extending east to John Street. The portion of the building along John Street is 3 storeys and used as a restaurant. There is a single storey building on the northeast corner of John Street and Adelaide Street used as a restaurant. There are nine, 3 storey historic row houses on the east side of John Street extending from Adelaide Street north to Nelson Street that have been converted to retail, commercial and restaurant uses. The restaurants have outdoor patios along John Street. These row houses are designated as historically significant under the Ontario Heritage Act.

South: There are three large developments in the block bounded by Adelaide Street West, King Street West, Widmer Street and John Street, south of the site. This block was identified in the King-Spadina Secondary Plan Review and the East Precinct Built Form Study as an area for special consideration for increased heights, subject to the planning framework for King-Spadina.

A mixed-use development has been approved by Council on the southeast corner of Adelaide Street and John Street (295 Adelaide Street West and 100-104 John Street). This site currently contains a surface parking lot and a 2 storey residential building converted to a restaurant. This building is listed by the City as a building of historic significance and will be preserved and relocated to the south along John Street when the development is constructed. The proposed heights of the taller building elements in this development range from 125 to 135.3 metres. Building heights along Adelaide Street range from 6 to 24.6 metres.

A mixed-used development has been approved on the west side of this block south of Adelaide Street (21-31 Widmer St. and 299 Adelaide St. W.). This site is currently occupied with a historic residential building, a commercial parking lot, a sales centre and construction trailers. The proposed height of the taller building element in this development is 137.8 metres and the building height along Adelaide Street is 11 metres.

There is a 2 storey historic residential building on the property on the immediate northwest corner of Adelaide Street and Widmer Street used as a restaurant.

South of these properties is a large mixed used development under construction that will house the Toronto International Film Festival (TIFF). This development will have a height of 157 metres. The TIFF building is considered a landmark building in King-Spadina.

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 site is located in the *Downtown* and in the King-Spadina Secondary Plan Area. The site is designated *Regeneration Area* in the Official Plan (Attachment 12).

Policies for *Downtown*

As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the *Downtown* that; builds on the strength of the area as an employment centre, provides for a range of housing opportunities and supports and enhances the speciality retail and entertainment districts. The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives. Among other things, it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, promotes mixed use development to increase opportunities for living close to work and to encourage walking and cycling, improves air quality and reduces greenhouse gas emissions by reducing reliance on the private automobile all in keeping with the vision for a more liveable Greater Toronto Area.

The plan recognizes that the economic success of the downtown goes hand-in-hand with accessibility and that the large increase in downtown activity and development over the past decades has not been accompanied by any significant increase in road capacity but rather has been supported by improvements to transit and by new housing that has put more people within walking distance of their places of work and other activities. Lower parking requirements in the downtown support this approach. Policies that favour this approach are included in the Official Plan, among them, Section 2.2.1.8 which provides that priority will be given to improving transit access to the *Downtown* while the expansion of automobile commuter and all-day parking will be discouraged.

This reurbanization strategy recognizes that the level of growth will not be uniform across the *Downtown* given its diversity. The policies of Section 2.2.6 for the *Downtown* provide that design guidelines specific to districts of historic and distinct character will be developed to ensure new development respects the context of such districts in terms of its fit with existing streets, setbacks, heights and relationship to landmark buildings.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by; massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1 provide additional direction on how they fit into the

existing and planned context and how they are designed. The plan states that although tall buildings are desirable in the right places they don't belong everywhere and are only one form of intensification.

Section 3.1.3.2 requires that tall buildings proposals address key design considerations including:

- meeting the built form principles of the official plan
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure
- demonstrating how the proposed building and site design relate to the existing and planned context
- providing high quality, comfortable and usable publicly accessible open spaces
- meeting the other goals and objectives of the Official Plan.

Policies for *Regeneration Areas*

A broad mix of commercial residential light industrial, parks and open space, institutional, live/work and utility uses are permitted within *Regeneration Areas* to promote reinvestment and revitalization.

The policies of Section 4.7.2 for *Regeneration Areas* require that the framework for new development in these areas be set out in a Secondary Plan. Section 5.2.1.1 provides that secondary plans are intended to apply to defined areas and adapt and implement the objectives, policies, land use designations, and overall planning approach of the Official Plan to fit the local context. Section 5.2.1.3 of the Official Plan provides that Secondary Plans will promote a desired type and form of physical development for the area, and plan for an appropriate transition in scale and activity between neighbouring districts.

Section 4.7.2 gives direction on the intent of Secondary Plans for *Regeneration Areas* and provides that they will guide the revitalization of the area through matters such as:

- urban design guidelines related to the unique character of the area
- strategies to promote greening and community improvements
- a heritage strategy identifying important heritage resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources
- transportation policies that encourage transit, walking and cycling in preference to private automobile use
- environmental policies to ensure that lands are cleaned to an appropriate level for new development.

King-Spadina Secondary Plan

The site is situated in the King-Spadina Secondary Plan Area (Attachment 13). The King-Spadina Secondary Plan provides a framework for reinvestment and development, intended to encourage reinvestment for a wide range of uses in the context of a consistent built form that relates to its historic building stock and pattern of streets, lanes and parks.

The urban structure built form principles in Section 3 of the King-Spadina Secondary Plan provide that new buildings will be sited and massed to provide adequate light, sky view and privacy for neighbouring properties and achieve a compatible relationship with their built form context through consideration of matters such as building height, massing, scale, setbacks, roof line and profile and architectural character and expression.

In the context of King-Spadina these principles require special consideration when reviewing development proposals to ensure that new development reinforces and enhances the historic built form that makes this area of the City so distinct. Section 4.3 provides that new buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and heritage character and expression.

The Secondary Plan also includes policies that promote community improvement and measures to strengthen the pedestrian environment, and policies to minimize automobile use and promote transit use. Section 6.2(b) provides for minimum and maximum parking standards. Section 6.3 of the Secondary Plan also states that the policies with respect to parking are intended to assist in implementing the Plan's; major objectives, urban structure and built form, heritage and community improvement policies. To do this, the policies prohibit the expansion of surface parking lots and promote the removal of existing surface parking. The policies of Section 6 provide that new or replacement parking for any development, other than re-use or conversions of existing buildings, should be provided below grade. Above-grade accessory parking must also implement the built form policies of the Plan.

John Street is identified as a 'Significant' Street as it provides a setting for important public institutions. Section 3.2 provides that the quality and character of significant streets will be enhanced through zoning, design guidelines and streetscape improvement programs.

Zoning

The site is zoned Reinvestment Area (RA) in Zoning By-law 438-86 (Attachment 14). A wide range of residential, retail, commercial, institutional, recreational and industrial uses are permitted on the site. A commercial parking garage is not a permitted use.

On this site, a maximum building height of 30 metres is permitted with an additional 5 metres permitted for rooftop mechanical elements. Buildings are permitted to extend to the front lot line and to the side lot lines to a depth of 25 metres from a street. Beyond a depth of 25 metres buildings must be setback a minimum of 7.5 metres from a side lot line. A minimum 7.5 metre setback from the rear lot line is also required. A minimum setback of 3 metres is required along street frontages for the portion of a building higher than 20 metres.

Amending By-law 922-2006 introduced requirements for window separation between dwelling units (other than kitchen and bathroom windows). It requires a minimum

separation of 15 metres for dwelling units on the same lot and a minimum separation of 7.5 metres to a wall or to a lot line that is not a street line or does not abut a public park.

The Zoning By-law parking standards for King-Spadina are those applied to the downtown generally, which requires less parking than many other areas of the City acknowledging the high level of transit service in this area. For residential parking, the Zoning By-law establishes the required parking based on the size of the apartment unit: smaller units require less parking than larger units. Bachelor, 1 and 2 bedroom apartments require less than one parking space per unit, and apartments over 3 bedrooms require more than one parking space per unit. Live-work units are considered to be residential units for the purposes of determining parking requirements. For commercial parking minimum and maximum standards apply. Above grade parking is permitted within the RA zone provided that the parking is accessory to the uses on the lot and subject to setbacks from the street. Visitor and bicycle parking are also required by the By-law.

Site Plan Control

The proposed development is subject to site plan control. A site plan control application has not been submitted.

Reasons for Application

The proposed building exceeds the maximum height of 35 metres (including mechanicals) permitted in the zoning by-law by 87.4 metres for a total height of 122.4 metres. The proposed commercial parking garage is not a permitted use. Other areas of non-compliance with the zoning by-law have been identified as follows:

- deficiency in outdoor amenity space
- deficiency in size and location of bicycle parking spaces
- a maximum height of 5 metres is permitted for rooftop mechanicals and the mechanical penthouse is 7.4 metres high and also exceeds the maximum permitted width.
- minimum side yard setbacks of 7.5 metres are required for the portion of the building located beyond 25 metres from the street line and the building is setback 0.4 metres from the east and west side lot lines
- a minimum rear yard setback of 7.5 metres is required from the rear lot line and the building extends to the rear lot line
- no window of a dwelling unit (other than a window of a kitchen or bathroom) is permitted closer than 7.5 metres to a lot line that is not a street line and there are windows in dwelling units on levels 6, 7, 8, and 9 through 31 located within 1.8 metres and 4.7 metres of the rear lot line.
- the estimated minimum residential parking requirement is 185 (168 residents and 17 visitor) and 160 resident parking spaces are proposed and no visitor parking
- a maximum of 4 commercial parking spaces are permitted and 86 are proposed
- deficiency in the size of parking spaces
- balconies projections exceed permissions

Community Consultation

A community consultation meeting was held on January 21, 2010 and approximately 30 members of the public attended. The following comments and issues were raised:

- The height is not sympathetic to the shorter buildings to the north
- The tower design is fine but the podium is “brutal” and not sympathetic to the street.
- The podium is too big; rather than being as high as the Scotiabank Theatre to the north, it should be at the height of the Victorian houses to the west.
- Does the building leave any room for another building on the corner site to the east? What could be built and what would be the separation between towers if there was another tall building?

Subsequent to the community meeting, the owner of the row houses to the west contacted City Planning to provide input on the proposal. He advised that he would be seeking to redevelop his properties at the same level of intensification proposed by the current application. He expressed concern with the possible impacts of the proposed building setbacks on the development potential of his properties in relation to the 25 metres separation criteria for tall buildings in the City’s guidelines. The proposed building in the current application is not setback 12.5 from the property line. He expressed concern that the separation distance of the guidelines if applied to a future development on the adjacent lands would require larger setbacks on his property making it more difficult to redevelop. The owner requested that if the application was approved, that the setbacks proposed in the current application be applied to the adjacent lands and noted that an objection would be filed if these setbacks were not applied in order to protect his future development potential. The Ward Councillor hosted a further community meeting on July 14, 2010. The applicant presented the revised proposal for the podium where it was acknowledged that the podium design had been improved.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

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

Within this framework, the PPS recognizes that the official plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. In order to do this, the PPS requires that official plans be kept up to date with the PPS and that they contain clear reasonable and attainable policies to protect provincial interest and direct development to suitable areas. The PPS also recognizes that planning authorities may have standards to achieve the PPS that exceed the minimum requirements of the Province. The PPS states that the policies contained within it represent minimum standards and do not prevent planning authorities and decision makers from going beyond the minimum standards unless doing so would result in a conflict with any policy of the PPS.

The City's Official Plan that includes the King-Spadina Secondary Plan meets the requirements of the PPS. It is up to date having been approved at the Ontario Municipal Board in 2006. The premise of the policy framework for King-Spadina is to promote investment and redevelopment while taking into account the existing building stock and areas consistent with the direction of the PPS. For King-Spadina this includes a building stock of historic warehouse and row houses, in an area characterized with mid-rise buildings. Along with guiding development in the City, the Official Plan that includes the King-Spadina Secondary Plan contains clear, reasonable and attainable policies that protect provincial interest and direct development to suitable areas within this framework.

The Growth Plan for the Greater Golden Horseshoe identifies the *Downtown* as an Urban Growth Area, to which intensification should be directed. It requires that Official Plans provide a strategy and policies to achieve intensification and to identify the appropriate type and scale of development in intensification areas. Further the Growth Plan requires that these areas be planned to achieve an appropriate transition of built form to adjacent areas.

The City's planning framework for King-Spadina is a strategy for intensification in this area of the *Downtown*. This strategy includes the policies, directions, guidelines and regulations of the; Official Plan, King-Spadina Secondary Plan, King-Spadina Urban Design Guidelines, East Precinct Built Form Study, Criteria for the Review of Tall Building Proposals, King-Spadina Community Improvement Plan and the Zoning By-law that provide for significant levels of intensification in King-Spadina. This framework identifies the desired type and scale of development within intensification areas and how to achieve an appropriate transition of built form to adjacent areas, consistent and in conformity with the requirements of the Growth Plan.

The subject property is situated within an area of King-Spadina which provides for a substantial level of intensification as-of-right, consistent with both the PPS and the Growth Plan. However, this is not an area of King Spadina where tall buildings or the scale of intensification proposed, are anticipated or appropriate. This area is intended to promote intensification through development that respects and reinforces the existing and planned mid-rise historic built form context of the Warehouse District of King-Spadina. It is also an area of transition from other areas of the *Downtown* including areas of King-

Spadina identified for higher levels of intensification south and east of the site, to areas of lower scale development to the west and north.

Although the standards established by the City's planning framework expands on those required by the PPS, the policies, guidelines and regulations that direct growth in this area of the City are reasonable and attainable. There is significant development potential on the site within the existing planning framework. The proposal is not consistent with the PPS and does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe.

Conformity with the Planning Framework for King-Spadina

The application has been assessed in the context of the planning framework for King-Spadina, the input received from the public, and the comments received by City divisions and agencies through their review and assessment of the application. This includes the amendments to the King-Spadina Secondary Plan and zoning by-law that were adopted by Council in 2006 and as well as the East Precinct Built Form study considered by Council in 2009 that has provided direction for the review of applications in King-Spadina.

The site is situated on the north side of Adelaide Street in an area of King-Spadina that has the distinction as the "Warehouse District" characterized as such due to the number of low to mid-rise historic office and manufacturing buildings, along with pockets of lower scale residential building that are found here. It is a small site, currently under-developed and situated mid block adjacent to properties that also have development potential. Given its context, new development on the site will set a precedent for future development in this area.

As a site in the *Downtown* and a *Regeneration Area*, it is in an appropriate location for development that promotes growth. New development however, must conform to the City's growth management strategy along with the objectives and policies that support it. The growth strategy for this area of the City is framed by the King Spadina Secondary Plan that sets out the desired type and form of physical development for the area aimed to encourage reinvestment for a wide range of uses in the context of a consistent built form that relates to its historic building stock and pattern of street, lanes and parks.

The Secondary Plan is supported by a community improvement plan as well as urban design guidelines to ensure that new buildings and public realm improvements preserve and reinforce the area's unique heritage character. To implement the policies of the Official Plan and Secondary Plan the Reinvestment Area zone for this area provides for levels of intensification that are consistent with the desired type and form of development. In this area of King-Spadina the zoning provides for mid-rise development. On this site, there is opportunity for significant intensification within the as-of-right-permissions for mid-rise development in keeping with the planning framework for King-Spadina.

The proposal is not consistent with this planning framework and would set a negative precedent for future development in King-Spadina. The application proposes a tall building that is out of scale with its existing and planned context, and creates an inappropriate transition to neighbouring and existing planned buildings contrary to the planning framework.

The development is proposed opposite sites on the south side Adelaide Street where tall buildings are proposed, in the block bounded by John and Widmer Streets, and King and Adelaide Streets West. This block was identified through the Secondary Plan Review and East Precinct Built Form Study as an area where increased building height could be considered due to the TIFF building at the south end, and the opportunity for master planned developments on these large sites that could be developed in a manner that maintained the intent of the Official Plan and Secondary Plan, in keeping with the urban design guidelines and in conformity with the City's tall building criteria.

These developments were not intended to become precedents for tall building development beyond the block, or north of Adelaide Street. This was accomplished by providing for appropriate transitions in scale within the block and mitigating impacts on the sites aimed to ensure that the new buildings and public realm improvements preserve and reinforce the areas unique character, consistent with the planning framework.

Along Adelaide Street opposite the subject site, an appropriate transition in scale is achieved through a combination of building heights, stepbacks and setbacks that create a transition zone along the south side of Adelaide Street where building heights are below the 35 metre height permission of the Zoning By-law. This transition zone will create a pedestrian friendly street wall condition that not only fits in and respects the existing context but reinforces and enhances the heritage character of Adelaide Street. The tall building element at the southeast corner of Adelaide and John Streets is setback 3 metres from Adelaide Street and 5 metres from John Street. It addresses the intersection, is not opposite the subject site, and extends along John Street, which is not only considered a 'Significant Street' in the King Spadina Secondary Plan but is also one of the City's Cultural Corridors, an appropriate location for more intensive development south of Adelaide Street West.

Introducing a tall building on the subject site does not respect the transition established in this area from the taller buildings to the south and east to the lower height areas to the north and west and would undermine the urban structure in this area of the City. There are a number of properties within the Warehouse District that exhibit similar characteristics to the subject site. The proposal, if approved, would set a precedent for similar tall building proposal on sites unable to accommodate them throughout the Warehouse District destabilizing this area and threatening its heritage character. This was also noted by the BIA in their master plan study that considered appropriate locations for high-rise buildings. The 'Warehouse Precinct' was considered a mid-rise area where built form should reinforce the character of the precinct and where point towers were considered inappropriate as they detract from the area's character and threaten the retention of heritage buildings.

The developments on the south side of Adelaide Street also mitigate potential negative impacts of tall building elements related to light, view and privacy not only on their own properties but protect for these conditions on adjacent lands. The tall building elements are located on the sites in a manner that achieves the minimum separation criteria of 25 metres established by the King-Spadina Urban Design Guidelines and required by the Tall Building Guidelines and King-Spadina Secondary Plan.

The proposal introduces a tall building on a site that, due to its location and size, cannot accommodate a tall building and mitigate the negative impacts on the public realm and surrounding properties. Tall building separation distances needed to achieve optimum light view and privacy cannot be accommodated on the site and would impact the ability of these optimum conditions to be achieved on adjacent underdeveloped sites. This is a concern that was also noted by the owner of the Victorian row houses adjacent to the west.

The proposal is also inconsistent with the directions provided by the East Precinct Built Form Study. The site is in the 'First Tier' height zone which is the lower scale area of the Warehouse District where height is limited to the as-of-right permission in the Zoning By-law of 35 metres. The limit on height within this zone is intended to protect and reinforce the desired physical form of development which is the mid-rise historic built form character of the Warehouse District, while providing for new development. It also provides a transition area from the 'Second Tier' height zones to the south and east to the low-rise area in the Heritage Conservation District along Queen Street West to the north, further strengthening the historic built form character of this area of the Warehouse District.

Land Use and Transportation

One of the main principles of the Official Plan is that there is a relationship between land use and transportation. The proposal includes a mix of uses, residential, retail, office and an above-grade commercial parking garage. The application also proposes a tall building that significantly exceeds the as-of-right permissions, in an area of King-Spadina where the policy framework promotes mid-rise buildings as the desired type and form of physical development.

The proposed residential, retail and office uses are consistent with the Official Plan policies for the area that provide for a wide range of uses. However, the above-grade commercial parking use is not consistent with the Official Plan and is not considered an appropriate or desirable use for this site, given its size and context.

The primary use proposed in the development is residential, consisting of 281 apartments that comprise 21293 square metres. The proposed retail and office space is about 1838 square metres and represents about 6.5% of the gross floor area of the building. The proposed above-grade commercial parking garage use and loading area occupies over 50% of the floor space of the podium and 16% of the gross floor area of the building. It is also equivalent in area to 9 residential floors of the tower building.

The parking study submitted in support of the application and the City's review both identified a deficiency in residential parking for residents as well as visitors, as no visitor parking is proposed. For the commercial space a maximum of 4 parking spaces are permitted. The proposal provides for 86 commercial parking spaces which greatly exceeds the demand warranted by the commercial space and gives higher priority to commuters than to the residents who will live in the building. The commercial parking garage also occupies a large amount of space and its size, along with its location above grade, effectively forces the height of the building up by 9 floors.

This proposal does not represent good planning and is contrary to fundamental principles of the City's Official Plan that relate land use to transportation, also reflected in the Growth Plan for the Greater Golden Horseshoe and in the Provincial Policy Statement.

The site is situated in the *Downtown* where growth is directed to achieve multiple objectives of the City's Official Plan that include among other things, reducing reliance on the private automobile, promoting transit and discouraging commuter and all-day parking. This approach is supported by the policies for *Regeneration Areas* that encourage the use of transit, which is readily available in King-Spadina, as well as walking and cycling in preference to the private automobile for new development to ensure these areas are rejuvenated and become attractive and high quality places to live, work and visit.

These objectives are also reflected in the King-Spadina Secondary Plan which includes more specific policies for King-Spadina aimed to minimize automobile use and encourage transit use. The Reinvestment Area zoning by-law implements these policies in its standards for residential parking intended only for essential use and for commercial uses by including a maximum permission.

The proposal does not include uses that would generate the need for a commercial parking garage, and the site is not occupied by a surface parking lot that may need to be replaced. The parking study with the application provides no rationale for the commercial parking use.

The site is not located in an area of the King-Spadina Secondary Plan where proposals for tall buildings are to be considered. Further, the site is a compact site with only 33 metres of frontage. It is not of sufficient size to accommodate parking in excess of requirements and maintain the built form objectives of the planning framework for this area of King-Spadina that promote mid-rise development in order to protect, reinforce and enhance its unique heritage character. The proposal is not consistent with the Secondary Plan that provides for accessory parking above grade and requires that such accessory parking respect the built form objectives for King-Spadina.

The location of the parking garage above grade directly affects the height of the building as it is equivalent in area to 9 residential floors. The proposal gives preference to commuter and all-day parking over the built form objectives of the Official Plan,

Secondary Plan and urban design guidelines for this area of King-Spadina. Above grade parking in any form on this compact site, undermines the built form objectives of the Official Plan for King-Spadina as it occupies valuable space closer to the street forcing building heights in excess of what is desirable in this area.

The proposed commercial parking garage in this proposal goes further, and is in conflict with fundamental objectives of the Official Plan, the PPS and the Growth Plan for Greater Golden Horseshoe as it promotes automobile use over transit, and encourages commuter and all day parking in downtown Toronto. The proposal has not properly addressed the relationship between land use and transportation as required by the Official Plan and is not good planning.

Height & Massing

The proposed building height of 122.4 metres exceeds the permitted height of 30 metres plus 5 metres for mechanical elements by 87.4 metres. The site is small and narrow approximately 33 metres wide and 49 metres deep. Its location, along with its size presents constraints for tall building development in a manner that is consistent with the planning framework for this area of King-Spadina.

The site is situated in the area of King-Spadina characterized by the number of historically significant offices and manufacturing buildings ranging in height from 2 to 12 metres, and pockets of lower scale historic residential buildings, that have given it the distinction as the 'Warehouse District' (Attachment 5). Adelaide Street is one the main streets within this area and has a width of 20 metres. The planning framework for King-Spadina places primary importance on its heritage character and promotes mid-rise buildings in this area to preserve and reinforce its unique heritage character.

The built form character of Adelaide Street between John and Widmer Streets is currently defined by lower scale buildings, 1 to 3 storeys high. It includes historic residential buildings. The tallest of these are the 3 storey Victorian row houses adjacent to the subject site. On the north side of the street buildings are situated close to or at the street line with one larger gap in the street wall created by the parking lot adjacent to the east of the subject site. On the south side the two historic residential buildings at either end of the block, are situated close to the street, with surface parking lots along much of the frontage in between.

When the developments proposed on the south side of Adelaide Street are constructed, they will create a more urban street wall condition with the base of tall buildings framing the street. The street wall scale will be lower on the western half of the block, about 11 metres and higher on the eastern half where the podium of the proposed building is about 24.6 metres high. The tall building element (137 metres) on the east side of the block addresses the intersection of John and Adelaide Streets and is setback 3 metre from Adelaide Street in this area.

The proposal has not properly considered building massing and height in relation to its existing and planned context as required by the Official Plan and King-Spadina

Secondary Plan, and supported by the King-Spadina Urban Design Guidelines and the Tall Building Criteria.

The 3 storey row houses west of the site are the most prominent heritage character buildings on the north side of the street within the block. They occupy about one third of the block frontage, are setback about 1.8 metres from the street, and are the tallest buildings on the north side of the street at about 11 metres high. The retail complex to the north is 8 storeys with heights adjacent to the site ranging from 25.3 to 27.8 metres. The massing and height of the proposed building is not compatible with these existing buildings.

Base Building - Height and Massing

The proposed base building height of 25.3 metres is over twice as high and is out of scale with the adjacent row houses. The base building extends the full width of the lot along Adelaide Street and is situated closer to the street than the adjacent row houses; 1.1 metres on the second, third and fourth levels. The proposal does not provide an appropriate transition to the adjacent buildings of lower scale, contrary to the built form policies of the Official Plan and King-Spadina Secondary Plan that seek to ensure compatibility by providing for appropriate transitions through measures such as setbacks, building height and massing.

The historic Victorian row houses currently have a significant presence along the streetscape. The base building as proposed would become the dominant built form element on the north side of the street as it is significantly higher than the row houses, and projects toward the street at the second third and fourth levels, thereby diminishing the presence of the row houses along this streetscape, contrary to the planning framework for King-Spadina aimed to preserve and enhance the area's unique heritage character. The development should be designed to enhance rather than diminish these heritage character buildings through measures such as reduced building heights or increased setbacks to strengthen the presence of these heritage character buildings.

The proposed base building does not achieve the minimum 7.5 metre side yard and rear yard setback requirements of the zoning by-law, but extends to 0.4 metres along the east, west and north property lines. Setbacks along the rear and side yards are required to enable adequate light view and privacy on the existing property and well as to protect for these conditions on adjacent properties. The reduced setbacks will negatively impact the abutting properties to the east and west which have significant development potential under the as-of-right permissions.

Transition in scale is also a key element of the tall buildings criteria. To reduce the negative impacts of tall building elements the massing and height of base buildings should address the existing street proportion and adjacent historical context. As well, the tall buildings guidelines require a minimum setback of 5 metres from the street edge of the base building to mitigate impact on the street. These principles are supported by the Urban Design Guidelines for King-Spadina that recommend a 1:1 relationship of buildings to street width along Adelaide street (20 metres) and setbacks of 3 to 9 metres

for tall buildings elements to strengthen the existing street wall and to maintain a comfortable pedestrian environment.

The proposed base building height exceeds the width of the street by 5.3 metres and a stepback of only 3 metres is proposed from the street edge of the podium not in keeping with the tall building guidelines. The proposed building height and massing will create an undesirable street wall condition that will negatively impact adjacent properties and the street.

It is also inconsistent with the street wall condition along the south side of Adelaide Street that will be created by the developments proposed on opposite the subject site. A base building height of 11 metres is proposed in the development on the west side of the block, consistent with the heritage character building adjacent to the west and the row houses on the north side of the street. A stepback of 6 metres above the base building is also proposed. These measures will create a street wall condition on the south side of Adelaide Street, along the west half of this block that reflects and strengthens the heritage character of the street in this area. This development and public laneway are opposite most of the subject site. The public lane on the south side of the street acts as a transition zone to the east where base building height increases to 24.6 metres with a stepback of 4.7 metres, further strengthening the adjacent lower scale heritage character. The proposal does not respect its existing and planned context contrary to the planning framework and due to the site's midblock location would set a negative precedent for future development.

Tall Building Element – Height & Separation Criteria

The site is not situated within the area of the East Precinct identified in Section 3.7 of the King Spadina Secondary Plan where proposals for building heights significantly in excess of the existing zoning regulations may be considered. In areas where tall building proposals may be considered however, they are evaluated on their ability to meet the criteria set out in the City's tall building guidelines and among other things, must demonstrate that the proposal does not export facing dimension constraints to adjacent sites.

Given the potential adverse impacts of tall buildings on adjacent and nearby properties, the public realm and on the quality of life of future and existing residents, the tall building elements of the proposal were also evaluated with respect to the additional requirements of the Tall Building Criteria, the Secondary Plan and the King-Spadina Urban Design Guidelines.

Access to natural light, the protection of privacy and opportunities for views are important factors that affect living conditions. In order to ensure that people have access to natural light, adequate sky views and that their privacy in their homes is protected, space between tall building is needed and setbacks that exceed the by-law minimums that apply to lower scale buildings are often needed to achieve light, view and privacy in tall buildings. The tall building criteria include a minimum separation of 25 metres between shafts of tall buildings to achieve adequate light, view and privacy. This facing distance

can be achieved on compact sites such as the subject site, by requiring a minimum setback of 12.5 metres from property lines for tall buildings elements.

The proposal provides for 7.5 metre setbacks from the east and west property lines for the tall building elements. The planning rationale submitted in support of the application advises that this setback is considered appropriate because a 7.5 metre minimum side yard setback was included in amending By-law 922-2006 adopted after the secondary plan review. This is an inappropriate rationale because the minimum side yard setback included in the amending Zoning By-law is not intended for tall buildings but applies to buildings that have a maximum height of 35 metres (including mechanicals) as outlined in the Zoning By-law. Larger setbacks are needed for tall buildings to ensure that people have access to natural light and that their privacy at home is protected.

On the north side of the building no setback is proposed for the central element of the building for most floors and the east and west elements are proposed to be setback 5.1 and 7.8 metres respectively. The planning rationale indicates that these reduced setbacks are considered appropriate along the north property line as the wall of the adjacent retail complex abuts the site. However, the proposed reduced rear yards setbacks will create an inappropriate living condition for future residents as inadequate light, view and privacy can be achieved on the site.

Development proposals must be evaluated not only on their ability to achieve optimum proximity, light, view and privacy conditions, but are also assessed in relation to the impacts on other properties in the same block, with similar potential. The ability of these nearby properties, within their existing and/or planned context, to achieve optimum proximity, light, view and privacy conditions is equally important. To ensure that adjacent and nearby properties are not negatively impacted, facing distances and setbacks should be addressed within the development site and not exported to adjacent and nearby properties.

In this case, the reduced setback would export the facing distances and setbacks requirements to adjacent properties. The impacts on the existing properties adjacent to the east and west of are particular concern as they have not yet redeveloped and have significant development potential as-of-right. The proposal will negatively impact the ability of these properties to develop in a manner that ensures that adequate light, view and privacy can be provided for people on these properties.

Sun, Shadow, Wind

Sun and Shadow

A shadow study was submitted and indicates that the building will create shadow impacts on several streets (Richmond, Adelaide, Peter, Widmer, Nelson and John), proposed open space and a number of historic buildings. These impacts are isolated to the proposed building and would not occur under as-of right conditions. The results of the shadow study indicate that the proposed building height creates excessive shadow impacts on the surrounding area.

Spring and Fall Shadow Impacts

In the morning, during the spring and fall, the long shadow cast by the proposed building will extend to the northeast corner of Richmond Street and Peter Street over the north sidewalk on Richmond Street and the area proposed for a parkette in front of the future Assessment and Referral Centre at 129 Peter Street.

From mid to late afternoon, the shadow would extend to the intersection of John Street and Richmond Street impacting the sidewalks on the east side of John Street and the north and south sides of Richmond Street. Shadows will also cover the east façade of the historic warehouse on the southeast corner of John Street and Richmond that was identified as of historic interest through the King-Spadina Secondary Plan review and Master Plan studies.

The ‘Welsey’ building on the northeast corner of Richmond and John Streets that is in the Queen Street West Heritage Conservation District as well as the historically designated ‘Tip Top Tailor’ building to the east will have shadow impacts along their south facades from mid to late afternoon during the spring and fall periods. The impacts on the south wall of the ‘Tip Top Tailor’ building are of particular concern as the south façade, including its principle arched entrance will be impacted and these important elements are included in the reasons for the designation of this building.

Summer Shadow Impacts

Shadow impacts are also significant during the summer. In the morning, the proposed building would cast shadow on the east sidewalk along Peter Street and the east and west sidewalks along Widmer Street. From mid-afternoon to early evening, the shadow extends to the intersection of John Street and Nelson Street impacting the sidewalks on the east and west sides of John Street and on the north and south sides of Neilson Street. The shadow would also extend over the 9 row houses that occupy the block on east side of John Street between Nelson Street and Adelaide Street. These row houses are designated under the Ontario Heritage Act and many contain restaurants with outdoor patios along John Street. The shadow from the proposed building would have a significant negative impact on these buildings and the businesses that occupy them as the shadow will not only cover the front stoops, but also the outdoor patios during periods when outdoor patio use is high.

In the early evening the shadows would extend east along Adelaide Street covering most of the sidewalk on the north side of Adelaide Street between John and Duncan Streets and the sidewalk on the south side of Adelaide Street to the east and west sides of Duncan Street. There are a number of historic buildings along this section of the street that will experience shadow impacts. The front facade of the ‘Southam Press’ building on the southeast corner of Adelaide and Duncan Street will be impacted by shadow in the early evening. The front yards and sidewalk in front of the four row houses on the north side of Adelaide Street east of John Street will also be shadowed in the early evening. These four buildings are designated under the Ontario Heritage Act.

The built form policies of the Official plan seek to ensure that new development is massed to fit harmoniously into its surrounding by, among other things, limiting shadowing of neighbouring streets, open spaces and properties. Within King Spadina, the impact of development on streets, open spaces and historic buildings is particularly important due to the limited amount of open space within the area, and the importance of the built form heritage to its success. The King Spadina Secondary Plan seeks to preserve and enhance this heritage character, and pattern of streets, lanes and parks.

The extent of the shadow impacts from the proposal are excessive and extend well into the warehouse district of King-Spadina, negatively impacting historic warehouse, manufacturing and residential buildings along with the businesses that occupy them. Further, the shadows from the proposed building will impact new open space planned for the northeast corner of Peter Street and Richmond Street contrary to the built form objectives of the Official Plan and Secondary Plan. The impacts on John Street identified as a 'Cultural Corridor' and where the City along with the BIA, is initiating a strategy for revitalization are inappropriate. The heritage houses, wide sidewalks and patios north of Adelaide Street along John Street that bring activity to the street, reflect the character of the street that this revitalization initiative is attempting to create elsewhere along John Street.

Impact on the sunlight condition along John Street was also identified in the East Precinct Built Form Study as an important factor in considering tall building proposals within the Second Tier height zones. The study aims to preserve the sunlight condition along this important pedestrian street. Although the site is not within a 'Second Tier' height zone, the proposal will negatively impact the sunlight condition along John Street on the sidewalk and adjacent private properties and businesses contrary to the direction of the East Precinct Built Form Study.

Wind

A wind study was submitted to assess pedestrian level wind conditions at grade, identify areas where the new development may have adverse effects for pedestrian comfort and where recommendations for mitigation may be required. The study found that on an annual basis building access points, perimeter walkways and sidewalks will experience wind conditions suitable for sitting or standing and strolling, except for the east end of the site in front of the access driveway where wind conditions will be comfortable for walking or more vigorous activity on an annual basis. The study found that the north end of the outdoor amenity terrace on level 6 and the private terrace on level 32 will experience wind conditions suitable for walking or more vigorous activity during the spring season. The study concludes that a comparison of existing and future conditions indicates that the new tower will create localized wind speed increases along Adelaide Street West. The study predicts that despite the stronger winds that conditions will remain suitable for walking or more vigorous activity on an annual and seasonal basis and suitable for standing and strolling for a large proportion of the time and no mitigation is required or recommended. The study advises that the amenity terraces would benefit from perimeter wall vertical extensions to 1.5 metres to improve pedestrian comfort during the spring season.

Parking

The proposal includes 160 parking spaces for the residential uses in an underground parking garage of 4 levels. No visitor parking is proposed. An above-grade commercial parking garage is proposed with 86 parking spaces.

The Zoning By-law requirements for parking in this area are based on Official Plan growth management objectives that seek to reduce auto dependency, improve air quality and discourage commuter and all-day parking in *Downtown* and Secondary Plan objectives that seek to minimize automobile use and encourage only essential parking.

The parking study determined a deficiency in residential parking of 25 parking spaces; 8 for residents and 17 spaces for visitors, otherwise required by the Zoning By-law.

The parking study acknowledges that the residential parking standard in the By-law is one means of achieving the objective of the Reinvestment Area zone that is intended to minimize the amount of parking provided by development. To address the residential parking deficiency for residents, the study contends that given the downtown location, purchasers of the units may have neither the need for nor the want to purchase a parking space and as a result it would be reasonable to expect there to be a very low parking demand. The study advises that parking demand is unknown at this time and recommends that the demand be determined after the sale of 50% of the residential units. If, at that time, demand exceeds supply parking spaces in the commercial parking lot could be used to address the parking deficiency.

For visitor parking, the study proposes that since no parking spaces have been dedicated for residential visitors, the residential visitors will either not drive, or if they do drive would be expected to use the parking provided in the commercial parking garage. Although no dedicated visitor parking is being provided, the on-site commercial parking lot provides the ability for visitors to the condominium to park on-site.

The parking study does not properly address residential parking requirements. It acknowledges that the current Zoning By-law standards represent the minimum standards needed to support the proposed residential uses as this is the intent of the low parking standard of the RA zoning provisions, but provides no data to support reducing this standard further. Parking demand should be determined prior to development approval in accordance with City requirements, in order to properly determine the parking supply and assess the appropriateness of the development. Parking supply affects not only the design of the building, but can impact surrounding streets and properties, and the occupants of the building.

The deficiency in residential parking for both residents and visitors has not been adequately supported by the parking study provided, and indicates overdevelopment of the property, as there is insufficient parking to meet the needs of the proposed residential uses on 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 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 provisions of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 282 residential units on a site 0.1630 hectares (1630 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.376 hectares (3760 m²). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.0163 hectares (163m²).

The non-residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 165 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, cP.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 0.163 hectares (163m²) would not be of a useable size and the site would be encumbered with below grade parking. The actual amount of the cash-in-lieu is determined at the time of issuance of a building permit.

Toronto Green Standard

The zoning amendment application was submitted in December 2009 and is not subject to the new mandatory Green Development Standard. An extensive green roof system is proposed on the roof of the mechanical penthouse, and low reflective materials are proposed for the outdoor terraces.

Should the zoning amendment application be approved a site plan application will be required prior to development and would be reviewed for compliance with the City's new Green Development Standard.

Section 37

Section 37 benefits have not been discussed with the applicant. In the event, that the application is approved, it is recommended that staff, in consultation with the Ward Councillor, be authorized to negotiate with the applicant on appropriate Section 37 contributions.

Development Charges

It is estimated that the development charges for this project will be \$1,846,255.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Sue McAlpine, Senior Planner
Tel. No. (416) 397-4487
Fax No. (416) 392-1330
E-mail: smcalpin@toronto.ca

SIGNATURE

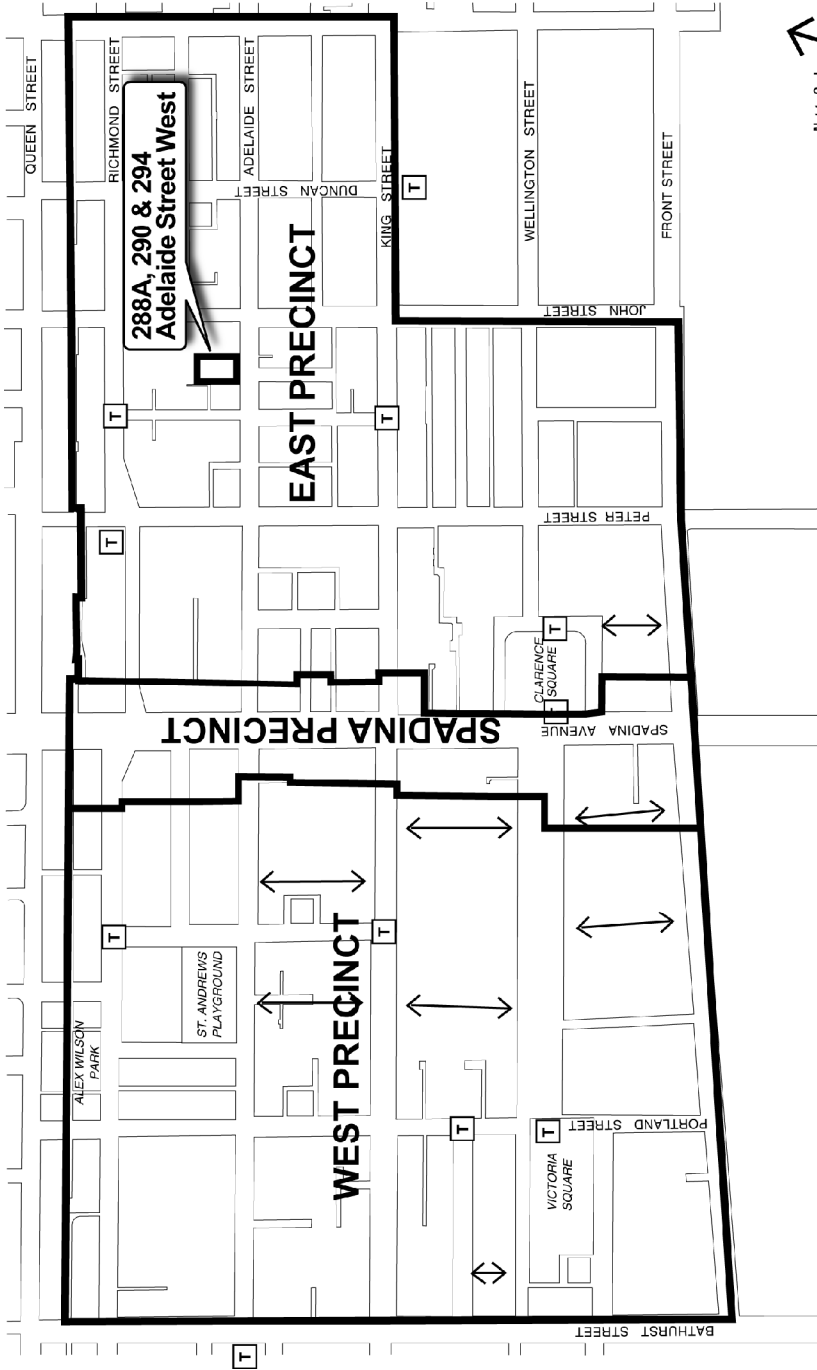
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: King Spadina Secondary Plan Review – Urban Structure Plan
Attachment 2: King Spadina Secondary Plan Review – Areas of Importance
Attachment 3: King-Spadina East Precinct Character Areas
Attachment 4: King-Spadina East Precinct Height Areas
Attachment 5: King-Spadina Heritage Built Form
Attachment 6: Site Plan
Attachment 7: North Elevation
Attachment 8: South Elevation
Attachment 9: East Elevation
Attachment 10: West Elevation
Attachment 11: Application Data Sheet
Attachment 12: Official Plan
Attachment 13: King-Spadina Secondary Plan
Attachment 14: Zoning

Attachment 1: King-Spadina Secondary Plan Review- Urban Structure Plan



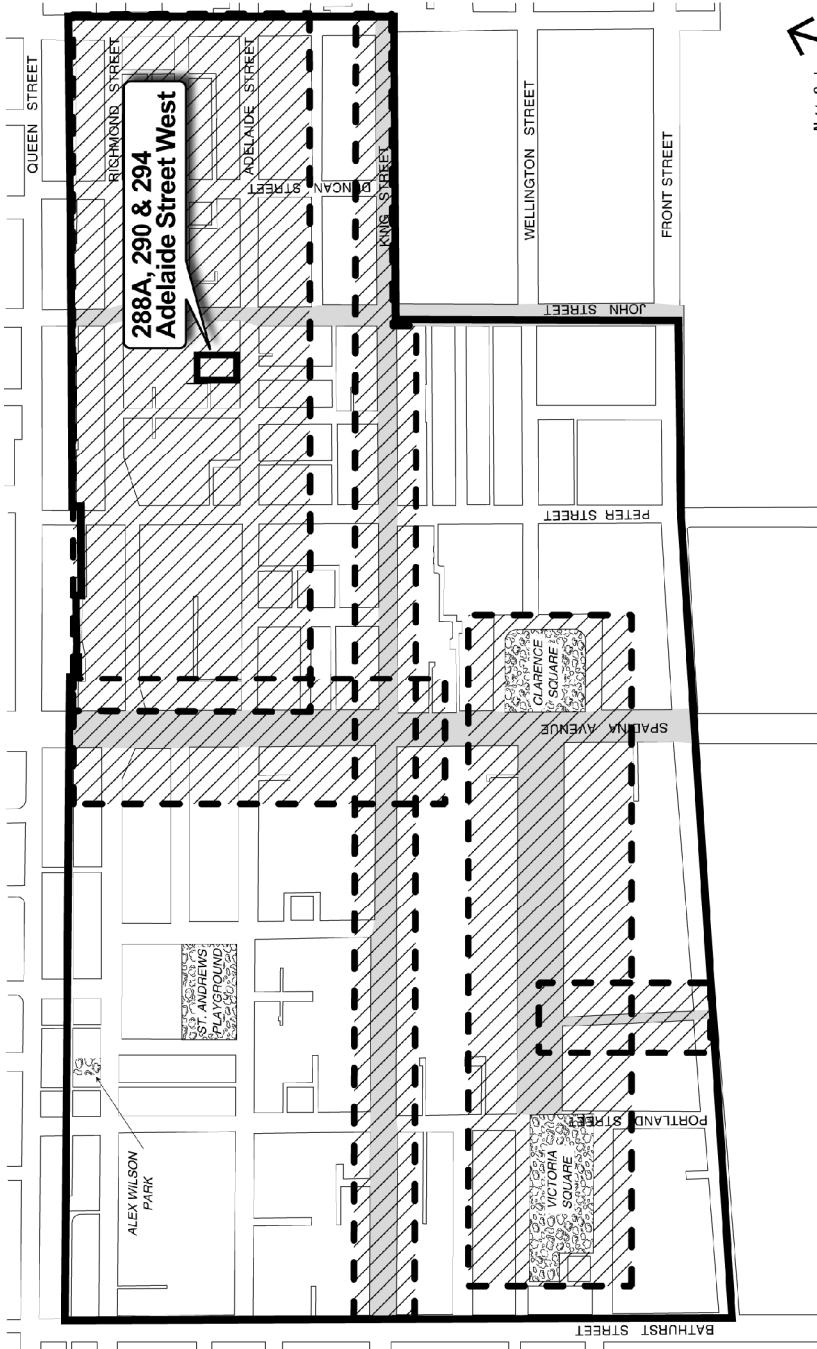
Toronto
City Planning Division

Official Plan Amendment No. 2 for King-Spadina Secondary Plan
MAP 16-1 Urban Structure Plan

- Secondary Plan Boundary
- T View Terminus
- ↔ Potential Mid-block Connections

July 2006

Attachment 2: King-Spadina Secondary Plan Review – Areas of Importance



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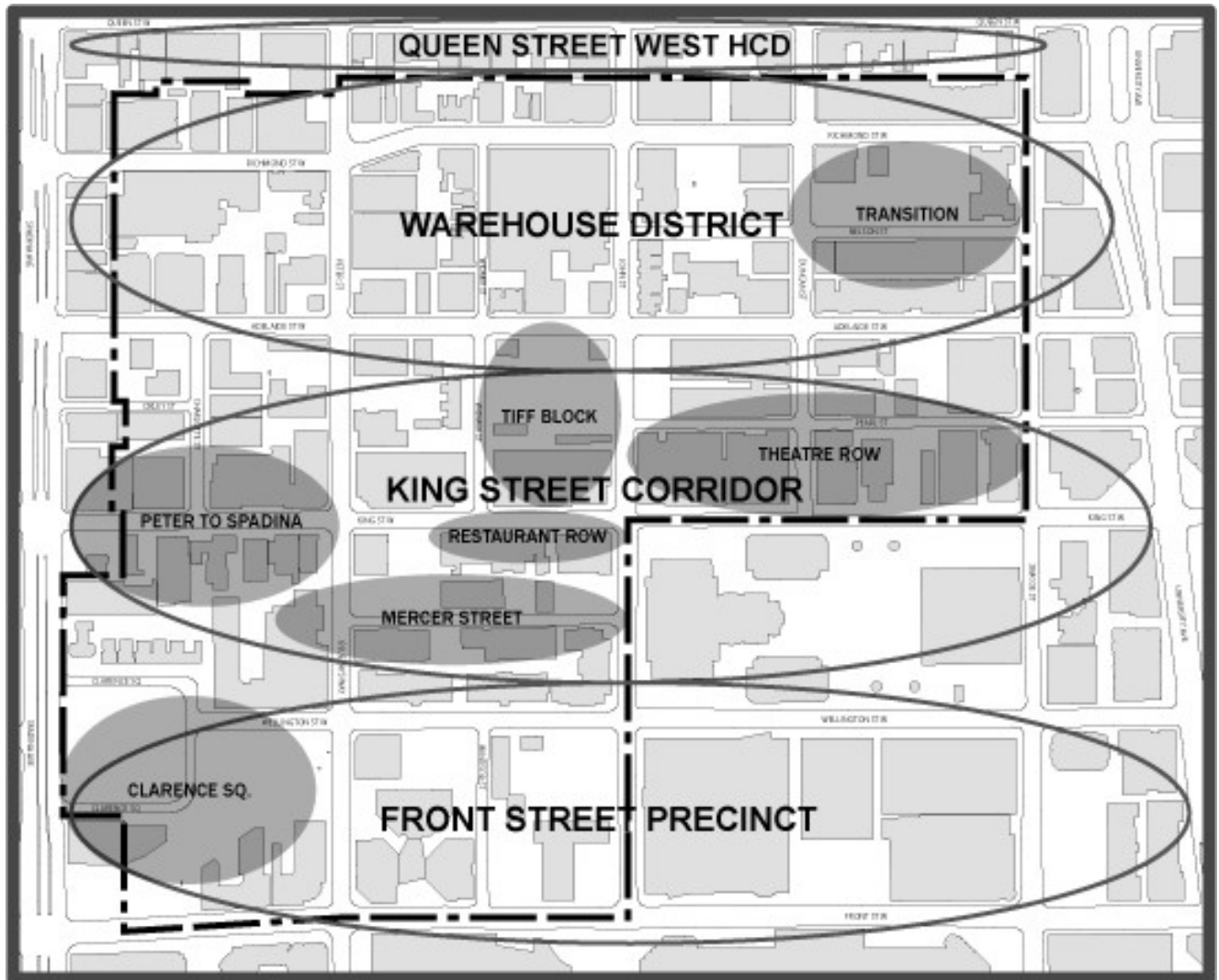


Official Plan Amendment No. 2 for King-Spadina Secondary Plan MAP 16-2 Areas of Importance

- Secondary Plan Boundary
- ▨ Special Character Street
- ▨ Public Parks
- ▨ Heritage Areas

July 2006

Attachment 3: King-Spadina East Precinct Study - Character Areas

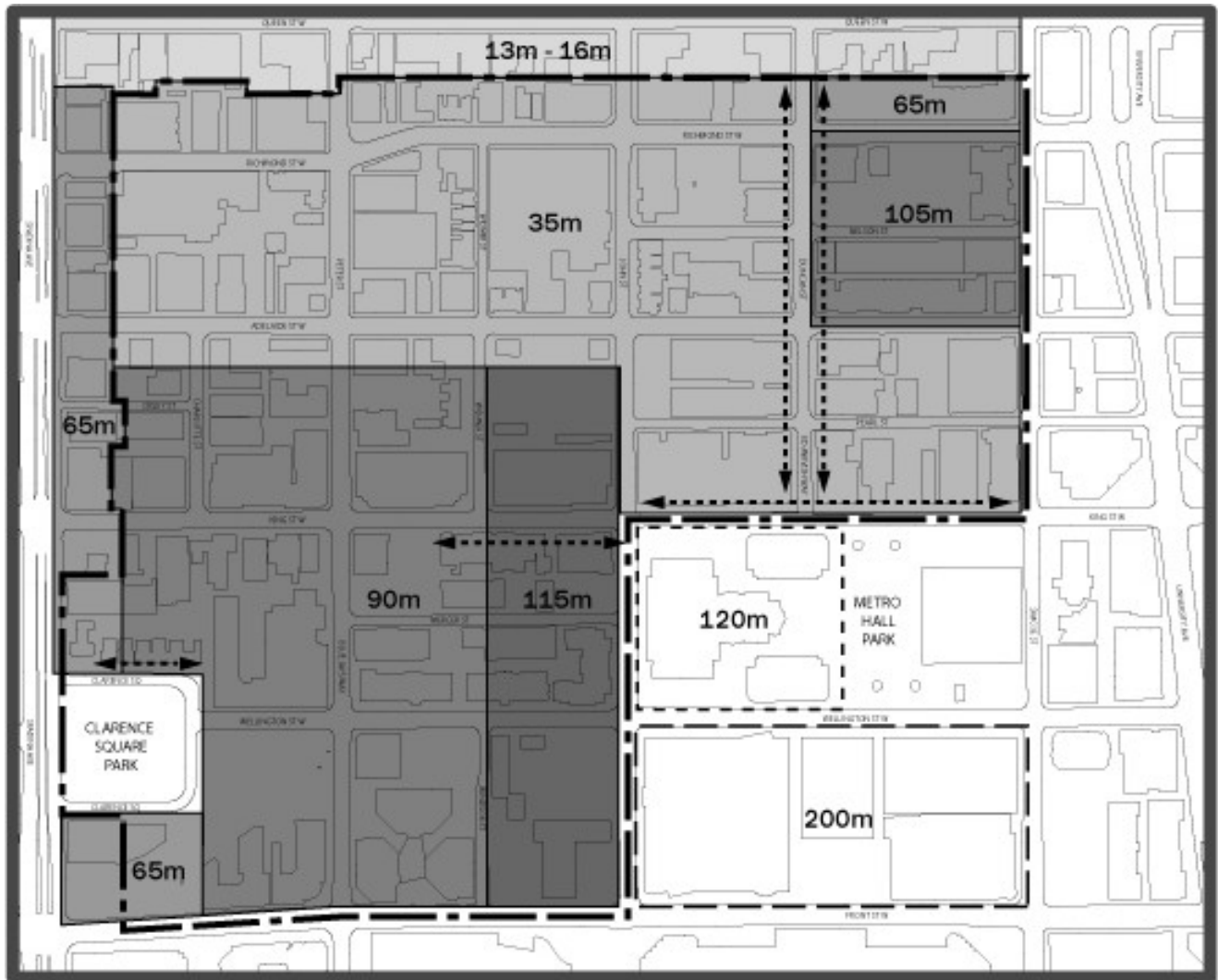



Character Areas


Sub - Character Areas

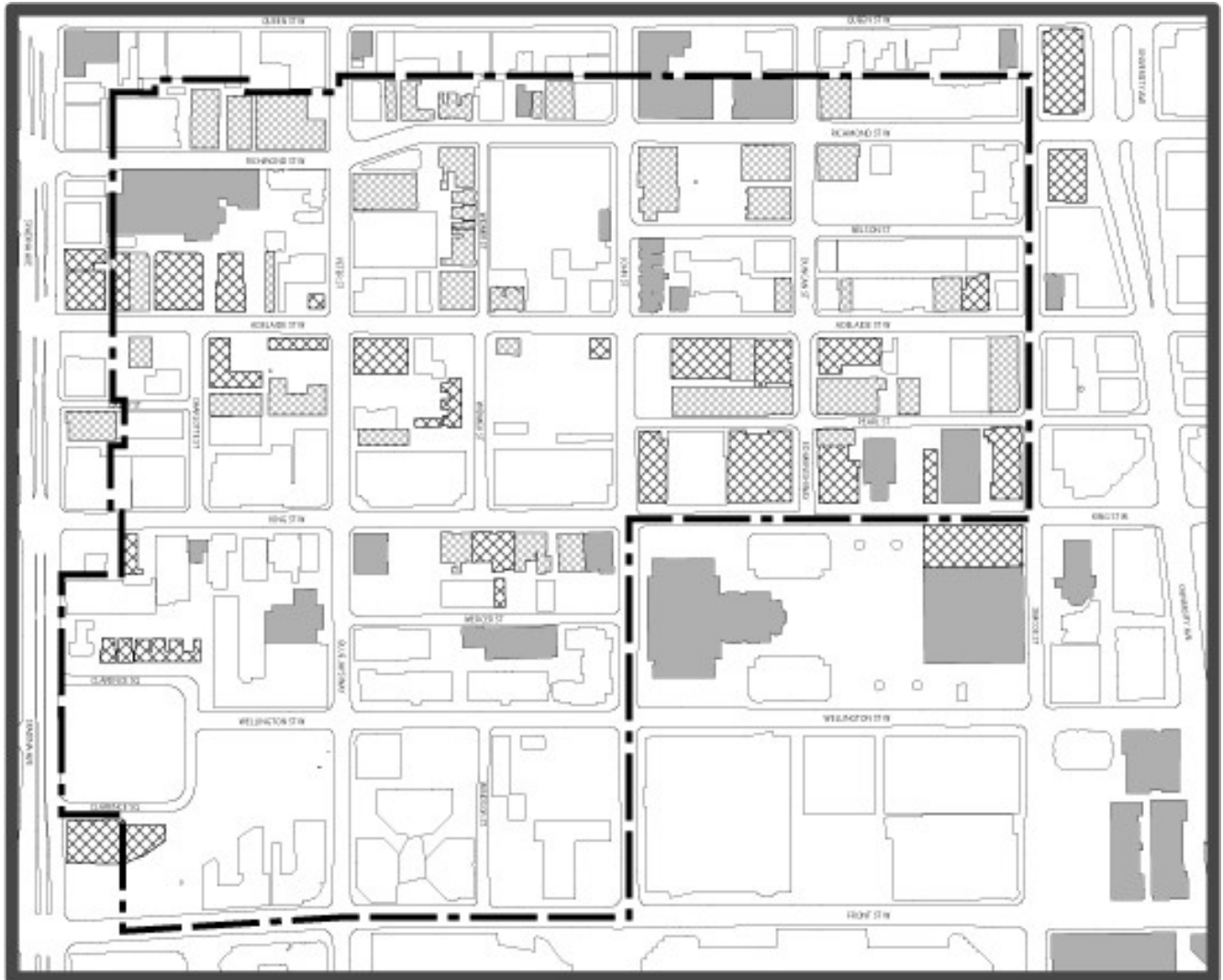

East Precinct Boundary

Attachment 4: King-Spadina East Precinct Study - Height Areas

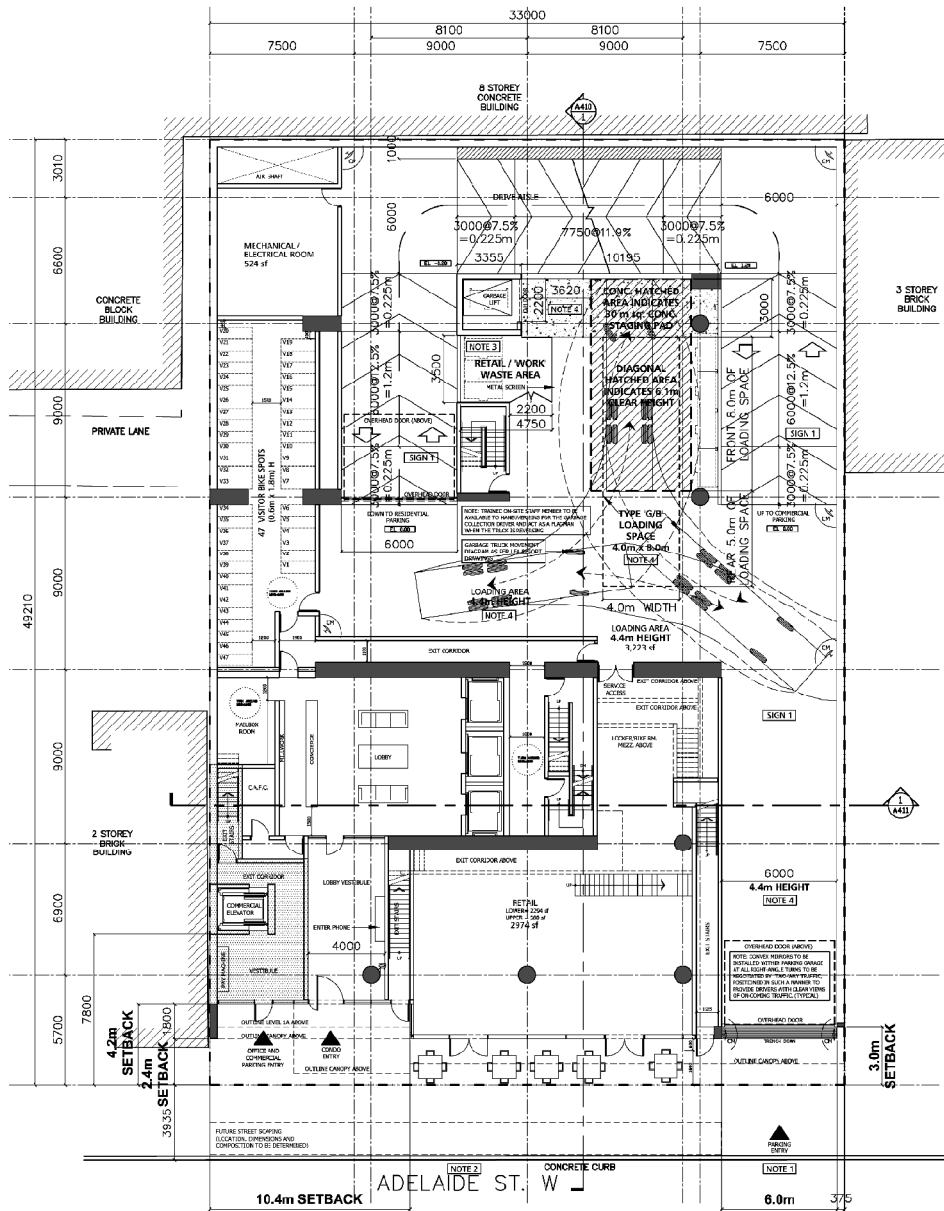


-  Existing Heights in Metro Hall
-  Existing/Approved Heights in Financial District
-  Properties Contributing to Heritage Character
-  East Precinct Boundary

Attachment 5: King-Spadina Heritage Built Form



Attachment 6: Site Plan



Site Plan

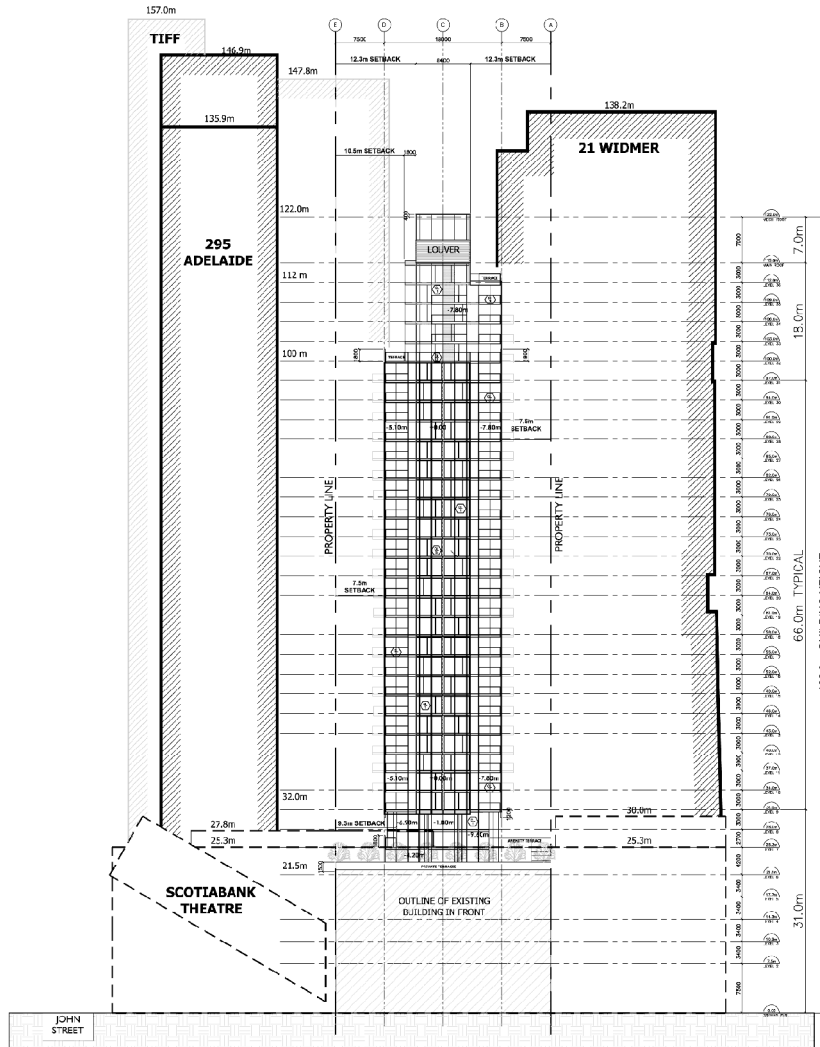
288A, 290, 294 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale 

File # 09_198079

Attachment 7: North Elevation



North Elevation

Elevations

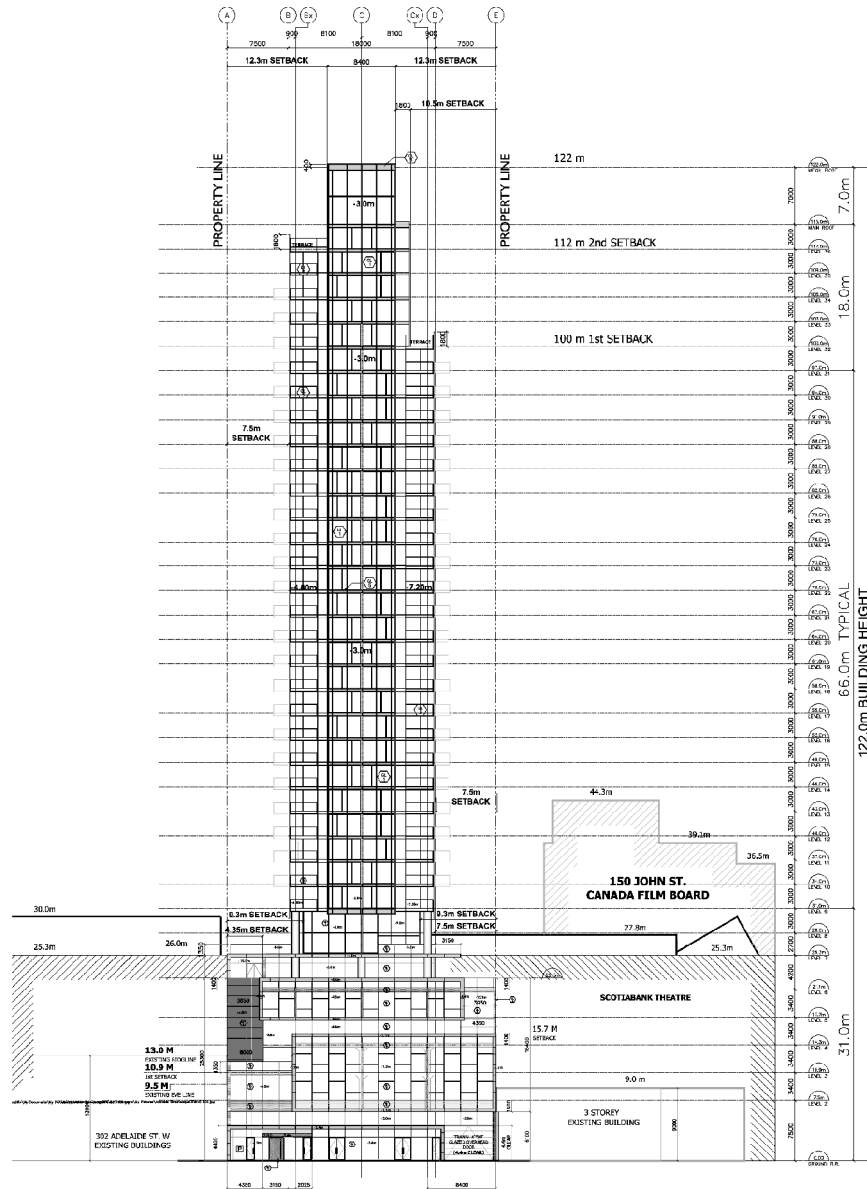
288A, 290, 294 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale
07/09/2010

File # 09_198079

Attachment 8: South Elevation



South Elevation

Elevations

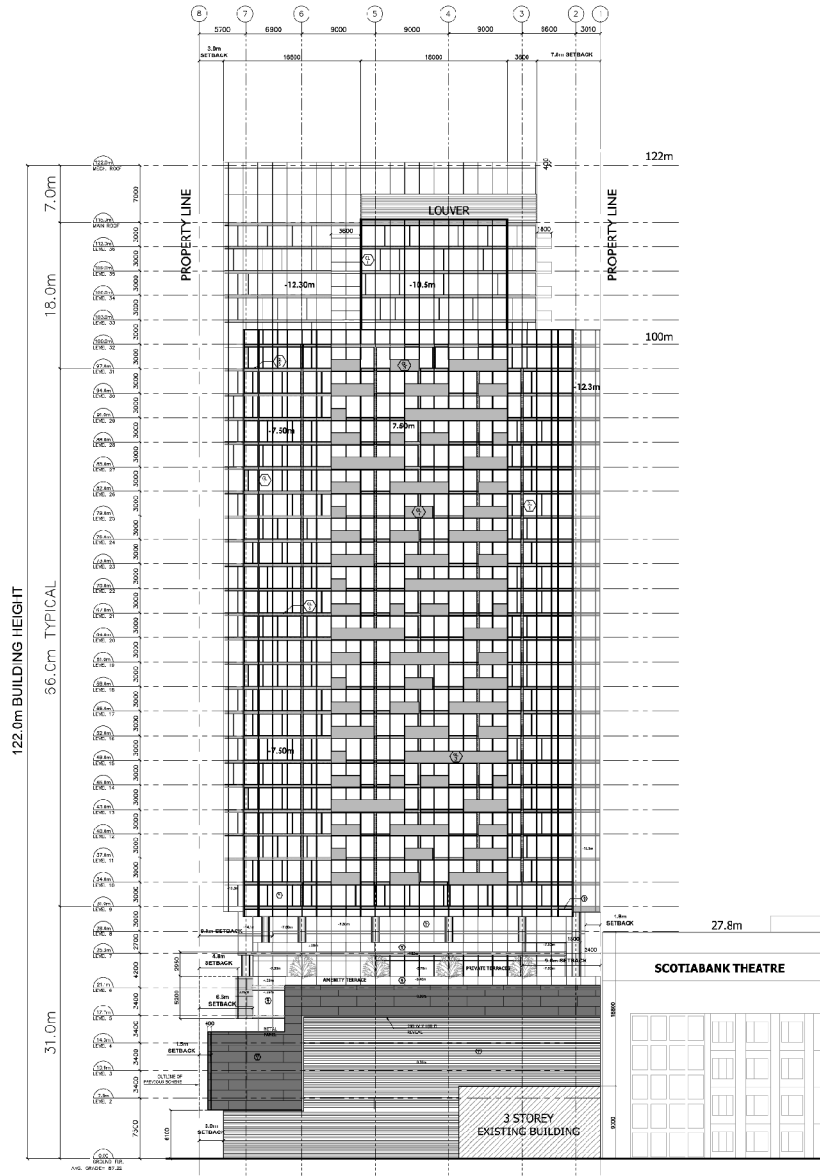
288A, 290, 294 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale
07/09/2010

File # 09_198079

Attachment 9: East Elevation



East Elevation

Elevations

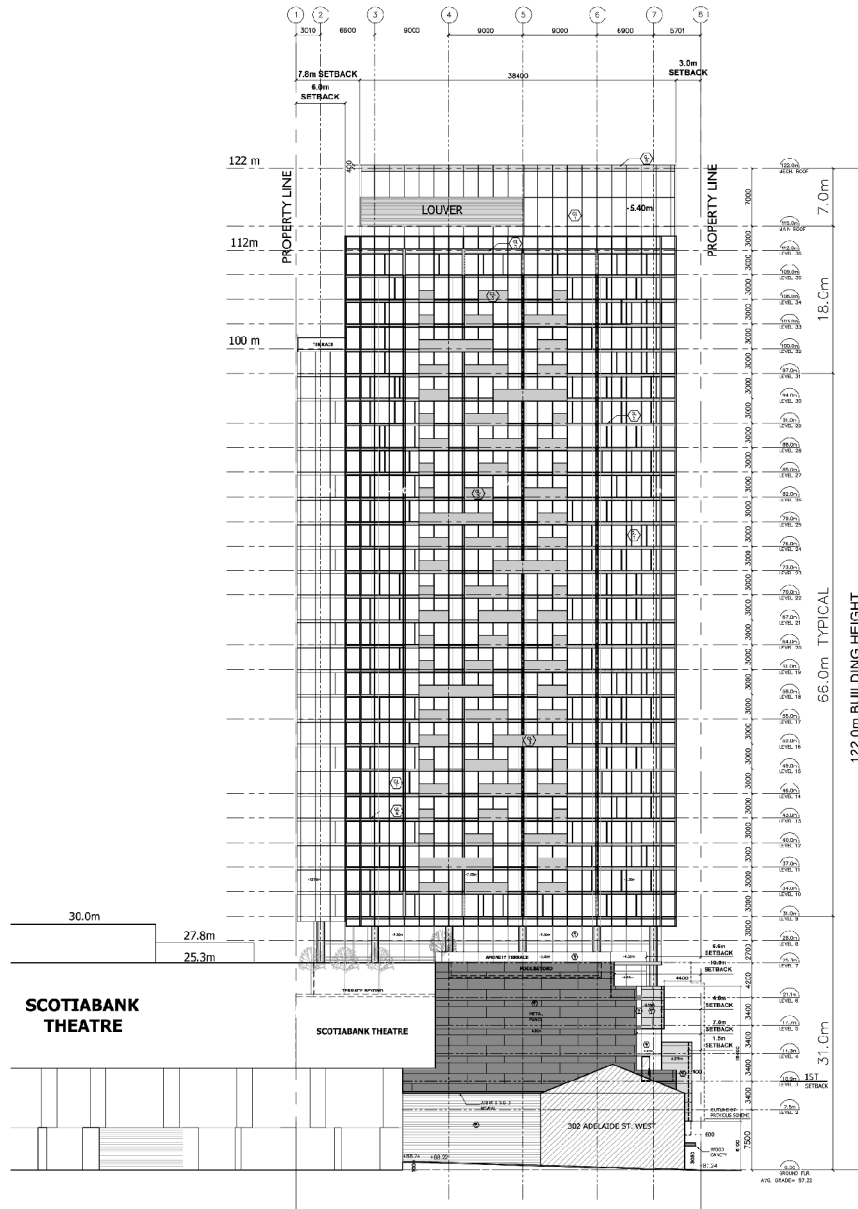
288A, 290, 294 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale
07/09/2010

File # 09_198079

Attachment 10: West Elevation



West Elevation

Elevations

288A, 290, 294 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale
07/09/2010

File # 09_198079

Attachment 11: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	09 198079 STE 20 OZ
Details	Rezoning, Standard	Application Date:	December 18, 2009

Municipal Address: 288A, 290 and 294 Adelaide Street West.

Location Description: PL TOWN OF YORK PT LT12 **GRID S2013

Project Description: The application proposes a 37 storey building, 122.4 metres high. The proposed building consists of a 6 storey (22.5 metre) podium containing 1838 square metres of commercial and retail space, a loading area, and a 5 level commercial parking garage with 86 parking spaces. There are 281 residential units proposed in a 31 storey tower (93.9 metre) above the podium and a mechanical penthouse (7.4 metres) on top. The mix of apartment units includes; 23 studio, 148 one bedroom, 99 two bedroom and 11 three bedroom apartments

Applicant:	Agent:	Architect:	Owner:
Sherman Brown Dryer Karol		Core Architects Inc.	Lifetime Adelaide Street Inc.

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	1619	Height:	Storeys:	37
Frontage (m):	32.94		Metres:	122.4
Depth (m):	49.23			
Total Ground Floor Area (sq. m):	847			Total
Total Residential GFA (sq. m):	21293		Parking Spaces:	246
Total Non-Residential GFA (sq. m):	6401		Loading Docks	1
Total GFA (sq. m):	27694			
Lot Coverage Ratio (%):	52.3			
Floor Space Index:	17.1			

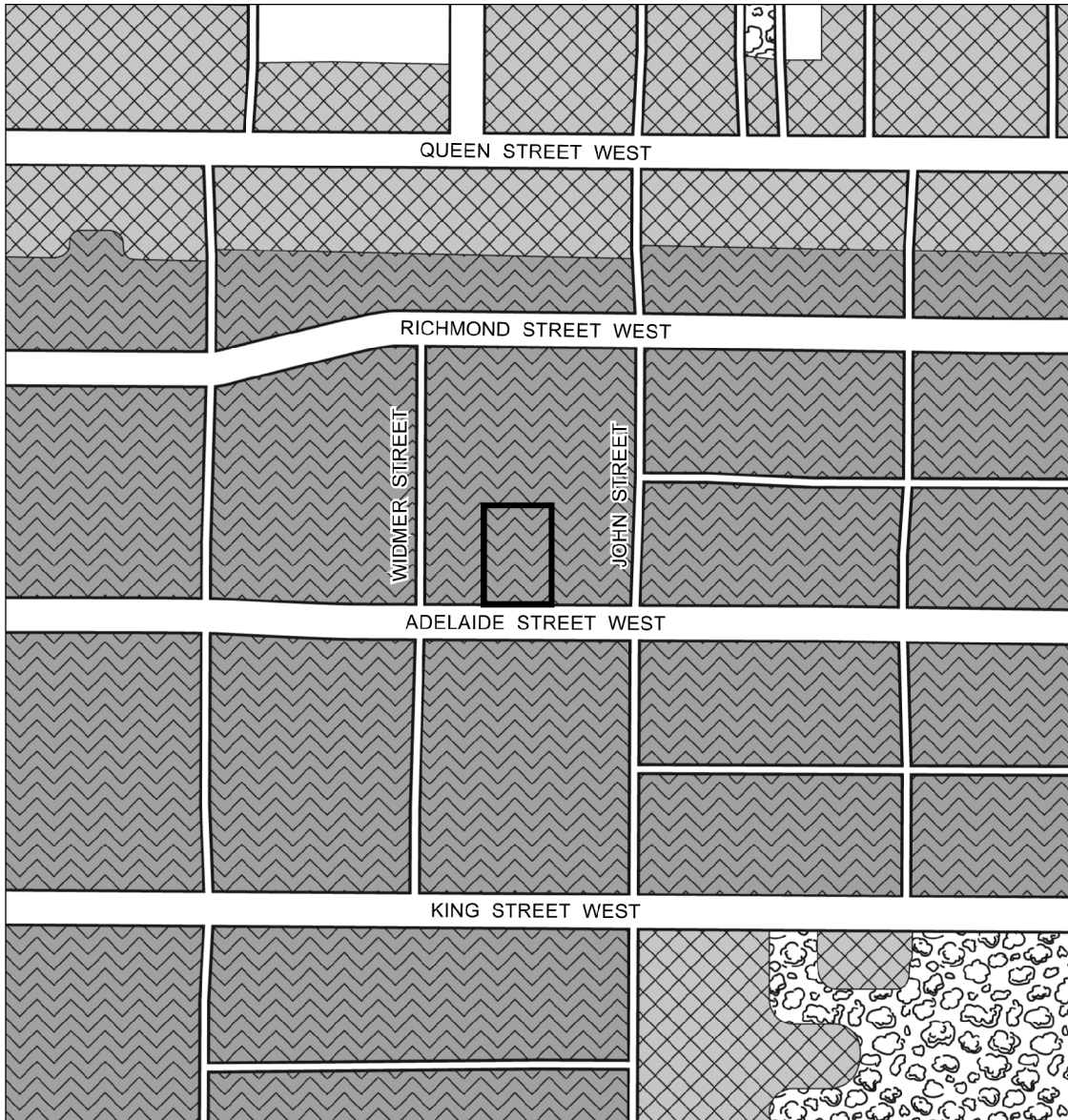
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	21293
Bachelor:	23	Retail GFA (sq. m):	276
1 Bedroom:	148	Office GFA (sq. m):	1562
2 Bedroom:	99	Industrial GFA (sq. m):	0
3 + Bedroom:	11	Institutional/Other GFA (sq. m):	4563
Total Units:	281		

CONTACT:	PLANNER NAME:	Sue McAlpine, Senior Planner
	TELEPHONE:	416-397-4487

Attachment 12: Official Plan



TORONTO City Planning
Official Plan

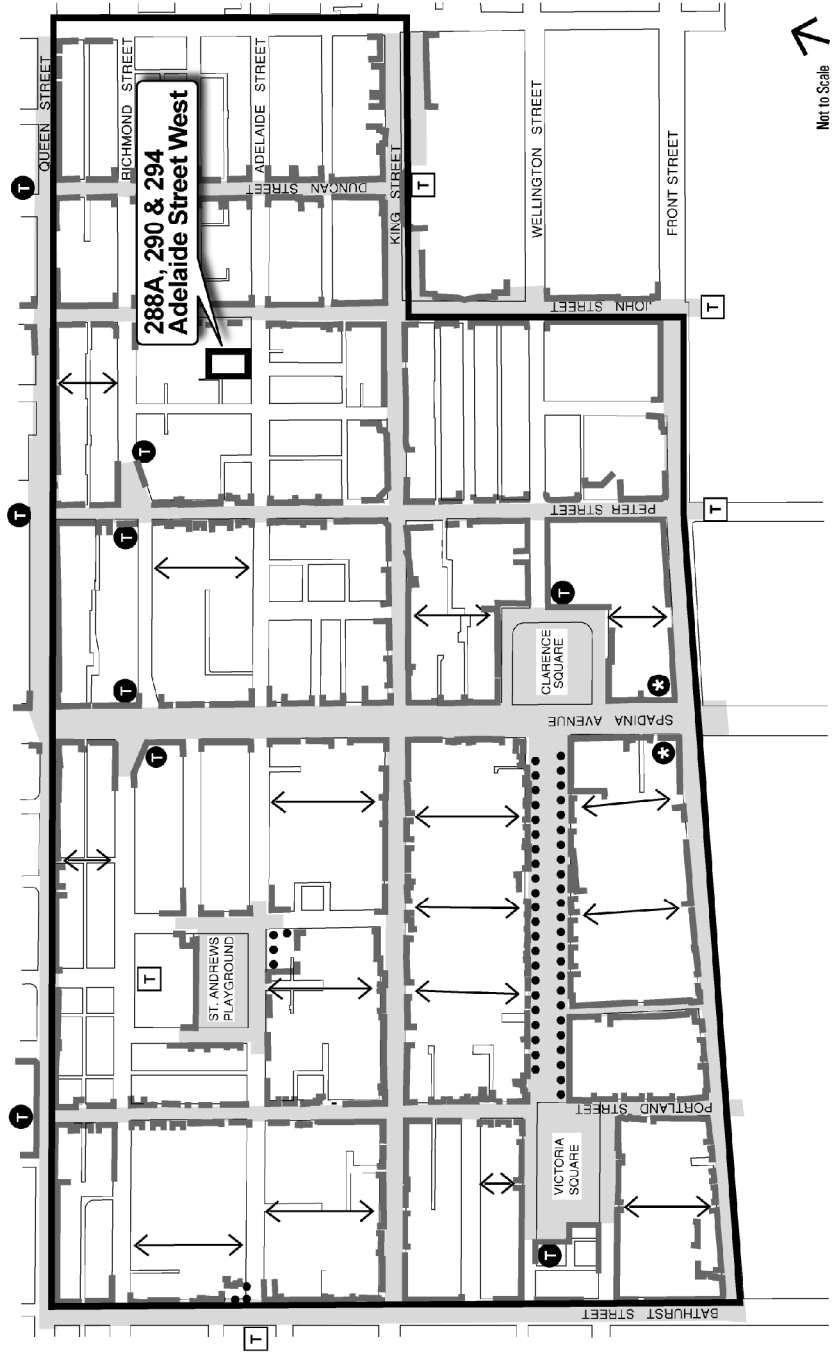
288A, 290 & 294 Adelaide Street West

File # 09_198079

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


 Not to Scale
 05/11/2010

Attachment 13: King-Spadina Secondary Plan



North to Scale

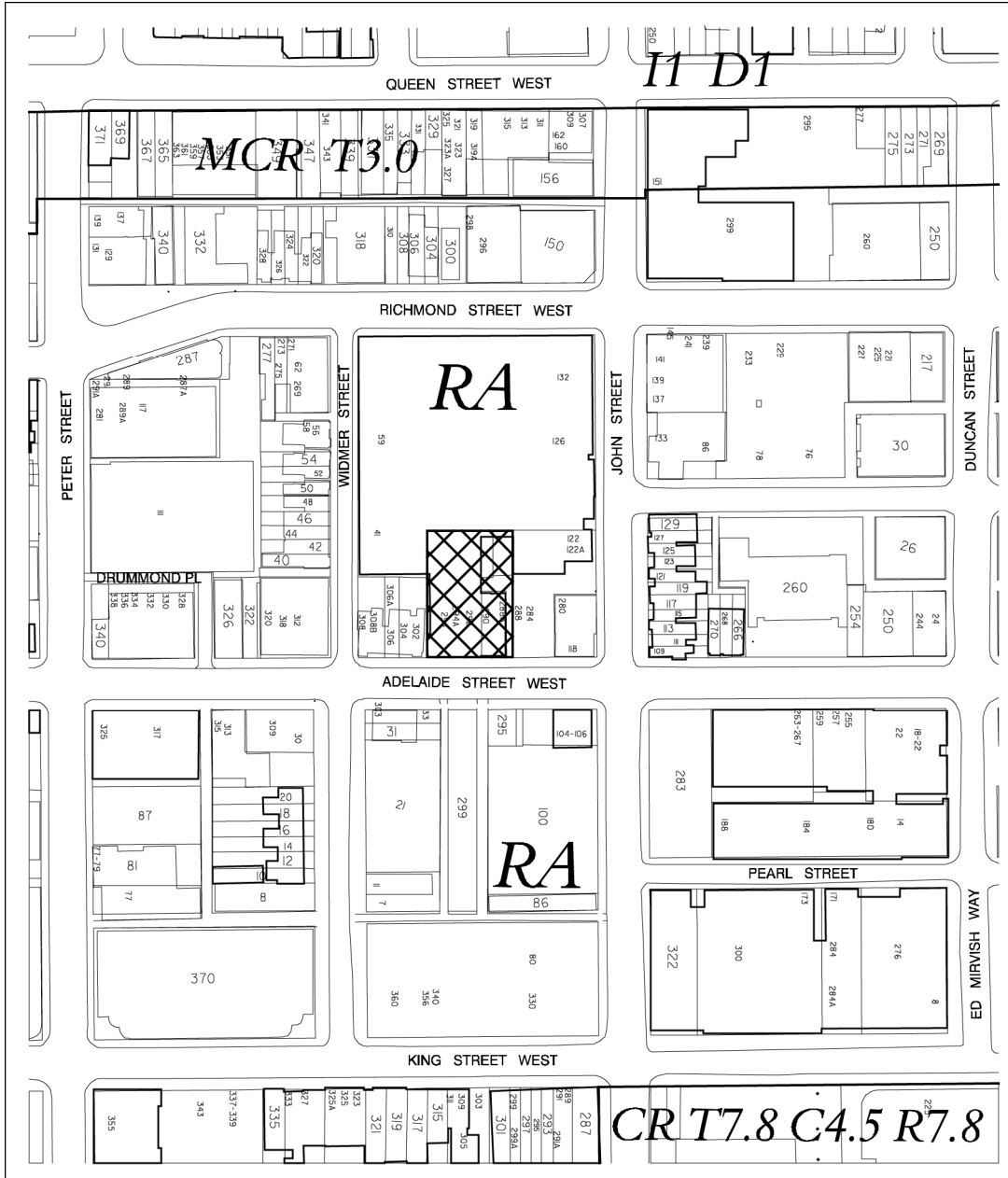
King-Spadina Secondary Plan MAP 16-1 Urban Structure Plan



- Secondary Plan Boundary
- Potential Gateway
- Potential View Terminus
- Existing View Terminus
- Existing and Potential Building Edge
- Potential Mid-block Connections
- Significant Street & Open Space
- Landscape Edge

June 2006

Attachment 14: Zoning



288A, 290 and 294 Adelaide Street West

File # 09_198079

- RA Mixed-Use District
- CR Mixed-Use District
- MCR Mixed-Use District
- I1 Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/01/2010 - NRS