

523, 525 and 525A Adelaide Street West - Zoning Amendment - Final Report

Date:	August 12, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	12-117029 STE 20 OZ

SUMMARY

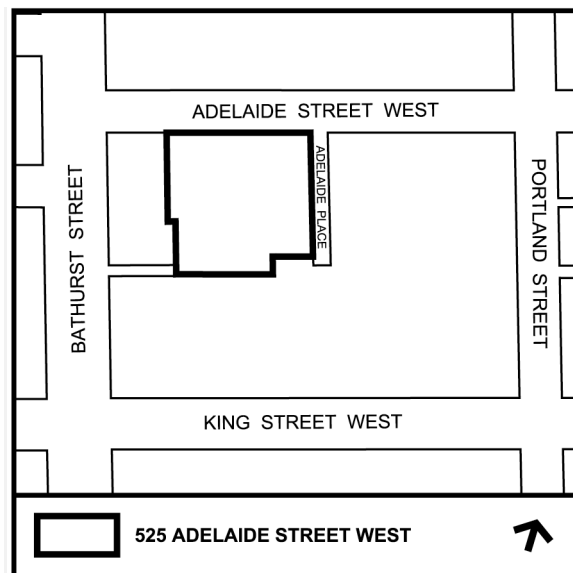
At its meeting of July 19, 2013, City Council directed the Chief Planner and Executive Director, City Planning Division to bring forward a draft Zoning By-law based on the architectural plans submitted February 15, 2013, as revised on June 11, 2013 prepared by Quadrangle Architects Limited for the statutory public meeting for 523, 525 and 525A Adelaide Street West to be scheduled for the September 10, 2013 meeting of the Toronto and East York Community Council, as per the requirements of the *Planning Act*.

The draft Zoning By-law Amendment is contained in Attachment 1 to this report.

RECOMMENDATIONS

Should City Council choose to approve the development as proposed, the City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended, for the lands at 523, 525 and 525A Adelaide Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to report (August 12,



2013)from the Director, Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bill to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure the following:
 - i. Provision of a cash contribution to the City in the amount of \$775,000 to be provided and allocated at the discretion of the City as follows:
 - a) \$50,000 cash contribution to the Factory Lab Theatre to be paid within fifteen (15) business days of the zoning by-law amendment becoming final and binding;
 - b) \$225,000 cash contribution to be allocated for streetscape improvements in the vicinity of the Site to be paid prior to the issuance of the first above-grade building permit; and
 - c) \$500,000 cash contribution for capital improvements to and/or the acquisition of Affordable Housing in Ward 20 to be paid prior to the issuance of the first above-grade building permit;
 - ii. incorporation into the construction of the building, exterior materials substantially in accordance with the architectural drawings (1:50 scale) as originally prepared by Quadrangle Architects Limited, dated February 14, 2013; with appropriate revision to reflect the revised June 11, 2013 submission which shall be submitted for approval in the context of the application for Site Plan approval for the development.
 - iii. conveyance of a public pedestrian access easement to the City, satisfactory to the City Solicitor, in the location at the southerly limit of the site as provided for in the aforementioned June 11, 2013 architectural plans and maintenance of such easement lands to the satisfaction of the Chief Planner and Executive Officer, Community Planning;.
 - iv. provision and maintenance of a minimum of 10% of the dwelling units constructed on the lot as three-bedroom units;
 - v. incorporation and maintenance of knock-out panels, where feasible, without material structural modification, to enable the conversion of units with fewer bedrooms to 3-bedroom units and include appropriate provision(s) in any condominium documents to enable any such conversions in the future;
 - vi. the provision of a Public Park at grade (strata title) having a minimum size of approximately 649 square metres and depth of not less than 1.5 m, secured in

the Section 37 Agreement as a means of legal convenience, on terms and conditions set out therein including the following:

- a) prior to issuance of the first above grade building permit, the owner shall provide a letter of credit in the City standard form for the difference in value of the strata parkland conveyance and the value of the unencumbered parkland conveyance requirement, as determined by the City's Appraisal services staff, which will be held as security for the cost to construct the above base park improvements. The value of the above base park improvements shall not be less than the amount determined for the letter of credit;
- b) construction of the Public Park at the owner's expense with the final configuration and design of the Public Park, including grading, soil depth, and improvements to the satisfaction of the Ward Councillor in consultation with the General Manager of Parks, Forestry and Recreation as well as the Director of Urban Design, following consultation with a Working Committee that includes representation from the surrounding community;
- c) conveyance of the lands for the parkland by way of strata title to the City prior to registration of the plan of condominium on the site to the satisfaction of the City Solicitor and provision for registration of a Section 118 Restriction on the lands prior to issuance of the first above grade building permit to secure such conveyance;
- d) completion of the base park and above-base park improvements prior to conveyance of the parkland and registration of the plan of condominium on the Site to the satisfaction of the General Manager of Parks, Forestry and Recreation, subject to securing any outstanding improvement items related to seasonality by letter of credit;
- e) prior to conveyance of the parkland, the *owner* shall be responsible for an environmental assessment of the land and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure that the parkland will meet all applicable laws, regulations and guidelines respecting site to be used for public park purposes, including City Council policies respecting soil remediation of sites. A qualified environmental consultant acceptable to the Executive Director of Engineering and Construction Services shall prepare the environmental assessment. Prior to transferring the parkland to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the *owner's* expense (the "Peer Reviewer"), and the transfer of the parkland shall be conditional upon the Peer Reviewer concurring within the Owner's environmental consultant that the parkland meets all applicable laws, regulations and guidelines for public park purposes; and

- f) the *owner's* environmental consultant shall file a Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit to the General Manager of Parks, Forestry and Recreation the Ministry of the Environment (MOE) Letter of Acknowledgement of Filing of the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04 and that the MOE will not audit the RSC at this time or that the RSC has passed an MOE audit; and
- vii) maintenance of the Public Park by the owner at its expense in a manner satisfactory to the General Manager of Parks, Forestry and Recreation together with provisions for indemnification of the City to the satisfaction of the City Solicitor in connection with maintenance and the stratification; and
- viii) all conveyances to the City, including easements, shall be for nominal consideration, free and clear of encumbrances and at no cost to the City to the satisfaction of the City Solicitor and the Owner shall be responsible to prepare, submit to the City for approval and deposit all required reference plans to describe the lands being conveyed.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On June 18, 2013, Toronto and East York Community Council had before it a Refusal Report, dated May 28, 2013, from the Director of Community Planning, Toronto and East York District. That report recommended refusal of the Zoning By-law amendment application for 523, 525 and 525A Adelaide Street West. The report identified that the policies contained within the City of Toronto Official Plan and the King-Spadina Secondary Plan provide the basis for refusing the proposal as it does not meet the intent of the Plan as it relates to height, built form and relationship to adjacent developments. The report also stated that if the development were approved as proposed, the building would detract from the heritage and mid-rise character of the area and set a precedent for additional height where it is not planned and set a negative precedent for the form of future development.

Prior to the June TEYCC meeting, the applicant agreed to a number of changes to the proposal to respond to the above noted issues, specifically the following changes were proposed:

- i. the height of the building is to be reduced from 21-storeys and 62.9 metres to 17-storeys and 50.5 metres;
- ii. the building shall incorporate a stepback of 2 metres above the 7th floor adjacent to the proposed private driveway and the property at 103-111 Bathurst Street to the west;

- iii. the portion of the building adjacent to Adelaide Street West shall be stepped back a minimum of 9.5 metres from Adelaide Street West above the 14th storey; and
- iv. the proposed development shall comply with the City's Vibrant Streets design guidelines.

COMMENTS

At its meeting of July 19, 2013 City Council directed the Chief Planner and Executive Director, City Planning Division to bring forward a draft Zoning By-law based on the architectural plans submitted February 15, 2013 as revised on June 11, 2013, prepared by Quadrangle Architects Limited, for the statutory public meeting for 523, 525 and 525A Adelaide Street West to be scheduled for the September 10, 2013 meeting of the Toronto and East York Community Council, as per the requirements of the *Planning Act*.

The draft Zoning By-law Amendment is contained in Attachment 1 to this report. The By-law incorporates the changes proposed by the applicant. Notwithstanding that the changes made by the applicant go some way toward addressing the concerns of staff, staff continue to have concerns regarding the overall height and the massing of the proposal.

CONTACT

Dan Nicholson, Senior Planner
Tel. No. (416) 397-4077
Fax No. (416) 392-1330
E-mail: dnichol2@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

(P:\2013\Cluster B\pln\TEYCC\22248856064.doc) - smc

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law Amendment