

**23 Spadina Avenue Zoning By-law Amendment
Application – Request for Direction Report**

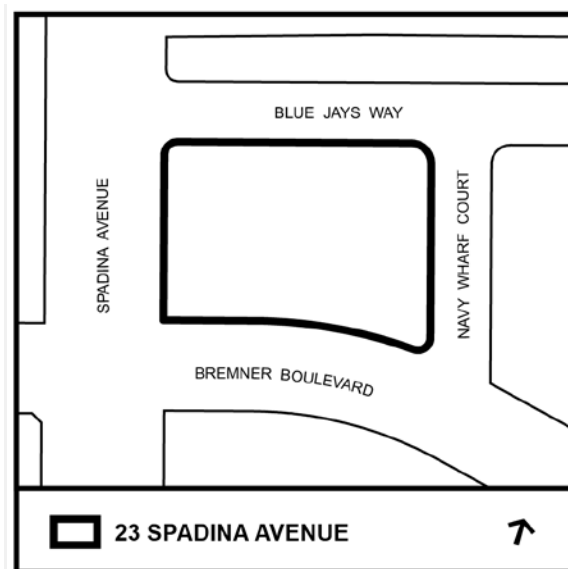
Date:	August 24, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	14 204219 STE 20 OZ

SUMMARY

The application proposes a mixed-use development including retail, office and residential uses at 23 Spadina Avenue. The site occupies the entire block bounded by Spadina Avenue to the west, Navy Wharf Court to the east, Blue Jays Way to the north and Bremner Boulevard to the south. It is one of the few remaining sites to be developed in the Railway Lands and the last site to be developed in the CityPlace neighbourhood of the Railway Lands West and Central areas, where the applicant has developed a number of residential and mixed use developments over the past 15 years.

The proposed development includes a base building of 10 storeys with two towers above. Tower A is proposed to be 59 storeys high (202.18 metres including mechanicals). Tower B is proposed to be 69 storeys high (231.2 metres including mechanicals). The total gross floor area of the proposed development is approximately 120,468 square metres.

The applicant appealed the Zoning By-law amendment application and an associated Site Plan application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the prescribed period under the *Planning Act*. Two prehearings have been held by the



OMB, the first on February 18, 2016, and the second July 27, 2016. A further prehearing is scheduled for September 1, 2016 and the full hearing is scheduled for October 31 to November 10, 2016.

A revised proposal for the zoning by-law amendment was submitted in April 2016 and was reviewed by City staff and agencies. Staff continued discussions with the applicant following the April submission on a number of issues. In August 2016 the applicant submitted a letter outlining its agreement to further amendments to the proposal to address remaining issues. The letter is included as Attachment 14 to this report. Main revisions include: a reduced building height, density and unit count; increased building setbacks along street frontages creating additional space for pedestrians and public realm enhancements including a Privately Owned, Publicly Accessible Open Space (POPS); design changes to the building to introduce more articulated elements and tower setbacks; an increased separation distance between towers; an increased number of larger 2 and 3-bedroom dwelling units suitable for families, and new indoor and outdoor amenity spaces designed for children.

The development proposes a mix of uses that will add to the diversity, vitality and interest of the Railway Lands consistent with the objectives of the Railway Lands Central Secondary Plan. The planning framework for the Railway Lands has long identified this site as a significant site appropriate for a landmark building with complementary streetscape enhancements. Increased setbacks and setbacks for base building and tower elements and the distinctive architectural design that incorporates public art, along with proposed public realm enhancements including a POPS on-site, reinforce the built form and public realm objectives of the Railway Lands Central Secondary Plan. A range of dwelling unit types and sizes are proposed including many larger apartments. Indoor and outdoor amenity areas specifically designed for children are also proposed. These changes are positive elements of the proposal providing housing and facilities appropriate for families with children.

Staff are recommending that Council authorize the City Solicitor, City Planning staff and other appropriate City staff to attend the OMB hearing to support the revised development proposal subject to the conditions outlined in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board (OMB) hearing in support of a Zoning By-law Amendment based on the applicant's revised plans dated August 10, 2016 and described in the staff report dated August 24, 2016, from Director, Community Planning, Toronto and East York District, subject to any final revisions to the satisfaction of the Chief Planning and Executive Director, City Planning and subject to the following:

- a. The provision by the owner, pursuant to Section 37 of the *Planning Act* the following community benefits to be included in the Zoning By-law amendment and such community benefits to be secured in an agreement pursuant to Section 37 of the *Planning Act* in a form satisfactory to the City Solicitor and such agreement shall be registered prior to a final order on the appeals by the OMB;
 - i. a cash contribution of \$7,000,000.00 to be provided to the City to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor for the following capital improvements;
 - A. \$2,800,000.00 towards the multi-purpose community space within the shared community facility (Community Centre, Elementary Schools and Childcare Centre) proposed at 20 Brunel Court (Block 31 Railway Lands) to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor;
 - B. \$2,000,000.00 towards the YMCA Centre at 505 Richmond Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor;
 - C. \$700,000.00 for the provision of new affordable housing in Ward 20;
 - D. \$700,000.00 for capital repairs to existing Toronto Community Housing buildings in Ward 20; and
 - E. \$800,000.00 toward parkland improvements; in the Southern Linear Park including a Southern Linear Park bridge over Spadina Avenue; in Canoe Landing Park; and/or for the Bentway (Project Under Gardiner) to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor.
 - ii. The required cash contributions pursuant to recommendation 1.a.i. A, B, C, D and E shall be provided to the City as follows:
 - A. \$2,800,000.00 immediately upon the Zoning By-law coming into full force and effect;
 - B. \$1,400,000.00 prior to the issuance of an above-grade building permit on the lot; and
 - C. \$2,800,000.00 prior to any condominium registration.

- iii. The required cash contributions pursuant to recommendation 1.a.i. A, B, C, D and E are to be indexed upwardly in accordance with the Statistics Canada Non-Residential building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made; and,
 - iv. In the event the cash contribution in Recommendation 1.a.i.B has not been used for the intended purpose within five (5) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
- b. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development, at the owner's expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- i. The Owner shall convey and register for nominal consideration, a non-exclusive easement in perpetuity in favour of the City, for an area having a minimum size of approximately 100 square metres for use by the general public as publicly accessible, privately-owned open space (POPS) at the south east corner of the site, the extent of such area to be identified in the zoning by-law to the satisfaction of the Chief Planner and Executive Director, City Planning. The specific configuration and design of the POPS to be determined to the satisfaction of the Chief Planner and Executive Director City Planning in consultation with the Ward Councillor and local community, as part of site plan approval, and to come into effect on the first residential or non-residential occupancy. The maintenance of this POPS is to be the responsibility of the owner.
 - ii. Prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary; and,

- iii. Prior to site plan approval, the owner shall provide a Loading Management Plan to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor and the local community. The Loading Management Plan will include, but not limited to, hours of operation of the loading docks and frequency of use by type(s) of loading vehicles and will set out arrangements which will be put in place for the accommodation of smaller delivery vehicles within the parking garage that do not require a loading dock.
2. City Council authorize the City Solicitor to request that the OMB withhold its final order on the Zoning By-law amendment pending:
 - a. Receipt of confirmation from the City Solicitor that the final form of the Zoning By-law amendment is to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b. Receipt of confirmation from the City Solicitor of the satisfactory execution and registration of the Section 37 Agreement required in Recommendations 1.a. and 1.b.
 - c. Receipt of confirmation from the City Solicitor of the resolution of outstanding items related to servicing outlined in the memo from City of Toronto, Development Engineering dated June 22, 2016 to the satisfaction of the Executive Director, Engineering and Construction Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of February 18, 2015 Toronto and East York Community Council (TEYCC) considered a Preliminary Report on the Zoning By-law Amendment application. TEYCC directed that staff hold a community consultation meeting with landowners and residents within 120 metres of the site, that the notice area be extended in consultation with the Ward Councillor and that the applicant pay the City for the costs associated with extending the notice area. The Preliminary Report is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE4.35>

At its meeting of February 3, 4 and 5, 2016 Council considered a Request for Direction Report on the zoning by-law amendment and site plan applications. Council authorized City staff to continue discussions with the applicant to resolve outstanding issues identified in the report, and directed that staff report back to Council on a settlement if one was reached. The Request for Direction Report is available on the city's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE13.11>.

Two prehearings have been held by the OMB, the first on February 18, 2016, and the second July 27, 2016. A further prehearing is scheduled for September 1, 2016 and the full hearing is scheduled for October 31 to November 10, 2016.

ISSUE BACKGROUND

Proposal

A revised proposal for the zoning by-law amendment was submitted in April 2016 and was reviewed by City staff and agencies. Staff continued discussions with the applicant following the April submission on a number of issues. In August 2016, the applicant submitted a letter outlining its agreement to further amendments to the proposal to address remaining issues. The letter is included as Attachment 14 to this report. Main revisions include; a reduced building height, overall density and unit count; increased building setbacks along street frontages creating additional space for pedestrians and public realm enhancements including a Privately Owned, Publicly Accessible Open Space (POPS); design changes to the building to introduce more articulated elements and tower step backs; an increased separation distance between towers; an increased number of larger 2 and 3-bedroom dwelling units suitable for families, and new indoor and outdoor amenity spaces designed for children. An overview of the proposal is discussed below and summarized in Table 1.

The application is for a mixed-use development including retail, office and residential uses in two towers. The total gross floor area (gfa) of the proposed development is approximately 120,468.3 m², comprised of 103,950 m² of residential gfa, 11,218.3 m², of above-grade parking gfa, 2,273 m² of retail gfa and 3,990 m² of office gfa. The proposed total gross floor area of the proposal constitutes a density of 20.83 times the lot area. Excepting the above grade parking area, the gross floor area of the proposal constitutes a density of 18.9 times the lot area. (Attachments 1, 2, 3, 4 and 5). There are 1364 dwelling units proposed. Of these a minimum of 40% are proposed be 2-bedroom units or larger and of these a minimum of 10% are proposed to be 3-bedroom units. As well, at least 60% of the 2-bedroom units are proposed to have a floor area of 65 m² or more. The average size of the 3-bedroom units is proposed to be 80 m² and 10% of the 3-bedroom units are proposed to be 90 m² or larger.

The building design includes a 10-storey base building with two towers above. Changes have been made to the two tower heights. Previously Tower A, situated in the north-east corner of the site was proposed to be 79 storeys. Tower A is now proposed to be 59 storeys high (202.18 metres including mechanicals). Tower B is situated in the south-west corner of the site near the intersection of Spadina Avenue and Bremner Boulevard. Previously Tower B was 68 storeys high and is now proposed to be 69 storey high (231.2 metres high including mechanical penthouse). The distance between the towers is proposed to be 25 metres excluding balconies. Along the lengths of the towers, coloured aluminum panels are proposed on four exterior corners as public art installations.

An underground parking garage with 4 levels and an above-grade parking garage with 6 levels are proposed for residents, visitors and commercial uses. The above-grade parking is proposed within the east portion of the base building with office and residential uses on the outer edges of the building wrapping the garage. The final design work for the layout of the parking garage is ongoing. The applicant has agreed to provide vehicle parking in accordance with the requirements of Transportation Services with approximately 645 parking spaces proposed for residents (560), visitors and commercial uses (85). Approximately 1364 bicycle parking spaces are proposed for residents and approximately 28 bicycle parking spaces for retail and office uses.

Access to the site is proposed from two driveways off Blue Jays Way and one driveway from Navy Wharf Court. The Navy Wharf Court access provides access to the loading area and below grade parking garage. The two accesses from Blue Jays Way are located near to one another with the westerly access providing access to a ground level pick-up and drop-off area and the underground parking garage and the easterly access providing access to the above-grade parking in the base building.

The applicant has agreed to provide a minimum of 1.5 m² per dwelling unit each of indoor (2,046 m²) and outdoor (2,046 m²) amenity space which will result in an overall amenity space provision of approximately 4,092 m². The final design work for the amenity areas is ongoing, but will include outdoor terraces with associated indoor spaces on the 9th and 11th floors including a children's play area, and outdoor dog run and dog spa, outdoor water features, as well as a number of indoor areas for a range of recreational activities. Lounges are also proposed at the tops of the tower wrapping around the glass enclosure for the roof-top mechanicals. Public art installations are proposed in these lounge spaces which will be highly visible to the public as rooftop design features of the towers. A privately owned publicly accessible open space (POPS) of approximately 100 m² is also proposed along the north side of Bremner Boulevard at the intersection of Navy Wharf Court (Attachment 6).

Additional site and development statistics are included in the application data sheet in Attachment 7.

Table 1 - Summary of Initial and Revised Proposals – 23 Spadina Avenue		
	Initial Proposal August 20, 2014	Revised proposal August 9, 2016
Storeys (height in metres including mechanicals)	Tower A - 79 (247.23 m) Tower B - 68 (215.43 m)	Tower A - 59 (202.18 m) Tower B - 69 (231.2 m)
Dwelling Units	1,536	1,364
Residential Gross Floor Area (excluding amenity area)	120,014 m ²	103,950 m ²
Office Gross Floor Area	3,990 m ²	3,254.1 m ²
Retail Gross Floor Area	2,273 m ²	2,045.9 m ²
Above-grade parking Gross Floor Area	11,218.3 m ²	11,218.3 m ²
Total Gross Floor Area	137,495.3 m ²	120,468.3 m ²
Density – Floor Space Index (Total)	23.7 x lot area	20.8 x lot area
Indoor Amenity Space	2,343.1 m ²	2,046 m ²
Outdoor Amenity Space	2,304 m ²	2,046 m ²

Site and Surrounding Area

The subject site is bounded by Spadina Avenue to the west, Bremner Boulevard to the south, Navy Wharf Court to the east and Blue Jays Way to the north. The site has a total area of 5,784 m² with a 60 metre frontage on Spadina Avenue, a 91 metre frontage on Bremner Boulevard, a 69 metre frontage along Navy Wharf Court, and an 89 metre frontage along Blue Jays Way. The site is currently occupied by a 2-storey building that is used as the Concord Adex presentation centre, as well as a surface parking lot containing 53 parking spaces.

Surrounding uses include:

North: The Northern Linear Park is opposite the site on the north side of Blue Jays Way. Further north is the rail corridor and there are 4 residential towers of 28 to 36 storeys located on the north side of the rail corridor.

East: There is a 34-storey residential building opposite the site on the east side of Navy Wharf Court. Further east is the public plaza that extends from Navy Wharf Court east to the Rogers Centre.

South: There is a mixed-use development in the south-east quadrant of the intersection of Bremner Boulevard and Spadina Avenue that includes an 8-storey mid-rise building along with four taller residential towers ranging from 26 to 50 storeys and 2-storey townhouses. In the southwest quadrant of the intersection of Spadina Avenue and Fort York Boulevard there are two residential buildings of 42 and 49 storeys along with an 8-storey mid-rise building.

West: There is a 15-storey mixed-use building and a 47-storey residential building opposite the site on the west side of Spadina Avenue. Further west are a series of residential building ranging in height from 36 to 49 storeys.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is located in the *Downtown* and is designated *Mixed Use Areas* in the Official Plan (Attachment 8).

Downtown Policies

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.

This reurbanization strategy recognizes that the level of growth will not be uniform across the *Downtown* given its diversity. The policies of Section 2.2.1 seek to accommodate development that builds on the strength of the *Downtown* as a premier employment centre in the GTA, provides for a full range of housing opportunities for workers and reduces the demand for in-bound commuting, and focuses on the *Financial District* as the prime location for prestige commercial office buildings and landmark buildings that shape the skyline.

Public Realm and Built Form Policies

The public realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in architecture, landscape architecture, and urban design in public works and private developments to ensure that the public realm is functional, beautiful, comfortable, safe and accessible.

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 matters 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.

To minimize impacts on the property and on surrounding properties, and improve the safety and attractiveness of adjacent streets, Section 3.1.2.2 provides that new development use shared service areas where possible within development blocks, consolidate and minimize the width of driveways and curb cuts across the public sidewalks, and integrate services and utility functions within the buildings where possible. Section 3.1.2.4 of the Plan requires that new development provide amenity to adjacent streets and open spaces to make these areas attractive, interesting comfortable and functional for pedestrians.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1.3 provide additional design direction to ensure that they fit into the existing and planned context and limit local impacts. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

Housing Policies

Section 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability to meet the current and future needs of residents.

Mixed Use Areas Policies

A broad range of commercial, residential and institutional uses in single use or mixed-use buildings, as well as parks and open spaces and utilities are permitted within the *Mixed Use Areas* designations. The Official Plan recognizes that *Mixed Use Areas* achieve a number of planning objectives by combining a broad array of uses. The Plan notes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Section 4.5.2 includes criteria for development in *Mixed Use Areas* to ensure, among other matters, that the location and massing for new buildings achieves transitions between areas of different development intensity and scale, frames the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare. It should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

The Official Plan is available on the City's website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=03eda07443f36410VgnVCM10000071d60f89RCRD>

Railway Lands Central Secondary Plan

The subject site is located with the Railway Lands Central Secondary Plan area (Attachment 9). Section 5 of the Official Plan provides that Secondary Plans will set the stage for reurbanization in defined areas to stimulate and guide development in keeping with the objectives of the Official Plan. The policies are intended to promote the desired type and form of physical development for an area. The Railway Lands Central Secondary Plan provides a locally-focussed policy framework for guiding growth and change in the Secondary Plan area.

The Secondary Plan identifies that the Railway Lands Central will be developed as an integral part of the *Downtown* so that the barrier effects of the road and rail corridors will be minimized and the central City reunited with the Central Waterfront. New development in the Railway Lands Central should have a mix of uses, and a form, character and environmental quality which will ensure that the area is used by people for a wide variety of purposes throughout each day.

Section 3 of the Secondary Plan establishes the principles regarding the structure, form and physical amenity of the Railway Lands Central development and identifies both Spadina Avenue and Bremner Boulevard as important major streets within the Railway Lands. These streets establish essential linkages to the larger City and Central Waterfront and east-west connections through the area. The policies of Section 3.2 of the Secondary Plan provide that buildings will, among other matters, clearly define and give form to the edges of streets, parks and open spaces, contribute to the creation of public streets, parks and open spaces with pleasing proportions and appropriate scale, adequate sunlight and sky views, and comfortable wind conditions, achieve a harmonious relationship with adjacent buildings with respect to building massing and setbacks, scale, texture, architectural detail and rhythm of horizontal and vertical elements and be designed such that their massing and roof profile contribute harmoniously to the city skyline, including stepping down from the central city to the lake.

Development in the Railway Lands Central will contribute to the achievement of an attractive, inviting, comfortable and safe public realm, including generously proportioned public streets, parks and publicly accessible open spaces which meet high standards of urban design and provide good access to sunlight and protection from winds. Map 18-4 of the Secondary Plan delineates the desired system of parks and publicly accessible open spaces to help to integrate the Railway Land Central with the Railway Lands West, Railway Lands East, the Downtown and the Central Waterfront and provide a variety of outdoor active and passive recreational opportunities for workers, residents and visitors. A publicly accessible open space is identified on the subject site extending along the north side of Bremner Boulevard from Spadina Avenue to Navy Wharf Court (Attachment 10).

Section 9 of the Secondary Plan sets out specific requirements for sun/shadow and wind studies in association with site plan applications to assess potential impacts of new development on the Rogers Centre.

Section 10.1 of the Secondary Plan provides that Spadina Avenue is intended as a predominantly commercial/residential street to be developed at relatively high densities. Further the land use and density objectives of the Plan provide that the intersection of Spadina Avenue and Bremner Boulevard become a focus for the Railway Lands Central.

The subject site is designated *Mixed Use Area D* and is within a Special Policy Area in the Secondary Plan (Attachment 11). *Mixed Use Area D* will be regarded as an appropriate location for non-residential and residential development with a strong street related and service use component. The implementation of development of lands within Special Policy Areas is intended through actions such as a detailed zoning by-law that address matters such as building setbacks and height limits, and Urban Design Guidelines that address location and character of parks and publicly accessible open spaces, built form including typical building conditions and tower placement as well as the location, access to and screening of parking and loading facilities.

The Railway Lands Central Secondary Plan is available on the City's website at:
<http://www1.toronto.ca/planning/18-railway-lands-central.pdf>

Zoning

The site is subject to the provisions of the Railway Lands Central Zoning By-law 1994-0806, as amended. The site is zoned Commercial Residential (CR) (Attachment 12). The CR zone permits a wide range of residential and non-residential uses including apartment buildings, retail, service and office uses. The maximum floor area permitted for residential and non-residential uses combined is 46,000 square metres. For residential uses the maximum floor area permitted is 44,160 square metres and the maximum floor area permitted for non-residential uses is 40,900 square metres. One tower is permitted on the site and the maximum building height permitted is 160 metres (Attachment 13). In addition, the By-law requires a minimum building setback of 7.5 metres along Spadina Avenue and a minimum building setback of 2.0 metres along Blue Jays Way. The Zoning by-law permits a maximum tower floorplate of 850 square metres (residential gross floor area).

Toronto Urban Design Guidelines: Railway Lands West and Central

The site is within an area subject to the Railway Lands West and Central Urban Design Guidelines. These guidelines are intended to provide a context for development of the lands into a predominantly residential neighbourhood, along with non-residential and entertainment uses, parks, schools, and other amenities.

The parks and open space objectives of the Guidelines seek to establish a system of high quality useable, linked parks, open spaces and setbacks which provide spatial relief to and appropriate settings for adjacent development. The Guidelines identify the subject site as contributing to the linked system of parks and open spaces along Bremner Boulevard with public parks/open space identified on the north side of Bremner Avenue extending from Spadina Avenue to Navy Wharf Court.

In keeping with the Secondary Plan, the Urban Design Guidelines recognize the importance of the Spadina Avenue and Bremner Boulevard as principle spines for the neighbourhood and the intersection as a significant place. A building of up to 160 metres is identified for the subject site that will provide a landmark for other heights and buildings in the area. The Guidelines provide for taller street wall building heights along Spadina Avenue from 30 to 35 metres. As a major north-south street connecting the City to the Waterfront a building setback of 7.5 metres is identified along Spadina Avenue allowing for generous sidewalks and landscape areas, as well as areas for street related retail and service uses to animate the street.

The Railway Lands West and Central Urban Design Guidelines are available on the City's website at:
http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/29railwaylands_wescen.pdf

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Site Plan Control

A Site Plan application (File # 14 204227 STE 20 SA) has been submitted and has been reviewed concurrently with the Zoning By-law amendment application. The Site Plan application was also appealed to the OMB by the applicant. The applicant's resubmission in April of 2016 is related only the zoning by-law amendment application. The applicant has agreed to defer the site plan and as a result, the site plan will not be considered by the OMB at the hearing scheduled for October 31 to November 9, 2016.

Reasons for Application

A zoning by-law amendment is required as the Zoning By-law permits a maximum of one tower and a maximum building height of 160 metres (165 including mechanicals), and the proposed development includes two towers with proposed heights of 182.74 metres (202.18 metres including mechanicals) for Tower A and 211.94 metres (231.23 metres including mechanicals) for Tower B. As well, the Zoning By-law permits a maximum combined gross floor area for residential and non-residential uses of 46,000 square metres and the application proposes a total of 120,468.3 square metres of gross floor area. The Zoning By-law amendment is also required to establish development standards such as parking and loading requirements, building setbacks and required amenity space for the proposed development.

Community Consultation

A community consultation meeting was held on March 24, 2015. Planning staff, the Ward Councillor and approximately 100 members of the public attended the meeting. Main issues raised included the proposed height and density of the development, the amount of public open space at the ground level, and the potential wind impacts of the development. The potential for traffic impacts from the development including access to the site, traffic congestion particularly at the intersection of Spadina Avenue and Bremner Boulevard and impacts of loading vehicles on traffic operations in the area were also identified as issues of concern by the public. Participants supported the idea of a dog run in the building but noted that this space should not take away from the overall amenity space for people. Participants noted that the integration of the public art into the buildings was a positive aspect of the proposal.

Following the OMB appeals, staff attended a meeting held by the local area residents. Approximately 50 residents and a representative from the Councillor's office attended. At this resident meeting, City staff provided information on the OMB process.

A second meeting with five community representatives was held on August 5, 2016 to discuss the revisions proposed by the applicant and discussed in this report. The applicant and their representatives, and the Ward Councillor also attended the meeting. The applicant presented the revised proposal and a discussion session followed. Residents were generally supportive of the proposed changes, particularly the reduction in height and density and the public realm enhancements. The increased number of larger units and facilities for children were also well received.

In an effort to reduce traffic associated with loading functions along Navy Wharf Court, residents requested that the applicant determine if smaller delivery vehicles could use the drop-off area with access from Blue Jays Way rather than the larger loading area proposed to have access from Navy Wharf Court. The applicant agreed to undertake further investigation of the loading arrangements for smaller delivery vehicles including preparing a loading management plan to address overall loading times and frequency. Residents also noted that a construction management plan would be important to reduce impacts on the surrounding road network and properties during construction. The applicant agreed to provide a construction management plan. Residents want to ensure that bicycle parking met City standards and that access to bicycle parking facilities was convenient for residents and visitors. The applicant agreed to ensure that the proposed bicycle parking and cycling infrastructure meets City requirements and was easily accessible for residents and visitors. Residents also encouraged the applicant to work diligently to attract diverse retail and service businesses to the building noting a deficiency in the number of such businesses in the neighbourhood. The applicant advised that they have retained a retail consultant to assist in developing a strategy to attract diverse retail and service businesses.

Residents were very supportive of the proposed public realm enhancements including the POPS and expressed a desire to have input into the final design of this area. This was agreed to by the applicant.

COMMENTS

Staff continued discussions with the applicant following the appeal of the applications to the OMB and the Request for Directions Report considered by Council in February of 2016 to resolve the issues identified in the Report. A revised proposal for the zoning by-law amendment was submitted in April 2016 and was reviewed by City staff and agencies. Although the revised submission addressed a number of staff concerns, issues remained outstanding and staff continued discussions with the applicant to resolve these related primarily to height, and tower setbacks and stepbacks. In August 2016 the applicant submitted a letter outlining its agreement to a number of further amendments to the proposal to address remaining issues.

Responses received from City divisions and agencies and the further revisions proposed by the applicant will be used to formulate appropriate standards for inclusion in a draft Zoning By-law amendment to be brought forward to the OMB for consideration should Council endorse the recommendations contained within this report. An overview of the proposed revisions and staff comments are provided below.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) promotes intensification and redevelopment opportunities through compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe and is in keeping with the policy direction for the Downtown/Waterfront as one of five Urban Growth Centres identified in Toronto.

Height and Density

The original submission included two towers on the site; Tower A, proposed to be 79 storeys (247.23 metres high including mechanical penthouse) situated near the north-east corner of the site, and Tower B proposed to be 68 storeys (215.43 metres high including mechanical penthouse) located near the south-west corner of the site. The overall gross floor area proposed in the initial submission was 137,495.3 square metres, representing a density of 23.7 times the area of the site. While the planning framework for this site contemplates a landmark building with a height and density exceeding other sites within the Railway Lands Central area, planning staff considered the proposed height and density of the development as initially proposed excessive and not in keeping with the overall planning framework for the Railway Lands.

Planning staff have had a number of meetings with the applicant to discuss height and density in the context of the planning framework for the Railway Lands Central area. In addition to seeking an overall reduction in the height and density of the development, Planning staff requested that the applicant revise the proposal so that the taller of the two towers be situated near the south-west corner near Spadina Avenue and Bremner Boulevard rather than at the north-east corner near Blue Jays Way and Navy Wharf Court. The Railway Lands Central Secondary Plan and Urban Design Guidelines establish the intersection of Spadina Avenue and Bremner Boulevard as a focal point in the Railways Lands intended for a signature building. As a result, a taller building at these two major streets was considered more appropriate in keeping with the overall planning framework.

The applicant has revised the proposal to address City concerns with respect to height and density and the location of the towers. The revised submission maintains the two towers on the site. Tower A at the northeast corner near Blue Jays Way and Navy Wharf Court is reduced in height by twenty storeys, and is now proposed to be 59 storeys (202.18 metres high including mechanical penthouse). Tower B situated at the southwest corner of the site near Spadina Avenue and Bremner Boulevard is increased in height by one storey, and is now proposed to be 69 storeys (231.2 metres including mechanical penthouse). The overall gross floor area has been reduced and is now proposed to be 120,468.3 m² representing a density of 20.8 times the site area.

Overall planning staff consider the proposed revisions in the height and density appropriate for this site identified for a landmark building in the Railway Lands. The site is of sufficient size to accommodate a development that includes two towers in a manner that is consistent with the Tall Building Design Guidelines, intended to ensure that tall buildings fit within their context and minimize their local impacts. The building massing including the base building and two towers above reinforces the built form and public realm objectives of the Official Plan, and Tall Building Design Guidelines in relation to tower placement and separation distances, base building heights as well as building setbacks and sidewalk zones. These issues are discussed in more detail below.

Situating the taller tower near the intersection of Spadina Avenue and Bremner Boulevard reinforces the overall built form structure for the Railway Lands that identifies these streets as main spines linking the neighbourhoods of the Railway Lands to the larger City and the Central Waterfront, appropriate for taller buildings at greater densities. Planning staff are satisfied that the proposal as currently conceived will fit appropriately within the context of the existing high-rise residential and mixed-use buildings, which generally range in height from 15 to 50 storeys in the surrounding CityPlace neighbourhoods and up to 68 storeys further east of the immediate area.

Planning staff recommend that the height and densities as proposed in the revised submission be included in the zoning by-law amendment.

Tall Building Design Guidelines

In the original proposal planning staff identified concerns with the proposed massing of the building in relation to consistency with performance measures from the Tall Building Design Guidelines including; tower separation, tower placement, and building setbacks and sidewalk zones. The applicant has made a number of changes to the massing of the building to respond to staff's concerns.

Tower Separation

When tall buildings are constructed too close together they result in unacceptable shadowing on surrounding streets, parks, open spaces and properties; diminished sky view for pedestrians; heightened street level wind effects; loss of privacy for residents and limited interior daylighting. To minimize negative impacts, the Guidelines recommend that the towers of tall buildings be separated a minimum distance of 25 metres.

The application proposes that the two towers have different orientations on the site. The westerly tower is oriented in a north to south direction and is situated close to the southwest corner of the site. The easterly tower has an east to west orientation and is situated close to the northeast corner of the site.

The towers are offset from each other and in the original proposal the towers were separated by 22 metres. In the revised submission, the north end of the westerly tower has been narrowed by approximately 3 metres increasing the tower separation to 25 metres. Planning staff are satisfied that the increased separation distance is consistent with the Guidelines.

Tower Placement.

The Tall Building Design Guidelines recommend that towers be placed away from streets, parks, open spaces and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm. A stepback of the tower, 3 metres or more from the face of the building along street, park and open space frontages is recommended in the Guidelines.

In the original submission, there were limited differences between the setbacks of the base building levels and the towers above, along the sides of the building facing the streets. Planning staff recommended that tower setbacks and stepbacks more consistent with the Guidelines be considered in these locations. Planning staff and the applicant have worked together considering several options for massing changes within the base building and towers to achieve the built form objectives of the Guidelines, such as increased setbacks, increased articulation of base building and tower levels, and the configuration of balconies and terraces. As a result of these discussions, the revised submission includes a number of changes to the building massing at various levels intended to ensure that the visual and physical impact of the towers is reduced and the base building is conceived as the primary defining element for the public realm.

In the revised submission the base building has been setback further from the streets than in the initial proposal, with the 2nd level office floor setback further than the ground floor. Terraces are introduced for the associated office uses on the 2nd level, the largest terrace situated along the Navy Wharf Court and Bremner Boulevard faces of the building. Setbacks of the remaining floors in the 10-storey base building vary between levels with some levels situated closer to the street line such as the 7th and 8th levels in Tower A along Navy Wharf Court, and others stepping back such as the 9th level indoor amenity area for Tower B along Spadina Avenue.

For Tower A, the revised submission proposes a stepback along Blue Jays Way of 2 metres and a stepback of 2 to 2.7 metres along Navy Wharf Court. Balconies are proposed to be inset along Blue Jays Way with projecting balconies proposed along Navy Wharf Court. For Tower B the revised submission includes a stepback of 2 metres along both Bremner Boulevard and Spadina Avenue with inset balconies along Spadina Avenue and projecting balconies along Bremner Boulevard.

Planning staff are satisfied that the setbacks and setbacks proposed will result in a building massing consistent with the objectives of the Guidelines. The overall effect on massing will reinforce the base building as the primary defining element for the site and the adjacent streets and reduce the visual and physical impact of the towers above. The floorplans have not yet been finalized and staff will continue to work with the applicant through the site plan process on the detailed design of the floor plates. It is also recommended that the zoning by-law amendment incorporate tower setbacks to ensure that the building massing as envisioned is achieved.

Building Setbacks and Sidewalk Zones

The intensity of existing development in the Railway Lands, along with the Rogers Centre, CN Tower and other tourist attractions close to the site, results in busy streets surrounding the site and a highly active pedestrian environment. The Tall Building Design Guidelines recommend that along the primary frontages of a tall building site that a sidewalk zone at least 6 metres wide or greater where larger setbacks are established by the existing context or required by the Zoning By-law be secured to provide sufficient space for pedestrians, street furniture, trees and utilities and commercial uses. This also provides spaces for bicycle parking, spill out areas for retail uses such as cafes, public art installation and other valuable street activities and amenities.

The Guidelines identify that this sidewalk zone may be entirely public or a combination of public and private property. In order to achieve an appropriate sidewalk width, the base of a tall building may need to be set back further from the property line than the distance prescribed in the Zoning By-law.

In the original application Planning staff considered the proposed ground floor building setbacks along Spadina Avenue, Blue Jays Way and Navy Wharf Court to be insufficient to achieve public realm objectives and recommended increased setbacks along these streets to achieve wider sidewalk zones.

The building setback proposed along Bremner Boulevard was not identified as a concern as the combined width of the setback and boulevard results in a generously scaled sidewalk zone of 7.3 to 17 metres along this frontage. In the revised proposal the sidewalk zone along Bremner Boulevard has been widened further in the area of the POPS providing additional space for spill out activities associated with the retail uses in this location and the POPS. Staff consider this to be a very positive change. Additional open space at grade was also identified as a priority by residents.

Spadina Avenue

The application originally proposed a building setback of 6.2 at the ground level along Spadina Avenue. The existing Zoning By-law requires a minimum building setback of 7.5 metres along Spadina Avenue. As outlined in the Railway Lands West and Central Urban Design Guidelines, the 7.5 metre setback is required to achieve important public realm and built form objectives along this major street within the Railway Lands. The revised application proposes to increase the ground floor building setback to 7.5 metres along Spadina Avenue in keeping with the zoning by-law. This would provide for a

sidewalk zone of approximately 9.5 metres which is appropriate on this landmark site, consistent with the Tall Building Design Guidelines and the Railway Lands Urban Design Guidelines.

Blue Jays Way

The application originally proposed a ground floor building setback of 1 to 3.5 metres along Blue Jays Way. The Zoning By-law requires a minimum building setback of 2 metres along Blue Jays Way. The boulevard along Blue Jays Way is narrow about 3 metres wide and the combined width of the ground floor building setback and boulevard ranges from 4.1 to 5 metres. The revised proposal increases the ground floor building setbacks along Blue Jays way from 2.5 to 3 metres providing a consistent 6.0 metre sidewalk zone along this entire frontage.

Navy Wharf Court

The Zoning By-law provides for no minimum building setback along Navy Wharf Court. In the original proposal the building was proposed to be setback from 0.6 to 1.5 metres from the street line and the boulevard along Navy Wharf Court is approximately 4 metres wide. The combined width of the ground floor building setback and boulevard ranges from 4.6 to 5.5 metres. The revised proposal increases the ground floor building setback along Navy Wharf court to 2.1 metres providing a consistent 6.0 metre sidewalk zone along the entire frontage.

Planning staff consider the proposed revisions to the building setbacks as substantial positive changes to the proposal providing opportunity for important public realm enhancements in this highly active pedestrian area. Residents were also supportive of the changes considering them to be a significant enhancement to the project. Staff recommend that the increased setbacks be included in the zoning by-law amendment.

Dwelling Unit Mix

The Official Plan encourages the provision of a full range of housing in terms of form, tenure and affordability to meet current and future needs of residents. In order to encourage a broader mix of dwelling units and larger units suitable for families Planning staff requested an increase in the overall amount of 2 and 3-bedroom units and the size of units to ensure that larger units suitable for families were included in the development.

In the revised submission, approximately 1,364 dwelling units are proposed. The applicant has agreed to provide a minimum of 40% of these units as 2-bedroom units or larger with a minimum of 10% of these being 3-bedroom units. With respect to unit sizes, the applicant has agreed to provide at least 60% of the 2-bedroom units having a minimum floor area of 65 m². For 3-bedroom units the applicant has agreed to provide an average size of 80m² and that 10% of the 3-bedroom units would have a minimum area of 90 m².

Staff are satisfied with the proposed amendments in relation to the number and size of larger units as these provide for a greater mix of dwelling units in the building including many suitable for families with children consistent with the housing objectives of the Official Plan. It is recommended that the agreed upon changes in relation to the number and size of 2 and 3-bedroom units be included in the zoning by-law amendment.

Shadow

The applicant has submitted a shadow study to demonstrate the shadow impacts of the revised proposal. Shadow study was prepared by Page + Steele IBI group for the hours between 9:18 am and 6:18 pm for March 21st, June 21st and September 21st. The shadow study compares the shadows cast by an as-of-right development with those cast by the proposed development. The site has an as-of-right building height of 160 metres.

The studies indicate that shadowing on June 21st occurs primarily on the railway corridor with some additional shadowing on Northern Linear Park until 3:18 pm. An as-of-right building would result in similar shadows.

In March and September, during the respective spring and fall equinoxes, the shadows cast by the proposal would occur mostly on the railway corridor and Northern Linear Park. The shadow study also demonstrates there are no incremental shadows on Clarence Square or Round House Park.

Section 9.7(b) of the Railway Lands Central Secondary Plan requires that new development be accompanied by a shadow study which demonstrates the potential impacts on the Rogers Centre playing field. In accordance with this policy, Page + Steele IBI architects prepared a separate shadow study for the months of May to October at various days of each month at 3:50 pm. The study demonstrates that there are no shadows cast by the proposed development on the playing field, beyond those cast by the stadium structure itself during May 1st to October 1st inclusive between 12:00 noon and 4:00 pm, in accordance with requirements of the Secondary Plan policy.

City Planning staff are satisfied that the resulting shadow from the proposed development is adequately limited.

Wind

In the original submission, impacts from wind were identified on the outdoor terraces proposed on the 9th and 11th levels of the building as well as in the pedestrian plaza west of the Rogers Centre. The applicant submitted a revised wind study that assessed wind conditions with the changes to the building massing now proposed. The assessment indicates that there are improved pedestrian level wind conditions overall, on the outdoor amenity terraces, in the plaza west of the Rogers Centre and on the streets adjacent and near to the site with the changes to the building massing. Wind mitigation measures are recommended for the outdoor amenity terraces. Staff are satisfied with the results of the wind assessment and recommend that required mitigation measures such as screens and plantings and other measures be secured through the site plan process.

Amenity Space

In the original submission, Planning staff identified concerns with the amount of outdoor amenity space for residents, exclusive of the dog facilities and the configuration of the indoor amenity spaces proposed at the top of the towers. Although staff supported the inclusion of dog facilities within the development, the amount of the outdoor space devoted to dogs relative to the space for residents was a concern. As well, staff encouraged the applicant to provide indoor and outdoor amenity spaces designed specifically for small children.

In response, the applicant has agreed to redesign the amenity areas incorporating outdoor and indoor amenities for children and reducing the area devoted exclusively for dogs. As well, the lounges at the tops of the towers have been increased in size to make them more functional. Overall approximately 4,092 m² of amenity space is proposed representing, 1.5 m² per dwelling unit (2.046 m²) each for indoor and outdoor amenity space. Planning staff consider the range of amenities proposed to be a positive element of the proposal, particularly in relation to the introduction of spaces designed for children into the development. It is recommended that the overall requirement for amenity space be included in the zoning by-law amendment, and that the design and configuration of the amenity spaces be secured through the site plan process.

Publicly Accessible Open Space (POPS)

The Railway Lands Central Secondary Plan directs that publicly accessible open space on this site be located on the north side of Bremner Boulevard adding to the system of connected parks and open spaces in the Railway Lands, an important public realm objective of the Plan. The original submission included a publicly accessible open space (POPS) in the south-east corner of the site on the north side of Bremner Boulevard. An outdoor café area was also proposed adjacent to the building in this location.

In the review of the original submission Planning staff requested that the applicant increase the size of the POPS by reducing the area of the outdoor café and designing the café space for seasonal use. The applicant has revised the proposal including changes to the ground floor building design, to provide for a larger POPS as requested. An additional building setback of 1.7 to 2.7 metres is proposed in this location with the café now proposed adjacent to the building in this new setback area. A POPS approximately 100 m² in size is proposed adjacent to the café space extending to the boulevards at the northwest corner of Bremner Boulevard and Navy Wharf Court. Seating and planting areas are proposed within the POPS (Attachment 6).

Residents were very supportive of the changes in relation to the POPS and have requested input into the final design of the POPS through the site plan process. The applicant has agreed to this request. The POPS location including the area where the café will be permitted is proposed to be included in the zoning by-law amendment and its design secured through the site plan process.

Parking

In the original submission the application proposed 724 parking spaces including 596 spaces for residents, 115 spaces for the retail/commercial uses and 11 spaces for the office uses and two-car share spaces. No residential visitor parking was proposed. A Transportation Considerations Report was submitted with the application and Transportation Services staff reviewed the report and advised that the proposed parking analysis was not sufficient to justify the proposed parking supply. Planning staff also noted concerns with the lack of visitor parking.

In the current submission approximately 645 parking spaces are proposed for residents (560), visitors and commercial/retail uses (85). A parking assessment was submitted with the revised proposal and was reviewed by Transportation Services staff. Transportation Services staff have advised that although the residential parking rate proposed is less than the current by-law requirements, the information provided by the applicant including parking occupancy rates for existing buildings within the area demonstrate that there will be sufficient parking to meet parking demand for residents. The proposed parking supply for visitors and commercial/retail uses is also consistent with the current requirements of the zoning by-law. The proposed parking supply including shared use of the visitor and commercial/retail parking is proposed to be secured in the zoning by-law amendment.

Servicing

Functional Servicing and Storm Water Management Reports were submitted with the application and have been reviewed by Engineering and Construction Services staff. Additional information and revisions are needed to address City requirements with respect to hydrant flow analysis, sanitary sewer service including addressing sanitary sewer capacity; water service; storm water management including addressing storm sewer system capacity and drainage area analysis; the City's Wet Weather Flow Management Guidelines; and site grading to ensure storm water is contained and managed on site. Engineering Staff have advised that this information is needed in advance of the zoning by-law amendment approval. Planning staff recommend that the City request that the OMB withhold its order on any zoning by-law amendment until the outstanding servicing issues have been resolved to the satisfaction of Engineering and Construction Services. The applicant has agreed to this condition.

Noise and Vibration

A Noise and Vibration Impact Statement was submitted with the application and this has been reviewed by Metrolinx. Metrolinx staff have advised that revisions are needed to the impact statement including a revised acoustic analysis based on more current noise regulations and to include a vibration analysis. The applicant has agreed to provide and an updated noise and vibration analysis and implement any mitigation measures required as a part of the site plan approval process.

Public Art

Public art for the site have been secured through a previous agreement for the City Place Central and City Place West lands. The amount dedicated to public art is one percent (1%) of the gross construction cost and the agreement sets out the options and requirements associated with the public art program.

Section 37

Section 37 of the *Planning Act* enables the approval authority to authorize increases in height and/or density, over and above that permitted by the Zoning By-law, in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvement above and beyond the parkland dedication; public art; streetscape improvements, and other works detailed in Section 5.1.1.6 of the Official Plan. They must also bear a reasonable planning relationship to the proposed development including an appropriate geographic relationship and addressing any planning issues associated with the development.

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

1. A cash contribution of \$7,000,000.00 to be provided to the City to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor for the following capital improvements;
 - a. \$2,800,000.00 towards the multi-purpose community space within the shared community facility (Community Centre, Elementary Schools and Childcare Centre) proposed at 20 Brunel Court (Block 31 Railway Lands) to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor;
 - b. \$2,000,000.00 towards the YMCA Centre at 505 Richmond Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor;
 - c. \$700,000.00 for the provision of new affordable housing in Ward 20;
 - d. \$700,000.00 for capital repairs to existing Toronto Community Housing buildings in Ward 20; and
 - e. \$800,000.00 toward parkland improvements; in the Southern Linear Park including a Southern Linear Park bridge over Spadina Avenue; in Canoe Landing Park; and for the Bentway (Project Under Gardiner) to the satisfaction of the Chief Planner and Executive Director, City Planning and the General

Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor.

2. The required cash contributions pursuant to recommendation 1.a.i. A, B, C, D and E shall be provided to the City as follows:
 - a. \$2,800,000.00 immediately upon the Zoning By-law coming into full force and effect;
 - b. \$1,400,000.00 prior to the issuance of an above-grade building permit on the lot; and
 - c. \$2,800,000.00 prior to any condominium registration.
3. The required cash contributions pursuant to recommendation 1.a.i. A, B, C, D and E are to be indexed upwardly in accordance with the Statistics Canada Non-Residential building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made;
4. In the event the cash contribution in Recommendation 1.a.i.B has not been used for the intended purpose within five (5) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;
5. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development, at the owner's expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
 - a. The Owner shall convey and register for nominal consideration, a non-exclusive easement in perpetuity in favour of the City, for an area having a minimum size of approximately 80 square metres for use by the general public as publicly accessible, privately-owned open space (POPS) at the south east corner of the site, the extent of such area to be identified in the zoning by-law to the satisfaction of the Chief Planner and Executive Director, City Planning. The specific configuration and design of the POPS to be determined to the satisfaction of the Chief Planner and Executive Director City Planning in consultation with the Ward Councillor and local community, as part of site plan approval, and to come into effect on the first residential or non-residential occupancy. The maintenance of this POPS is to be the responsibility of the owner.

- b. Prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary; and,
- c. Prior to site plan approval, the owner shall provide a Loading Management Plan to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor and the local community. The Loading Management Plan will include, but not limited to, hours of operation of the loading docks and frequency of use by type(s) of loading vehicles and will set out arrangements which will be put in place for the accommodation of smaller delivery vehicles within the parking garage that do not require a loading dock.

Conclusion

The application proposes a mixed-use development including retail, office and residential uses. The proposed development includes a base building of 10 storeys with two towers above. Tower A is proposed to be 59 storeys high (202.18 metres including mechanicals). Tower B is proposed to be 69 storeys high (231.2 metres including mechanicals). The application had been appealed to the OMB and a hearing is scheduled for October 31 to November 9, 2016.

The applicant has made a number of significant revisions to the proposal since the appeal to the OMB, to address City division, agency, and resident's comments and concerns. The development as revised will add to the diversity, vitality and interest of the Railway Lands consistent with the planning framework for the Railway Lands Central area. The distinctive architectural design that incorporates public art up the sides and atop the towers, along with the POPS will make a significant contribution to and enhance the public realm given the prominent location of this site.

Staff are recommending that Council authorize the City Solicitor, City Planning staff and other appropriate City staff to attend the OMB hearing to support the revised development proposal subject to the conditions outlined in this report.

CONTACT

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E-mail: smcalpin@toronto.ca

SIGNATURE

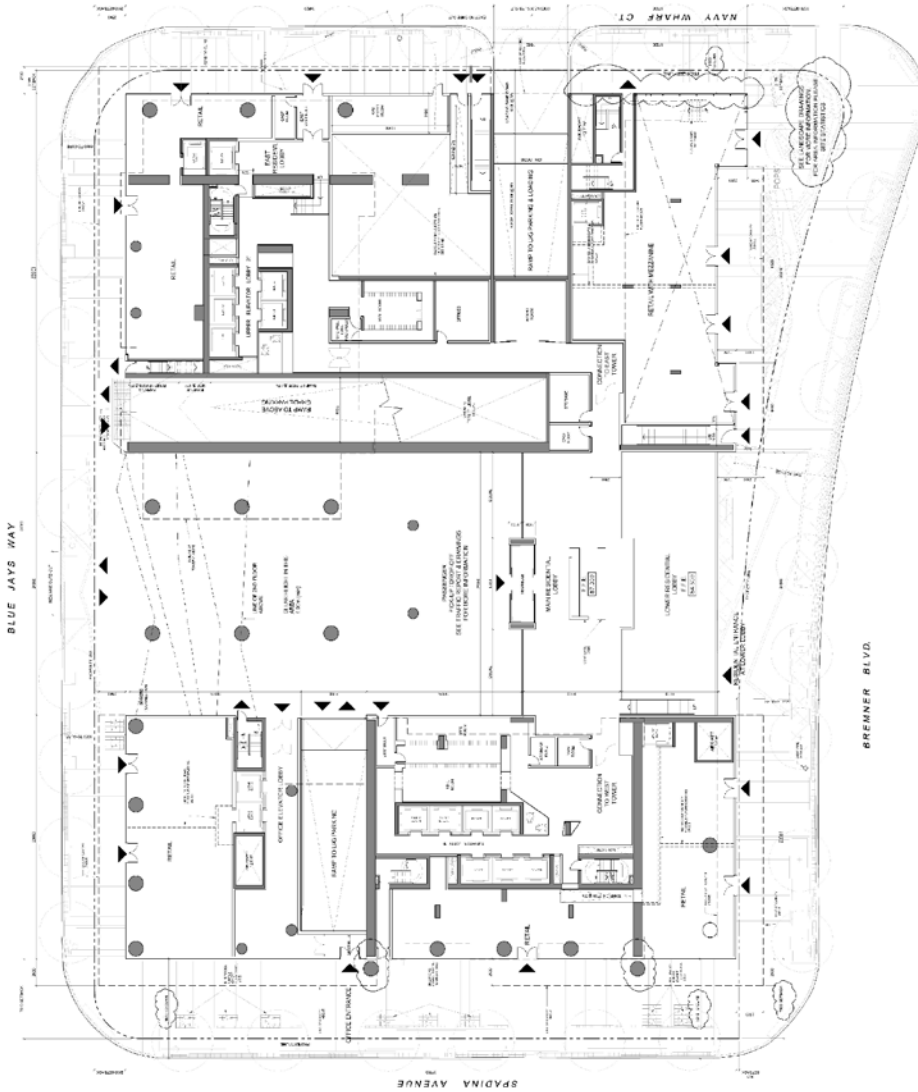
Gregg Lintern MCIP RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Upper Ground Floor Plan
Attachment 2: North Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Ground Floor Landscape Plan
Attachment 7: Application Data Sheet
Attachment 8: Official Plan – Land Use
Attachment 9: Railway Lands Central Secondary Plan – Urban Structure Plan
Attachment 10: Railway Lands Central Secondary Plan Parks and Open Space Plan
Attachment 11: Railway Lands Central Secondary Plan – Land Use Plan
Attachment 12: Zoning By-law – Land Use
Attachment 13 – Zoning By-law - Height

Attachment 1: Site Plan



23 Spadina Avenue

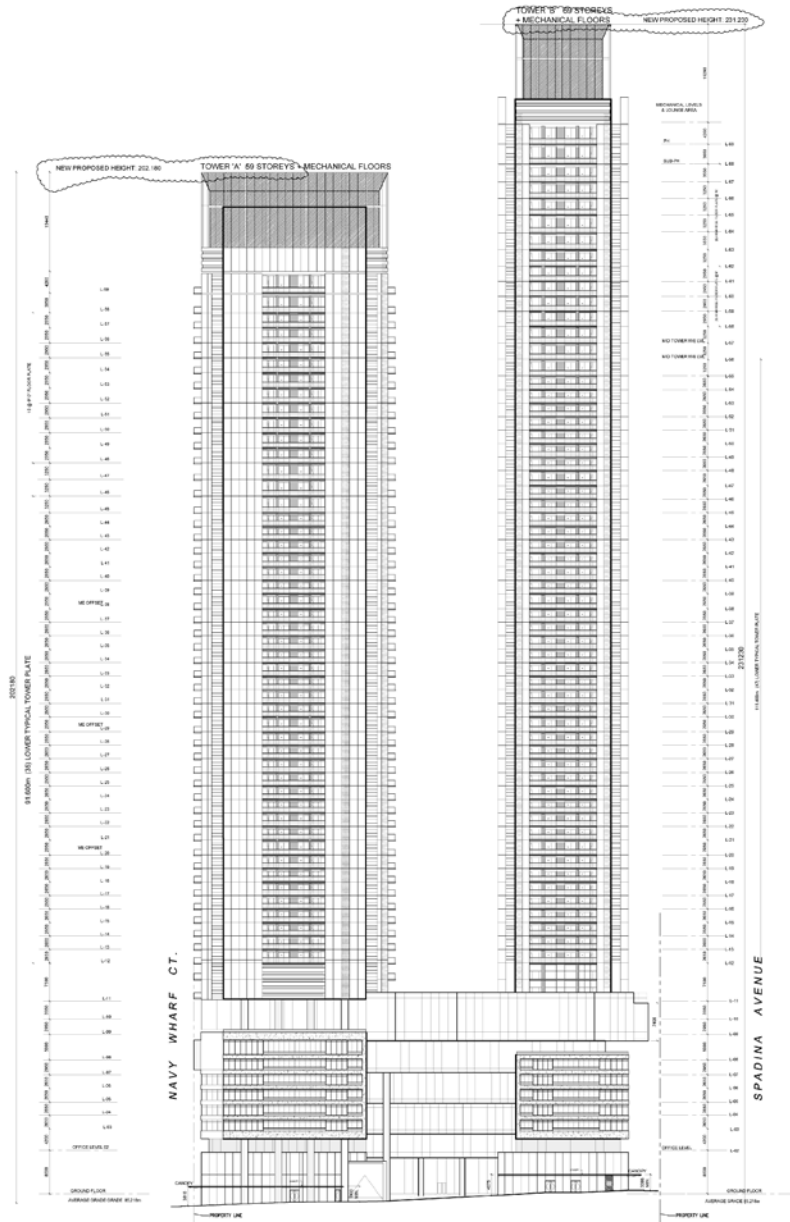
Upper Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale
08/11/2016

File # 14-204219 STE 20 0Z

Attachment 2: North Elevation



North Elevation

Elevations

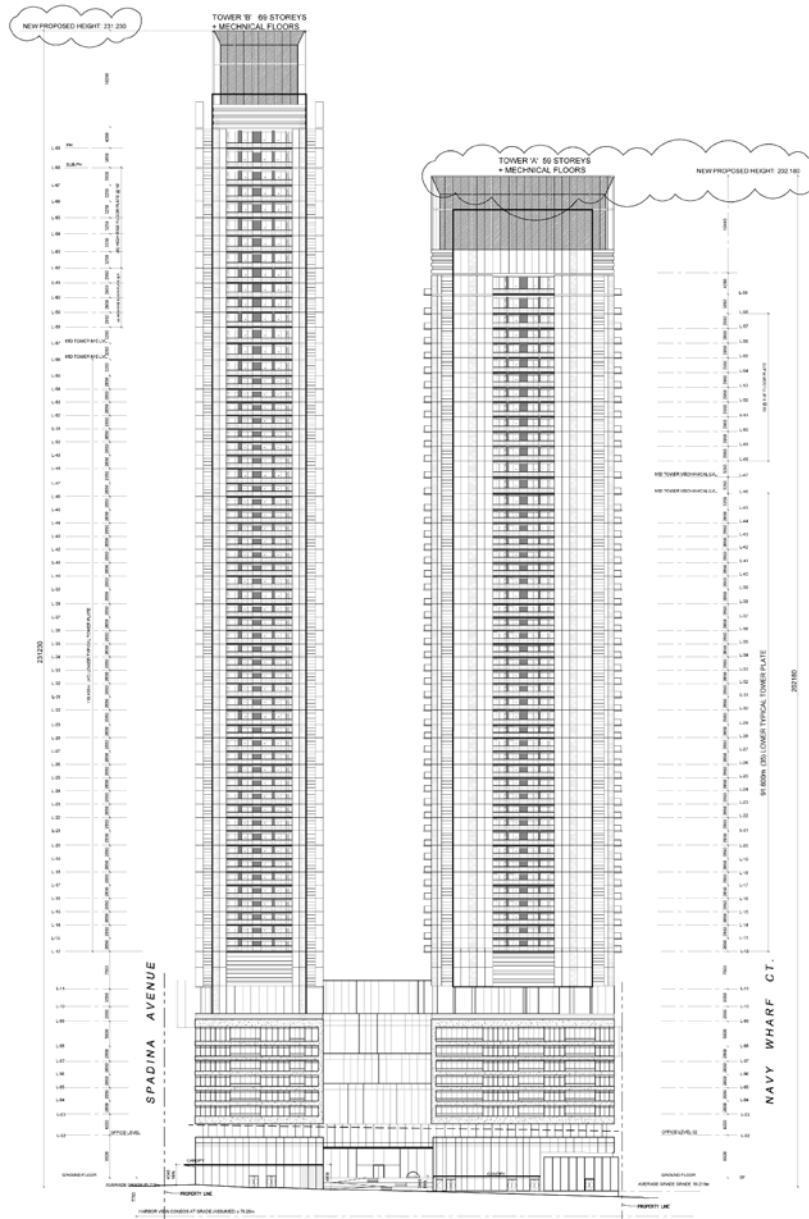
Applicant's Submitted Drawing

Not to Scale
08/11/2016

23 Spadina Avenue

File # 14 204219 STE 20 OZ

Attachment 3: South Elevation



South Elevation

Elevations

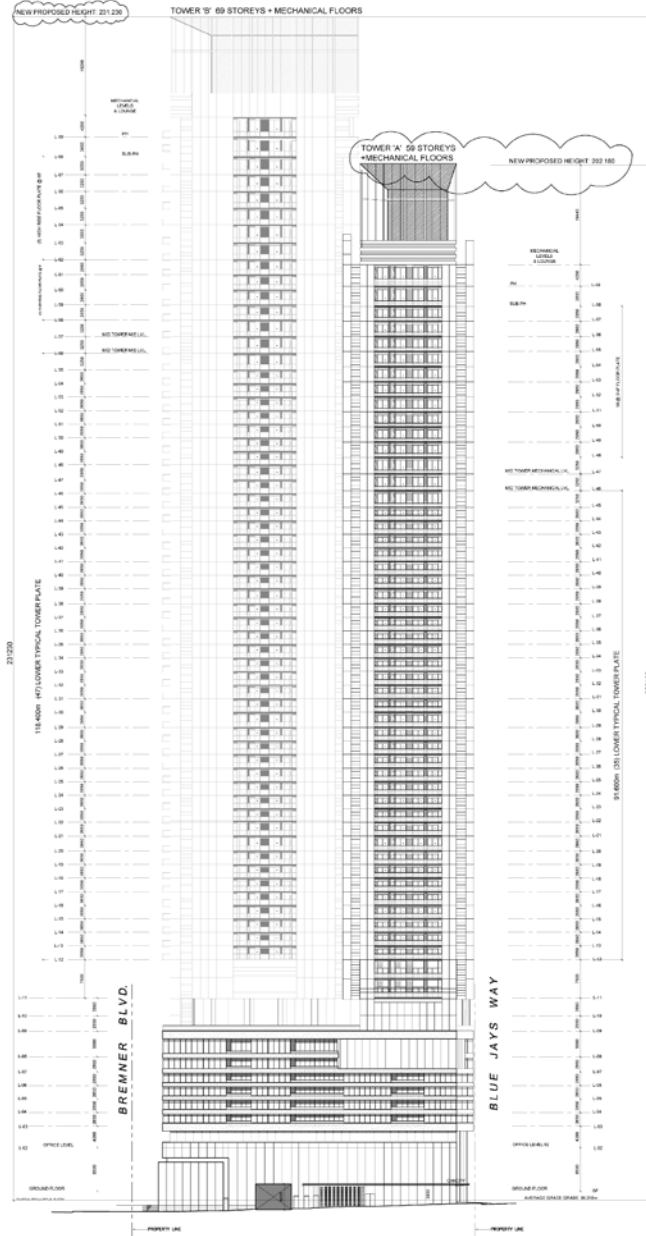
Applicant's Submitted Drawing

Not to Scale
08/11/2016

23 Spadina Avenue

File # 14 204219 STE 20 0Z

Attachment 4: East Elevation



East Elevation

Elevations

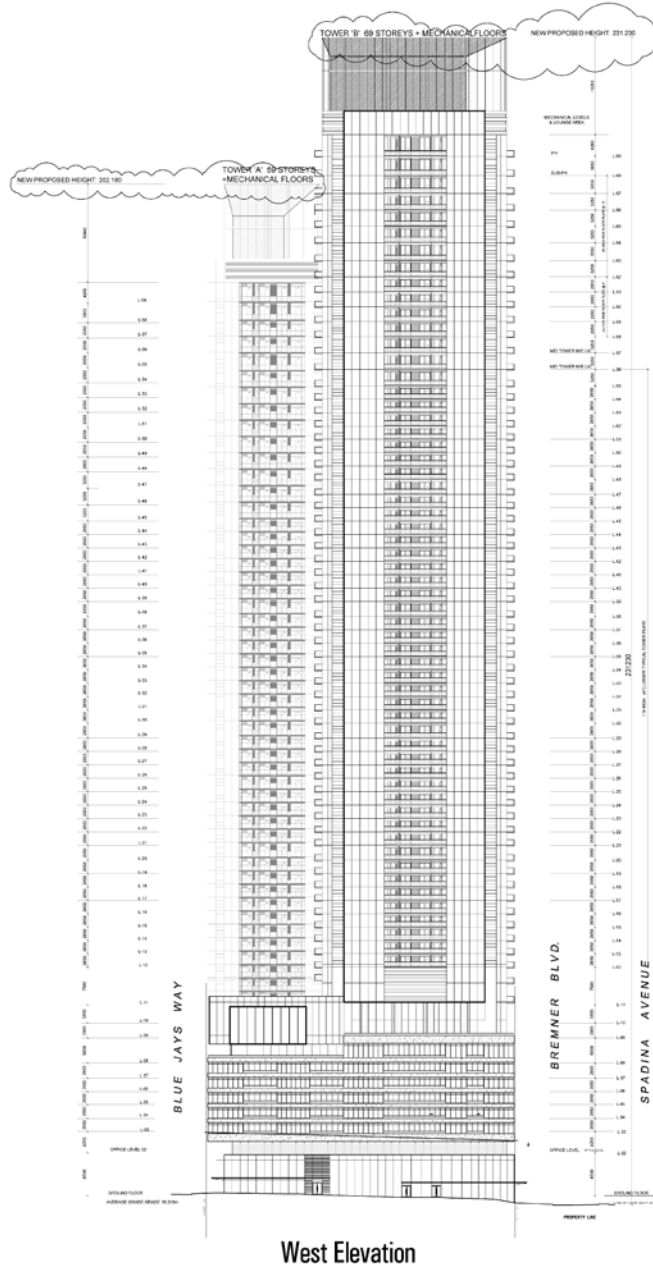
Applicant's Submitted Drawing

Not to Scale
08/11/2016

23 Spadina Avenue

File # 14 204219 STE 20 0Z

Attachment 5: West Elevation



Elevations

Applicant's Submitted Drawing

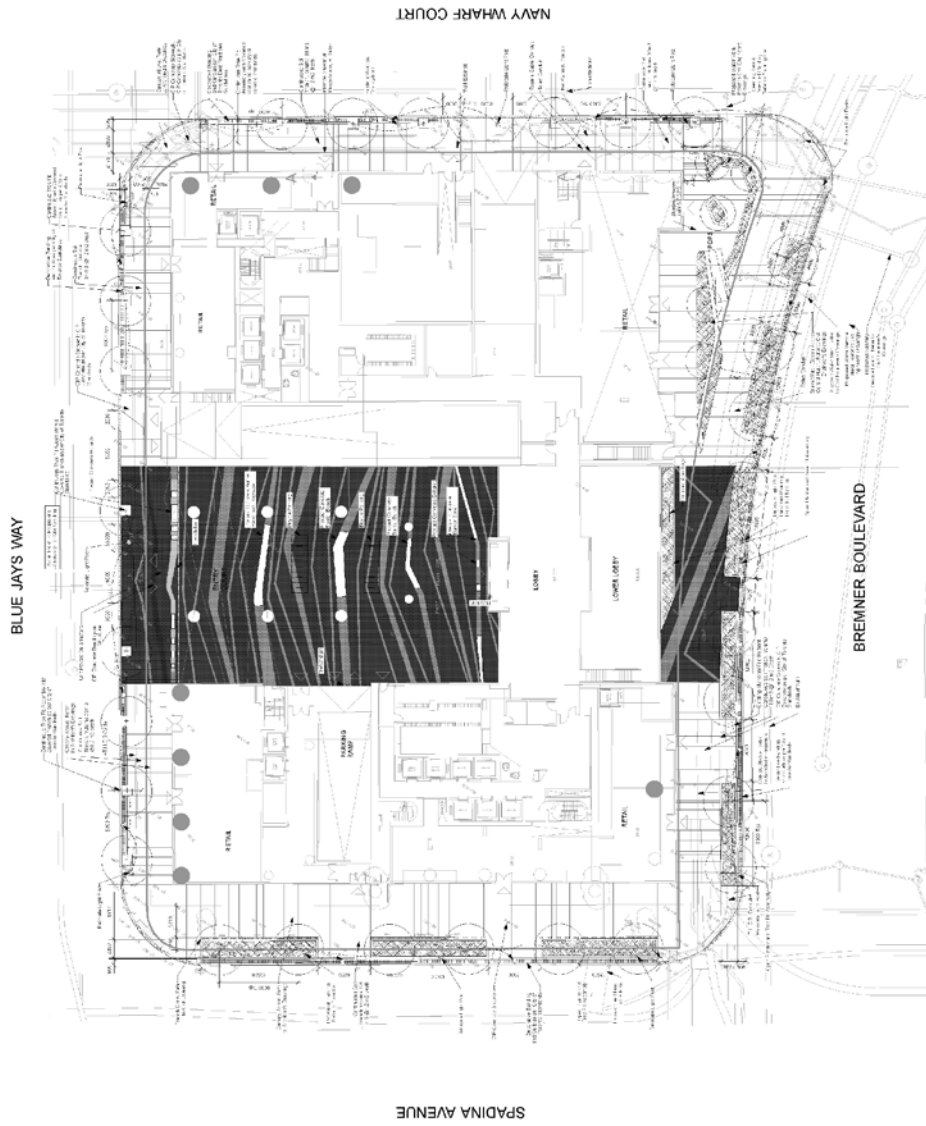
Not to Scale
08/11/2016

23 Spadina Avenue

File # 14 204219 STE 20 0Z

Zoning

Attachment 6: Ground Floor Landscape Plan



23 Spadina Avenue

Landscape Plan
Applicant's Submitted Drawing
Not to Scale
08/11/2016

File # 14 204219 STE 20.0Z

Attachment 7 – Application Data Sheet

Application Type	Rezoning Site Plan	Application Number:	14 204219 STE 20 OZ 14 204227 STE 20 SA
Details	Standard	Application Date:	August 11, 2014
Municipal Address:	23 Spadina Avenue		
Location Description:	Development Block 22 Plan D970 Lot 14 RP 66R-14977 Part 1**GRID S2017		
Project Description:	Zoning By-law amendment & Site Plan approval to permit a mixed-use development including retail office and residential uses in two towers: 69 and 59 storeys.		

Applicant:	Agent:	Architect:	Owner:
Aird & Berlis 181 Bay St, Box 754 Suite 1800 Toronto, ON M5J 2T9		Page and Steele/IBI 95 St. Clair W. Suite 200 Toronto, ON M4V 1N6	Concord Adex Corporation 22 Spadina Ave. Toronto, ON M5V 3M3

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Railway Lands Central
Zoning:	CR	Historical Status:	
Height Limit (m):	160	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	5783.68	Height:	Storeys:	59 & 69
Frontage (m):	56.46		Metres:	202.18 & 231.2
Depth (m):	80			
Total Ground Floor Area (sq. m):	4109.8			Total
Total Residential GFA (sq. m):	115168.3		Parking Spaces:	645
Total Non-Residential GFA (sq. m):	5300		Loading Docks	4
Total GFA (sq. m):	120468.3			
Lot Coverage Ratio (%):				
Floor Space Index:	20.83 (18.89 w/o above grade parking GFA)			

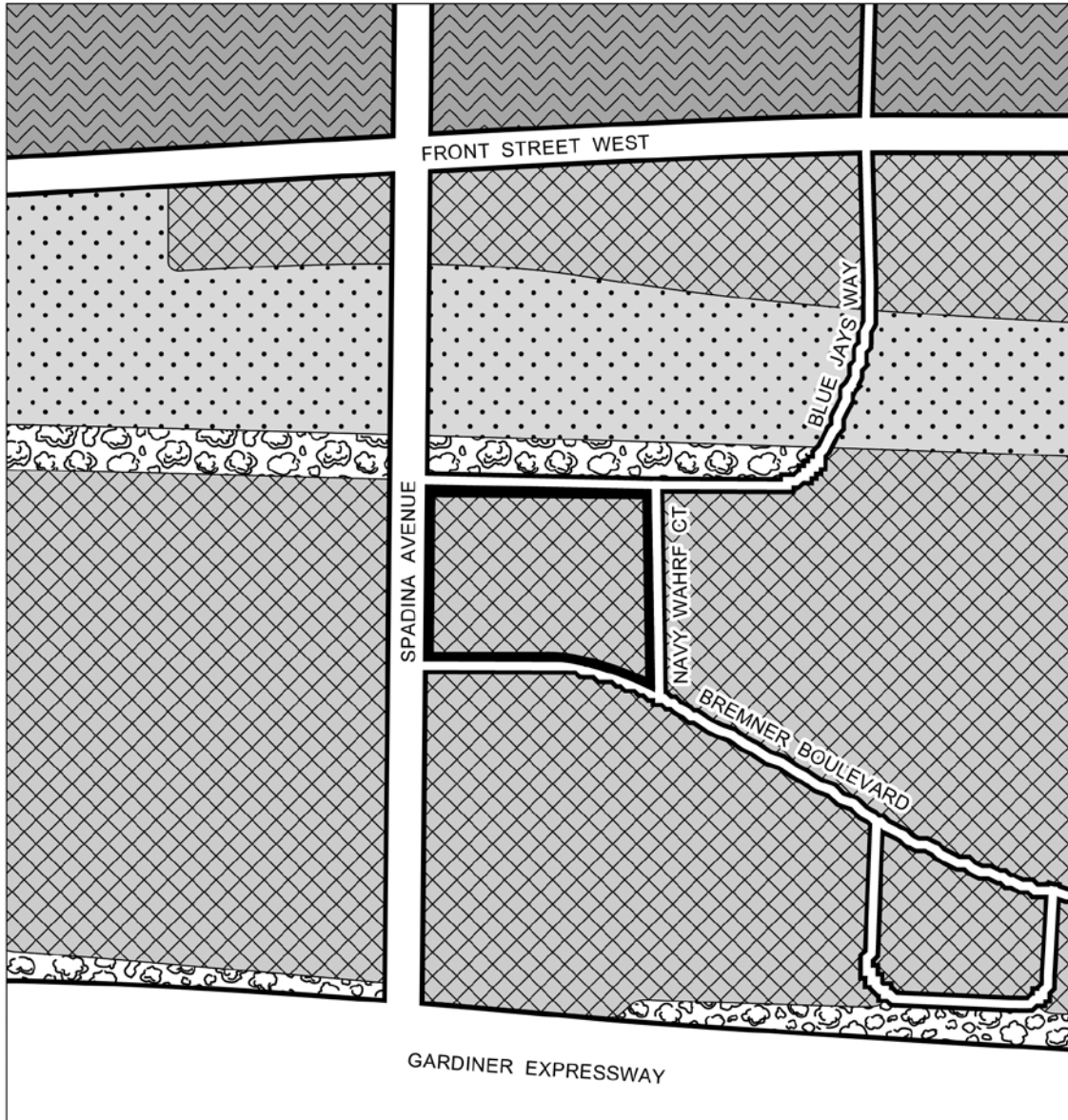
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	115168.3	0
Studio:	0	Retail GFA (sq. m):	2045.9	0
1 Bedroom:	819 (60%)	Office GFA (sq. m):	3254.1	0
2 Bedroom:	409 (30%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	136(10%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	1364			

CONTACT:	PLANNER NAME:	Sue McAlpine, Senior Planner
	TELEPHONE:	(416) 392-7622 Email: smcalpin@toronto.ca







Attachment 8: Official Plan – Land Use



TORONTO City Planning
 Extract from Official Plan

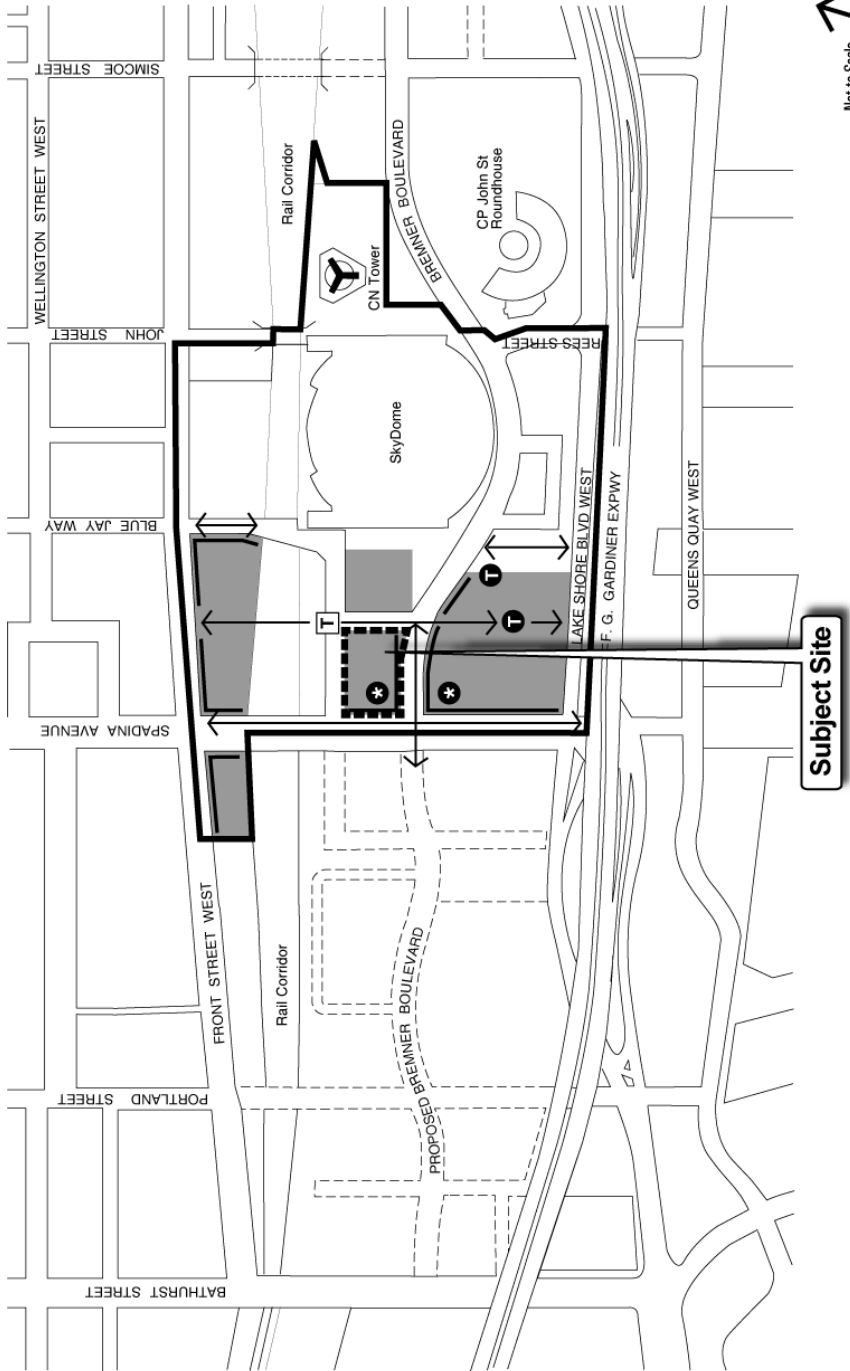
23 Spadina Avenue

File # 14 204219 STE 20 0Z

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


 Not to Scale
 12/15/2014

Attachment 9: Railway Lands Central Secondary Plan – Urban Structure Plan



Not to Scale

Subject Site

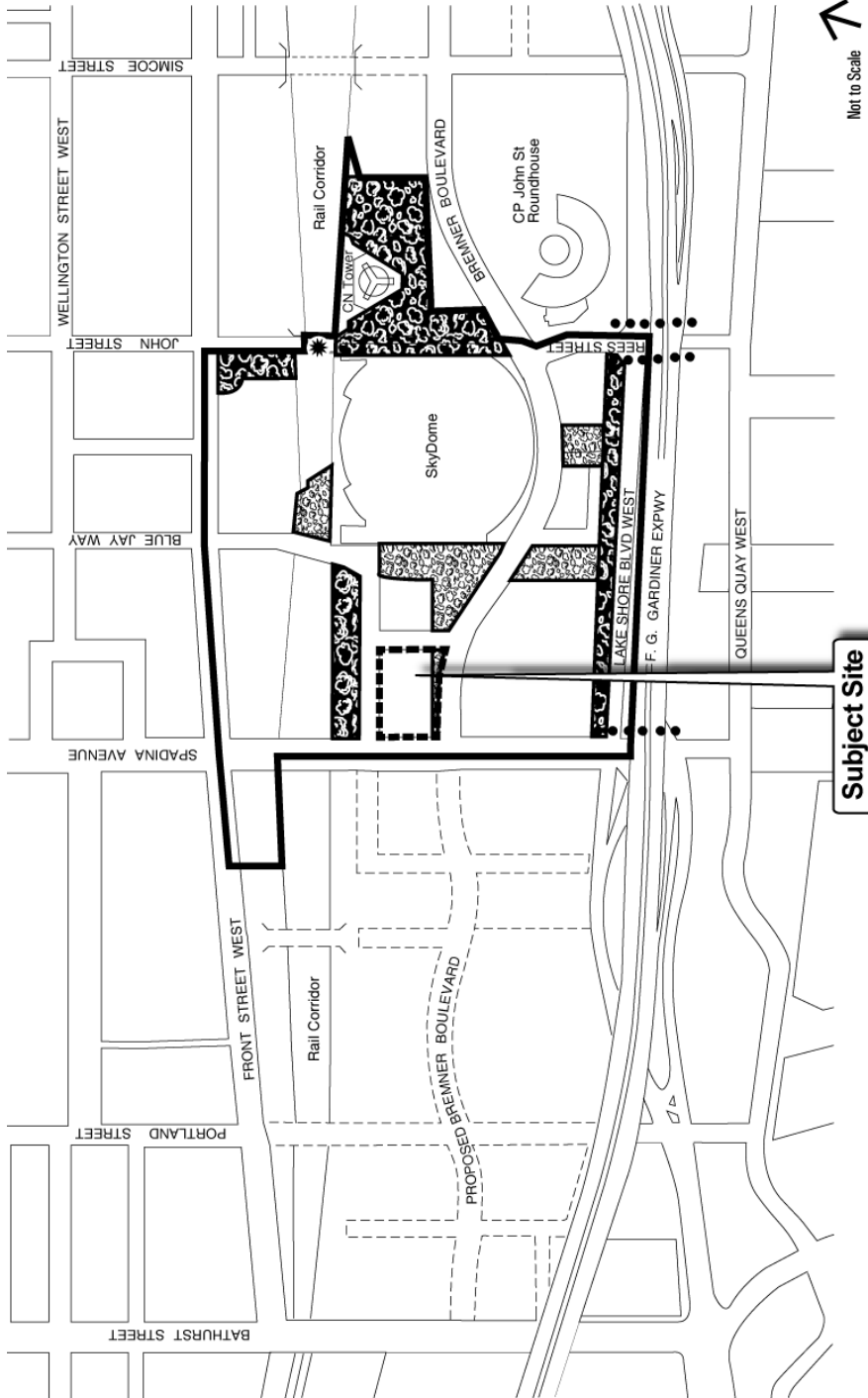
Railway Lands Central Secondary Plan MAP 18-6 Urban Structure Plan



- Secondary Plan Boundary
- Significant Intersection
- Existing View Terminus
- Potential View Terminus
- Significant Street Edge
- Significant City Waterfront Views and Vistas
- Special Policy Lands

June 2006

Attachment 10: Railway Lands Central Secondary Plan Parks and Open Space Plan



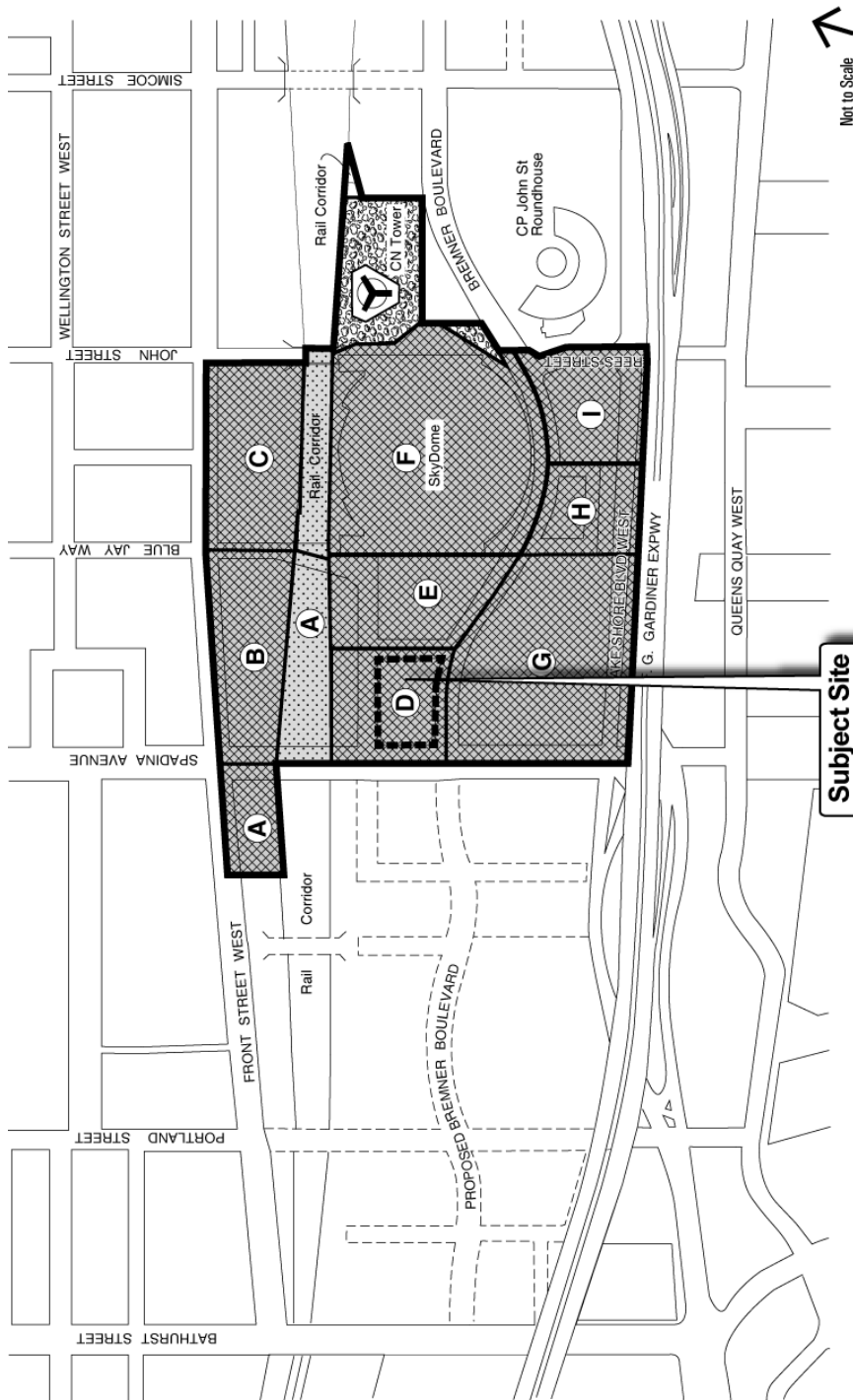
Toronto
City Planning Division

Railway Lands Central Secondary Plan
MAP 18-4 Parks and Open Space Plan

- Secondary Plan Boundary
- Publicly Accessible Open Space
- Lands to be Leased or Conveyed to the City for Park Purposes
- Major Pedestrian Bridge
- Improved at-grade Pedestrian Routes

June 2006

Attachment 11: Railway Lands Central Secondary Plan – Land Use Plan



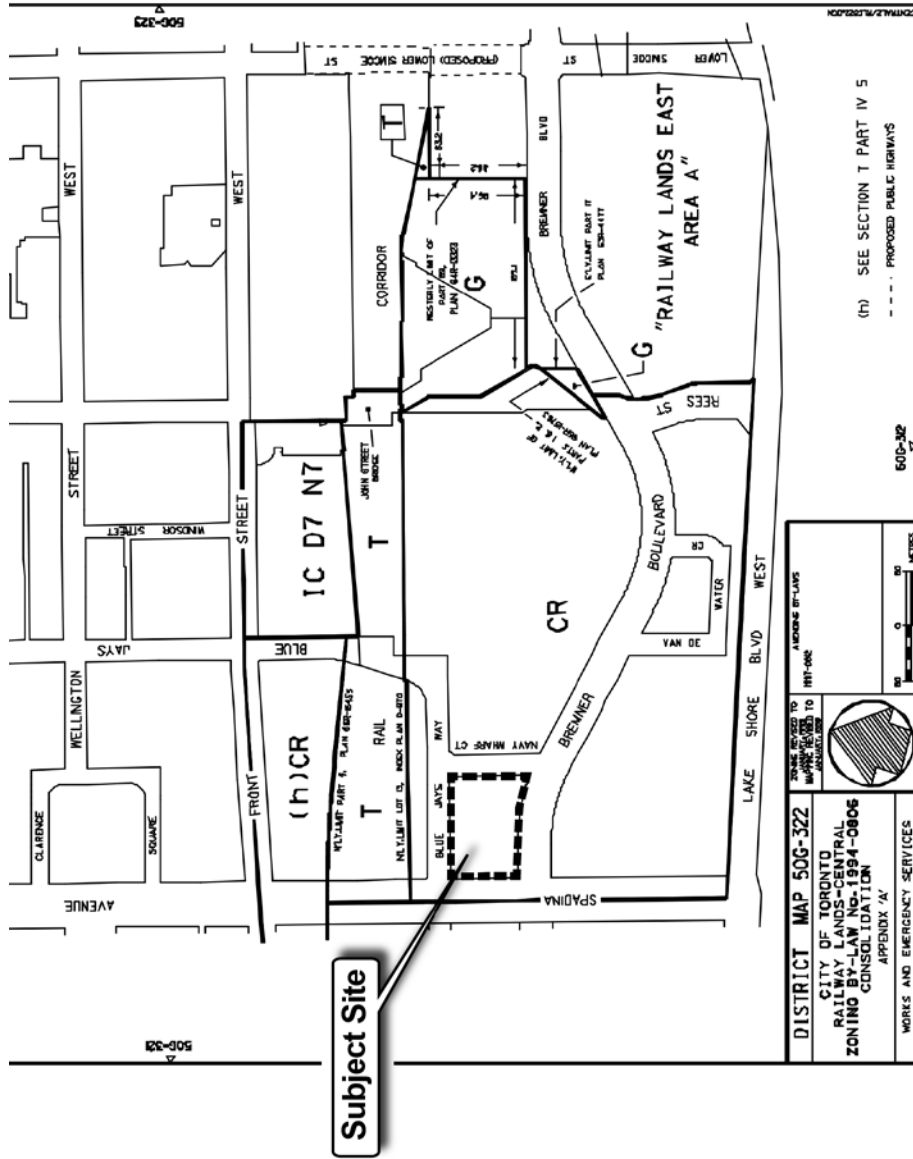
Railway Lands Central Secondary Plan

MAP 18-3 Land Use Plan

- Secondary Plan Boundary
- ▨ Mixed Use Areas
- ▨ Utility Corridors
- ▨ Parks and Open Space Areas

June 2006

Attachment 12: Zoning By-law – Land Use



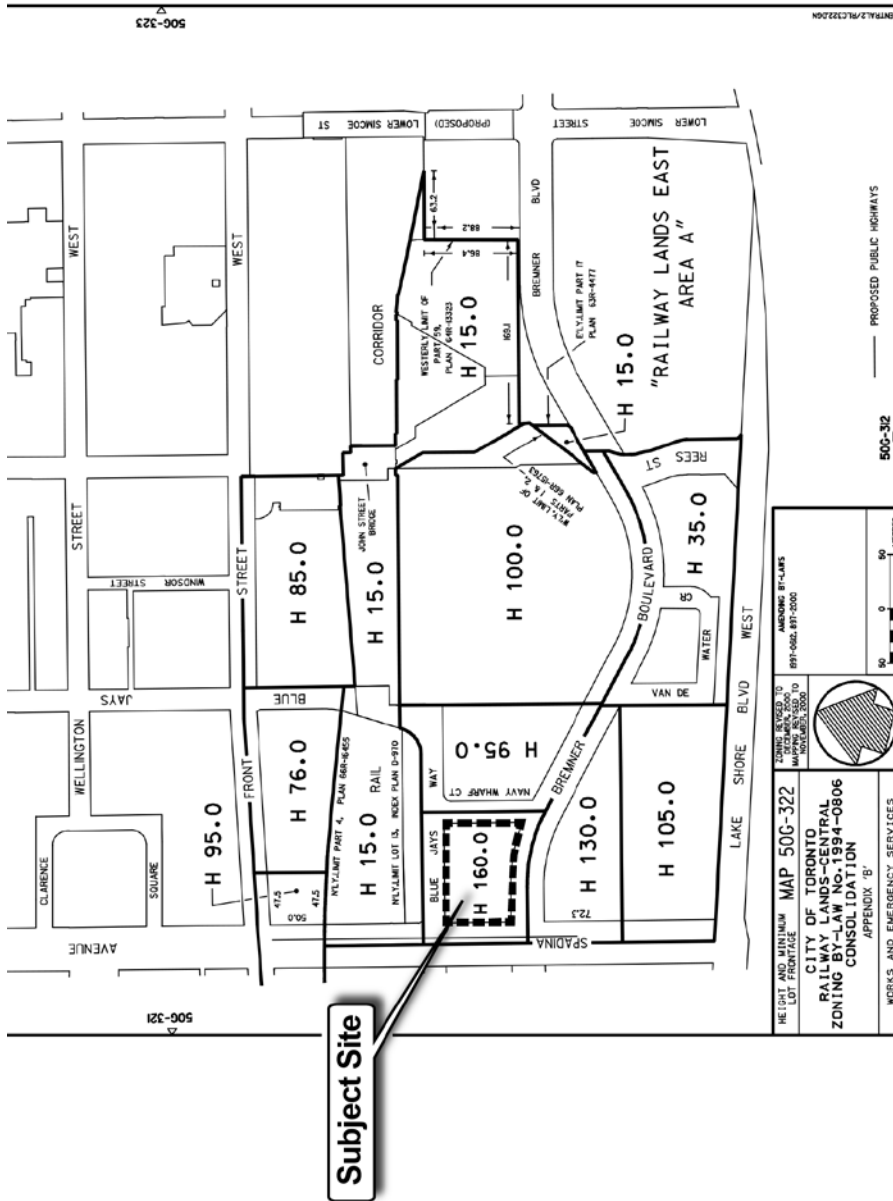
23 Spadina Avenue

Railway Lands - Central
 ZONING BY-LAW No. 1994-0806 Consolidation, Appendix 'A'

Not to Scale
 12/02/2015

File # 14 204219 STE 20 0Z

Attachment 13 – Zoning By-law - Height



23 Spadina Avenue

File # 14 204219 STE 20 0Z

Railway Lands - Central
 ZONING BY-LAW No. 1994-0806 Consolidation, Appendix 'B'

Not to Scale
 12/02/2015

Attachment 14: Applicant Letter

AIRD & BERLIS LLP

Barristers and Solicitors

Kim M. Kovar
Direct: 416.865.7769
E-mail: kkovar@airdberlis.com

August 10, 2016

76952

BY EMAIL

Susan McAlpine MCIP RPP
Senior Planner
Community Planning, Toronto and East York District
Toronto City Hall, 18th Floor East Tower
100 Queen Street West
Toronto Ontario M5H 2N2

Dear Ms. McAlpine:

**Re: Concord Adex Developments Corp.
Application for Amendment to RLC Zoning By-law 1994-0806
Application for Site Plan Approval
23 Spadina Avenue
City of Toronto Files: 14 204219 STE 20 OZ and 14 204227 STE 20 SA
OMB Case No: MM150053
OMB File No: MM150053 and PL150792**

We act for Concord Adex Developments Corp. ("Concord") with respect to the above noted matters.

As you are aware, Concord appealed the subject applications to the Ontario Municipal Board. The Board will be conducting a final Prehearing Conference on September 1, 2016 and a Hearing commencing on October 31, 2016.

Based on our client's on-going discussions with City Staff, we are pleased to confirm that Concord has agreed to amend its proposed development to incorporate the following key revisions and City Staff have agreed to support the proposal as revised:

1. Tower A will have a revised building height of 59 storeys (plus mechanical floors) and 203 metres inclusive of Mechanical Penthouse;
 - a. Tower A has been reduced by the removal of three floors representing a reduction in the overall height of 7.95 metres;
2. Tower B will have a revised building height of 69 storeys (plus mechanical floors) and 232 metres inclusive of Mechanical Penthouse;

- a. there was a reduction in the floor to ceiling heights in Tower B but the overall height of this building has been reduced by a factor of 2 metres;
3. Concord will provide a minimum 25 metre separation distance between portions of the building tower above a height of 42 metres measured perpendicular to the building face walls excluding balconies;
 - a. A draft zoning by-law map will provide appropriate tower step back and setback regulations;
4. The Dwelling Unit Count will be reduced accordingly from 1400 based on the final floor plans;
 - a. Concord will provide a minimum of 40% of the dwelling units as two bedroom or larger dwelling units of which 10% will be three bedroom dwelling units;
 - i. 60 % of the 2 bedroom dwelling units will have a minimum floor area of 65 square metres;
 - ii. The average unit size for all of the 3 bedroom dwelling units will be 80 square metres of which 10 % of the 3 bedroom dwelling units will have a minimum floor area of 90 square metres;
5. Concord will provide a minimum of 1.5 m² per unit of Indoor Residential Amenity Space and of Outdoor Residential Amenity Space;
 - a. The site plan will provide outdoor amenity space for a children's play area and an amenity area for dogs;
6. In addition to a minimum Indoor and Outdoor Residential Amenity Space requirement of 1.5 m² per dwelling unit Concord will provide a Publicly Accessible Open Space (POPS) area within its property line at the south-east corner of Navy Wharf Court and Bremner Boulevard; this requirement for a POPS will be described to the satisfaction of City staff with a minimum area specified in both the zoning amendment and in the landscape plans for the site plan;
7. Concord will provide a consistent 7.5 metre setback at grade measured from its property line along Spadina Avenue exclusive of any required encroachment of columns within this setback for overhangs;
8. Concord will provide a consistent 6.0 metre setback at grade measured from the curb along Blue Jays Way and Navy Wharf Court;
9. Technical amendments to the draft zoning by-law will be made:



- a. To include the above grade parking garage floor areas as a clearly defined part of the *residential gross floor area* permitted on the lot; and
 - b. There will not be any further reductions to the required supply of vehicle parking spaces permitted in exchange for the provision of surplus bicycle parking spaces;
10. Concord will provide a financial contribution to the City pursuant to Section 37 of the *Planning Act* in the amount of \$7 million, in addition to the provision of public art having a value of 1% of the gross construction cost of the project. Of the \$7 million dollars provided, Concord agrees with the following schedule of payment:
- a. \$2.8 million will be payable immediately upon the Zoning By-law coming into full force and effect;
 - b. \$1.4 million will be payable prior to the issuance of an above grade building permit on the lot; and
 - c. \$2.8 million will be payable prior to condominium registration.
11. Concord will have prepared and the City will secure a construction management plan as a condition of site plan approval.
12. Concord will have prepared and the City will secure a loading management plan which will address hours of operation of the loading docks and frequency of use by type(s) of loading trucks in the loading dock area as a condition of site plan approval. The plan will also set out arrangements which will be put in place for the accommodation of smaller delivery vehicles within the parking garage that do not require a loading dock.
13. Concord agrees that the final design of the proposed Publicly Accessible Open Space Areas (POPS) will be subject to further consultation with the local Councillor and the community prior to Site Plan Approval;
14. Concord will ensure that its proposed bicycle parking areas, including any ancillary shower and change facilities will comply with the Toronto Green Standards TGS through the site plan approval process. The approved plans will show the location of and access arrangements to bicycle parking areas for residents, visitors and retail/office users.

Concord will consent to a Decision which holds the Order of the Board pending receipt of a Notice from the City Solicitor that the servicing requirements set out in the memorandum from Engineering and Construction Services dated June 22, 2016 with respect to the comments pertaining to the Zoning By-law have been satisfactorily resolved.

August 10, 2016
Page 4

Concord's revised zoning amendment application submission will follow as soon as possible. These revisions will also permit Concord to further perfect its application for Site Plan Approval. In this connection there have been further discussions and agreements with City Staff pertaining to various technical requirements for the Wind Study and various revisions to the outdoor amenity areas in response to staff comments. In addition, as we have discussed, Concord has retained a retail market consultant specifically to attract higher end retailers to the project.

Thank you so much for your continued assistance in facilitating a settlement of the key issues of the proposed Zoning By-law Amendment and providing advice and helpful direction in the finalization of the site plan.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar

c. Gabriel Leung

KMK/RD/rd
26856021.12



AIRD & BERLIS LLP
Barristers and Solicitors