

263-267 Adelaide Street West - Zoning Amendment and Rental Housing Demolition Applications - Request for Direction Report

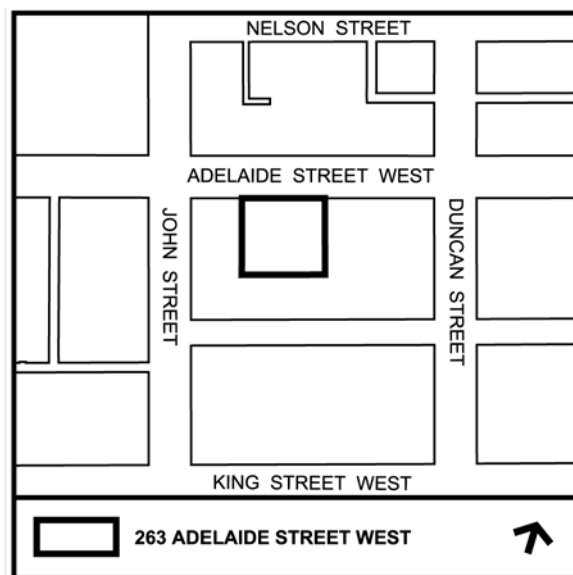
Date:	September 22, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	12-152660 STE 20 OZ & 12-152672 STE 20 RH

SUMMARY

This application proposes to develop the subject site at 263 Adelaide Street West with a 49-storey mixed-use building (161.9 metres including mechanical penthouse) comprised of a 44-storey tower atop a 5-storey base. The proposed development has an FSI of 27.4 times the lot area and a gross floor area of 39,348 square metres including 39,188 square metres of residential gross floor area and 160 square metres of non-residential gross floor area comprised of commercial uses at grade. The proposed development would retain the façade of the existing 5-storey Purman Building, listed on the City's Heritage Register, which currently occupies the site. Five levels of underground parking are proposed which would include 104 vehicular parking spaces.

The applicant has appealed its application for a Zoning By-law Amendment to the Ontario Municipal Board due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

This report reviews and recommends refusal of the application given the inappropriate height and the massing in relationship to the heritage building on site.



The application does not conform to the policies of the Official Plan, constitutes overdevelopment and is not good planning or in the public interest.

A Rental Housing Demolition application has also been submitted under Section 111 of the City of Toronto Act 2006 (implemented by Chapter 667 of the Municipal Code) to demolish the existing building and facilitate the redevelopment. This application is required as the building now contains both commercial units and at least 12 residential rental units (including live-work units). The revised proposal relating to the Rental Housing Demolition has not yet been submitted by the applicant. This report recommends that the City's decision under Chapter 667 of the Municipal Code pursuant to Section 111 be withheld, until the OMB reaches a decision on the related Zoning By-law Amendment application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the Zoning By-law amendment application at 263-267 Adelaide Street West in its current form.
2. City Council withhold a decision on the application No. 12 152672 STE 20 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act 2006 to demolish rental housing units at 263 Adelaide Street West pending an OMB decision on the related Zoning By-law Amendment application.
2. City Council authorize the City Solicitor and appropriate staff to continue negotiations with the applicant to address the issues outlined in the report, including appropriate heights and massing for this development site, rental housing matters, and appropriate public benefits to be secured pursuant to Section 37 of the *Planning Act*, to determine if an agreement can be reached.
3. City Council direct City Planning staff, in the event that the Ontario Municipal Board (OMB) allows the appeal in whole or in part, to request that the OMB withholds its Order(s) approving the application until such time as the Board has been advised by the City Solicitor that:
 - a) the proposed Zoning By-law Amendments are in a form satisfactory to the Chief Planner and City Solicitor, and that they, among other matters, provide for the securing of the rental housing matters, including rental housing replacement, securing of rents and tenant assistance;
 - b) a Section 37 Agreement has been executed and registered to secure the Section 37 contribution and related matters satisfactory to the Chief Planner; and

- c) a Site Plan Agreement has been entered into between the City and the owner, that City Planning has issued Notice of Approval Conditions for Site Plan Approval, and all pre-conditions to such Site Plan Approval are fulfilled including addressing parking spaces and access, and loading and servicing issues as outlined in the memo from the Manager, Development Engineering, Toronto and East York District dated November 10, 2015.
4. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

At its meeting on September 11, 2012, Toronto and East York Community Council adopted the recommendations of Staff contained in the Preliminary Report for 263 Adelaide Street West, and expanded the notice requirements for the Community Consultation Meeting. A link to the Community Council direction is below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE18.43>

At its meeting on November 3 and 4, 2015, City Council adopted a City-initiated Official Plan Amendment (Official Plan Amendment 297) for the lands bounded by John Street, Adelaide Street West, Duncan Street, and Pearl Street, which includes the subject site. This decision was appealed to the Ontario Municipal Board by the owner of 257 Adelaide Street West, however the appeal was dismissed. A link to the City Council decision is below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE11.2>

On May 31, 2016 the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the prescribed timeline of the *Planning Act*. A pre-hearing has been scheduled for October 14, 2016. The proposal before the OMB was submitted on October 1, 2015.

ISSUE BACKGROUND

Proposal

The initial proposal called for a 42-storey (145.0 metres including mechanical penthouse) mixed-use building including a 5-storey podium containing commercial uses. On October 1, 2015, the applicant submitted a revised proposal and is now proposing a 49-storey building (161.1 metres including mechanical penthouse) comprised of a 5-storey base and a 44-storey tower with the commercial uses removed from the base building with the exception of the ground floor. The proposed 5-storey base building would retain a portion of the façade of the existing 5-storey Purman Building, listed on the City's

Heritage Register, which currently occupies the site. A summary of the revisions are provided below.

Table 1 – Summary of Revisions of First and Second Submissions

	First Submission (April, 2012)	Second Submission (October, 2015)
Height	42 storeys (145.0 metres, including mechanical penthouse)	49 storeys (161.1 metres, including mechanical penthouse)
FSI	20	27.4
Tower Floorplate (approx)	740 square metres	680 square metres
Gross Floor Area		
Residential	23,459 square metres	39,188 square metres
Non-Residential	5,058 square metres	160 square metres
Total	28,517 square meters	39,348 square metres
Tower Setbacks to Lot Lines		
North (Streetline)	4.0 metres	3.0 metres
South	6.2 metres	6.0 metres
East	5.5 metres	5.6 metres
West	5.5 metres	0 metres – 18.8 metres
Amenity Space		
Indoor	549 square metres (1.67 square metres/unit)	771 square metres (2.09 square meters/unit)
Outdoor	296 square metres (0.9 square metres/unit)	692 square metre (1.88 square metres/unit)
Unit Mix		
Bachelor	42	4
1-Bedroom	210	134
2-Bedroom	44	184
3-Bedroom	32	47
Total	328	369
Vehicular Parking Spaces (Resident: Car Share: Visitor)	113(92:16:5)	104 (98:6:0)
Bicycle Parking Spaces (residential long term: residential short term: commercial: commercial visitor)	344(262:66:10:6)	374 (337:37:0:0)
Loading Spaces	1 Type G; 1 Type C	1 Type G/B; 1 Type C

Five levels of underground parking are proposed for the site. A total of 104 vehicular parking spaces are proposed of which 6 parking spaces are devoted to car share and the remaining 98 are resident parking spaces. No visitor or commercial parking spaces are

proposed. Access to the parking is proposed from Adelaide Street West, with vehicles existing onto Pearl Street. The applicant is proposing to accommodate the vehicular access by removing a portion of the heritage façade of the existing Purman Building which is listed on the City's Heritage Register.

The applicant is proposing one Type G/B combined loading space and one Type C loading space. All loading spaces are to be located at grade and enter from Adelaide Street West through an entrance shared with the vehicular parking entrance. Smaller servicing vehicles are to exit the site via a private lane onto Pearl Street while medium sized servicing vehicles are to exit onto Adelaide Street West.

The development is proposed to include 374 bicycle parking spaces, including 337 long-term bicycle parking spaces and 37 short-term bicycle parking spaces. All bicycle parking is proposed to be located on the second floor.

The application exceeds the Zoning By-law requirement for indoor amenity space and is proposing 692 square metres of outdoor amenity space (1.88 square metres per unit). The outdoor amenity space is to be located on the 6th floor and the indoor amenity space is to be located on both the 5th and 6th floors with a connection to the outdoor amenity space.

Site and Surrounding Area

The site has a 39 metres frontage along Adelaide Street West and a depth of 36 metres for an approximate site area of 1,404 square metres. The site currently contains a five-storey commercial building known as the Purman Building constructed in 1915, which houses commercial, live-work and residential uses. This building was listed on the City's Heritage Register in May 2005. There is also a strata easement on title across the adjacent property to the south at 188 Pearl Street, the purpose of which is to provide vehicular access to the site via Pearl Street.

Land uses surrounding the site are as follows:

North: One to four-storey commercial buildings including a Toronto Fire Station on the north side of Adelaide Street West. At the north-west corner of Adelaide Street and John Street is a recently approved 41-storey tower at 290 Adelaide Street West.

South: Three to four-storey commercial buildings located on the north side of Pearl Street. These have been identified as contributing to heritage character in the King Spadina East Precinct Heritage Conservation District Study.

Further south are five to six-storey commercial buildings on the north side of King Street West, many of which are either heritage or contributing buildings, including:

- six-storey Eclipse Whitewear Building, designated heritage (322 King St. W.)

- six-storey Princess of Wales Theatre, contributing (300 King St. W.)
- six-storey Anderson Building, designated heritage (284 King St. W.)
- five-storey E.W. Gillett Building, designated heritage (274-276 King St. W.)

A 91 storey tower at the southwest corner of Pearl Street and Duncan Street and an 82 tower at the southeast corner of Pearl Street and Duncan Street have been approved at the Ontario Municipal Board, pending a Board Order.

Also located at the north-west corner of John Street and King Street West is the 46-storey mixed-use Bell Lightbox building.

East: Immediately adjacent to the site on the east side is a six-storey mixed-use building at 257 Adelaide Street West and adjacent to this is a three-storey commercial building at 18-20 Duncan Street which formerly contained boarding houses for Upper Canada College. This building was listed heritage in 1984.

West: Immediately adjacent to the site on the west side is a vacant lot located at 283 Adelaide Street West. A proposal was approved by the Ontario Municipal Board for a 48-storey tower including a five-storey podium (Pinnacle Phase 2). The proposed tower is to be located a minimum of 20 metres from the proposed development at 263 Adelaide Street West.

Further west, at the south-west corner of Adelaide Street and John Street is Pinnacle Phase 1, a 43-storey mixed-use building.

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; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important, and that the Official Plan is the most important vehicle for implementing the PPS. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions and Official Plan policies are required, by the Planning Act, 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; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the Planning Act, to conform, or not conflict, as the case may be, 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 Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

The site is designated *Regeneration Area* in the City of Toronto Official Plan which permits the proposed residential and commercial uses. The Official Plan also contains policies for *Regeneration Areas* requiring the restoration, re-use and retention of existing buildings that are economically adaptable for re-use, in order to achieve a broad mix of commercial, residential, light industrial and live/work uses.

The site is also subject to the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan.

King-Spadina Secondary Plan

The proposed development is subject to the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. Major objectives of the King-Spadina Secondary Plan are as follows:

- New investment is to be attracted to the King-Spadina Area;
- The King-Spadina Area will provide for a mixture of compatible land uses with the flexibility to evolve as the neighbourhood matures;
- The King-Spadina Area is an important employment area. Accordingly, the retention and promotion of commercial and light industrial uses including media, design and fashion businesses within the area is a priority;
- Commercial activity, including the retail service industry, which supports the changing demands of the King-Spadina Area will be provided for, to ensure the necessary services for the new residents and businesses of the area; and
- Heritage buildings and other important buildings within the King-Spadina Area, will be retained, restored, and re-used.

The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. The

policies of Section 3 Built Form and in particular the policies of Section 3.6 – General Built Form Principles and Section 4 Heritage, specify that:

- the lower levels of new buildings will be sited and organized to enhance the public nature of streets, open spaces, and pedestrian routes;
- servicing and parking are encouraged to be accessed from lanes rather than streets;
- new development will be designed to minimize pedestrian/vehicular conflicts;
- new buildings will be sited for adequate light, view, privacy and compatibility with the built form context;
- new buildings will achieve a compatible relationship with their built form context through consideration of such matters as height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression;
- appropriate proportional relationships to streets and open spaces will be achieved and wind and shadow impacts will be minimized on streets and open spaces;
- streetscape and open space improvements will be coordinated in new development;

Section 4 Heritage policies require the City to seek retention, conservation, rehabilitation, re-use and restoration of heritage buildings.

King-Spadina Secondary Plan Review and East Precinct Built Form Study

King Spadina is one of the highest growth areas in the downtown and it has a strongly influential heritage character. The in-force King-Spadina Secondary Plan emphasizes reinforcement of the area's existing characteristics and qualities through special attention to built form, heritage areas of identity, and the public realm. The Secondary Plan is currently under view and a final report on the whole Secondary Plan area is anticipated in the final quarter of 2016. An estimated 50,000 people will live in King Spadina and the area will accommodate space for an estimated 50,000 jobs. The review recognizes that the Secondary Plan area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. The updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage and character of the area.

The subject site falls within the East Precinct. At its meetings on August 25, 2014 and July 7,8,9 2015 City Council endorsed the following directions for the King-Spadina East Precinct to be used in reviewing current and future development applications:

- A downward gradation of tower heights from east to west from University Avenue towards Spadina Avenue;
- Limiting heights approaching Queen Street West to prevent shadowing on the north sidewalk after 12:00 (noon) in the spring and fall equinoxes;
- Employing the city-wide Tall Buildings Guidelines to evaluate towers, particularly with regard to tower spacing and tower floor plates;
- Evaluating new development applications in the context of a block plan for the block on which they sit;
- Seeking the inclusion of family-sized units in all new residential development;
- Requiring the inclusion of employment uses in new residential development that replaces existing office uses, resulting in a net gain in employment, consistent with OPA 231;
- Protecting sunlight on Spadina Avenue to prevent shadowing that would detract from the pedestrian oriented nature of the street as it exists today, and support the retail function of the Spadina corridor.
- Limiting new shadows on park lands that extend beyond those permitted by the current Zoning By-law.
- Protecting the network of mid-block connections and laneways as a defining feature of the public realm, and expanding these connections to further the pedestrian network.
- Providing appropriate separation distances between side and rear windows in the lower levels of an existing or proposed building to allow for light and privacy.
- Retaining and providing affordable floorspace for cultural employment wherever possible to ensure that the replacement of the physical space for these uses is provided for in new development or in proximity to new development.

On July 7, 8, 9 2015 City Council also adopted the following directions for the King-Spadina East Precinct:

- Develop policies that address the need to protect and enhance the cultural industries in King-Spadina including the retention and provision of affordable and sustainable floor space in the Secondary Plan area.

Housing

Section 3.2.1 of the Official Plan sets out policies for the provision of a full range of housing, in terms of form, tenure and affordability, including the protection of rental housing units. Policy 3.2.1.6 provides that new development that would result in the loss of six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) the following are secured:
 - i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
 - ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, or
- c) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents.

Official Plan Amendment 231

Official Plan Amendment No. 231 (OPA 231), adopted by City Council December 18, 2013, received approval by the Minister of Municipal Affairs and Housing on July 9, 2014 and is in large part under appeal before the Ontario Municipal Board. As an outcome of the Official Plan and Municipal Comprehensive Reviews, OPA 231 contains new economic policies and designations to stimulate office growth in the *Downtown*, *Central Waterfront* and *Centres*, and all other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas* and also contains new policies with respect to office replacement in transit-rich areas. In particular, Policy 3.5.1(2a), currently in force and effect, requires:

2. "A multi-faceted approach to economic development in Toronto will be pursued that:

- (a) Stimulates transit-oriented office growth in the *Downtown* and the *Central Waterfront*, the *Centres* and within walking distance of existing and approved and funded subway, light rapid transit and GO stations in other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas*".

Additionally Policy 3.5.1(6) requires that new office development will be promoted in *Mixed Use Areas* and *Regeneration Areas* in the *Downtown*, *Central Waterfront* and *Centres*, and all other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas* within 500 metres of an existing or approved and funded subway, light rapid transit or GO station. Policy 3.5.1 (9) requires the provision of office space on any site containing 1,000 square metres or more of office space, where residential development is proposed. Policy 3.5.1(6) and (9) are both currently under appeal. The property at 263 Adelaide Street West is located in the *Downtown* and contains existing office uses.

Official Plan Amendment 297

City Council recently adopted a City-initiated Official Plan Amendment (Official Plan Amendment 297) for the lands bounded by John Street, Adelaide Street West, Duncan Street, and Pearl Street, which includes the subject site. This decision had been appealed to the Ontario Municipal Board, however the appeal was dismissed and the Official Plan Amendment is in force and effect. Official Plan Amendment 297 permits a maximum of three tall buildings for the block bounded by John Street, Adelaide Street West, Duncan Street and Pearl Street and provides the location for these tall buildings, one of which is the location of the proposed development. A maximum height of 157 metres, including all mechanical elements is permitted. The Official Plan also requires a separation distance of 20 metres or greater between towers and a maximum floor plate of 700 square metres. The Official Plan Amendment also indicates that "development should respect and reinforce the heritage character of the block and contribute to public realm improvements on the block". The applicant for 263 Adelaide Street West appeared in support of OPA 297 at the Ontario Municipal Board hearing.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 6). As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks.

The By-law permits a maximum height of 30 metres for the property and requires a 3 metre setback from the main wall of the building a height of 20 metres. The By-law also contains a number of requirements related to building setbacks from the side and rear lot lines.

The RA zone allows a range of uses including commercial, office, retail and residential. The requested uses are permitted under the By-law.

City of Toronto Tall Building Guidelines

The Design Criteria for Review of Tall Building Proposals provide direction on matters related to the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate light and privacy, minimum side and rear yard tower setbacks of 12.5 metres, and articulation of tower floor plates that are larger than 750 square metres to break up the massing of the building. The Downtown Tall Buildings Vision and Performance Standards Design Guidelines do not apply to Secondary Plan Areas and therefore do not apply to the subject site, however the City-wide Tall Building Guidelines do.

Site Plan Control

The subject site and development are subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. A report back to Toronto and East York Community Council is targeted by the end of 2016 on the results of the second phase and the next steps on implementation. The TOcore website is www.toronto.ca/tocore.

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

Toronto and East York Community Council on September 7, 2016 recommended approval for Official Plan Amendment 352 – Downtown Tall Building Setback Area, with a motion to continue discussions with the development industry, to City Council. OPA 352 a TOcore initiative. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of a tall building in the Downtown which would be implemented through an area specific Zoning By-law. The intent is that these policies would ensure that future growth positively contributes to the liveability, sustainability and health of Toronto's Downtown. More specifically, the draft policies establishes the reasoning for tower setbacks, recognizes that not all sites can accommodate tall buildings and addresses base building heights.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City where there are 6 or more dwelling units on the site, and where at least one of these units is or was last used for rental purposes.

Under the implementing by-law for Section 111 (the Rental Housing Demolition and Conversion By-law, also referred to as Chapter 667 of the City's Municipal Code), approval and a permit are required from the City to allow demolition (or conversion) of rental buildings to occur. Such approval sets out conditions that must be satisfied before a demolition permit can be issued. These conditions assist with implementing the City's Official Plan policies protecting rental housing.

Council approval of residential demolition under Section 33 of the *Planning Act* is also typically required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*. The Chapter 667 by-law provides for the co-ordination of all the required approvals needed for the demolition of the rental housing.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Municipal Board and so, when a decision on the *Planning Act* applications is made at the Board, Council will then decide on the approval or refusal of the Section 111 application.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing units used for residential purposes, which in this case involves at least 12 residential and live-work units.

Reasons for the Applications

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 30 metres by approximately 130 metres. In addition, the proposed building does not comply with other restrictions that are in effect on the lands.

As indicated, approval under Section 111 of the *City of Toronto Act, 2006* is also required to permit the demolition of the residential rental units.

Community Consultation

A Community Consultation meeting was held on December 10, 2012. At the meeting, the applicant presented their submission to the community for feedback. The Community Consultation was attended by approximately 30 people. Concerns raised at the Community Consultation included the following:

- the pace of new development in the area without a plan for the area as a whole;
- the lack of infrastructure available to service new development in the area;
- the lack of consistency with the Tall Building Design Guidelines; and
- that the size of the site is not sufficient to accommodate a tall building.

Comments from the Community Consultation meeting along with other public comments received helped inform the review of the application and have been addressed as follows:

Table 3 – Response to Community Comments

Community Comment	Response
Concern about the pace of new development in the area without a plan for the area as a whole.	Since this Community Consultation meeting, Staff have undertaken Official Plan Amendment 297 which provides a plan for the development of the block. OPA 297 allows this development to be considered in the broader context of the block rather than on a piecemeal basis. The proposed development is not consistent with OPA 297, as such Staff continue to have a concern with this development and its ability to relate to the area as a whole.
Concern about the lack of infrastructure available to service new development in the area.	Engineering and Construction Services are reviewing the servicing infrastructure and any necessary upgrades would be at the cost of the applicant. Community Services and Facilities infrastructure is being reviewed as part of the King Spadina Secondary Plan review.
Concern that the proposed development is not consistent with the Tall Building Design Guidelines.	The proposed development is not consistent with all of the Tall Building Design Guidelines. This continues to be a concern and this concern has also been identified to the applicant by Staff. The Tall Building Design Guidelines are being considered in the context of the site specific conditions set out in OPA 297.
Concern that the size of the site is not sufficient to accommodate a tall building.	Staff are satisfied that this concern has been addressed through the tower separation distances outlined in OPA 297. The applicant will be required to comply with OPA 297.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposed development is not consistent with the policies of the Provincial Policy Statement 2014 or the Growth Plan for the Greater Golden Horseshoe.

The Provincial Policy Statement identifies that the Official Plan is "the most important vehicle for implementation of this Provincial Policy Statement". Policies in the Official Plan and Official Plan Amendments 231 and 297 include policies requiring appropriate built form, public realm, office replacement, heritage conservation, and rental replacement. As outlined below, the proposed development does not meet the policies of the Official Plan and therefore is not consistent with the Provincial Policy Statement.

The Provincial Policy Statement also requires the conservation of built heritage resources. The proposed conservation on is not consistent with the Cultural Heritage and Archaeology policies in Section 2.6 of the Provincial Policy Statement.

Section 1.7 Long-Term Economic Prosperity of the Provincial Policy Statement encourages sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes. The proposed development is not consistent with this policy.

The Provincial Policy Statement also provides policy direction on providing for employment uses to meet long-term needs, providing opportunities for a diversified economic base, and encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities. The proposed reduction in the provision of office space in this development is not consistent with these policies.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: direction for how and where to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Growth Plan calls for municipalities should increase employment uses along existing transit services. The Growth Plan also calls for the conservation of cultural heritage where feasible as built up areas are intensified. The proposed development is not consistent with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed development is located in the *Regeneration Areas* designation of the Official Plan. The proposed mixed-use building is permitted in *Regeneration Areas* in the Official Plan. While a residential building with commercial at grade is permitted in *Regeneration Areas* in the Official Plan, the proposed development would result in a significant loss of office space, which is the primary use of the existing 5-storey Purman

Building. Planning Staff have encouraged the applicant to replace the existing office on-site as part of the proposal, as the loss of the existing office space is not supportable.

Official Plan Amendment 231 requires the replacement of office space for any site in the *Downtown* containing 1,000 square metres or more of office space where residential development is proposed. Official Plan Amendment 231 is currently under appeal, and as such is not in-force. Despite OPA 231 not being in full force and effect, Planning Act applications submitted after December 18, 2013, should meet the intent of City Council's direction. Policy 3.1.5.9 of the Official Plan requires that new development in a *Regeneration Area* within the *Downtown*, on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices is required to increase the non-residential gross floor area in the redevelopment. While this application was made prior to December 18, 2013, the original submission included replacement of the existing office space to be located in the base building. In the second submission of this application, made in October 2015, the proposed replacement of office was removed above the first storey and replaced with residential units.

The proposed development is subject to the *King-Spadina Secondary Plan*. One of the major objectives in the King-Spadina Secondary Plan is that the King-Spadina Area is an important employment area. Accordingly, the retention and promotion of commercial and light industrial uses within the area is a priority. The loss of commercial space proposed by this development is not consistent with this major objective.

If the live/work units being calculated as part of the rental replacement requirement are removed from the total amount of office space, the existing building on the site includes approximately 4,000 square metres of office space. The proposed development includes 160 square metres of office space. This is a reduction of over 3,800 square metres of office space from what currently exists on the site. The initial proposal contemplated 5,057 square metres of non-residential space. Staff encourage the provision of additional office space on the site to replace the office space lost through the redevelopment, similar to what was proposed with the initial submission, with consideration for the gross floor area being proposed for the rental replacement units.

General

The development, as proposed, constitutes overdevelopment of the site and does not comply with Official Plan policies as they relate to built form, public realm, office replacement, heritage preservation, and rental replacement. The proposal is not supportable by City Planning in its current form. Issues that need to be addressed include the proposed height and massing, parking, access, public realm, heritage preservation, wind mitigation, heritage preservation, and rental replacement. These matters are detailed below.

Height and Massing

The proposed building height is 161.9 metres, including mechanical penthouse. The site is subject to Official Plan Amendment 297 which establishes a Site and Area Specific Policy for the block bounded by John Street, Adelaide Street West, Duncan Street, and

Pearl Street. Official Plan Amendment 297 limits heights in this block to less than 157 metres, including all mechanical elements. This height limit is intended to ensure that tall buildings on the block are lower than the height of the Bell Lightbox building, as the original planning intent was that the Bell Lightbox would be the landmark tower in the area. The proposed development exceeds the height limit in Official Plan Amendment 297 and is not supportable by Planning Staff. Staff have requested the applicant reduce the proposed height to be less than 157 metres in order to comply with Official Plan Amendment 297.

Planning staff have concerns with the proposed massing of the building. Staff do not support the proposed step back of 3 metres above the base building beginning at the 7th storey on the north façade. Staff are of the opinion that a greater step back is warranted over the existing Purman Building as this building is listed on the City's Heritage Register. A minimum 5 metres step back is requested to allow the historic streetwall height to be maintained and ensure that the tower visually recedes and does not overwhelm the heritage building. This is further detailed in the Heritage section below.

Setback and Tower Separation Distance

Planning Staff generally require towers to be setback from the side and rear property lines by a minimum of 12.5 metres to ensure a 25 metre separation distance between towers, as outlined in the Tall Building Design Guidelines. The proposed development does not meet this setback. The tower setback requirements of Official Plan Amendment 297 are more permissive than the Tall Building Design Guidelines. Official Plan Amendment 297 requires a minimum 20 metre tower separation distance between towers and outlines the location for future towers in the block. Planning Staff will require this 20 metre separation distance between the proposed development and the other two towers contemplated on the block. While this separation distance has been demonstrated on the plans provided, Staff will be expecting the applicant to demonstrate how this will be secured, particularly in relation to the tower contemplated by OPA 297 for the southeast corner of the block where there has not yet been an application made.

Parking, Loading and Access

The proposal includes 5 levels of underground parking. A total of 104 vehicular parking spaces are proposed, consisting of 6 car share spaces and 98 resident parking spaces. No visitor or commercial parking spaces are proposed. The proposed underground parking will be accessed from Adelaide Street West and exit onto Pearl Street. The proposed access will be accommodated by removing a portion of the heritage façade of the existing Purman Building listed on the City's Heritage Register.

The proposed parking ratio is not accepted by Transportation Staff who are requesting the plans be revised to provide a minimum number of parking spaces to service the development in accordance with the requirements of Zoning By-law 569-2013.

One Type C and one Type G/B loading spaces are proposed and located at-grade. Access to the loading spaces is from Adelaide Street West. Larger service vehicles will egress

onto Adelaide Street West, while smaller service vehicles will exit onto Pearl Street. The proposed quantity of loading spaces is acceptable to Staff.

Although the quantity of proposed loading spaces is acceptable to Staff, there are concerns pertaining to the proposed location of access has negative impacts on the public realm and heritage conservation, as detailed in the below sections on Public Realm and Heritage Conservation.

Public Realm

The proposed parking and loading access significantly detracts from the public realm, as vehicular access to the proposed development is provided from Adelaide Street West. Staff have requested that vehicular access for both parking and loading vehicles be relocated to Pearl Street, which is a lower-order street and does not have the same level of pedestrian traffic as Adelaide Street West. The impact of the proposed access on the public realm is not consistent with Public Realm policies in the Official Plan including Policy 3.1.1.14 that requires "design measures that promote pedestrian safety and security will be applied to streetscapes, parks, other public and private open spaces, and all new and renovated buildings". The provision of parking and loading access from Adelaide Street West will cause vehicles to be traversing the sidewalk which can be potentially hazardous to pedestrians. The sidewalk width, along the south side of Adelaide Street West, will be maintained at 3.7 metres due to the proposed retention of the heritage building on-site. This setback reinforces a consistent setback along the south side of the street.

Official Plan Built Form Policy 3.1.2 (a) requires new development to locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impacts on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks, and open spaces by "using shared services areas where possible within development block(s) including public and private lanes, driveways and service courts".

In the King Spadina Secondary Plan, Policy 3.6(c)(iii) and (iv) requires: "the lower levels of new buildings associated with the pedestrian realm will be sited and organized:

- (iii) encourage, where possible, servicing and vehicular parking to be accessed from rear lanes rather than streets; and
- (iv) encourage the design and location of servicing and vehicular parking so as to minimize pedestrian/vehicular conflicts."

The access to the vehicular parking and the access and egress from the loading space for larger service vehicles is not consistent with these policies as it does not minimize pedestrian/vehicular conflicts. It is the general expectation that parking and loading access will be kept off higher order streets wherever possible, allowing for an improved public realm including improved pedestrian safety. Staff are of the opinion that it would be more appropriate for parking and loading access to be provided off of Pearl Street and

have recommended to the applicant that parking and loading access be relocated to Pearl Street and have encouraged the applicant to explore the possibility of shared parking and loading with the adjacent property at 283 Adelaide Street West.

Heritage Conservation

The applicant submitted a Heritage Impact Assessment (HIA) dated 2012/04/01 prepared by E.R.A. Architects Inc. with the initial application which did not include an analysis of the impacts of the proposal on the heritage property at 263 Adelaide Street West and on existing heritage and "contributing" properties adjacent to it at 266-270 and 257 Adelaide Street West, and 14 and 18-22 Duncan Street. An amended HIA was not submitted with the current revised application. A thorough and updated HIA is required.

The main (north elevation) of the heritage building is proposed to be retained with a tower atop it. A 6.7 metre step back is proposed for the 6th storey above the north elevation of the heritage building, however above the 6th storey the building cantilevers and reduces the step back above the heritage building to 3 metres for floors above the 6th storey. It is unlikely that the 6th storey step back will be visible from the street and the proximity of the tower to the face of the heritage building would significantly impact its five-storey form by encroaching on the open space above it. While staff believes this impact is significant, there is an opportunity for mitigation by increasing the step back of the tower to at least 5 metres to allow the historic streetwall height to be maintained and ensure the tower visually recedes and doesn't overwhelm the heritage building.

Alterations to three ground floor windows on the main (north) elevation are proposed by changing two into entrances for residential and retail uses and one into a large loading entrance. These changes would disrupt the symmetry of the fenestration on this elevation and introduce an element (loading entrance) on the principle façade that is wholly inconsistent with the character of the property. Staff encourages the applicant to consolidate all entrances into the building through the original (main) entrance and explore other options for the location of the loading entrance.

Wind

Staff have concerns about the expected wind conditions associated with the proposed development at 263 Adelaide Street West. The RWDI Pedestrian Wind Study provided with the first submission identifies several areas where existing pedestrian wind conditions would deteriorate with the proposed development, primarily in the winter months. The RWDI study also identifies three areas where the proposed wind conditions are unsafe in the winter months. A letter was provided with the second submission indicating that the modifications to the proposal would result in wind conditions similar to the original proposal.

In the King Spadina Secondary Plan, policy 3.6(f) requires that buildings adjacent to streets, parks or open spaces "will be designed to minimize the wind and shadow impacts on the streets, parks or open spaces". The proposed development is not consistent with this requirement due to the uncomfortable wind conditions that are created. Staff have indicated to the applicant that it is expected that all areas that are suitable for sitting or

standing in the existing condition will be at minimum suitable for standing under the proposed wind conditions and that mitigation measures will be required. Staff have also indicated to the applicant that the provision of unsafe wind conditions is not acceptable for any point of the year and mitigation measures must be added to these areas. These mitigation measures would be required to be addressed by the applicant at the site plan stage.

Provision of Family-Sized Units

The applicant is proposing that 47 of the 369 units proposed would be 3-bedroom units (12.7%). Staff are satisfied with the quantity of 3-bedroom units proposed, however have concerns that these units are not large enough to accommodate families as 42 of the 47 units proposed are only 74.5 square metres (812 square feet). The applicant has been asked to increase the size of these 3-bedroom units to at minimum of 79 square metres (850 square feet).

Housing

Section 3.2.1 of the Official Plan addresses the need for the City to provide for a full range of housing in terms of form, tenure and affordability within neighbourhoods and across the City. This full range includes affordable rental housing to meet current and future needs of residents. At present, the revised proposal involves the construction of 47 three-bedroom units that would be more suited to larger households, such as families with children. This aspect of the proposal offers a slight improvement over the previous submission by increasing the number of units of a larger size and type. While there are a substantial number of new units proposed for development overall, there is no indication that any of the units would be considered affordable. At present, the existing residential and live-work units, which are relatively affordable, are at risk of being lost unless and until the replacement proposal has been finalized and secured.

Section 3.2.1.6 requires that when 6 or more residential rental units are proposed to be demolished, and offer affordable or mid-range rents, all of the units must be replaced with rental units of at least the same size and type and with rents similar to those in effect at the time of the redevelopment application. The applicant is proposing to satisfy Policy 3.2.1.6; however the specific details of the replacement proposal, and tenant relocation and assistance plan have not yet been provided.

It is recommended that the decision on the rental housing matters under Section 111 and the conditions of any residential rental demolition permit be withheld until such time as a final decision has been made regarding the change of use, height, density and massing under the *Planning Act* at the OMB.

Servicing

Staff have requested revisions to the Functional Servicing and Stormwater Management Report dated June 25, 2015 (Revision 4) in support of this zoning by-law amendment application. The owner is required to submit a revised Functional Servicing and Stormwater Management Report and revised drawings to address the comments provided

in a letter dated November 13, 2015 sent directly to the site consultant. Staff are recommending that this requirement be addressed.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is for the construction of one new building containing 160 square metres of non-residential gross floor area and 369 residential units consisting of 32,222.3 square metres of residential gross floor area.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 4,920 square metres or 345% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 143 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as 143 square metres is not of a suitable size to develop a programmable park within the existing context of this development. The site is also less than 500 metres from Grange Park, which contains a playground and a wading pool.

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

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the provision of bicycle parking. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

No meetings have taken place between the applicant and Staff to discuss the provision of Section 37 funds, given that the proposal does not represent appropriate development. In the event that the Ontario Municipal Board (OMB) considers additional density and/or height beyond what is permitted in the Zoning By-law, the City should request that the OMB withhold their final order until the City has secured the appropriate community benefits.

Conclusion

The proposed development constitutes overdevelopment of the site and is not good planning or in the public interest. It is not consistent with the Provincial Policy Statement as it is not consistent with the policies in the Official Plan as they apply to built form, public realm, office replacement, heritage conservation, and rental replacement, and is not consistent with the Growth Plan for the Greater Golden Horseshoe due to the reduction in office space and the insufficient conservation of cultural heritage resources. City Planning are recommending that City Council direct Staff to continue to negotiate with the applicant, and direct Staff to appear at the Ontario Municipal Board in opposition to the proposal should the issues identified in this report not be resolved. The proposal fails to comply with Official Plan policies and Official Plan Amendments 231 and 297 in relation to height, massing, public realm, office replacement, heritage conservation, and rental replacement. The proposal constitutes overdevelopment of the site and does not constitute good planning and is not in the public interest.

Until specific details are provided on how the residential rental units to be demolished will be replaced and the how the tenants will be assisted and relocated, it is unclear if the Official Plan housing policies will be met or if Section 111 will be satisfied. Until such requirements are addressed, the proposal to demolish the existing building is also considered to be premature.

CONTACT

Michelle Knieriem, Planner
Tel. No. 416-338-2073
Fax No. 416-392-1330
E-mail: mknieri@toronto.ca

David Spence, Senior Planner
Tel. No. (416) 392-8124
Fax No. (416) 392-3821
E-mail: dspence@toronto.ca

SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

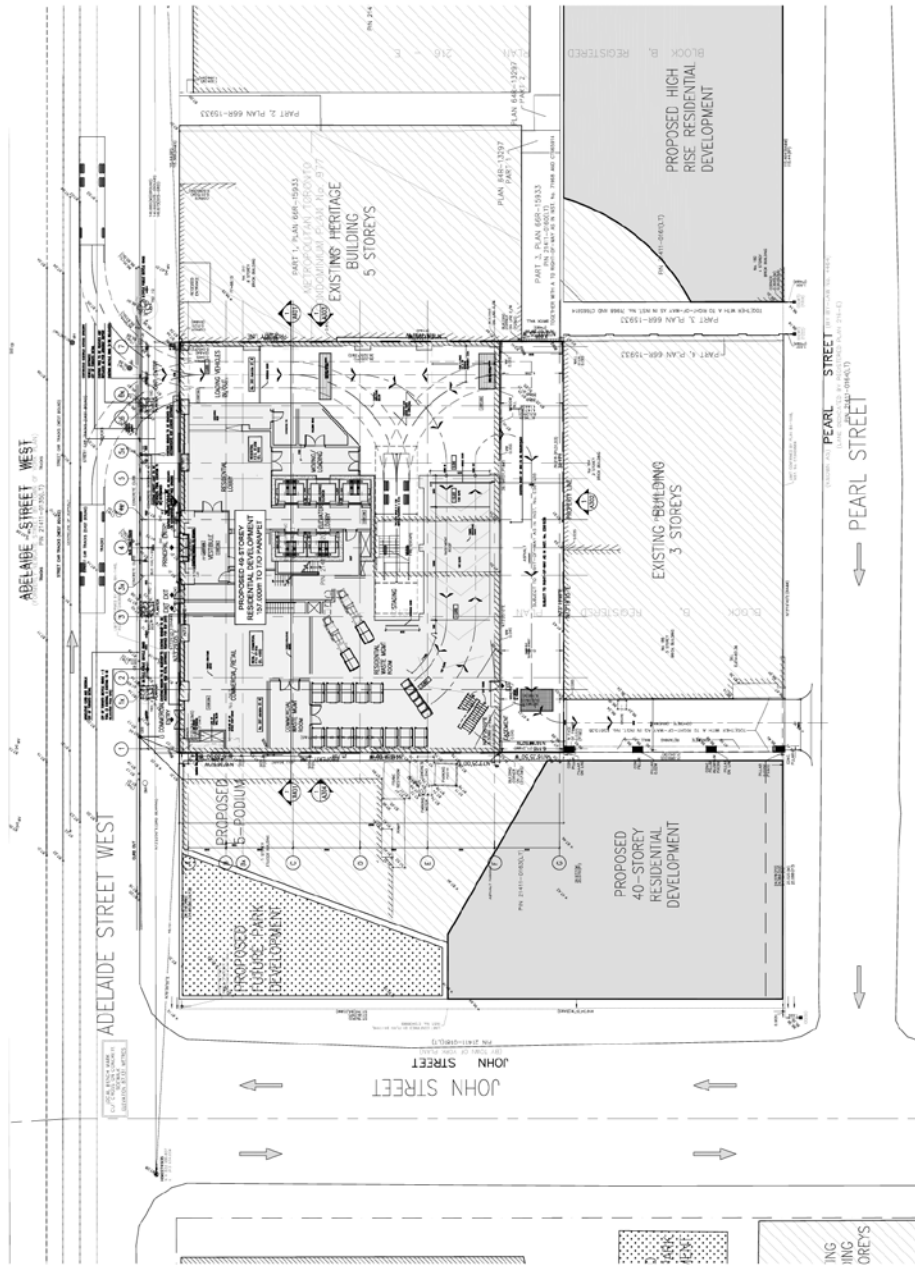
Attachment 4: East Elevation

Attachment 5: West Elevation

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 1: Site Plan

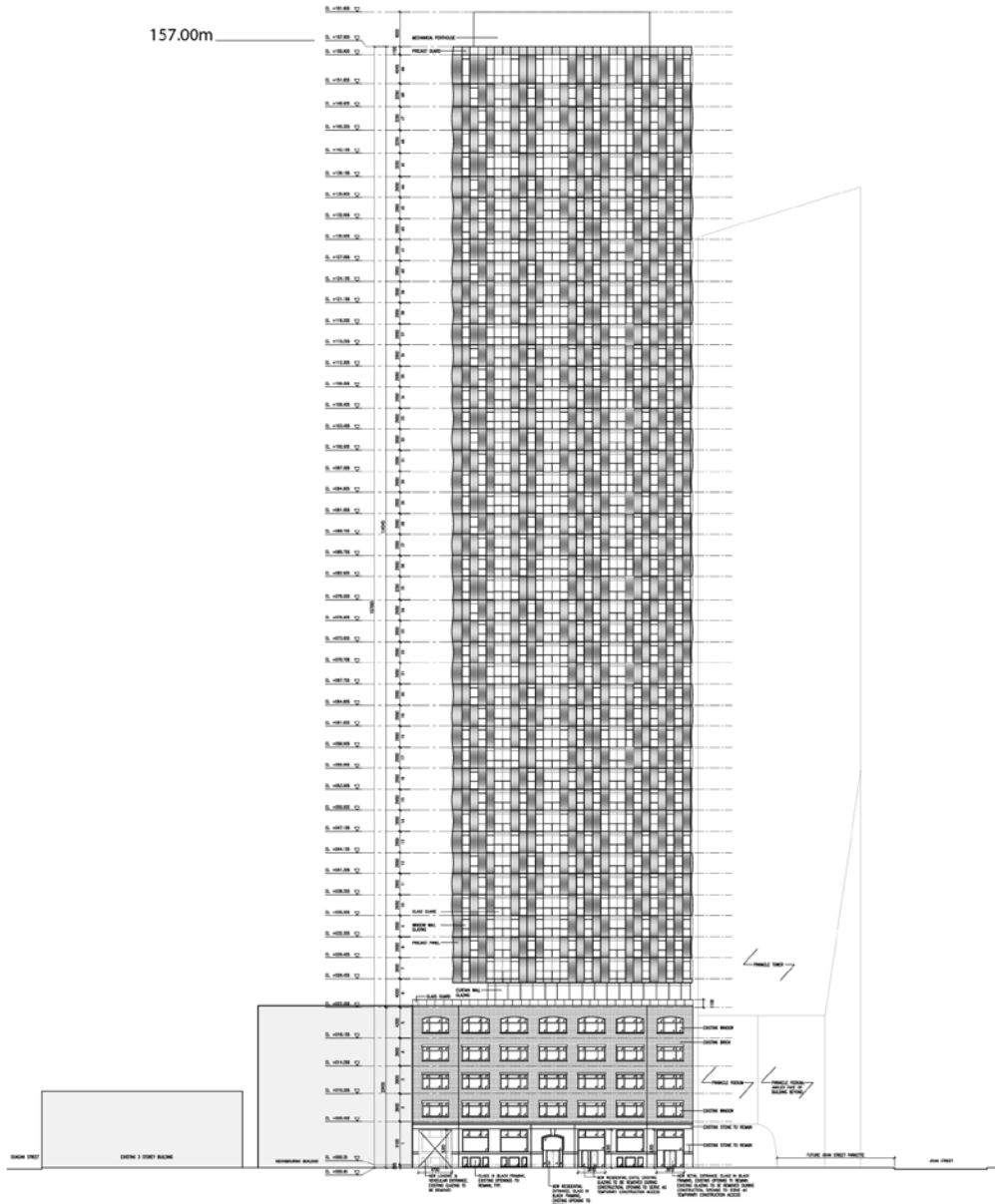


Site Plan
263 Adelaide Street West

Applicant's Submitted Drawing
 Not to Scale
 09/16/2016

File # 12 152660 STE 20 0Z

Attachment 2: North Elevation



North Elevation

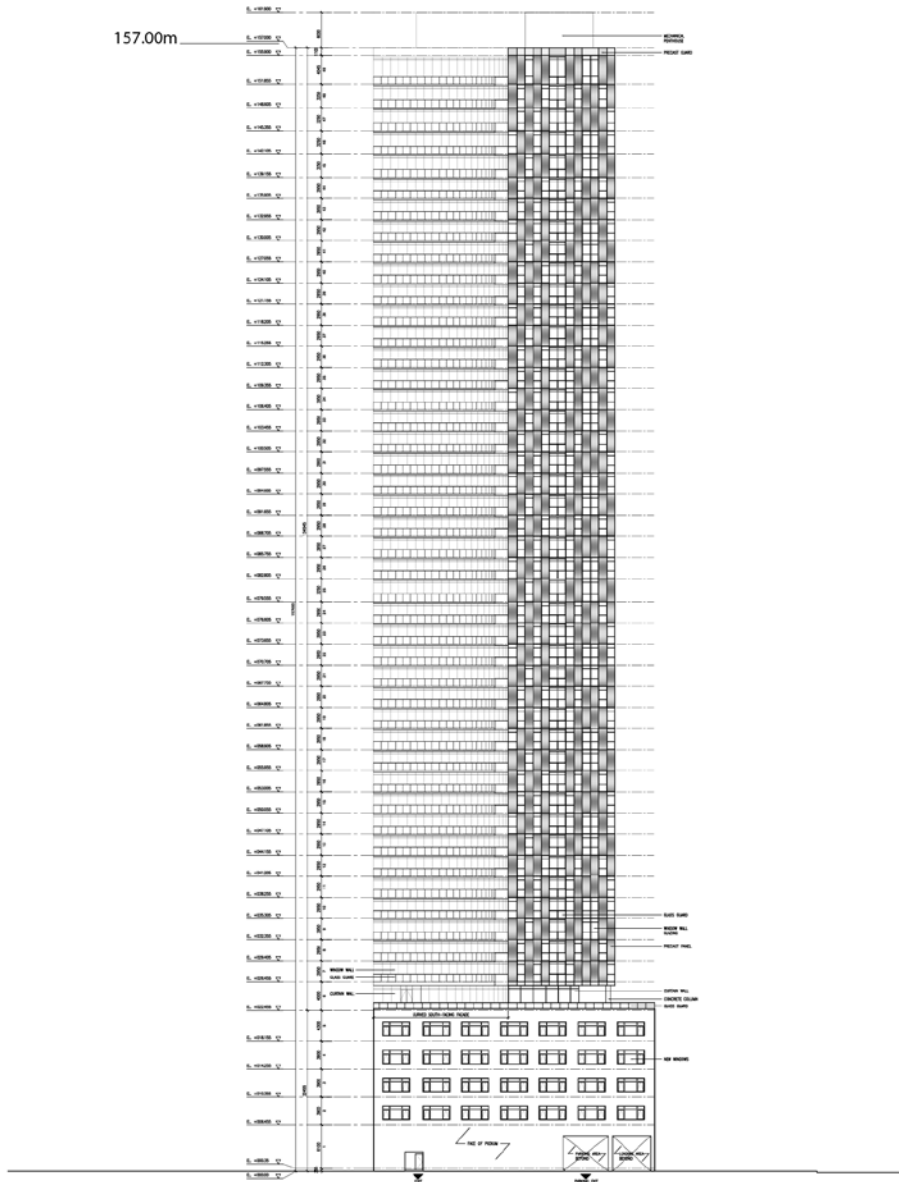
Applicant's Submitted Drawing

Not to Scale
09/16/2016

263 Adelaide Street West

File # 12 152660 STE 20 OZ

Attachment 3: South Elevation



South Elevation

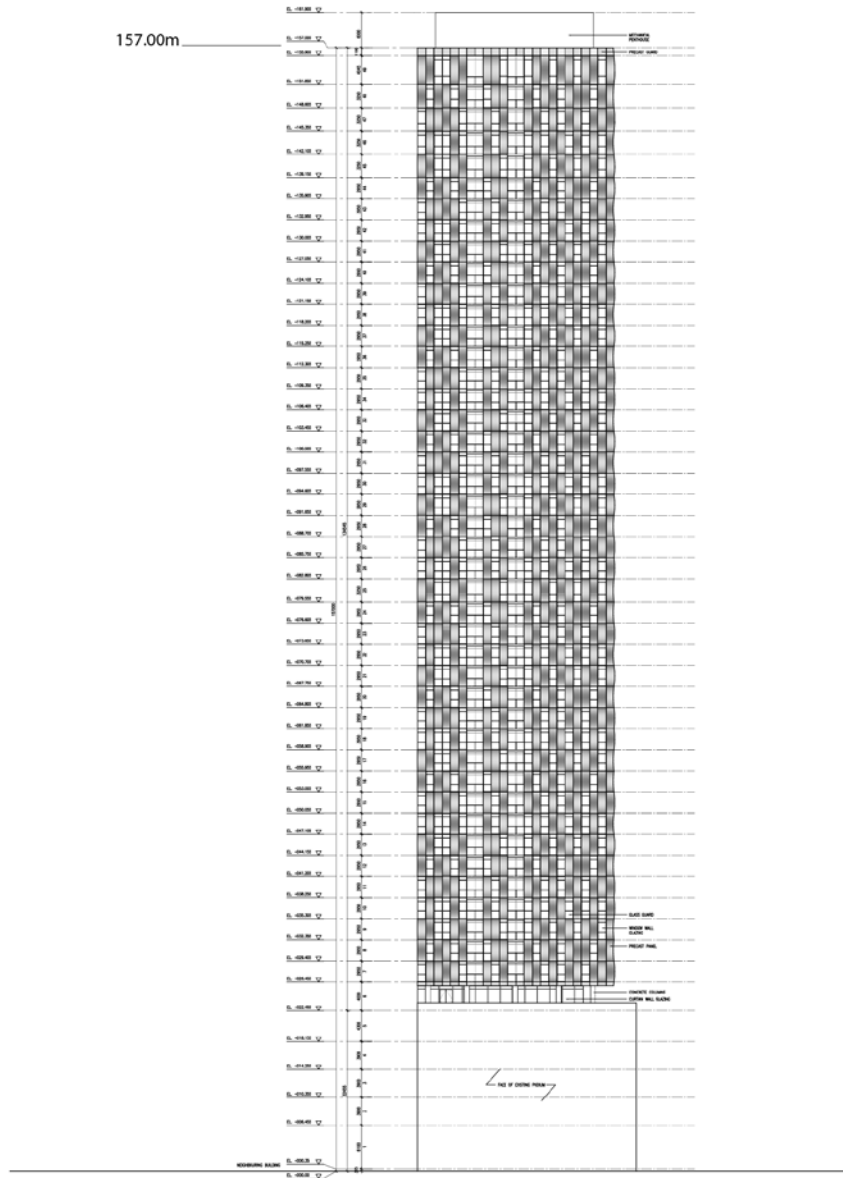
Applicant's Submitted Drawing

Not to Scale
09/16/2016

263 Adelaide Street West

File # 12 152660 STE 20 OZ

Attachment 4: East Elevation



East Elevation

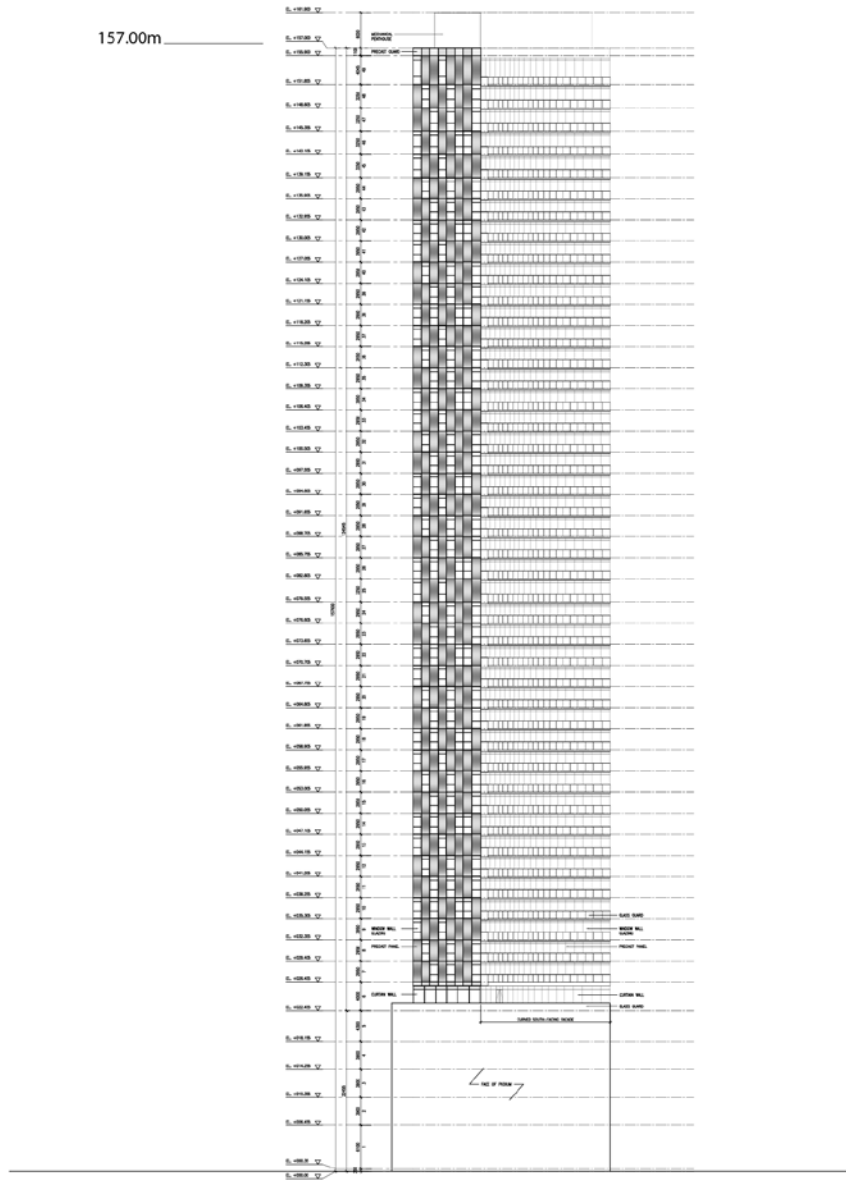
Applicant's Submitted Drawing

Not to Scale
09/16/2016

263 Adelaide Street West

File # 12 152660 STE 20 OZ

Attachment 5: West Elevation



West Elevation

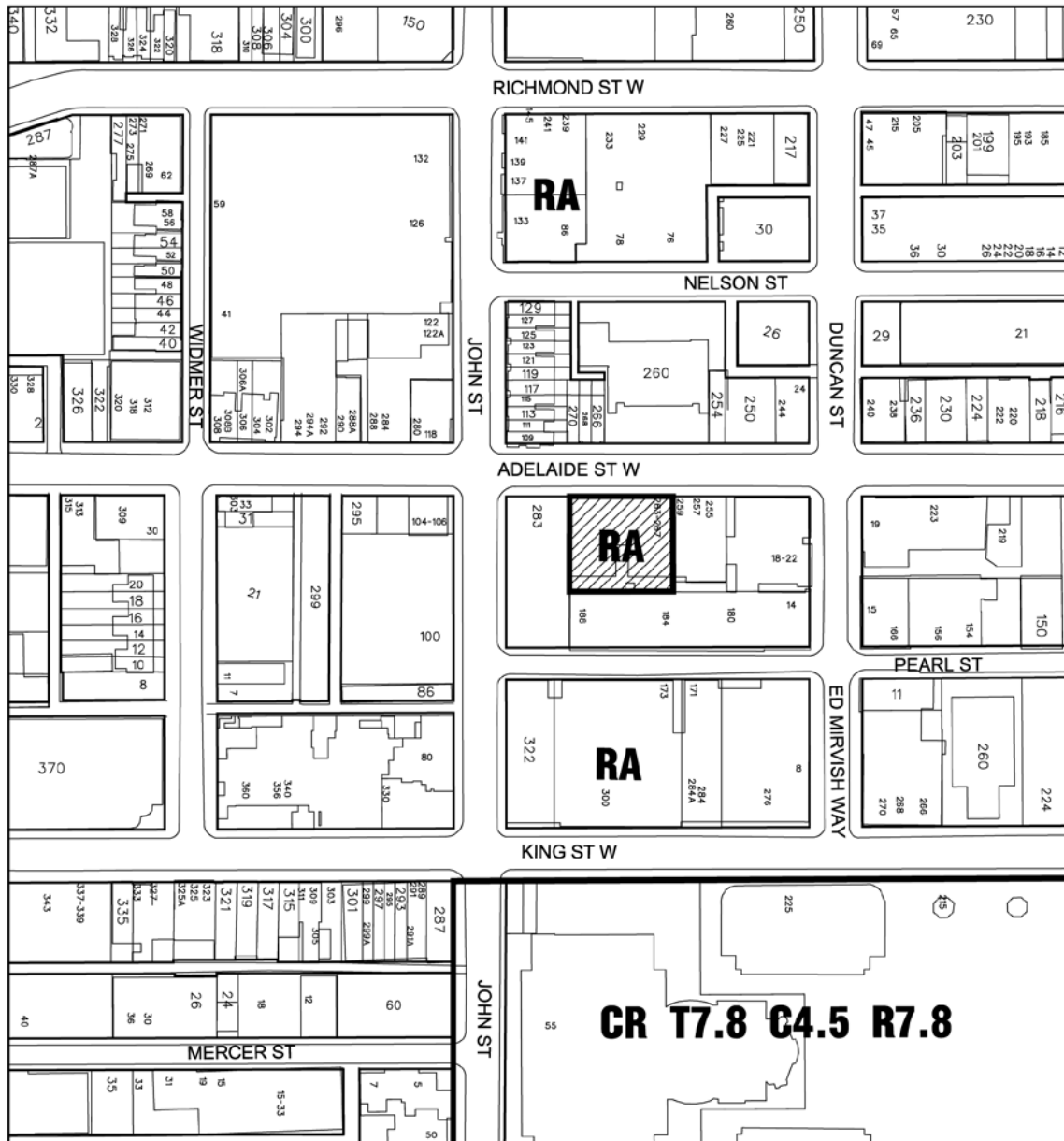
Applicant's Submitted Drawing

Not to Scale
09/16/2016

263 Adelaide Street West

File # 12 152660 STE 20 OZ

Attachment 6: Zoning



263 Adelaide Street West

File # 12 152660 0Z

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



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 05/07/2012

Attachment 7: Application Data Sheet

Rezoning Application Number: 12 152660 STE 20 OZ
 Rezoning, Standard Application Date: April 12, 2012

263 ADELAIDE ST W

PLAN 216E PT BLK B SUBJ TO ROW **GRID S2015

Zoning Amendment application to facilitate the redevelopment of the site with a 49-storey mixed-use building including a 5-storey podium containing commercial uses. The building will contain 369 residential units and 104 parking spaces in 5 levels of below grade parking.

Agent:	Architect:	Owner:
Bousfields Incorporated	Teple Architects	Adelaide Street Lofts Incorporated

PLANNING CONTROLS

Regeneration Areas	Site Specific Provision:
RA	Historical Status:
0, 0, 0	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	1433.5	Height:	Storeys:	49
Frontage (m):	39.1		Metres:	161.1
Depth (m):	36.4			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	39188		Parking Spaces:	104
Total Non-Residential GFA (sq. m):	160		Loading Docks	2
Total GFA (sq. m):	39348			
Lot Coverage Ratio (%):	0			
Floor Space Index:	27.4			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
0	Residential GFA (sq. m):	39188	0
4	Retail GFA (sq. m):	160	0
134	Office GFA (sq. m):	0	0
184	Industrial GFA (sq. m):	0	0
47	Institutional/Other GFA (sq. m):	0	0
369			

PLANNER NAME: Michelle Knieriem, Planner
TELEPHONE: 416-338-2073