

## 422-424 Wellington Street West - Zoning Amendment Application - Request for Direction Report

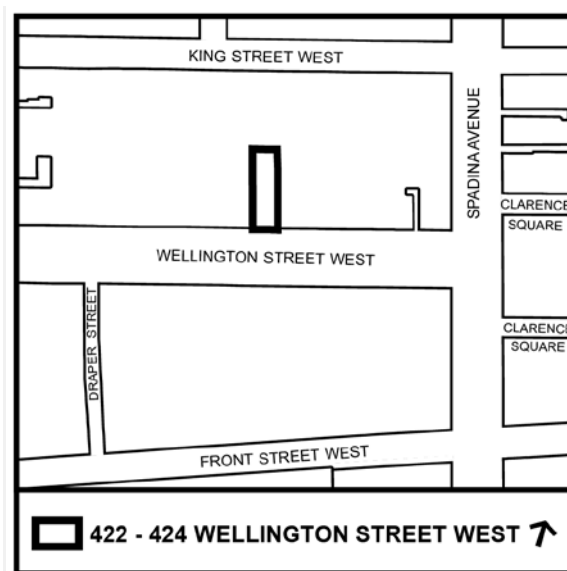
<b>Date:</b>	June 26, 2017
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	P:\2017\Cluster B\PLN\CC17017 (16-213925 STE 20 OZ)

### SUMMARY

This application proposes a 23-storey building with 1,428 square metres of office and/or other commercial space on the first four storeys and 129 residential units above at 422-424 Wellington Street West.

The owner of the site at 422-424 Wellington Street West has appealed its Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time required by the *Planning Act*. A pre-hearing conference has been scheduled for July 27, 2017. To date, a hearing has not been scheduled.

The proposed development represents an overdevelopment of the site, both in terms of built form and density and as an unacceptable form of development. The proposal does not conform with the Official Plan, including but not limited to its built form policies or the applicable Secondary Plan. Further, the proposal does not satisfactorily respond to built form urban design guidelines. Issues specifically raised by the proposal include:



- The proposal does not respond appropriately to the built form context of Wellington Street West and unlike recent development, would set a negative precedent.
- The proposed built form of a tower at a height of 77.7 metres (79.7 metres including the mechanical penthouse) is not consistent with the mid-rise built form of the West Precinct of the King-Spadina Secondary Plan area.
- The proposed side yard and rear yard setbacks are not acceptable for a tower proposal.
- The proposal does not conserve the listed on-site heritage property.
- The proposal does not appropriately address a number of performance requirements set out in the general Zoning By-laws, such as outdoor amenity space.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City Staff to attend an Ontario Municipal Board hearing in opposition to the applicant's current development proposal and appeal.

## RECOMMENDATIONS

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### **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 an Ontario Municipal Board hearing to oppose the appeal of the currently proposed Zoning By-law Amendment for 422-424 Wellington Street West and support the position outlined in this report.
2. City Council authorize the Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor, to identify the matters, services and facilities pursuant to section 37 of the *Planning Act* to be secured in the event the Ontario Municipal Board approves the Zoning By-law amendment applications as proposed in whole or in part and direct the City Solicitor to request that any final order be withheld until such time as any such by-laws are in a final form acceptable to the City Solicitor and the Chief Planner and Executive Director, City Planning Division and that such by-laws include the requirement for appropriate matters, services and facilities to be provided by the owner at its expense pursuant to section 37 of the *Planning Act* and until the owner has entered into and registered on title a satisfactory Section 37 Agreement with the City to secure such matters all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor.

3. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

## **DECISION HISTORY**

In July 2016, a pre-application consultation meeting was held with the applicant to discuss complete application submission requirements and to identify preliminary issues with the proposal. Staff identified a number of issues including the appropriateness of the proposed built form for the site, the treatment of the listed heritage building, the proposed building height and consistency with the character of the surrounding area and policies of the King-Spadina Secondary Plan and the Official Plan more broadly.

## **ISSUE BACKGROUND**

### **Proposal**

This application proposes the development of a 23-storey mixed-use building that would move the existing listed heritage building closer to the front lot line, attach it to the base of the proposed building behind and cantilever the tower portion of the proposed development above it. The overall height would be approximately 79.7 metres, including the mechanical penthouse. The proposal consists of 12,095 square metres of gross floor area, of which 1,428 square metres would be non-residential uses and 10,667 square metres would be residential uses.

The proposal includes the relocation of the existing listed heritage two and a half-storey semi-detached house form building to the south and east of its current location, resulting in a minimum setback of 0.4 metres from both the south (Wellington Street West) and east lot lines. A four-storey base building (plus mezzanine) with a height of approximately 18.9 metres would connect to the rear of the listed heritage building at the first, mezzanine and second floors of the new building. The new base building would be set back approximately 0.3 metres from both the east and north (rear) lot lines.

Floors five through 17 would cantilever over the listed heritage building by approximately 12 metres, supported by columns that would extend down through the relocated heritage building. This portion of the new building would be set back a minimum of approximately 5.9 metres from the south (Wellington Street West) lot line. Floors 18 through 23 would be set back a minimum of approximately 15.6 metres from the south lot line. The portion of the building above the fourth storey would be set back approximately 5.0 metres from the north lot line and 5.4 metres from the east and west lot lines. The side walls of the building facing east and west would include windows for the residential units.

Vehicular access to the site would be provided via a driveway from Wellington Street West along the western boundary of the property. Pedestrian access to the non-residential uses in the listed heritage building would be provided from the Wellington Street front door and access to all other building components would be provided from the driveway. Space for garbage and loading activities would be provided within the

building, accessed from the driveway. Seventy-two vehicle parking spaces are proposed for residents in three underground levels, accessed by two car elevators via the driveway. One hundred twenty-nine bicycle parking spaces would be provided, of which 116 would be for residents and 13 for visitors, and would be located on the ground floor and spread across all three underground levels.

The proposed non-residential uses would be contained in the first four storeys of the building, including the listed heritage building, generally in the southern portion of the building fronting Wellington Street West. Residential amenity space would be contained on the mezzanine level. Three live-work units are proposed on each of the second, third and fourth storeys at the northern (rear) portion of the building. Floors five through 23 would contain 120 residential units, for a total of 129 units on the site. A terrace associated with the commercial uses would be located on the roof of the listed heritage building, connected by a pedestrian bridge to the new base building.

The proposed residential unit breakdown is as follows:

Type of Residential Unit	Number of Units	Percentage of Total
One-Bedroom	79	61.2
Two-Bedroom	49	38.0
Three-Bedroom	1	0.8
Total	129	100

Residential amenity space would be provided on the mezzanine level of the building, with 20 square metres located outdoors on a recessed patio at the east side of the building (0.16 square metres per unit) and 252 square metres located indoors (1.9 square metres per unit).

For additional details, see Attachment 1: Site Plan, Attachments 2-5: Elevations and Attachment 10: Application Data Sheet.

## **Site and Surrounding Area**

The site is located west of Spadina Avenue on the north side of Wellington Street West. The rectangular-shaped site has an area of approximately 1,360 square metres with frontage on Wellington Street West of approximately 21 metres and a depth of approximately 68 metres.

The site currently contains a two and a half-storey semi-detached house form building. The building, referred to as the McLeish-Powell Houses, was constructed in 1888 and was listed on the City of Toronto Inventory of Heritage Properties (now the Heritage Register) in May 2005. A newer two-storey addition was constructed at the rear of the listed building, which also abuts the building to the east of the site. The listed heritage building and two-storey addition were formerly used as a banquet facility and event space and are currently vacant.

The setback from the front lot line along Wellington Street West to the front of the listed heritage building ranges from approximately 11 to 12 metres. Surface parking is provided in both the front and rear yard areas on the site and in the right-of-way along Wellington Street West.

Surrounding uses include:

**North:** The area north of the site has a predominantly mid-rise character. Most buildings are less than 35 metres in height, with significant setbacks to the taller portions of these buildings from the street. The area includes many three- to six-storey brick and beam former warehouse buildings converted to office uses as well as newer predominantly residential buildings. The lands at 485-539 King Street West are the subject of an application for residential, office and restaurant/retail uses in a single building form of varying heights framing a large publicly accessible courtyard. The form of the building rises and falls, and includes five building 'peaks', of which the tallest are 16 storeys (File No. 16 159483 STE 20 OZ). A number of properties to the north of the site are either listed on the City of Toronto Heritage Register or designated under Part IV of the *Ontario Heritage Act*.

**East:** A three-storey brick warehouse building immediately east of the site at 420 Wellington Street West is currently used for office, retail and nightclub uses. Farther east along the north side of the street is a recently constructed 12-storey residential building, a two-storey warehouse-style building containing office uses, a three-storey converted semi-detached houseform building and a gas station at the northwest corner of Wellington Street West and Spadina Avenue. North of the gas station is an approved development for 11-storey and 19-storey residential buildings with ground floor commercial uses at 46-62 Spadina Avenue (File No. 05 109350 STE 20 OZ).

**South:** Wellington Street West is located immediately south of the subject site. The street has a right-of-way width of 45 metres. The property on the south side of the site was formerly occupied by the offices of the Globe and Mail newspaper. The buildings on the site are currently being demolished. This 7.7 acre parcel is proposed to be comprehensively redeveloped as a mixed-use development with seven buildings featuring residential, office and retail uses. The buildings that would front Wellington Street West are two 15-storey buildings, which step back from the street, adjacent to a five-storey listed heritage warehouse building containing office uses at the southwest corner of Wellington Street West and Spadina Avenue, and one 13-storey building, which steps back from the street at the west end of the site (File No. 14 116571 STE 20 OZ). Immediately west of this proposed building, at the southeast corner of Draper Street and Wellington Street West, is a two-storey brick office building. To the south of this building is the Draper Street Heritage Conservation District, a series of one and a half to two and a half storey brick homes, which date back to the late 19<sup>th</sup> century, designated under Part V of the *Ontario Heritage Act*. The southwest corner of

Draper Street and Wellington Street West is subject of an application for a 15-storey building, which would include retail and residential uses (File No. 16 114472 STE 20 OZ).

West: A two-storey brick warehouse building immediately west of the site at 432 Wellington Street West is currently used as a restaurant. Farther west of the site on the north side of the street is a mix of predominantly older industrial buildings two to six storeys in height, which have been converted to residential and office uses, with some commercial uses at grade. Two recently constructed 10- and 11-storey residential buildings are also west of the site. A number of properties to the west of the site are either listed on the City of Toronto Heritage Register or designated under Part IV of the *Ontario Heritage Act*.

## **Provincial Policy Statement, Provincial Plans and Planning Act**

### The Planning Act

Under the *Planning Act*, Section 2 sets out matters of Provincial interest that shall be had regard to. These include:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreation facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (q) the promotion of development that is designed to be sustainable, to support public transit and be oriented to pedestrians; and
- (r) the promotion of built form that,
  - (i) is well designed;
  - (ii) encourages a sense of place;
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

## The Provincial Policy Statement, 2014 and The Growth Plan for the Greater Golden Horseshoe

The Provincial Policy Statement is issued under Section 3 of the *Planning Act*. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Provincial Policy Statement, 2014 (PPS) 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, 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; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe. Section 4.2.4 of the Growth Plan reads: "Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:

Cultural heritage conservation, including conservation of cultural heritage and archaeological resources where feasible, as *built-up* areas are intensified."

## **Official Plan**

### Chapter Two – Shaping the City

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 policies and 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. Section 2.2.1.6 states that Design Guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings.

## Chapter Three – Building a Successful City

Chapter Three – Building a Successful City, identifies that most of the City's future development will be infill and redevelopment, and as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow impacts on streets, open spaces and parks.

Additionally, Section 3.1.3 Built Form – Tall Buildings provides policies related to the development of tall buildings. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. This policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet other objectives of the Official Plan. This policy also states that when poorly located and designed, tall buildings can physically and visually overwhelm adjacent streets, parks and neighbourhoods. They can block sunlight, views of the sky and create uncomfortable wind conditions.

On May 12, 2015 the OMB approved Official Plan Amendment 199 to the City's Official Plan Heritage policies. These policies provide direction on the conservation of heritage properties included on the City's Heritage Register, and provide policy direction on development adjacent to heritage properties. Policy 3.1.5.5 states that proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work. Policy 3.1.5.26 states that new construction on or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it. Policy 3.1.5.29 deals specifically with the relocation of heritage buildings.



## Chapter Four – Lands Use Designations

Within the *Downtown*, the site is designated *Regeneration Area* in the Official Plan which is one of the key areas expected to accommodate growth. The *Regeneration Area* designation permits a wide range of uses, including the proposed residential and commercial uses. In order to achieve a broad mix of commercial, residential, light industrial and live/work uses, the Official Plan contains policies related to *Regeneration Areas* encouraging the restoration, re-use and retention of existing buildings that are economically adaptable for re-use as well as the revitalization of areas of the City that are vacant or underused.

### **King-Spadina Secondary Plan**

#### Section 2 – Major Objectives

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 in the area; and
- Heritage buildings and other important buildings within the King-Spadina Area, will be retained, restored, and re-used.

#### Section 3 – Urban Structure and Built Form

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, 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;
- buildings adjacent to streets, parks or open spaces will be massed to provide appropriate proportional relationships and will be designed to minimize the wind and shadowing impacts on the streets, parks or open spaces;
- New development will provide comprehensive, high quality, coordinated streetscape and open space improvements to promote greening, landscape enhancement, access, orientation and confidence in personal safety; and
- new developments will include high quality open spaces for the use of residents, visitors and area workers.

Section 3.3 of the Secondary Plan refers to Areas of Special Identity. Section 3.3 (b) refers to that part of Wellington Street West between Clarence Square on the east side of Spadina Avenue and Victoria Memorial Square west of Portland Street and the need to protect the character of the north side of the street and its value as a template for future development on the south side of the street.

- The portion of Wellington Street West between Clarence Square and Victoria Square maintains important characteristics that reflect the historic role of the area. The historic industrial buildings with large setbacks should be maintained and reused and act and act as a model for any redevelopment of the south side of the street.

### **King-Spadina Secondary Plan Review (2006)**

OPA No. 2 (By-law 921-2006), which is under appeal to the Ontario Municipal Board, proposed amendments to the King-Spadina Secondary Plan that are intended to further clarify and reinforce the fundamental intent of the Secondary Plan.

New Policy 2.2 notes that the scale and character of the historic buildings and pattern of the public realm will be protected and enhanced.

New Policy 3.1 (Urban Structure and Built Form) states that the King-Spadina Area is comprised of the West Precinct, Spadina Avenue Corridor and the East Precinct (see Attachment 8 – King-Spadina Secondary Plan Review – Urban Structures Plan). The policy states that development will complement and reinforce the distinctive qualities of these precincts and corridor.

### **King-Spadina Urban Design Guidelines**

The King-Spadina Urban Design Guidelines (2006) support the implementation of the King-Spadina Secondary Plan.

Section 2.5 contains the overall Guidelines. Heritage guidelines seek to ensure that new development is compatible with adjacent heritage buildings in terms of massing, height, setbacks, stepbacks and materials, and should relate to key elements such as cornices, rooflines, and setbacks from the property line. New development should reinforce the character and scale of the existing street wall, the base of the building should respond proportionally to the width of the street, and development should reinforce the existing streetscape and building rhythm at the street. Tall buildings, where appropriate, must conform with the policies of the Official Plan and Urban Design Guidelines, achieve adequate light, privacy and views, and maintain the potential for adjacent sites to develop in a similar manner. New development should reinforce a street wall height that reflects the character and scale of the area, particularly that of heritage buildings on the same block face.

Section 4.3.1 Heritage, notes that the historic form of development on Wellington Street West, including Clarence Square and Victoria Memorial Square, reflect the previous residential and more recent commercial history of this street. The commercial heritage buildings are noted as being late nineteenth and early twentieth century buildings mostly between five and seven stories in height.

Section 4.3.3 Built Form states that the western part of King-Spadina is developing as a mid-rise neighbourhood, a distinguishing characteristic which differentiates this area from the Spadina and eastern portions of the Secondary Plan Area. It is also noted that the north side of Wellington Street West is characterized by street wall buildings set along the edges of the right-of-way, broken up by a series of openings between buildings to provide light to windows on the long side walls and access for servicing at the rear of the buildings. The policy states that the redevelopment of existing buildings and new developments should incorporate landscaped areas between the buildings and between the buildings and the public sidewalk.

Section 5 contains built form guidelines that expand on Section 4.0. Section 5.4.1 recognizes that heights transition down to the west. Section 5.4.3 deals with angular planes and stepbacks to minimize shadows and ensure adequate sunlight, and

strengthen the existing streetwall scale to maintain a comfortable pedestrian experience. Section 5.4.4 addresses light, view and privacy requirements.

The Guidelines point out that accommodations in tall buildings tend to be small, so access to natural light and reasonable views will be particularly important in improving the livability of these units. Protecting privacy is also important in a high density neighbourhood. Light, view and privacy are described as "quality of life" or "livability" issues, which must be evaluated based on the existing and potential development.

With regard to separation distances (facing distances) between towers, the Guidelines refer to the minimum standard of 25 metres between towers or a distance of 12.5 metres between the tower and the property line, as called for in the City's Tall Building Guidelines.

### **King-Spadina Secondary Plan Review**

King Spadina is one of the highest growth areas in the downtown and it has a strongly influential heritage character. An estimated 50,000 people will live in King Spadina and the area will accommodate space for an estimated 50,000 jobs. The King-Spadina Secondary Plan is under review, recognizing 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. It is expected that 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, community infrastructure and parks and more carefully responds to the strong heritage and character of the area.

At its meetings on August 25, 2014 and July 7, 2015 City Council endorsed a number of directions for the King-Spadina East Precinct to be used in reviewing current and future development applications including a downward gradation of tower heights from east to west from University Avenue towards Spadina Avenue, employing the city-wide Tall Buildings Guidelines to evaluate towers, particularly with regard to tower spacing and tower floor plates and 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. At its meeting on July 7, 2015, City Council also expanded the boundary of the King-Spadina East Precinct Built Form Study to include the Spadina Precinct. The Secondary Plan is currently under review and a final report on the whole Secondary Plan area is anticipated in late 2017.

### **King-Spadina Draft Heritage Conservation District Plan**

At its meeting on August 16, 2013 Toronto City Council directed Heritage Preservation Services staff to undertake Heritage Conservation District (HCD) studies in five priority areas. One of these areas is King-Spadina. A team led by Taylor Hazell Architects developed the HCD Study, and was subsequently retained to prepare the HCD Plan.

The HCD Study process involved the identification and evaluation of potential HCDs within the study area. In May 2014, the Toronto Preservation Board endorsed the HCD Study for King-Spadina, along with City staff recommendations to proceed with preparing two HCD Plans for King-Spadina, divided along Peter Street. Through the development of objectives, policies and guidelines for the two HCDs and the community consultation process, the project team determined that a single HCD for the entire district would be more appropriate due to its consistent heritage character and development history.

The boundaries of the proposed HCD extend from Richmond Street West to the north, Simcoe Street to the east, sections of Wellington Street West, King Street West and Pearl Street to the south, and Bathurst Street to the west. The subject site is within the boundaries of the HCD.

At its December 11, 12 and 13th, 2016 meeting, City Council passed By-law 1186-2016 to prohibit the demolition or removal of any buildings or structures on properties that have the potential to contribute to the cultural heritage value of King Spadina for a period of one year pending completion of the HCD Study. This By-law prohibits the demolition of McLeish-Powell Houses.

Heritage Preservation Services staff presented the final version of the HCD Plan and a recommendation for designation under Part V of the Ontario Heritage Act to the Toronto Preservation Board at its meeting on June 22, 2017. The report was adopted by the Preservation Board. The report will be at the Toronto and East York Community Council at its meeting on September 6, 2017. The Staff Report and draft HCD Plan are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PB24.1>

## **TOcore**

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 third phase, which involves drafting policies, plans and strategies.

City Council adopted the TOcore Proposals Report on December 15, 2016, which provides proposed policy directions that will inform the development of a draft Downtown Secondary Plan. The report also provides updates on the Phase 2 public consultations, population growth projections for the Downtown and the status of infrastructure strategies underway that will support the implementation of a new Downtown Secondary Plan.

The Proposals Report presents the Vision for the Downtown Secondary Plan, the five Guiding Principles and 128 draft Policy Directions. The draft Policy Directions have been the subject of public and stakeholder consultations through the first quarter of 2017. The draft Secondary Plan is targeted for the third quarter of 2017, with the final (statutory) plan completed by the second quarter of 2018.

## **Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. The implementing By-law (no. 1105-2016) was enacted on November 9, 2016. 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, policies establish the reasoning for tower setbacks and recognize that not all sites can accommodate tall buildings and address base building heights.

## **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>.

In Policy 1 in Section 5.3.2 - Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

## **The Redevelopment of the Globe and Mail site (The Well)**

On Feb. 12, 2014 an application was filed to permit the redevelopment of the former Globe and Mail lands comprising 7.7 acres west of Spadina Avenue, north of Front Street West, east of Draper Street and south of Wellington Street West. The applicants (a partnership group which initially included Diamond Corp., Allied Properties REIT and Riocan REIT) had been in discussions with City staff for several months before the application was filed. The proposal was for an innovative mixed-use development with seven mixed-use buildings, the tallest being a 34-storey office tower at the north-west corner of Spadina Avenue and Front Street West. The three proposed buildings on Front Street West stepped down in height to Draper Street to the west and have heights of 40-storeys, 34-storeys and 19-storeys. The proposed buildings fronting on Wellington Street West also step down in height from Spadina Avenue to Draper Street and were proposed at 17-storeys, 16-storeys and 14-storeys. All seven building on the site would include at least two uses, with the three building along Front Street West to the west of the proposed tower housing all

three uses. The proposal would see the balance of the site used as open space with pedestrian connections and linear parks adjacent Wellington Street and Draper Street. All parking and loading were proposed to be underground. Staff were supportive of the proposal for heights and density on the site substantially above what could have been supported because of a number of factors which made this site and the proposed redevelopment unique:

- the size of the site;
- its location adjacent the rail corridor which forms the southern boundary of the Secondary Plan area;
- the opportunity to transition heights and density from Front Street and Spadina Avenue toward the lower scale neighbourhood to the north and west;
- the mixed-use nature of the proposal, which includes a substantial proportion of office uses;
- A new open space network that includes an east west pedestrian spine and an extended north south plaza connecting Wellington Street West to Front Street;
- Significant off site public realm improvements to Front Street West and Wellington Street West;

Notwithstanding the merits of the proposal and the matters noted above which allow staff to evaluate the proposal as being distinct from other sites in the West Precinct of King-Spadina, staff recommended that the applicant file an Official Plan amendment application to allow staff to create a policy framework to acknowledge that this site is distinct and to allow for the project to be evaluated in an appropriate manner.

City staff worked with the applicant over the next several months and at the June 16, 2016 meeting of Toronto and East York Community Council, staff presented a final report and a draft Official Plan Amendment (Official Plan Amendment No. 317) which created a site and area specific policy (Site and Area Specific Policy No. 495) for the former Globe and Mail lands. The Official Plan amendment also removed these lands from the King-Spadina Secondary Plan area, recognizing that the proposed development was distinct (again, for the reasons noted above) from the balance of lands within the West Precinct of the King-Spadina Secondary Plan. The OPA was approved by City Council on July 9, 2015 (By-law No. 803-2015). No appeals were filed and the OPA is in force.

The final report on the Official Plan Amendment can be seen at the link below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE7.7>

The OPA created a policy framework which specifically defined the characteristics of the development and the public benefits which it would deliver, including:

- the total density would be capped at a floor-space index of 9.5;

- a minimum of 65,000 square metres of office space would be provided;
- there will be a mix of on-site and off-site parkland dedication;
- substantial public realm improvements, particularly on Wellington Street West;
- transition in built form will be achieved on the site;
- the development will comply with Council approved Design Guidelines;
- S.37 improvements to include: a substantial amount of publicly accessible open space; Publicly Accessible Private Open Space to be secured under the City's POPS Program; underground connections to a potential future transit station; on-site community services to be determined;

The staff report which accompanied the OPA noted that notwithstanding that the site was being removed from the King-Spadina Secondary Plan area, many aspects of the development were consistent with the King-Spadina Secondary Plan. This includes the care taken to design the Wellington Street buildings on the site to reflect some of the characteristics of the north side of Wellington Street (streetwall heights, narrow frontages and a variety of materials).

City Staff and the applicant continued to work on the plans for the site and on January 31, 2016, Council adopted the staff report recommending the approval of the site-specific Zoning By-laws to permit the redevelopment. On February 16, 2017, Council adopted Zoning By-laws No. 124-2017 and 125-2017 to approve the site specific Zoning By-laws for the site. The Zoning By-laws and the S. 37 Agreement secured the following public benefits associated with the site:

- the mixed use character of the development;
- a minimum floor area of office space;
- a new open space network that includes an east west pedestrian spine and an extended north south plaza connecting Wellington Street West to Front Street;
- significant off site public realm improvements to Front Street West and Wellington Street West;
- POPS adjacent the City boulevard on Wellington Street and Front Street West;
- an on-site parkland dedication and an off-site parkland dedication;
- improvements to municipal infrastructure;
- contributions under S. 37 of the Planning Act for: a not-for profit child care facility to be provided on-site; streetscape improvements to Wellington Street, Spadina Avenue, Front Street West and Draper Street; \$1,000,000 toward the YMCA facility at 505 Richmond Street West; \$9,000,000 toward public art on the site; \$1,130,000 toward streetscape improvements on Draper Street; \$1,000,000 toward affordable housing in Ward 20; and numerous other matters secured as a convenience.



The final report and Zoning By-laws can be viewed at the link below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE20.7>

The above noted Zoning By-laws have been subject to third party appeals to the Ontario Municipal Board. No hearing dates have been scheduled.

Notwithstanding that that Site and Area Specific Policy No. 395 set an upset limit on the floor space index of the project at 9.5, the more detailed plans submitted in support of the Zoning By-law reflected a more refined version of the proposal resulting in a reduction of the proposed gross floor area. The site-specific Zoning By-laws approved for the site would limit the density of the site to a floor space index of approximately 9.1.

## **Zoning**

The site is zoned Reinvestment Area (RA) in former City of Toronto Zoning By-law No. 438-86. This zoning category permits a range of residential, commercial, institutional and limited industrial uses. The current zoning permits a maximum building height of 23 metres for this site if a three metre stepback at 20 metres is provided. An additional five metres is permitted for rooftop mechanical elements. A 7.5 metre setback from both the side and rear lot lines for areas located farther than 25 metres from the street lot line is required.

In 2006 Council approved updates to the RA Zoning to respond to some of the issues emerging from the initial wave of redevelopment. One of the provisions of the Zoning By-law update (By-law No. 922-2006) requires that a window in a dwelling unit (other than a kitchen or bathroom window) be no closer than 7.5 metres to a wall or to a lot line that is not a street or abutting a public park. The same provision states that a window in a dwelling unit (that is not a kitchen or a bathroom) be no closer than 15 metres to a window or another dwelling unit (that is not a kitchen or a bathroom). The By-law also allowed for residential units to be constructed at the same level as the mechanical elements (wrapping around the mechanical penthouse) provided that these units did not exceed the permitted height by more than 5 metres and be within a 45 degree angular plane measured from the lot lines adjacent the street at the height permitted in the By-law. By-law No. 922-2006 is under appeal to the Ontario Municipal Board.

The site is excluded from City of Toronto Zoning By-law 569-2013. As part of the subject application, the property is proposed to be brought into City of Toronto Zoning By-law 569-2013.

See Attachment 9: Zoning for additional details.

## **Site Plan Control**

This proposal is subject to Site Plan Control. No application for Site Plan approval has been submitted as of the writing of this report.

## **Community Consultation**

Staff prepared a Preliminary Report for the November 15, 2016 Toronto and East York Community Council meeting that identified the issues raised by the proposal. The community consultation meeting for the proposal was held on December 5, 2016 and the following issues were raised:

- The applicant has already appealed the proposal to the OMB, so there is no willingness on the part of the applicant to have a dialogue with the community;
- The applicant didn't come to the community in advance of filing the application, as is typically the case;
- proposal is too tall and too dense and doesn't fit in with the character of the adjacent buildings or the buildings in the area generally;
- The depth of the site results in a blank wall, which is exacerbated by the height of the proposal;
- The proposal would result in significant shadows on neighbouring properties because of the height and the depth of the site and the proposed building;
- The approval of the building would set a negative precedent;
- The site is in the middle of a neighbourhood, not at the edge where it could be more easily accommodated;
- The proposal anticipated an appeal to the OMB and was never intended to be accepted by the municipality;
- The size of the three bedroom units (1,100 sq. ft.) may not be adequate for a three-bedroom unit;
- The project provides too little room for pedestrians on the site as the laneway will also be used for vehicular access for passenger vehicles and servicing trucks;
- How will the integrity of the heritage building be protected during construction;
- The applicant seems to be using the re-development of the Globe and Mail site to set a precedent;
- The relocation of the heritage building may work as it is set back further than other properties;
- The removal of street trees is a concern;
- The site is so small that the building would be difficult to construct;

These comments have been considered in Planning staff's recommendation to oppose the application at the Ontario Municipal Board. The applicant has not formally submitted any changes to the proposal since the application was filed on August 29, 2016.

## **Reasons for the Application**

The proposed residential uses do not comply with the in-force Zoning By-law. The proposal also exceeds the maximum height permitted by the in-force Zoning By-law for the majority of the site. In addition, there are deficiencies with other performance

standards within the more recently enacted Zoning By-laws which would permit the proposed residential uses. These include height, proposed outdoor amenity space and the number of resident and visitor vehicular parking spaces.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to arrive at the conclusion that the proposed development cannot be supported in its current form.

## **COMMENTS**

### **Provincial Policy Statement, Provincial Plans and Planning Act**

The proposed development does not have regard for Section 2(d) of the *Planning Act*, which states that "conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" is a matter of provincial interest.

The potential population and built form of the development pose a challenge for a part of the City which has seen and continues to see significant growth, particularly residential growth, over the past two decades. The proposed building represents an overdevelopment of the site which is out of scale with the surrounding neighbourhood. If the project were approved in its current form, it would set a negative precedent for a substantial increase in height and massing in the West Precinct of King-Spadina.

The push for taller and denser forms of development in the West Precinct challenges the notion that intensification needs to be sustainable, to be well designed, encourage a sense of place and provide for public spaces that are of high quality, vibrant and attractive. The provisions of Sections 2 (q) and (r) of the *Planning Act* address the challenges of accommodating development in a manner which adds to livability in a high density neighbourhood.

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

Policies 1.1.1 (g) and 1.1.3.2 (a) state that one of the factors to be considered in developing healthy, liveable and safe communities is ensuring that the necessary infrastructure, including public service facilities, are available to service the needs of residents. Policy 1.5.1 references the provision and the equitable distribution of public parks and open spaces in promoting healthy, active communities. The growth of this part of the City is outpacing the City's ability to provide the necessary community services

and facilities (parks and open spaces, daycare facilities and a range of community services), including the lack of appropriate sites to accommodate these facilities. Policy 2.6.1 of the PPS states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. For the purposes of cultural heritage *significant* is defined as "[...] resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. Properties included on the City's Heritage Register are considered to have cultural heritage value or interest and are considered *significant*. The applicant's proposal does not appropriately conserve the McLeish-Powell Houses and is not consistent with Policy 2.6.1.

Policy 4.7 indicates that the Official Plan is the most important vehicle for implementing the PPS. Further, policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context.

The City's Official Plan that includes the King-Spadina Secondary Plan, meets the requirements of the PPS. It contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock, including numerous heritage buildings, and protects the character of the area consistent with the direction of the PPS. In this context, although the project does represent intensification, it is not consistent with other objectives of the Official Plan and therefore the PPS, in that it does not fit harmoniously into its existing and planned context and it represents overdevelopment of the site.

The Downtown Urban Growth Centre is identified in the Growth Plan for the Greater Golden Horseshoe (GPGGH). The site is within the Downtown Toronto Urban Growth Centre, which is on track to achieve or exceed the UGC (Urban Growth Centres) density target by 2031. The target is the average for the entire Downtown UGC area, and it is not for any one particular area within Downtown. The proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe. King-Spadina is currently accommodating significant growth with a doubling of the population between 2011 and 2016 and an almost tripling of the population by 2041, to 49,200 people. All in an area which represents less than 3% of the Downtown.

In conjunction with the direction for intensification within the urban growth area, Section 2.2.3.6 of the GPGGH directs the City's Official Plan and supporting documents, such as Design Guidelines, to establish policies to identify appropriate scale of development. Further, section 2.2.3.7 of the GPGGH directs development within intensification areas to provide an appropriate transition of built form to adjacent areas. In this context, the Official Plan, the King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina Heritage Conservation District Study, the Tall Buildings Design Guidelines, OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 provide direction on the appropriate scale, massing height and separation distances

between buildings within the King-Spadina area. This proposal has not addressed the policy direction of the Official Plan and its supporting documents and therefore challenges the conformity test with the Growth Plan for the Greater Golden Horseshoe in terms of appropriate scale and transition.

The proposal has not been designed to appropriately conserve the cultural heritage values, attributes and character of the McLeish-Powell Houses and as such is not in conformity with the City's Official Plan heritage policies.

Section 3.2.6 of the Growth Plan affirms the need to coordinate community infrastructure and growth. The potential negative impact of a proposal which could establish a dramatic increase in heights and densities in what has been a fairly stable mid-rise area is not consistent with the notion of coordinating infrastructure and growth. The City is, at current densities, challenged to provide a range of community services and facilities for residents of this community and to ensure a reasonable quality of life.

### **Conformity with the Planning Framework for King-Spadina**

The application has been assessed in the context of the planning framework for King-Spadina which includes the Official Plan, the King-Spadina Secondary Plan the on-going King-Spadina Secondary Plan Review and King-Spadina Heritage Conservation District study and the Tall Building Design Guidelines. As outlined below, the proposal does not meet the objectives of the King-Spadina planning framework. The proposed buildings fail to adequately reflect the built form context of the adjacent properties or the policy framework of the King-Spadina neighbourhood.

### **Land Use**

The proposed development is located in the *Downtown* and *Regeneration Areas* of the Official Plan and is in an appropriate location for development. The proposed retail and residential uses are permitted in this area of the *Downtown*, and provide a mix of uses which are encouraged in *Regeneration Areas*. The proposed development is denser than other projects approved within the 23 metre height limit zone in the West Precinct of King-Spadina and would add a significant amount of residential development on a relatively small site. If the proposed massing on this site became the norm for future development, the result would be a potentially significant incremental increase in the population to a part of the downtown (the King-Spadina Secondary plan area) which has seen very significant levels of residential development. The proposed development does not address the need for additional office uses in the area which would contribute to a balance of employment and residential uses.

### **Heritage**

A Heritage Impact Assessment (HIA) prepared by Goldsmith Borgal and Company Limited Architects and dated August 22, 2016, was submitted in support of the application. City Planning staff have reviewed this report and are of the opinion that the proposed development will not adequately conserve the cultural heritage values, attributes and character of the semi-detached houses the McLeish-Powell Houses on the

subject site and as such that the proposal is inconsistent with PPS policy 2.6.1 and the City's Official Plan heritage policies.

The City's Tall Building Guidelines provide additional direction on how to design a tall building so that it can make a positive contribution in a historical setting. One of the guiding principles of the Guidelines is to "conserve and integrate adjacent and on-site heritage properties so that new tall buildings are sympathetic to, and compatible with, the heritage property." The Guidelines also state: "Locate and design tall buildings to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties and Heritage Conservation Districts (HCDs)." The proposed development is inconsistent with these guidelines and is not consistent with the draft King Spadina HCD Plan.

## **Density, Height, Massing, Setbacks and Separation Distances**

### Density

The proposed density of the site at a floor space index (fsi) of 8.9, is fairly close to the density of approximately 9.1 that approved on the Globe and Mail site to the south. That project, as described in this report, was able to accommodate significant density by massing the taller buildings toward the less sensitive frontages of Front Street West and Spadina Ave. This can be accomplished on a larger site which allows for heights to transition to the more sensitive interior portions of the West Precinct. The buildings approved on the Wellington Street frontage of the Globe and Mail site were intended to provide a transition in height, not to set a new standard for the Secondary Plan area. The density on this site is an indicator of overdevelopment and is, contrary to the Secondary Plan as noted below, an indication that the proposed building is not creating a "compatible relationship with its built form context". The proposed building on the subject site also fails to deliver any community infrastructure.

### Building Height

The heights of the proposed building at 23-storeys and 77.7 metres (79.7 metres including the mechanical penthouse) is well in excess of any approval granted in the West Precinct of the King-Spadina Secondary Plan area. The proposed height does not respond to the heritage context and represent overdevelopment of the site. The City's Official Plan policies regarding built form require that new development "fit harmoniously into its existing and/or planned context", (Section 3.1.2.3). The proposed development fails to comply with these policies in the Official Plan.

The King-Spadina Secondary plan includes the following policy:

*New buildings will achieve a compatible relationship with their built form context through consideration of such matters as height, massing, scale, setbacks, setbacks, roof line and profile and architectural character and expression;*

The West Precinct of King-Spadina has evolved successfully as a neighbourhood which incorporates new buildings, many with a contemporary designs and materials, along with many heritage buildings which have been adaptively re-used for both commercial and residential purposes. The north side of Wellington Street in particular is a good example of how newer buildings have successfully been integrated into a neighbourhood with a number of heritage buildings by limiting their height to a mid-rise scale (10-12-storeys at generally less than 40 metres in height). The proposed building, at 23-storeys and 77.7 metres in height, is a significant departure from the numerous buildings constructed in the West Precinct of the King-Spadina Secondary Plan area since the initial revitalization efforts of the "Two-Kings" exercise in 1996. The height is neither appropriate nor supportable.

### Massing

The proposed building is effectively a tower form building, as opposed to the mid-rise form of building typically seen and encouraged for infill sites in the West Precinct of King-Spadina. The buildings typically proposed and approved in the West Precinct incorporate step backs to reflect a street wall height with the taller portions of the buildings set back from the street. The proposed building would represent a departure from the successful model of mid-rise buildings which have characterized this area and help achieve a "compatible relationship with" the areas historically lower-scale built form.

### Side Yard Setbacks and Tower Separation Distances

The proposed building incorporates minimal stepbacks of 5.4 metres to the east and west above the 4-storey base building height and approximately 5.0 metres to the rear of the buildings above the base building. The east and west setbacks, if increased to a minimum of 5.5 metres, might be acceptable for a mid-rise building at a height of up to 40 metres and 10-12-storeys, but they are not appropriate for a 23-storey building at 79.7 metres in overall height. A tall tower form building would be required to provide a tower separation distance based upon the City's Tall Building Guidelines of a minimum 12.5 metres from the lot line to achieve an overall 25 metre separation distance. This is intended to be a minimum standard to limit the impacts of loss of access to sunlight, views and privacy both for residents and reduce impacts on the public realm.

The proposed rear yard setback of 0.2 metres would create a very poor rear yard condition for the adjacent site to the north. The property at 485-539 King Street West is subject to a development application (File No. 16 159483 STE 20 OZ) which proposes to retain the heritage building at 485 King Street West and the existing 13 metre rear yard setback on that part of the property and incorporate a rear yard setback of 4.0 to 6.5 metres for the balance of this 187 metre wide site. The rear yard setback area for the proposed development is intended to add this area to the existing network of animated open spaces between buildings which characterize this part of the West Precinct. A previous application for an office building on a portion of this site (489-499 King Street West) was approved by Council with a 5.5 metre

rear yard setback (File No. 12 203376 STE 20 OZ). Again, the intent was to animate the rear yard as a publicly accessible open space.

The proposal for a 17.9 metre tall base building with a setback of only 0.2 metres to the north property line of the subject site would have a negative impact on the application to the north and would make no contribution to the public realm in a neighbourhood where publicly accessible open space is at a premium. The application should include a rear yard setback and make an effort to work with adjacent land owners to add some publicly accessible open space as part of the proposal.

### **Sun and Shadow**

The applicant submitted shadow studies for the period from 9:18 AM-6:18 PM for June 21<sup>st</sup> and September 21<sup>st</sup> / March 21<sup>st</sup>. These studies show that the proposed building would not shadow the north side of King Street West during the most sensitive time for shadows in the street, which is the early afternoon (11:00 AM - 4:00 PM) during the shoulder seasons (September 21<sup>st</sup> and March 21<sup>st</sup>). As was pointed out at the public meeting, however, the proposal for a 23-storey tall building extending along most of the length of a 68 metres would create a substantial shadow on neighbouring properties.

### **Amenity Space**

Policy 3.1.2.6 of the Official Plan requires that every significant multi-unit residential development provide indoor and outdoor amenity space for residents and that each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces. The Zoning By-law requires a minimum of two square metres of indoor and two square metres of outdoor amenity space per unit. The proposed indoor amenity space is 252 square metres or 1.95 square metres per unit, based on a unit count of 129 units. A total of 20 square metres of outdoor amenity space is proposed on an inset balcony adjacent to the indoor amenity space on the Mezzanine level, equaling 0.16 square metres per unit. Although staff are willing to consider outdoor amenity space provision at less than 2.0 square metres per unit, the outdoor amenity space proposed is insufficient and symptomatic of overdevelopment on a small unsuitable site.

### **Open Space / Parkland / Streetscape**

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The applicant's submission for a 23-storey building with 129 units and 1,428 m<sup>2</sup> of non-residential gfa on a site with an area of 1,360 m<sup>2</sup>. 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 1,720 m<sup>2</sup> or 144% of the site area. However, for sites less than 1 hectare in size, a cap of 10% is applied for the residential use while the non-residential use is subject to a 2% parkland dedication. The total parkland dedication is 123 m<sup>2</sup>.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate, as an on-site parkland dedication requirement would not be a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

#### Facilities for dogs

Given the current rise in dog population in the downtown area, especially within condominium towers, the applicant is expected to provide on-site dog amenities with proper disposal facilities for the building residents or dog relief stations within the building. This will help to alleviate some of the pressure on the existing neighbourhood parks.

### **Publicly Accessible Open Spaces and POPS**

Staff have not discussed with the applicant the recognition of areas of the site proposed to be used for publicly accessible open space as being appropriate for identification under the City's Publicly Accessible Privately Owned Open Space (POPS) Program. These areas are generally intended to provide access across the site for pedestrians and to serve residents, shoppers and visitors. If deemed appropriate, POPS should be secured through the provision of any Zoning By-law Amendment, in a Section 37 agreement and other appropriate agreements. POPS signage would be required to be provided by the owner to identify these areas.

### **Community Services and Facilities**

There has been a significant increase in population for the King Spadina area since 1996 from 945 residents living in the area to 8,645 residents in 2011. In 1996, 79% of residents lived west of Spadina Ave. By 2011, however, just over half of residents lived east of Spadina. The pace of residential development is expected to continue with over 21,500 units going through the application process or completed since the 2011 Census. The majority of these applications are located east of Spadina Avenue, accounting for 65% of all units. If all the proposed units are built, the population could potentially increase by 31,615. Again, the majority of the new residents would be located east of Spadina Avenue (20,670 people). Overall, the population of King Spadina could increase to a total of 50,000 by 2025 from 8,645 people in the 2011 census.

The increasing population in King-Spadina serves as a statement on the serious need to manage growth to ensure livability. One of the most significant challenges faced by the City in efforts to ensure the livability of the King-Spadina area (and the downtown core generally) is the growing gap between the demands for a range of community services and facilities (CS&F) and the facilities and services which are available. A December 2013 Report by IBI Group (Community Services and

Facilities Update – Phase 1) identified a need for additional schools, community centres, libraries, parks, child care facilities and flexible space for a variety of human services agencies in King-Spadina. The scale of development proposals adds to this challenge, as overdevelopment of individual sites adds to the pressure of too many people and too few facilities and services. The site is located in an area which is one of the 16 neighbourhoods identified in the TOcore Community Services and Facilities Study. Two key points which emerged from Phase 1 of this study are: the need for affordable, appropriate and accessible community space; and the need to develop innovative partnerships and collaborations to meet the challenges of growth in the Downtown.

TOCore is currently in phase 2, which includes developing a CS&F Strategy and Implementation Plan to support future growth both from a facility (space) and program perspective in the Downtown. City divisions, boards and community agencies are exploring opportunities to enhance existing assets through either facility improvements, renovations or expansions.

The TDSB, TCDSB, TPL and City Divisions are currently reviewing growth estimates to assess the future demand of community services and the development of community hub models. Other opportunities to explore include partnership with community based agencies, expand and reconfigure existing space and facilities, secure new innovative facilities and make the space affordable.

Phase 2 of TOCore will also be informed by work underway by City Divisions and Boards such as PF&R's *Facility Master Plan* and Children's Services *Licensed Child Care Growth and Demand Study*.

## **Traffic Impact, Access, Parking**

### Traffic Impact

The applicant's traffic consultant has provided, through the submitted Transportation Impact Study (dated August 2016), an assessment of the traffic impacts associated with the proposed development and determined that they are acceptable. Transportation services staff have agreed with the consultants conclusion.

### Site Access and Circulation

Vehicular access to the site is proposed to be provided through an internal shared private laneway approximately 5.5 to 6.0 metres wide on the west side of the site. The proposed laneway widens to approximately 7.2 metres at the north end to accommodate vehicle turning movements. The provision of this driveway assumes the heritage homes on the site can be relocated as proposed. The western portion of the laneway would be located on the adjacent property and approximately 4.0 metres of the private laneway would be subject to an existing mutual right-of-way.

Transportation Services staff have raised concerns regarding the vehicle movements and requested that turning movement diagrams be provided to ensure that vehicles are able to turn as proposed.

### Parking Supply

The proposed parking supply consists of 72 residential spaces and 0 residential visitor and non-residential spaces. The parking would be provided in a three level underground parking garage with access from two car elevators located off an internal driveway off Wellington Street West. Transportation Services staff have determined that the required parking supply as per By-law 569-2013 would be 100 spaces, comprising 72 residential parking spaces, 8 residential visitor parking spaces and 14 retail spaces. The applicants transportation consultant has concluded that the proposed parking supply will undersupply residential parking by four spaces. This is a small reduction and is acceptable to Transportation Services staff. With regard to visitor parking, Transportation Services staff have concluded that due to the training required to operate the proposed car elevators, providing visitor parking is impractical, so no visitor parking will be required. The retail parking supply will be required to be addressed through a cash payment to the Municipal Parking Fund.

Notwithstanding the willingness of Transportation Services staff to accept a reduction in parking requirements for residential visitors due to the use of parking stackers, Community Planning staff would like to note that the use of parking stackers is a function of the size of the site and symptomatic of overdevelopment. The applicant may be able to secure off-site parking in the area, particularly with the redevelopment of the Globe and Mail site on the south side of Wellington Street West opposite the subject site. That site will include a substantial amount of commercial parking.

Transportation Services staff noted that the proposed layouts for the underground parking shows columns which would be regarded as obstructions due to their proximity to the parking spaces requiring these spaces to be made larger. The layout plans also show some drive aisles to be only 5.5 metres wide, as opposed to the required 6.0 metres. Some parking spaces have been shown to be 3.0 metres wide to acknowledge the tighter turns required with a smaller drive aisle, while other spaces (identified as small car spaces) are still deficient in length and width. Manoeuvring diagrams should be provided to ensure that these spaces can be accessed without the need for multiple back-up manoeuvres.

Staff have also requested that an assessment of the operation of the elevators be provided in connection with a future site plan application.

### Loading

The proposed Type G loading space to be shared for both the residential and commercial users in the building is acceptable. Transportation Services staff, however, noted that based on the applicants submitted plans, a truck entering the loading area would brush

against the wall of the loading area. The drawing needs to be revised to show that a truck would not brush against the wall.

## **Servicing**

Engineering and Construction Servicing staff require that the applicant submit a revised Functional Servicing Report to address outstanding requirements. These comments were outlined in a letter dated October 19, 2016 forwarded to the applicant's consulting engineer. The applicant has also been requested to submit a detailed stormwater management report and site servicing and grading plans. Toronto Water staff reviewed the applicants submitted Geohydrology Report. Comments regarding additional information on the treatment and disposal of groundwater were outlined in an attachment to the October 19, 2016 letter to the applicant's consulting engineer.

## **Bicycle Parking**

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. The application proposes that a total of 129 bicycle parking spaces would be provided. The proposed bicycle parking supply is acceptable. Additional information is required regarding access to bicycle parking (it appears that no spaces are provided at-grade) and with regard to bicycle connections across the site.

## **Provision of Family Sized Units**

The applicant is proposing to supply one three-bedroom unit of the total of 129 units, equalling 0.8 percent of the total unit count. A minimum ten percent of all units as three-bedroom or greater to broaden the range of housing is recommended. The proposed ratio does not meet this objective

## **Section 37**

Section 37 of the Planning Act allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the required s. 42 Planning Act parkland dedication, public art; streetscape improvements on the public boulevard not abutting the site; Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland). No discussions were advanced as the project review had not resulted in an agreement on the proposal.

Planning staff recommend that the City Solicitor be directed to request the Ontario Municipal Board, in the event it determines to allow the appeals in whole or in part, to

withhold any order that may approve the development until such time as the City and the owner have presented draft by-laws to the Board in a form acceptable to the Chief Planner and the City Solicitor, in consultation with Toronto Building, including providing for the appropriate Section 37 benefits to be determined and incorporated into any zoning by-law amendment and a satisfactory Section 37 agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Chief Planner, City Planning Division and the City Solicitor.

## **Conclusion**

Staff have reviewed the application submitted by the applicant for 422-424 Wellington Street West on August 26, 2016 and determined that the proposal does not have regard to relevant matters of provincial interest set forth in section 2 of the Planning Act, and is not consistent with the policies of the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe. The proposal does not conform with the Official Plan, including the King-Spadina Secondary Plan, as well as with the intent of Council approved guidelines such as the Tall Building Design Guidelines and the King-Spadina Urban Design Guidelines (2006), which support the Official Plan. It is also not consistent with the draft King-Spadina Heritage Conservation District Plan.

It is the opinion of Planning staff that the proposed development application constitutes overdevelopment of the site, is not good planning, and is not in the public interest and it is recommended that the City Solicitor together with City Planning and other appropriate staff be directed to attend at the Ontario Municipal Board hearing in opposition to the appeal.

## **CONTACT**

Dan Nicholson, Senior Planner  
Tel. No. (416) 397-4077  
E-mail: dan.nicholson@toronto.ca

## **SIGNATURE**

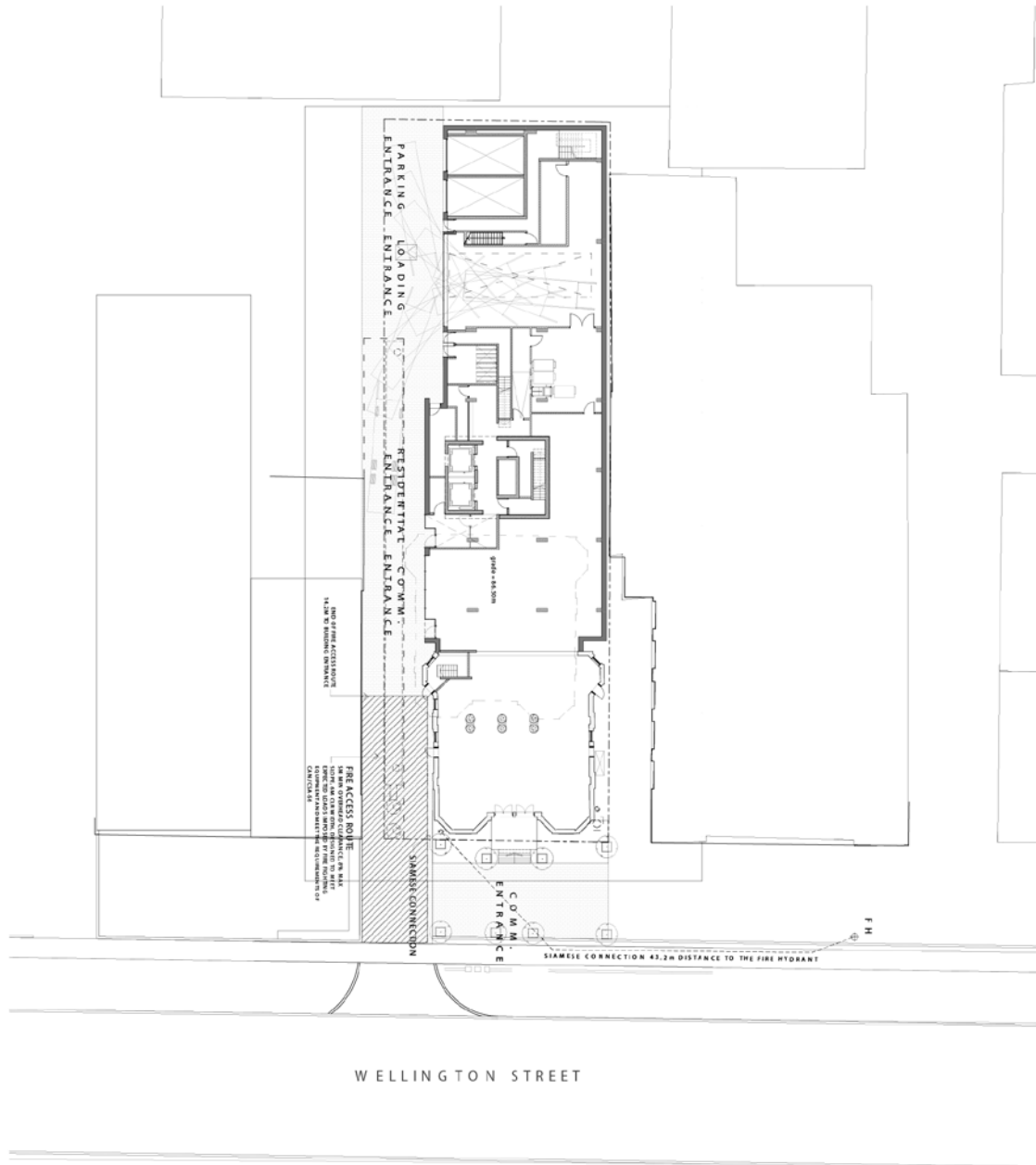
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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: South Elevation
- Attachment 3: East Elevation
- Attachment 4: North Elevation
- Attachment 5: West Elevation
- Attachment 6: Official Plan
- Attachment 7: King-Spadina Secondary Plan – Urban Structure Plan
- Attachment 8: King-Spadina Secondary Plan Review – Precinct Plan
- Attachment 9: Zoning
- Attachment 10: Application Data Sheet

## Attachment 1: Site Plan



### Site Plan

Applicant's Submitted Drawing

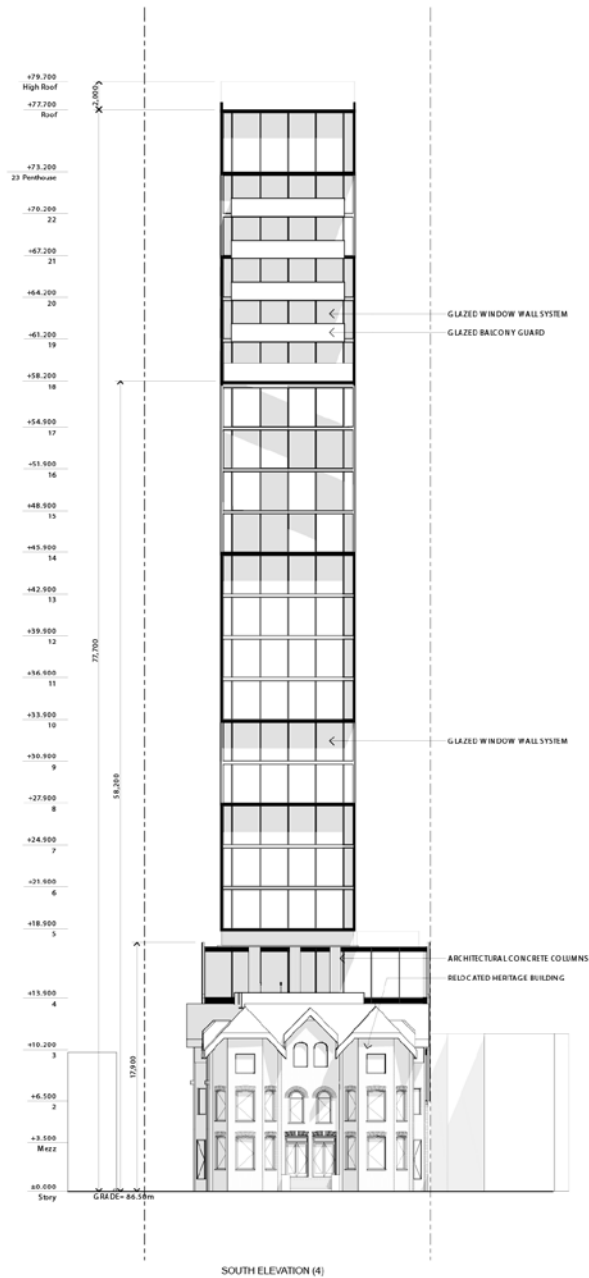
Not to Scale  
10/13/2016



422-424 Wellington Street West

File # 16 213925 STE 20 02

## Attachment 2: South Elevation



### South Elevation

Applicant's Submitted Drawing

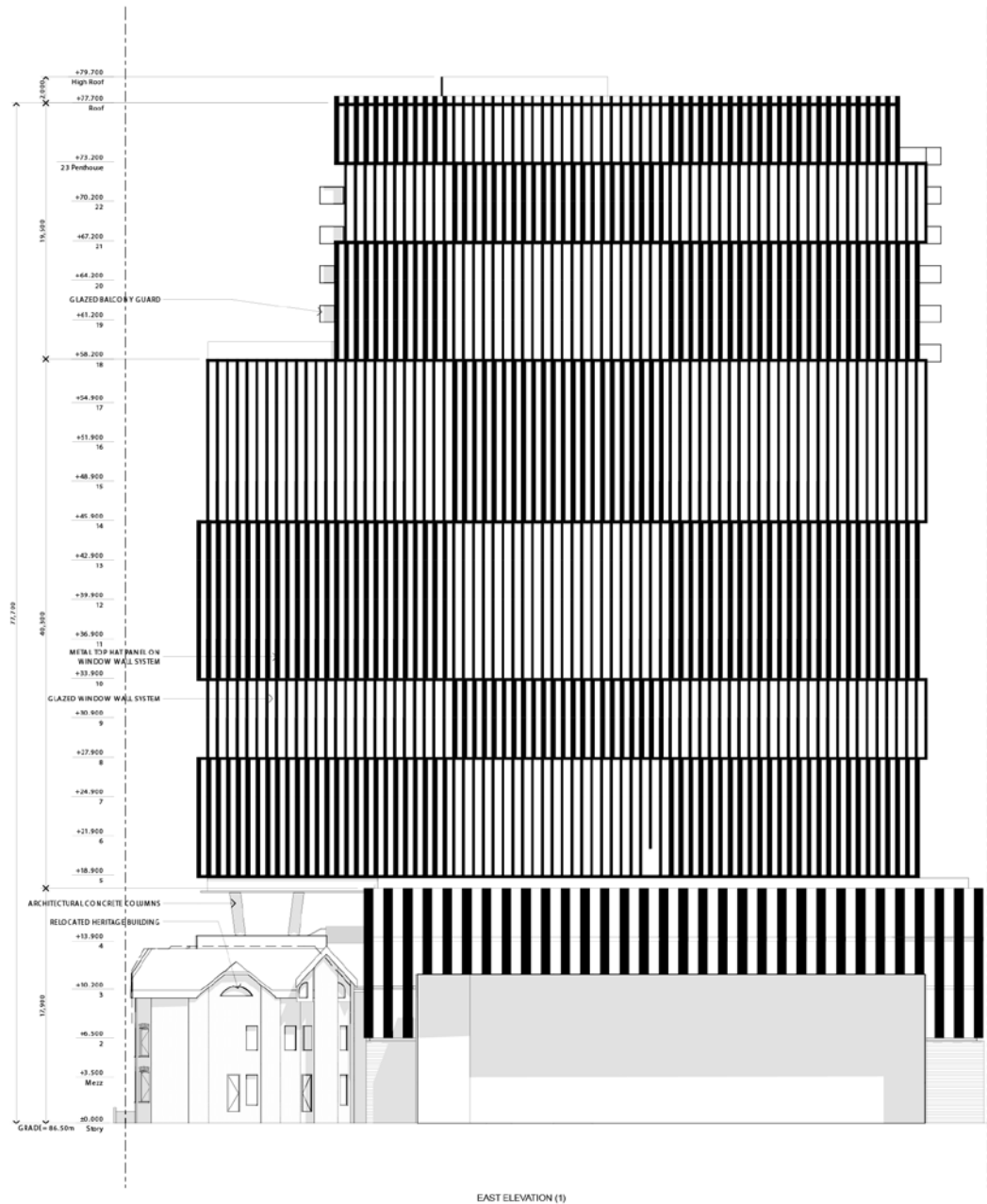
Not to Scale  
10/13/2016

422-424 Wellington Street West

File # 16 213925 STE 20 02



### Attachment 3: East Elevation



East Elevation

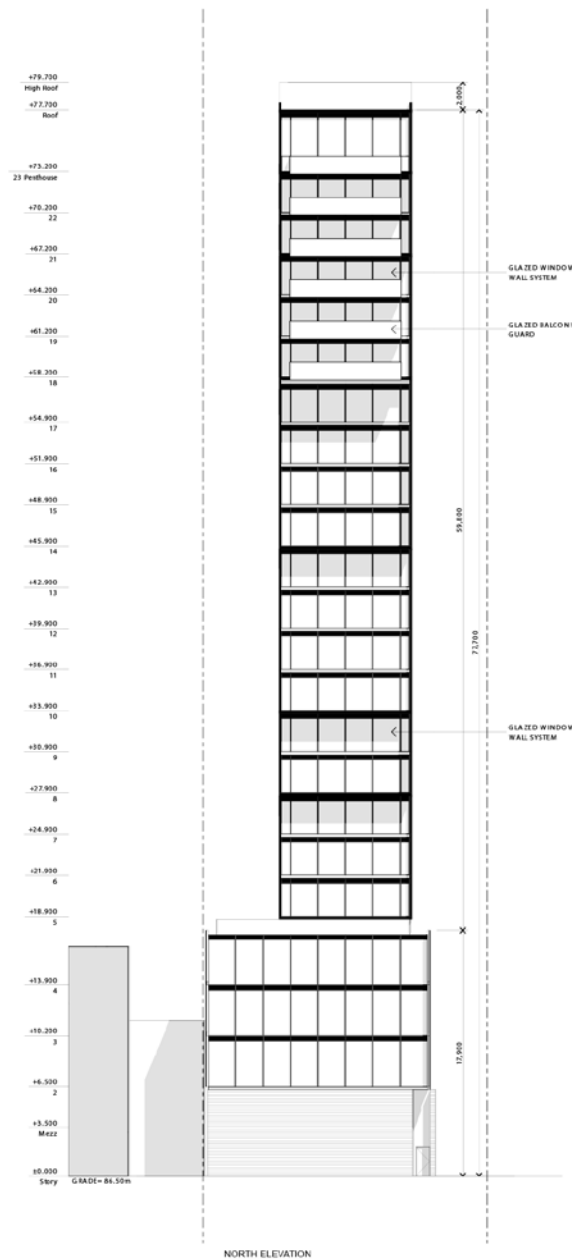
422-424 Wellington Street West

Applicant's Submitted Drawing

Not to Scale  
10/13/2016

File # 16 213925 STE 20 02

## Attachment 4: North Elevation



### North Elevation

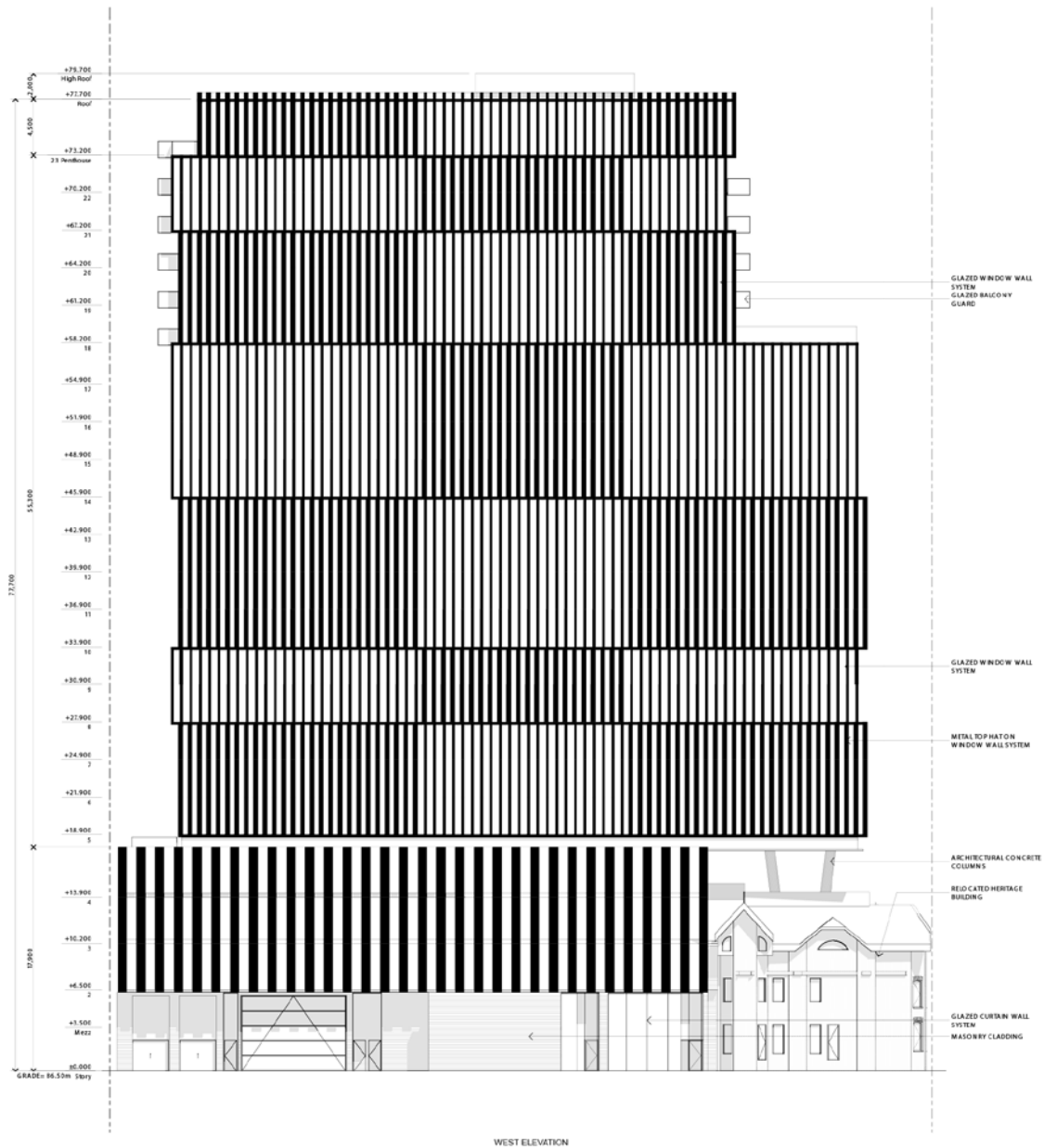
Applicant's Submitted Drawing

Not to Scale  
10/13/2016

422-424 Wellington Street West

File # 16 213925 STE 20 02

## Attachment 5: West Elevation



### West Elevation

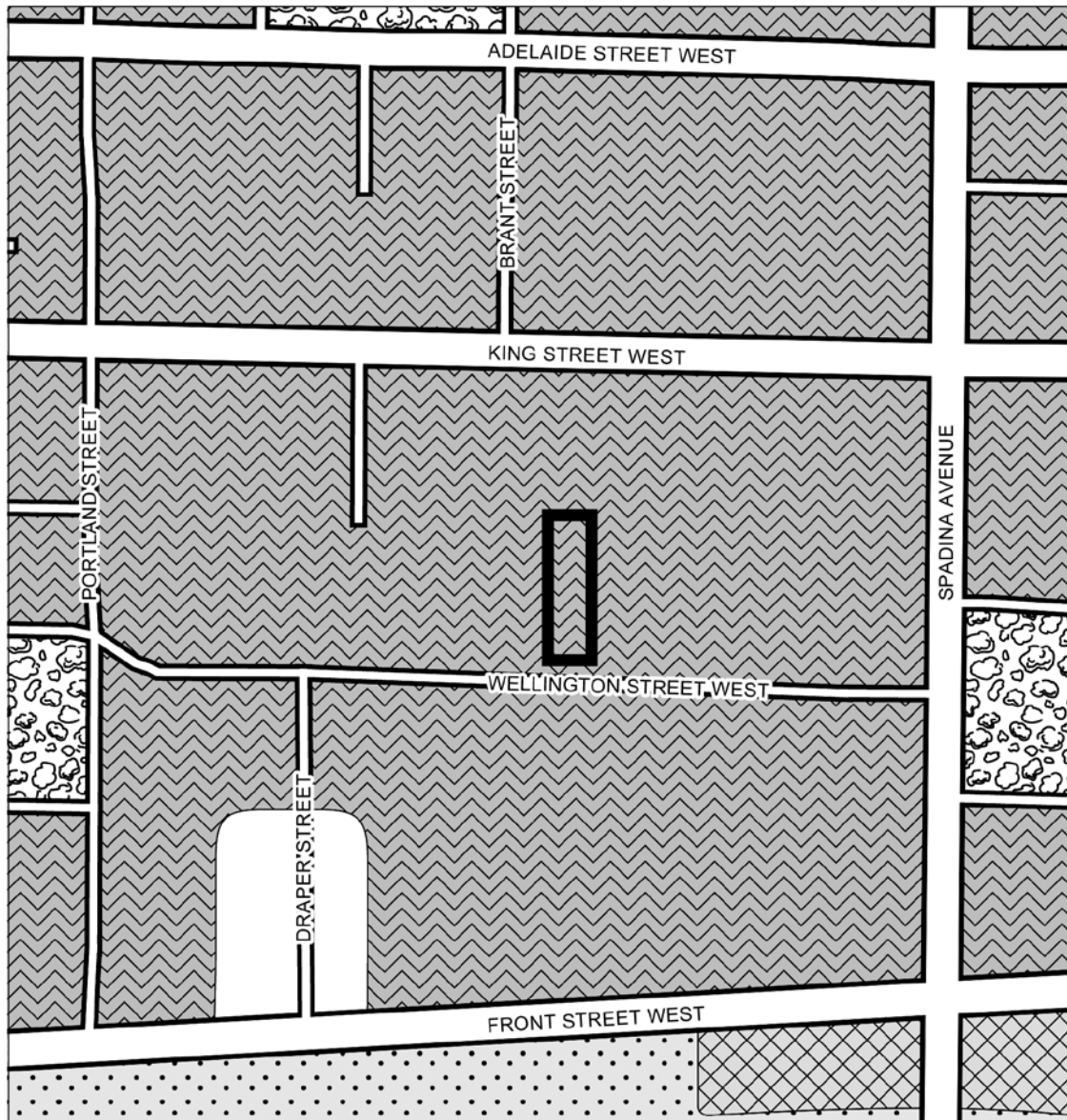
422-424 Wellington Street West

Applicant's Submitted Drawing

Not to Scale  
10/13/2016

File # 16 213925 STE 20 02

## Attachment 6: Official Plan



**TORONTO**  
Extract from Official Plan

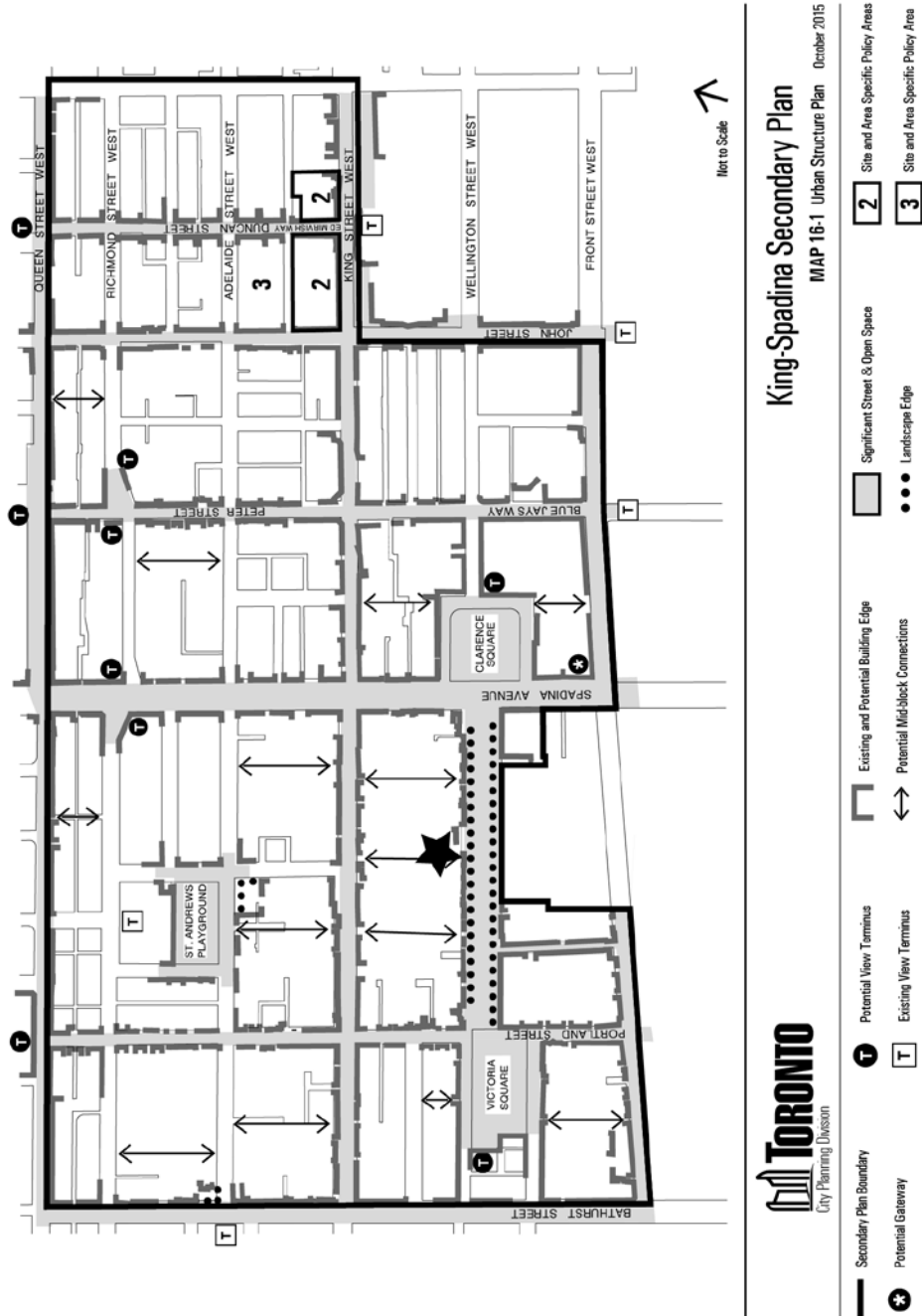
422-424 Wellington Street West

File # 16 213925 STE 20 02



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Not to Scale  
02/27/2017

## Attachment 7: King-Spadina Secondary Plan – Urban Structure Plan

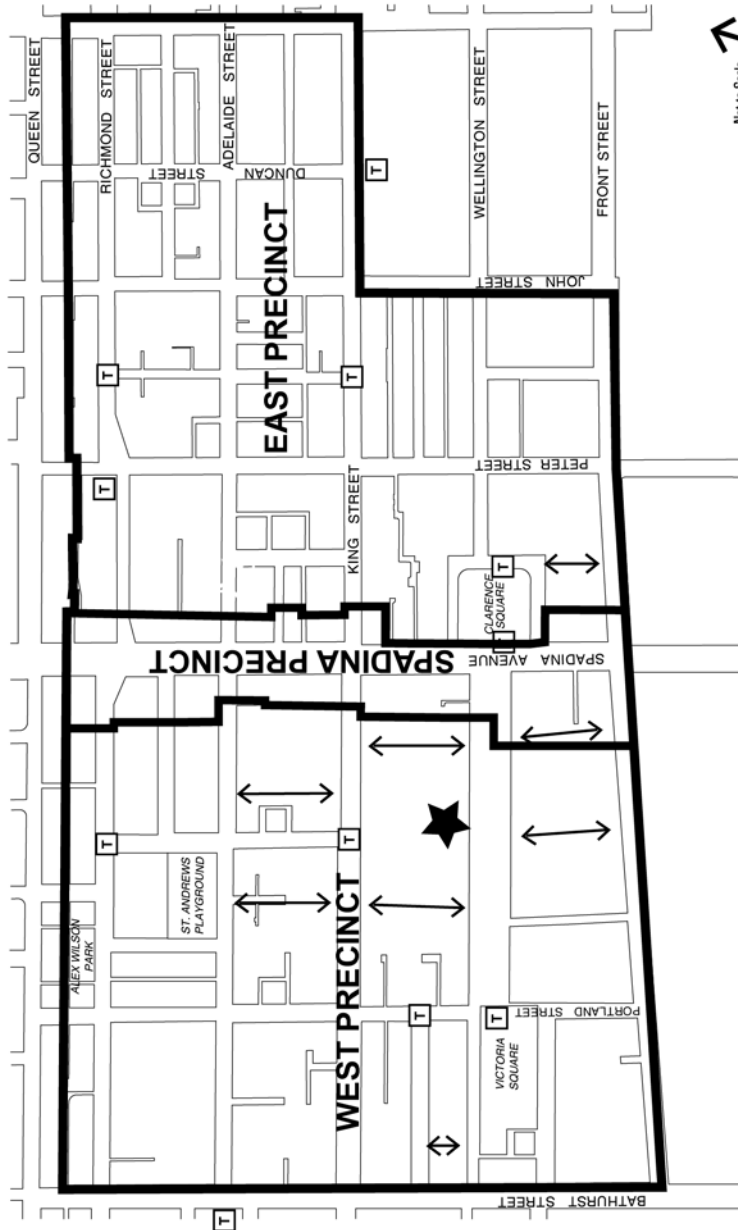


**King-Spadina Secondary Plan**  
**422-424 Wellington Street West**  
File # 16 213925 STE 20 0Z

Not to Scale  
02/27/2017

★ Subject Site

## Attachment 8: King-Spadina Secondary Plan Review – Precinct Plan



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

- Secondary Plan Boundary
- View Terminus
- Potential Midblock Connections

July 2006

Official Plan Amendment No.2  
for King-Spadina Secondary Plan



Not to Scale  
02/27/2017

422-424 Wellington Street West  
File # 16 213925 STE 20 02

[illegible]

## Attachment 10: Application Data Sheet

Application Type	Rezoning	Application Number:	16-213925 STE 20 OZ
Details	Rezoning, Standard	Application Date:	August 26, 2016
Municipal Address:	422 WELLINGTON ST W		
Location Description:	PLAN RESERVE PT BLK F PT LOT 18 **GRID S2014		
Project Description:	The application proposes a 23-storey mixed use buildign with 4 levels of non-residential use. The existing heritage buildings are proposed to be incorporated into the design. Three levels of underground parking are proposed.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Bousfields Inc		Architects Alliance	Wellington House Inc

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	CRE (x54)	Historical Status:	Y
Height Limit (m):	23	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1359.5	Height:	Storeys:	23	
Frontage (m):	20.55		Metres:	77.7	
Depth (m):	67.5				
Total Ground Floor Area (sq. m):	990				<b>Total</b>
Total Residential GFA (sq. m):	10667		Parking Spaces:	72	
Total Non-Residential GFA (sq. m):	1428		Loading Docks	1	
Total GFA (sq. m):	12095				
Lot Coverage Ratio (%):	72.8				
Floor Space Index:	8.9				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo, Other		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	10667	0
Bachelor:	0	Retail GFA (sq. m):	707	0
1 Bedroom:	70	Office GFA (sq. m):	721	0
2 Bedroom:	49	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	0	0
Total Units:	120			

**CONTACT: PLANNER NAME: Dan Nicholson, Planner**  
**TELEPHONE: (416) 397-4077**