

## City Council

### Motion without Notice

MM31.49	ACTION			Ward:20
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**19 Duncan Street and 219-223 Adelaide Street West - Zoning Amendment Application - Request for Direction - by Councillor Joe Cressy, seconded by Councillor Joe Mihevc**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

### Recommendations

Councillor Joe Cressy, seconded by Councillor Joe Mihevc, recommends that:

1. City Council adopt the following recommendations contained in the report (June 28, 2017) from the Chief Planner and Executive Director, City Planning:

1. City Council authorize the City Solicitor and appropriate staff to attend before the Ontario Municipal Board respecting the zoning by-law amendment appeal for 19 Duncan Street and 219-223 Adelaide Street West (15-164825 STE 20 OZ) in support of the settlement proposed by the Applicant as set out in Attachment 1 to the report (June 28, 2017) from the Chief Planner and Executive Director, City Planning and as revised in agreement with the Applicant as outlined in such report, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, provided:

- a. The setbacks of the proposed development above the heritage-designated Southam Press Building are increased along the Adelaide Street West and Duncan Street elevations, to the satisfaction of the Chief Planner and Executive Director, City Planning.
2. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning to continue to work with the applicant on the final form of the By-laws to be presented as part of the settlement at the Ontario Municipal Board.
3. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning to prepare and present a settlement, to be presented to the Ontario Municipal Board jointly with the applicant, based on the following:
- a. a maximum height of 179.5 metres including mechanical penthouse but excluding the two elevator overruns and associated emergency exiting stairs, and the other usual

permitted projections, (the "Usual Projections") such as parapets, vents, stacks, window washing equipment to the satisfaction of the Chief Planner and Executive Director, City Planning. The height of the residential elevator overrun, amenity elevator overrun and associated emergency exiting stairs will be limited to a projection of up to 7 metres with a maximum footprint of 123 square metres and will be centrally located on the roof, with the location to be to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. a total combined residential and non-residential gross floor area of 45,000 square metres, of which a minimum of 14,750 square metres must be non-residential gross floor area including a minimum of 12,500 square metres which shall be for office uses; and

c. which is substantially in accordance with the plans dated April 7, 2017, prepared by Hariri Pontarini Architects (the "Plans"), subject to the following revisions:

i. With respect to the heritage building at 19 Duncan Street:

A. to limit the enlargement of the existing basement level windows and their openings in two (2) sets, each set containing four (4) windows within two (2) contiguous bays, with the two (2) sets of windows separated from one another by the proposed central Adelaide Street West non-residential entrance, shall not be enlarged and shall be conserved in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Preservation Services.

B. The accurate reconstruction of the westernmost structural bay of the south wall with a vertical articulation detail to distinguish the reconstructed south wall from the new construction.

C. The applicant will make efforts to reduce in the visual impact of the proposed mechanical louvres on the south elevation including, if possible, their relocation elsewhere.

ii. Provision of an option in the Zoning By-law to permit up to 40 hotel suites commencing at or above the 11th storey, and with associated "check-in" space located elsewhere within the building as proposed and all to the satisfaction of the Chief Planner and Executive Director, City Planning. Any gross floor area used for hotel suites and associated hotel uses would result in an equal reduction in the permitted residential gross floor area contemplated in the April 7, 2017 plans prepared by Hariri Pontarini Architects and would be in addition to the minimum 14,750 square metres of gross floor area for non-residential uses.

iii. A revision to the plans to increase the setback on the 10th storey to a minimum of 10 metres from the south property line for all portions of the 10th storey.

iv. A provision that the proposed quantity of vehicular parking spaces being divided at a ratio of residential vehicular parking spaces, visitor parking spaces and non-residential vehicular parking spaces be satisfactory to the Executive

Director, Engineering and Construction Services, in consultation with the Chief Planner and Executive Director, City Planning; and

all further subject to the requirements in clauses a, b, c, d, e and f of Recommendation 4 below and all at the owner's expense and subject to requirements for insurance, indemnity, securing of letters of credit and upwards indexing.

4. That prior to the issuance of any Board Order approving the Zoning By-law Amendments the owner shall:

a. Enter into a Heritage Easement Agreement with the City for the property at 19 Duncan Street substantially in accordance with plans and drawings prepared by Hariri Pontarini Architects dated April 7, 2017 as further revised substantially in accordance with the settlement offer letter dated May 16, 2017, as revised to include the revisions required in Recommendation 4. b. i., ii. and iii. and the Heritage Impact Assessment prepared by ERA Architects Inc. dated April 6, 2017, both on file with the Senior Manager, Heritage Preservation Services and subject to and in accordance with the approved Conservation Plan required in Recommendation 4.b, all to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor.

b. Provide a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 19 Duncan Street prepared by ERA Architects Inc. dated April 6, 2017, with the exception that the Conservation Plan also include, all to the satisfaction of the Senior Manager, Heritage Preservation Services:

i. the conservation, on the Adelaide Street elevation, of eight basement windows and their openings in two sets, each set containing four windows within two contiguous bays; the two sets of basement windows separated from one another by the proposed central Adelaide Street West non-residential entrance;

ii. the accurate reconstruction of the westernmost structural bay of the south wall with a vertical articulation detail to distinguish the reconstructed south wall from the new construction; and

iii. the applicant will make efforts to reduce the visual impact of the proposed mechanical louvres on the south elevation including, if possible, their relocation elsewhere.

d. The final form of the zoning by-law amendments shall be satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.

e. The owner shall enter into and register on the Lands, one or more agreements with the City pursuant to section 37 of the Planning Act to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning, and the Senior Manager, Heritage Preservation Services with such facilities, services and matters to be additionally set forth in the related site specific Zoning By-law Amendments, such agreement(s) to secure at the owner's expense and subject to requirements for insurance, indemnity, securing of letters of credit and upwards indexing, the

following:

i. the payment of a cash contribution to the City in the amount of \$2,750,000 at the time of the issuance of the first above-grade building permit, to be allocated as follows and subject to upwards indexing:

A. \$330,000 for capital improvements to existing rental housing units provided by Toronto Community Housing Corporation in Ward 20;

B. \$330,000 for the provision of new affordable rental housing units as part of the Alexandra Park Revitalization in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing; and

C. \$2,090,000 for community services and facilities comprising capital expenditures in the King-Spadina Area, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

In the event the cash contributions in C. has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the City of Toronto Official Plan and will benefit the community in the vicinity of the Lands.

ii. The provision and maintenance of public art to be located on portion(s) of the Lands that are visible from publicly accessible areas, having a minimum value of \$550,000 or such greater amount as the owner may in its discretion determine and all in accordance with the Percent for Public Art Guidelines, for the approval of City Council and subject to upwards indexing.

iii. In the event the Chief Planner and Executive Director, City Planning, in her sole discretion determines in writing to require the provision of a walkway and easement respecting such walkway, the construction, provision and maintenance on the Lands of a publicly accessible pedestrian walkway together with conveyance by the owner, to the City of an easement for use of such walkway by the general public, together with rights of support should the City Solicitor require same, and such easement to be at nominal cost, free and clear of encumbrances except for easements for the properties at 150-158 Pearl Street and 15 Duncan Street, to be generally located along the southern boundary of the Lands, with an approximate size of 239 square metres, as determined in the Site Plan Approval process, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, with the conveyance of such easement and the construction of such walkway to be completed no later than prior to the earlier of any residential use of the Lands and in any event prior to any condominium registration of all or any part of the Lands. The timing of the completion of the construction of the walkway can be extended by up to an additional 6 months at the sole discretion of the Chief Planner and Executive Director, City Planning in writing.

iv. The provision of a minimum of 10 percent of the residential dwelling units within the development to be three-bedroom dwelling units and a minimum of 20 percent of the residential dwelling units within the development to be two-bedroom dwelling units.

v. The owner shall make satisfactory arrangements with the Executive Director, Engineering and Construction Services to design, financially secure, pay for, construct and make operational any upgrades and improvements to the municipal infrastructure, should it be determined that upgrades and/or improvements are required to the infrastructure to support this development, in accordance with the functional servicing and stormwater management report(s) and the hydrogeology assessment and the geotechnical report, all as accepted by the Executive Director, Engineering and Construction Services.

vi. That prior to Final Site Plan approval in connection with the Zoning By-law Amendment for the property at 19 Duncan Street and 219-223 Adelaide Street West:

A. The owner shall provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 4(b), to the satisfaction of the Senior Manager, Heritage Preservation Services.

B. The owner shall have obtained final approval for the necessary Zoning By-law Amendments, with such Amendments being the subject of an Ontario Municipal Board Order, allowing the Zoning By-law appeal in part and with the support and agreement of the City Council as determined to the satisfaction of the Chief Planner and Executive Director, City Planning and with such by-laws having come into full force and effect.

C. The owner shall provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services.

D. The owner shall provide a Heritage Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its heritage character as viewed from the public realm to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services.

E. The owner shall submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services.

F. The owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or

below-grade public or private utility resulting from the development of this property.

G. The owner shall submit a Wind Study for the proposed development and thereafter shall implement the necessary mitigation measures, to all the satisfaction of the Chief Planner and Executive Director, City Planning.

vii. That prior to the issuance of any permit for all or any part of the property at 19 Duncan Street including a heritage permit or a building permit but excluding permits for repairs, maintenance and usual and minor works acceptable to the Senior Manager, Heritage Preservation Services:

A. The owner shall have obtained final approval for the necessary Zoning By-law Amendments required for the subject properties with such amendments being the subject of an Ontario Municipal Board Order, allowing the Zoning By-law appeal in part and with the support and agreement of the City Council as determined to the satisfaction of the Chief Planner and Executive Director, City Planning, and with such by-laws having come into full force and effect.

B. The owner shall provide building permit drawings for the specific phases of work for which the permit is being sought, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 4.b., including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Senior Manager, Heritage Preservation Services.

C. The owner shall provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan and the Interpretation Plan, and subsequently, prior to the release of the Letter of Credit to secure the Conservation work:

a. The owner shall have obtained final site plan approval for the subject property, issued by the Chief Planner and Executive Director, City Planning.

b. The owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work has been completed in accordance with the approved Conservation Plan, all to the satisfaction of the Senior Manager, Heritage Preservation Services.

c. The owner shall provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.

D. The owner shall submit a Construction Management Plan, to the

satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services and the Chief Building Official, in consultation with the Ward Councillor and thereafter in support of the development will implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary.

e. The owner shall provide any necessary modifications to the functional servicing and stormwater management report(s), to the satisfaction of the Executive Director, Engineering and Construction Services.

f. The owner shall provide any necessary modifications to the hydrogeology assessment, geotechnical report and associated municipal servicing plans, to the satisfaction of the Executive Director, Engineering and Construction Services.

5. City Council authorize the City Solicitor and other City Staff to take any necessary steps to implement the foregoing.

## **Summary**

On May 24, 25 and 26, 2017, City Council requested the Chief Planner and Executive Director, City Planning to report to the July 5, 6, and 7, 2017 City Council meeting with a Request for Directions Report regarding the application to amend the Zoning By-law at 19 Duncan Street and 219-223 Adelaide Street West (15 164825 STE 20 OZ) and related appeals to the Ontario Municipal Board. This report responds to that request.

An application to amend the Zoning By-law to permit a 58-storey mixed-used building on the property was submitted to the City in 2015. The proposed development includes retail and office at grade, office for the 2nd to 10th storeys and 452 residential dwelling units above.

The application was appealed to the Ontario Municipal Board on July 14, 2016. Staff have had consistent communication with the applicant since the application was appealed in an effort to reach a settlement. A further prehearing/possible settlement hearing date was scheduled for June 6, 2017 and subsequently deferred to July 21, 2017.

This report recommends the settlement offer be accepted with conditions.

City Council will also have before them a report from the Chief Planner and Executive Director entitled "Alterations to a Designated Heritage Property - 19 Duncan Street requested by MM29.36.

## **Background Information (City Council)**

Member Motion MM31.49

(June 28, 2017) Report from the Chief Planner and Executive Director, City Planning on 19 Duncan Street and 219-223 Adelaide Street West - Zoning Amendment Application - Request for Direction Report

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105591.pdf>)

