



STAFF REPORT ACTION REQUIRED

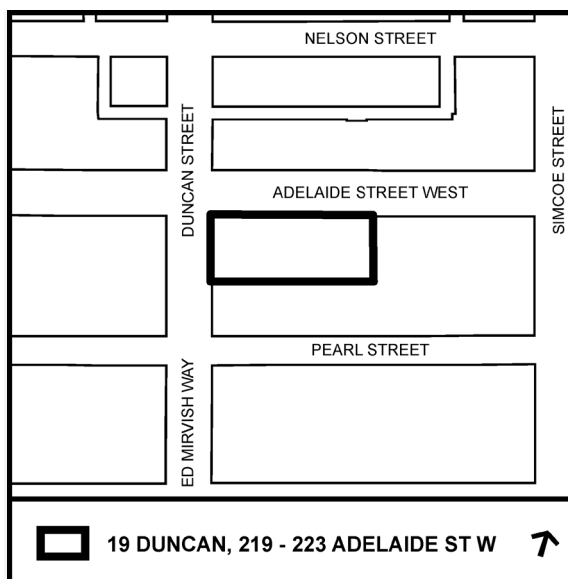
19 Duncan Street and 219-223 Adelaide Street West – Zoning Amendment Application – Request for Direction Report

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|--------------------------|--|
| Date: | June 28, 2017 |
| To: | City Council |
| From: | Chief Planner and Executive Director, City Planning Division |
| Wards: | Ward 20 – Trinity-Spadina |
| Reference Number: | P:\2017\Cluster B\PLN\CC17019 (15-164825 STE 20 OZ) |

SUMMARY

The application proposes to amend the Zoning By-law to permit the development of a 58-storey mixed-use building including a 9-storey podium (179.5 metres, excluding elevator overrun). The proposed development includes retail and office at grade, office for the 2nd to 10th storeys, and 452 residential dwelling units above. The proposal also includes the option that a portion of the tower proposed to be occupied by residential units could instead be occupied by up to 40 hotel suites. A total of 133 vehicular parking spaces are proposed which are to be located in four levels of below-grade parking. The applicant proposes to retain the north and west elevations of the designated heritage building at 19 Duncan Street (the Southam Press Building), and a partial reconstruction of the building's south and east elevations.

The Applicant has proposed a settlement of the Zoning By-law appeal for the Site and related alterations to the heritage property at 19 Duncan Street under the *Ontario Heritage Act* as reported on to Toronto Preservation Board (June 21, 2017 report of the Chief Planner and Executive Director, City Planning). A copy of the Settlement letter from the Applicant is attached as Attachment 1 to this report. The terms of



the Settlement Offer are described in the body of the recommendations of this report and are for the most part as set out in Attachment 1, subject to certain additional matters agreed to by the Applicant.

Staff recommend that the City support a settlement of the Zoning By-law Amendment appeal before to the Ontario Municipal Board (OMB), based on the terms set out in Attachment 1 to this report, subject to certain additional conditions which the Applicant has agreed to (together referred to in this report as the "Applicant's Settlement Offer") and subject to the further requirement that the applicant increase the stepbacks of the proposed development above the heritage building along the Adelaide Street West and Duncan Street elevations.

The terms of the settlement include the request that the Board withhold its order on the Zoning By-law amendment appeal until a number of matters as described in the body of this report have been finalized and confirmed to the Board.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with Planning and other appropriate City staff, to attend before the Ontario Municipal Board in support of a settlement of the zoning by-law amendment appeal for the Site based on the Applicant's Settlement Offer, subject to requirement for further revisions to the proposed settlement proposed by the Applicant including the conditions to be attached to the approval at the OMB.

RECOMMENDATIONS

The City Planning Division recommends that:

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 22, 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 stepbacks 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 Division. 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 Division.
 - 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; and
 - 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 Division. 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 Division; 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 Division 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 Division, 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 Division 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 Division, 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 Division, 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 Division, 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 Division in writing;
- (iv) The provision of a minimum of 10% of the residential dwelling units within the development to be three-bedroom dwelling units and a minimum of 20% 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; and
 - 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 Division.

- (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 Division;
 - 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; and

- 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 Division, 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; and
- 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.

Financial Impact

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

DECISION HISTORY

At its meeting on September 8, 2015, Toronto and East York Community Council adopted the recommendations of Staff contained in the preliminary report for 19 Duncan Street and 219-233 Adelaide Street West (Item TE10.62), and expanded the notice requirements for the community consultation meeting.

A link to the Community Council direction is below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE10.62>

At its meeting on May 24, 25 and 26, 2017, City Council adopted a motion from Councillor Cressy (MM29.36) that requested the Senior Manager, Heritage Preservation Services report to the June 22, 2017 Toronto Preservation Board and proceed directly to the July 5, 6, and 7, 2017 City Council meeting on the proposed alterations to the heritage

property at 19 Duncan Street. It was also requested that the Chief Planner and Executive Director, City Planning Division report to the July 5, 7, and 7, 2017 City Council meeting with a Request for Directions Report regarding the Zoning By-law at 19 Duncan Street and 219-223 Adelaide Street West and related OMB appeals.

A link to the City Council direction is below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM29.36>

This report is in response to this City Council direction.

ISSUE BACKGROUND

Ontario Municipal Board Appeal

Staff have been working with the applicant to reach a settlement with regard to an acceptable form of development on the site. The application was appealed to the Ontario Municipal Board on July 14, 2016, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. Staff have had consistent communication with the applicant since the application was appealed in an effort to reach a settlement. A prehearing conference was held at the OMB offices on March 2, 2017 and a subsequent prehearing teleconference was held on April 4, 2017. As the City and the applicant were still discussing a possible settlement, a further prehearing/possible settlement hearing date was scheduled for June 6, 2017 and subsequently deferred to July 21, 2017.

Proposal

The applicant proposes to redevelop the site containing the Southam Press Building (19 Duncan Street), a five-storey designated heritage building, constructed in 1908, as well as a small one-storey parking garage and surface parking lot (219-223 Adelaide Street West) containing approximately 30 parking spaces immediately east of the building. The following provides an overview of the proposed settlement and the previous submissions of the application:

First Submission – May, 2015

The applicant's initial proposal submitted in May, 2015 was for a 57-storey mixed-use building including an 8-storey plus mezzanine podium. The proposed development had a height of 179.48 metres (190.58 metres including the mechanical penthouse and parapet above). A total of 124 parking spaces and 523 bicycle parking spaces would be located in a five level below-grade parking garage. The north and west elevations of the existing heritage building were proposed to be conserved, and partial reconstructions were proposed of the south and east elevations. Three additional storeys were proposed to be constructed above the heritage building to form the podium of the proposed development. Retail and office uses were proposed at grade, with office proposed for the second to eighth storeys. Residential uses were proposed for the tower element of the development, which would include 461 units.

Stepbacks were proposed above the heritage building on the Duncan Street elevation of 4 metres on the 6th storey, 0 metres on the 7th storey, 19 metres on the 8th storey and 26 metres above the 8th storey. On the Adelaide Street West elevation, stepbacks were proposed over the heritage building of 3.2 metres on the 6th storey, 0.5 metres on the 7th storey, and 2 metres above the 7th storey. Tower setbacks were proposed of 10 metres to the south property line and 12.3 metres to the east property line for portions of the building above the eighth storey.

Access to the residential component of the building was proposed from Adelaide Street West, and access to the retail and office components were proposed to be from both Adelaide Street West and Duncan Street. Vehicular access was proposed from Adelaide Street West. These methods of access remained unchanged in subsequent submissions. The proposed development included indoor amenity space on the ground level and on the first level partially below grade and indoor and outdoor amenity space on the 8th storey.

The sidewalk zone proposed was approximately 5.7 metres on Duncan Street and 4.1 metres on Adelaide Street West for the portions of the building occupied by the existing heritage building. This expanded to 6 metres on Adelaide Street West for the portion of the site occupied by the new building. These sidewalk zones remained unchanged in subsequent submissions.

Additional details about the first submission are provided in Table 1.

Second Submission – May, 2016

The applicant revised their proposal in May, 2016. The applicant's second submission was for a 58-storey building including a 7-storey podium.

Details about the second submission are provided in Table 1.

Settlement Submission – April, 2017

The settlement plans provided by the applicant are for a 58-storey building with a 9-storey podium. The proposed development has a height of 179.5 metres including all mechanical elements but excluding the elevator overrun and emergency stairway (186.8 metres, including elevator overrun). A total of 133 vehicular parking spaces and 672 bicycle parking spaces are proposed which would be located in a four level below-grade parking garage. The north and west elevations of the existing heritage building are proposed to be conserved, and partial reconstructions are proposed of the south and east elevations. The height of the podium has increased as now four storeys are proposed to be constructed above the heritage building, for a total height of 9 storeys. Retail and office uses are proposed at grade, with office proposed for the second to tenth storeys. Residential uses are proposed above the tenth storey, which would include 452 units. The proposal includes the flexibility that a portion of the residential component of the development could instead be used for up to 40 hotel suites rather than residential units. Stepbacks are proposed above the heritage building on the Duncan Street elevation of 6.2 metres on the 6th storey, 5 metres for the 7th to 9th storeys, increasing to 17.3 metres for the 10th storey, then to 21.7 metres up to the 13th storey, and 24.8 metres for the 14th

storey and above. On the Adelaide Street West elevation, a stepback is proposed of 2.07 metres above the heritage building with the exception of the 6th and 10th storeys where the stepbacks increased on those floors to 3.3 metres and 3.6 metres respectively. Tower setbacks are proposed of 6.3 metres to the south property line and 12.5 metres to the east property line for the tenth storey and 10 metres to the south property line and 12.5 metres to the east property line for the tower above the tenth storey. Staff did not support the 6.3 metre setback from the south property line on the tenth storey, and have worked with the applicant to increase this setback to 10 metres as a condition of the settlement proposal, which has been agreed to by the applicant and which is incorporated in the Settlement Offer Letter (Attachment 1).

Indoor amenity space is proposed to be located at the first level partially below grade, on the ground level, and on the 57th storey. Connected indoor and outdoor amenity spaces are on the 10th and 58th storeys.

Additional details on the settlement submission are provided in Table 1.

Table 1 – Comparison of Submissions

| | First Submission – May 2015 | Second Submission – May 2016 | Settlement Submission – April 2017 |
|------------------|--|--|---|
| Total Height | 179.5 m (189.5 including mechanical penthouse) | 183 m (188.5 m including mechanical penthouse) | 179.5 m including mechanical penthouse (186.8 m including elevator overrun) |
| Tower Floorplate | 620 sqm (approx) | 650 sqm (approx) | 670 sqm (approx) |
| Gross Floor Area | | | |
| Residential | 31,434 sqm | 32,404 sqm | 29,914 sqm |
| Non-Residential | 11,486 sqm | 11,832 sqm | 14,882 sqm |
| Office | 9,794 sqm | 9,908 sqm | 12,892 sqm |
| Retail/Health | 1,162 sqm | 1,924 sqm | 1,990 sqm |
| Club/Restaurant | | | |
| Total | 42,920 sqm | 44,236 sqm | 44,796 sqm |
| FSI | 18.63 | 19.2 | 19.44 |
| Unit Type | | | |
| Bachelor | 153 (33%) | 196 (39%) | 174 (38%) |
| 1-Bedroom | 161 (35%) | 150 (30%) | 135 (30%) |
| 2-Bedroom | 102 (22%) | 104 (21%) | 93 (21%) |
| 3-Bedroom | 45 (10%) | 48 (9.6%) | 50 (11%) |
| Total | 461 | 498 | 452 |
| Amenity Space | | | |
| Indoor | 692 sqm (1.5sqm/unit) | 760 sqm (1.5sqm/unit) | 680 sqm (1.5sqm/unit) |

| | | | |
|-----------------|--------------------------|---------------------------|---------------------------|
| Outdoor | 692 sqm (1.5sqm/unit) | 756 sqm (1.5 sqm/unit) | 682 sqm (1.5 sqm/unit) |
| Loading | | | |
| Type B | 1 | 0 | 0 |
| Type C | 1 | 2 | 1 |
| Type G | 1 | 1 (combined G/B) | 1 (combined G/B) |
| Parking | 124 | 131 | 133 |
| Bicycle Parking | 523 | 685 | 672 |

Site and Surrounding Area

The subject site is approximately 2,300 square metres in size and has a frontage of about 76 metres along Adelaide Street West and 57 metres along Duncan Street. The site is currently occupied by a five-storey designated heritage building at the south-east corner of Adelaide and Duncan Streets occupying close to 60 percent of the site, the Southam Press Building. Adjacent to this towards the east is a one-storey parking garage and to the east of this is a surface parking lot.

North: The block to the immediate north of the subject site contains a restaurant and night club and a number of three to five-storey commercial buildings, including a heritage building at 200 Adelaide Street West.

East: Adjacent to the subject site on the east side, at 217 Adelaide Street West, is a surface parking lot occupying the full depth of the site to Pearl Street which is subject to zoning amendment application No. 15-177189 STE 20 OZ for a 56-storey residential building. Just east of this is a five-storey above-grade parking garage and a five and half-storey brick building at 100 Simcoe Street which also occupies the entire depth of the block to Pearl Street, also subject to a zoning amendment application No. 16-192792 STE 20 OZ for a 59-storey mixed-use building containing retail, office and residential uses. Further east, on the opposite side of Simcoe Street is the four-storey Enwave building, a surface parking lot and a 12-storey brick commercial building. On the north side of Adelaide Street, east of Simcoe Street is a three-storey designated heritage building and the 66-storey Shangri La hotel and condominium at 180 University Avenue.

South: Immediately south of the site is a four-storey brick building located at 15 Duncan Street containing commercial uses. East of this is another brick building of the same height, occupied by the Registered Nurses of Ontario at 150 Pearl Street. 15 Duncan and 150 Pearl Street are subject to a zoning amendment application for a 59-storey mixed-use building containing office and residential uses (zoning amendment application No. 16-269407 STE 20 OZ). Further south, fronting King Street West is the site of the recently approved Mirvish/Ghery proposal for 85 and 95-storey mixed-use buildings (zoning amendment application No. 12-276890 STE 20 OZ and Official Plan amendment application No. 14-138368 STE 20 OZ).

West: To the west of the site, on the south-east corner of Adelaide Street and Duncan Street is a three-storey listed heritage building followed by a development proposal at 263 Adelaide Street West for a 49-storey mixed-use building (No. 12-1 52660 STE 20 OZ) which is currently under appeal to the Ontario Municipal Board and another zoning amendment application that was recently approved at 283 Adelaide Street West for a 48-storey mixed-use building (No. 12-107447 STE 20 OZ).

Provincial Policy Statement, Provincial Plans and the Planning Act

Section 2 of the Planning Act sets out matters of provincial interest that municipal councils shall have regard to in making decisions under such Act. The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

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

Official Plan

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City, identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

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.

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. Section 3.1.5 Heritage Conservation provides the policy framework for heritage conservation to ensure that proposed alterations to designated heritage buildings are appropriate conservation.

Staff have reviewed the proposed development against the policies described above as well as the policies of the Official Plan as a whole.

Official Plan Amendment 231

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

2. "A multi-faceted approach to economic development in Toronto will be pursued that:
 - (a) Stimulates transit-oriented office growth in the *Downtown* and the *Central Waterfront*, the *Centres* and within walking distance of existing and approved and funded subway, light rapid transit and GO stations in other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas*".

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

Policy 3.5.1(6) and (9) are both currently under appeal. The property at 19 Duncan Street is located in the *Downtown* and contains existing office uses.

King-Spadina Secondary Plan

The subject site is situated within the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. 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:

- buildings are to be located along the front property line to define edges along streets and lower levels are to provide public uses accessed from the street;
- servicing and parking are encouraged to be accessed from lanes rather than streets and minimize pedestrian/vehicular conflicts;
- new buildings will be sited for adequate light, view, privacy and compatibility with the built form context;
- appropriate proportional relationships to streets and open spaces will be provided; and wind and shadow impacts will be minimized on streets and open spaces;
- streetscape and open space improvements will be coordinated in new development; and
- high quality open spaces will be provided.

Staff have reviewed the proposed development against the policies described above as well as the policies of the King-Spadina Secondary Plan as a whole.

Zoning

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

The By-law permits a maximum height of 30 metres for the property at 19 Duncan Street and 219-223 Adelaide Street West. The By-law requires a three metre stepback must be provided from the main wall of the building for any portion of the building above a height of 20 metres. The By-law also contains a number of requirements related to building setbacks from the side and rear lot lines. The RA zone allows a range of uses including commercial, office, retail and residential. The requested uses are permitted under the By-law.

Zoning By-law 569-2013

In May 2013, the City passed and enacted a new harmonized Zoning By-law 569-2013. The zoning that applies to the subject lands pursuant to By-law 569-2013 is substantially the same with regard to use, density, and height as in Zoning By-law 438-86.

The lands fronting 19 Duncan Street and 219-223 Adelaide Street are zoned CRE (x74) (Commercial Residential Employment). The maximum height permitted remains unchanged at 30.0 metres.

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 and community infrastructure, 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 Heritage Conservation District Study

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 study, and was subsequently retained to prepare the Plan.

The first phase of the study involved the identification of potential heritage conservation districts. In May 2014, the Toronto Preservation Board endorsed an HCD Study for King-Spadina, along with City staff recommendations to proceed with two HCD plans for King-Spadina, divided along Peter Street. Through the development of policies for the districts and the community consultation process, the project team has determined that a single HCD for the entire district is more appropriate.

The final version of the HCD plan was released for public comment in June 2017. The plan was considered at the June 22, 2017 Toronto Preservation Board meeting, and will be considered at the September 6, 2017 Toronto and East York Community Council. The property at 19 Duncan Street has been identified in the HCD study as a contributing property.

The Toronto Preservation Board recommendations and Final HCD Plan can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PB24.1>

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>.

TOcore: Planning Toronto's Downtown

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its 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. OPA 352 is currently the subject of appeals and is not in force.

Reasons for the Application

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 30 metres by approximately 149.5 metres resulting in a proposed building height of 179.5 metres, excluding elevator overrun. In addition, the proposed building does not comply with other restrictions that are in effect on the lands.

Site Plan Control

The subject site and development is subject to Site Plan Control. A site plan application was submitted in May, 2016.

Community Consultation

A community consultation meeting was held for the proposed development on September 21, 2015 at Metro Hall. The meeting was attended by approximately 25 people.

Comments included a concerns about the proposed height, increase in density, and that the proposed vehicular access onto Adelaide Street West could be disruptive to pedestrians and bicycles. The need for a construction management plan was also identified.

COMMENTS

Provincial Policy Statement and Provincial Plans

The 2014 PPS promotes new development through intensification in keeping with municipal Official Plans, where such intensification recognizes the development's local context and has a well-designed built form. The PPS promotes economic development as Section 1.3.1 of the states, "Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities...". The conservation of heritage resources is required pursuant to Section 2.6.1 of the Provincial Policy Statement which states, "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

The Applicant's Settlement Offer provides a built form that is acceptable within its local context. The significant provision of office space associated with the development,

which is more than double the amount of office space existing on the lands, is consistent with the economic development objectives of the PPS.

The PPS requires that significant built heritage resources and significant cultural heritage resources be conserved. In the June 21, 2017 report of the Chief Planner and Executive Director, City Planning to the Toronto Preservation Board on the "Alterations to a Designated Heritage Property – 19 Duncan Street", respecting the heritage designated Southam Press Building, it was recommended that City Council refuse the alterations set forth in the Applicant's Settlement Offer primarily as the conservation of whole buildings is encouraged in the Official Plan and is not achieved with this proposal as discussed in that report and due to insufficient setbacks along the 2 primary elevations (Duncan Street and Adelaide Street West). Conservation is defined in the PPS to mean the identification, protection, management and use of built heritage resources, cultural heritage landscapes...in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*.

The proposed development does not include sufficient setbacks over the heritage-designated Southam Press Building to be appropriate conservation of the heritage resource. In order for Staff to support the Applicant's Settlement Offer it is recommended that the Settlement Offer be accepted subject to the setbacks of the proposed building above the heritage building being increased along the Adelaide Street West and Duncan Street elevations, to the satisfaction of the Chief Planner and Executive Director, City Planning.

The Growth Plan for the Greater Golden Horseshoe designates the site within the urban growth centre. The Growth Plan recognizes urban growth centres as areas for development to accommodate intensification, to provide for a range of housing options and to provide for the appropriate transition of built form to adjacent areas. This application accommodates intensification and provides an acceptable transition of built form to adjacent areas.

The Growth Plan for the Greater Golden Horseshoe in Section 4.2.7 states that "*Cultural Heritage Resources* will be *conserved* in order to foster a sense of place and benefit communities, particularly in *strategic growth areas*". As previously identified, the proposed development does not provide sufficient setbacks over the heritage-designated Southam Press Building to be appropriate conservation of the heritage resource. As such, in order for Staff to support the Applicant's Settlement Offer, it is recommended the Settlement Offer be accepted subject to increased setbacks above the heritage building on the Adelaide Street West and Duncan Street elevations, to the satisfaction of the Chief Planner.

Land Use

The proposed development is located in the *Downtown* in an area designated *Regeneration Areas* in the Official Plan. This proposal is for a mixed-use building containing retail, office, and residential uses, with the possibility of the inclusion of a hotel use in lieu of a portion of the gross floor area proposed for residential use. The

proposed uses are permitted by the Zoning By-law and are supported by Official Plan policies for *Regeneration Areas*. Development in *Regeneration Areas* are intended to provide a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form. The framework for development in *Regeneration Areas* is set out in the associated Secondary Plan, which in this instance is the King-Spadina Secondary Plan.

The King-Spadina Secondary Plan includes the objective that the King-Spadina Area is an important employment area and that the retention and promotion of commercial uses is a priority. The Secondary Plan also includes the objective that the King-Spadina Area will provide for a mixture of compatible land uses with the flexibility to evolve as the neighbourhood matures. The proposed uses are consistent with these objectives.

Further, Official Plan Amendment 231, which is adopted by City Council but currently under appeal requires new development which includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices to increase the non-residential gross floor area used for office purposes when the property is located in a *Regeneration Area* in the *Downtown*, which would include the subject site. The applicant is proposing to provide more than double the existing office space on-site. Currently, approximately 5,730 square metres of office space are provided on site. This is proposed to increase in the site specific by-law to a minimum of 14,750 square metres of non-residential gross floor area.

The proposed land uses for the site are consistent with the Official Plan, including *Downtown* and *Regeneration Areas* policies, the policies in the King-Spadina Secondary Plan, and OPA 231. The addition of a significant quantity of office space, beyond what currently exists on the site is desirable and encouraged for the continued development of King-Spadina as a mixed-use community.

The applicant has also proposed flexibility for up to 40 hotel rooms to be accommodated in the development, with the requirement that those 40 hotel rooms would result from an equal reduction in the residential gross floor area. This element of the Settlement Offer is supportable, provided this hotel floor area is in addition to the minimum 14,750 square metres of non-residential gross floor area that is proposed in the Settlement Offer. The flexibility to accommodate a hotel use in lieu of a portion of the proposed residential gross floor area will be included in the site-specific zoning by-law for the subject site on such basis.

Overall, the balance of uses proposed for the site mitigates concerns with rapid residential intensification in King Spadina where population growth has not kept up with the provision of infrastructure.

Heritage Conservation

The report from the Chief Planner and Executive Director, City Planning Division "Alterations to a Designated Heritage Property – 19 Duncan Street" (Item PB24.3)

recommends refusal of the proposed alterations to the designated heritage property at 19 Duncan Street that are proposed in the Applicant's Settlement Offer.

One of the primary reasons given for the refusal is the lack of stepbacks the applicant is proposing above the heritage building, which alter its character-defining scale, form, massing and flat roof.

This report recommends the Settlement Offer be accepted subject to an increase in the stepbacks above the heritage building, in order to provide improved conservation of the heritage resource.

Height, Massing and Density

The proposed height, massing and density as proposed in the Settlement Offer are supported by Staff as acceptable in the context, subject to the recommended increase in stepbacks above the heritage building.

The proposed height of 179.5 metres, including mechanical penthouse but excluding a limited elevator overrun is appropriate in this context as it provides a discernible step down in height from the Shangri La development at 188 University Avenue with a height of 212 metres (including mechanical penthouse) to the TIFF Bell Lightbox building at 350 King Street West with a height of 157 metres (including mechanical penthouse). This is consistent with the direction for the King-Spadina East Precinct Built Form Study adopted by City Council in August, 2014 which endorses the direction for a downward gradation of tower heights from east to west from University Avenue to Spadina Avenue.

The applicant has proposed stepbacks above the heritage building on the Duncan Street elevation of 6.2 metres on the 6th storey, 5 metres for the 7th to 9th storeys, increasing to 17.3 metres for the 10th storey, then to 21.7 metres up to the 13th storey, and 24.8 metres for the 14th storey and above. On the Adelaide Street West elevation, a stepback of 2.07 metres above the heritage building is proposed with the exception of the 6th and 10th storeys where the stepbacks increase on those floors to 3.3 metres and 3.6 metres respectively. As identified in the Heritage Conservation section of the report, the proposed stepbacks along Adelaide Street West and Duncan Street above the heritage building are not sufficient and while Staff are recommending approval of the proposed Settlement Offer, this is subject to the proposed stepbacks being increased.

Setbacks are proposed of 6.3 metres to the south property line and 12.5 metres to the east property line for the tenth storey and 10 metres to the south property line and 12.5 metres to the east property line for portions of the building above the tenth storey. The proposed tower setback to the east property line is acceptable and is consistent with the Tall Building Design Guidelines and Official Plan Amendment 352, which was adopted by Council and Zoning By-law which requires a 12.5 metre tower setback to allow for appropriate light, skyview, and privacy. Staff did not support the 6.3 metre setback from the south property line on the tenth storey, and have worked with the applicant to increase this setback to 10 metres as a condition of the settlement proposal. In this instance Staff are able to support a 10 metre setback to the south property line, with no balcony

projections, for the tower element of the proposal given the achievement of other objectives on the site and in consideration of the overall block context. This was agreed to through the development review process in advance of the City Council adoption of OPA 352.

Consideration of the development has also taken into account the context of the surrounding streets and the block. Each site on each block cannot be expected to accommodate a similar scale of tower form of development especially taking into account other important objectives for heritage conservation, public realm and the overall impact of density and intensification in King Spadina.

The modifications to the proposed built form have resulted in a density of 19.44 times the area of the lot. This exceeds the density of the applicant's initial submission which proposed a density of 18.63 times the area of the lot. While the overall density has increased, this is almost exclusively through an increase in gross floor area for office space. The residential gross floor area proposed has decreased from 31,434 square metres in the first submission to 29,914 square metres in the Settlement Offer and the office gross floor area has increased from 9,794 square metres in the first submission to 12,892 square metres in the Settlement Offer. This density would decrease slightly if the applicant is required to increase the setbacks above the heritage building on the Adelaide Street West and Duncan Street elevations. It cannot be expected that all development sites on this block will be able to achieve the same density that can be achieved on the subject site, which were able to be achieved given a number of factors including the location of the building on the block as it fronts on Adelaide Street West and Duncan Street which have larger right-of-ways than Pearl Street and its suitability to accommodate a larger-scale building.

Public Realm

The proposed development retains the existing sidewalk zones on Adelaide Street West and Duncan Street for the portion of the site that is occupied by the existing heritage building. These sidewalk zones are less than what is required in the Tall Building Design Guidelines, however are acceptable due to the presence of the existing heritage building on site which frontages are being retained in situ. The eastern portion of the site that is to be occupied by the side addition to the existing heritage building is proposed to have a sidewalk zone of approximately 6 metres. This sidewalk zone is supported by Staff as it is consistent with the sidewalk zone required in the Tall Building Design Guidelines.

The applicant also has ownership of the private lane to the south of the subject site. This private lane is also subject to easements from adjacent landowners, including an easement from the adjacent site at 150-158 Pearl Street and 15 Duncan Street which has emergency exiting for its buildings onto the lane. The applicant is proposing to have a restaurant that would open onto the lane in order to animate the laneway. The proposed Section 37 agreement includes the option for the City to secure a pedestrian easement over this laneway if it is determined it would be desirable to do so.

Amenity Space

Both indoor and outdoor amenity space are proposed at a rate of 1.5 square metres per unit. While this rate is below the Zoning By-law standard of 2.0 square metres each of indoor and outdoor amenity space per unit, this variance is acceptable in the context of the broader proposal.

Provision of Family-Sized Units

The proposed settlement includes 452 residential dwelling units. The proposed unit breakdown is 174 (38%) bachelor units, 135 (30%) 1-bedroom units, 93 (21%) 2-bedroom units, and 50 (11%) 3-bedroom units.

Staff generally seek to secure a minimum 10% of all units as 3-bedroom units to create a diversity of unit types and accommodate families. This is consistent with Official Plan policy 3.2.1 that requires that a full range of housing will be provided and maintained to meet the current and future needs of residents. The proposed quantity of 3-bedroom units exceeds 10%, and is at a level that is acceptable to Staff. Staff will secure in the Section 37 Agreement the requirement for 10% of all units to be 3-bedroom.

Sun, Shadow, Wind

The shadow generated by the proposed development is acceptable to Staff.

The shadow generated by the proposal does not shadow any existing Parks and Open Space Areas as identified in the City of Toronto Official Plan.

The Queen Street West Heritage Conservation District Plan requires in Section 5.4 that, "The shadow impact of new buildings outside the Heritage District should not result in greater shadowing on Queen Street West than what is permitted by this plan". In the shadow study provided by the applicant all shadow on the north sidewalk of Queen Street West on March 21 and September 21 is removed by 10:18 am, which is acceptable.

The applicant has not provided a wind study to detail the wind impacts of the proposed settlement. A Qualitative Pedestrian Level Wind Assessment was provided when the application was submitted, which detailed that wind conditions are generally expected to be suitable for the anticipated uses based on the built form of the applicant's first submission. In order to ensure pedestrian comfort, a full wind study and implementation of the necessary mitigation measures satisfactory to the Chief Planner and Executive Director, City Planning will be secured in the Section 37 Agreement as being required prior to final site plan approval.

Bicycle Parking

The applicant has proposed 672 bicycle parking spaces which are to be located on the ground level and in the four parking levels below grade. This proposed quantity of bicycle parking spaces exceeds the Zoning By-law requirement and will be secured in the site specific zoning by-law.

Vehicular Parking and Loading

The applicant has proposed 133 vehicular parking spaces, including 44 non-residential spaces of which 2 spaces are car share spaces and 89 residential vehicular parking spaces. Vehicular parking is proposed in four levels below grade. Access and egress from the vehicular parking spaces is proposed via Adelaide Street West, on the eastern edge of the site. The proposed quantity of parking and location of access and egress for the proposed vehicular parking is acceptable. While the overall quantity of parking is acceptable, the allotment of spaces for different uses will continue to be negotiated with the applicant.

The applicant is proposing 2 Type C loading spaces and 1 Type G/B combined loading space which are to be located at-grade on the eastern edge of the site. Access and egress for loading is proposed via Adelaide Street West, on the eastern edge of the site. The proposed quantity and location of access and egress for the proposed loading is acceptable.

Site Servicing

Revisions are required to the Functional Servicing and Stormwater Management Report and the Hydrogeology Assessment, Geotechnical Report, and associated municipal servicing plans before Staff are satisfied with the proposed site servicing. These revisions and any necessary upgrades and improvements to be designed and constructed and made operational, by the owner, at its expense, and including financial securities are proposed to be secured through the Zoning By-law Amendment and the Section 37 Agreement, as further detailed in the "Section 37" subheading of the report.

The proposed settlement includes Enwave District Energy infrastructure, which would be located below grade, allowing the required mechanical penthouse on the roof to be minimized.

Open Space/Parkland

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

The application is for the construction of one new building containing 14,882 square metres of non-residential gross floor area and 452 residential units consisting of 29,914 square metres of residential gross floor area.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 6,027 square metres or 392% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use

is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 169.19 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as 169.19 square metres is not of a suitable size to develop a programmable park within the existing context of this development.

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

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS, however the applicant has indicated a desire to work towards achieving Tier 2 of the TGS.

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

Section 37

As part of the Applicant's Settlement Offer, the applicant and Staff have reached a resolution on the Section 37 facilities, services and matters to be provided. The provisions recommended to be included in a By-law and Section 37 Agreement are as detailed below.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

1. 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:
 - \$330,000 for capital improvements to existing rental housing units provided by Toronto Community Housing Corporation in Ward 20;
 - \$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
 - \$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 Division in consultation with the Ward Councillor

In the event the cash contribution(s) 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 Division, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the Lands.

2. 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;
3. In the event the Chief Planner and Executive Director, City Planning Division, 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 Division, 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 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 Division in writing; and
4. The provision of a minimum of 10% of the residential dwelling units within the development to be three-bedroom dwelling units and a minimum of 20% of the residential dwelling units within the development to be two-bedroom dwelling units.

The following matters are also recommended to be secured in the Section 37 agreement to support development:

1. 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;

2. 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:
 - The owner shall provide final site plan drawings substantially in accordance with the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - 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;
 - 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;
 - 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;
 - 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;
 - 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; and
 - The owner shall submit a Wind Study for the proposed development and thereafter shall implement the necessary mitigation measures, all to the

satisfaction of the Chief Planner and Executive Director, City Planning Division.

3. 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:
 - 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;
 - 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 qualified heritage consultant, all to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - 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.
 - The owner shall have obtained final site plan approval for the subject property, issued by the Chief Planner and Executive Director, City Planning Division;
 - 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;
 - The owner shall provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.
 - The owner shall submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, 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;

In addition, prior to the issuance of any Board Order allowing the appeals in part/approving the Zoning By-law Amendments, the owner will:

- Enter into and register a Heritage Easement Agreement to the satisfaction of the Senior Manager, Heritage Preservation Services and the City Solicitor including in accordance with a Conservation Plan satisfactory to such Senior Manager and 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) of this report and the Heritage Impact Assessment prepared by ERA Architects Inc. dated April 6, 2017, both on file with such Senior Manager;
- 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.
- 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, and
- The owner shall have entered into and registered 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 Division, 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 above described matters.

Conclusions

This report recommends that the proposed Settlement Offer be accepted on the condition that the proposed stepbacks above the heritage building be increased along Adelaide Street West and Duncan Street to the satisfaction of the Chief Planner and Executive Director, City Planning. The proposed development provides a significant addition of office space to the King-Spadina Area, adding to its continued development as a mixed-use community.

CONTACT

Michelle Knieriem, Planner

Tel. No. 416-338-2073

E-mail: michelle.knieriem@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Settlement Offer Letter
Attachment 2: Site Plan
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: North Elevation
Attachment 6: West Elevation
Attachment 7: Application Data Sheet

Attachment 1: Settlement Offer Letter



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May 16, 2017

Confidential and Without Prejudice

City of Toronto
Legal Department, Real Estate Division Metro Hall
26th Floor, Stn. 1260
55 John Street
Toronto ON M5V 3C6

Attention: Sharon Haniford

Dear Sirs/Mesdames:

**Re: Settlement Offer
19 Duncan Street and 219-223 Adelaide Street West**

We are the solicitors acting on behalf of 19 Duncan Property Inc. ("Westbank/Allied"). On behalf of Westbank/Allied, we are writing to propose the settlement of the above-captioned appeal on the basis that:

1. Westbank/Allied and the City of Toronto will jointly request that the Ontario Municipal Board (the "Board") approve zoning by-law amendments (i.e. in respect of each of By-laws 438-86, as amended, and 569-2013, as amended) for the lands comprising 19 Duncan Street and 219-223 Adelaide Street West (the "Lands") which would permit the construction and use of a 58-storey mixed-use building, subject to:
 - (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. 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 Division. No projections are permitted above the 179.5 metre height limit, other than the elevator overrun and associated emergency exiting stairs and the Usual Projections, which projections are to be to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
 - (b) a total combined residential and non-residential gross floor area of 45,000 square meters, of which a minimum of 14,750 square metres must be non-residential

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gross floor area including a minimum of 12,500 square metres which must be used for an office uses,

and which is substantially in accordance with the plans (referred to herein), 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, to limit the enlargement of the existing basement level window openings such that on the Adelaide Street West elevation eight (8) such 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,
- (ii) Subject to 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 be satisfactory to the Chief Planner and Executive Director, City Planning Division. 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 (for clarity, any hotel related gross floor area would not count towards the minimum required 14,750 square metres of non-residential gross floor area),
- (iii) Subject to 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, and
- (iv) Subject to 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 that is satisfactory to the Executive Director, Engineering and Construction Services, in consultation with the Chief Planner and Executive Director, City Planning Division,

and all further subject to the requirements in clauses a, b, c, d, e and f of paragraph 3 below and all at the owner's expense and subject to requirements for insurance, indemnity, securing of letters of credit and upwards indexing.

2. The alternations to the heritage property at 19 Duncan Street are, subject to the requirements and revisions in paragraph 1 above respecting the basement level window openings, substantially in accordance with the Plans and the Heritage Impact Assessment prepared by ERA Architects Inc. dated April 6, 2017 (the "Revised HIA") and subject to and in accordance with a Conservation Plan

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satisfactory to the Senior Manager, Heritage Preservation Services (the "Approved Conservation Plan") and all subject to the requirements in clauses a, b, c, d, e and f of paragraph 3 below and all at the owner's expense and subject to requirements for insurance, indemnity, securing of letters of credit and upwards indexing.

3. That prior to the issuance of any Board Order approving the Zoning By-law Amendments:
 - (a) The owner shall enter into a Heritage Easement Agreement with the City for the Lands, in accordance with the Plans, the Revised HIA (including the requirements and revisions in paragraph 1 above respecting the basement level window openings) and the Approved Conservation Plan, all to the satisfaction of the Senior Manager, Heritage Preservation Services, and shall register such agreement to the satisfaction of the City Solicitor;
 - (b) The owner shall provide a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the Revised HIA (including the requirements and revisions in paragraph 1 above respecting the basement level window openings), all to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - (c) The final form of the zoning by-law amendments shall be satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
 - (d) 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 Division, 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 that permits the erection of proposed above-grade density, including conditional permits, however, for clarity, does not include shoring, excavation or foundation permits, or any permits for repairs, maintenance and the usual and minor works to the existing building, as well as alterations to the existing building to permit the shoring, excavation and foundation work, acceptable to the Senior Manager of Heritage Preservation Services, to be allocated as follows:
 - 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 Division in consultation with the Ward Councillor;

In the event the cash contribution(s) 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 Division, in consultation with the Ward Councillor, provided that the purposes are identified in the 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 Westbank/Allied 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 Division, in her sole discretion, determines in writing to require same, 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 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 Division, 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 Division in writing;
- (iv) the provision of a minimum of 10% of the residential dwelling units within the development to be three-bedroom dwelling units and a minimum of 20% 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, 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

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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 the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(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 submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, 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.
- C. The owner shall provide building permit drawings for the specific phase 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 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;
- D. 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,

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- a) The owner shall have obtained final site plan approval for the subject property, issued by the Chief Planner and Executive Director, City Planning Division;
 - 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.
- (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.
- 4. City Staff report to the May 18, 2017 Toronto Preservation Board meeting (the "Heritage Report") with recommendations regarding, among other things, the proposed alterations (the "Alterations") under the *Ontario Heritage Act* as described in the Revised HIA, subject to the requirements and revisions in paragraph 1 above respecting the basement level window openings, and further recommend that the Toronto Preservation Board report directly to City Council for its consideration and action in respect of the recommendations contained in such Heritage Report at the City Council meeting scheduled to commence on May 24, 2017.
- 5. City Council approve the proposed Alterations as described in the Revised HIA, subject to the requirements and revisions in paragraph 1 above respecting the basement level window openings, at its meeting scheduled to commence on May 24, 2017, subject to conditions related to implementation which, among other things:
 - (a) permit Westbank/Allied to proceed with the Alterations based on the submission of Site Plan drawings, satisfactory to the Senior Manager, Heritage Preservation Services, rather than requiring NOAC, or final site plan approval; and
 - (b) permit the submission of building permit drawings for the subject phase of work, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, to be prepared by the project architect and a qualified heritage consultant, to the satisfaction of the Senior Manager, Heritage Preservation Services, rather than full building permit drawings.

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This proposed settlement is conditional on City Council accepting the proposal at its meeting scheduled to commence on May 24, 2017, including the conditional approval of the proposed alterations under the *Ontario Heritage Act* referred to in Item No. 3 above and as further detailed above and in Appendix "A" hereto.

In support of the settlement, enclosed are the following materials:

1. Ten (10) sets of the following architectural drawings prepared by Hariri Pontarini Architects and dated April 7, 2017:
 - (a) Drawing No. A0.00 – Cover Sheet;
 - (b) Drawing No. A1.01 – Project Statistics;
 - (c) Drawing No. A1.02 – Context Plan + Toronto Green Standards;
 - (d) Drawing No. A1.03 – Site Plan;
 - (e) Drawing No. A1.05 – Survey Drawing;
 - (f) Drawing Nos. A2.02–A2.05 - Underground Parking Levels P1 to P4;
 - (g) Drawing No. A2.06 – Underground Health Club;
 - (h) Drawing No. A3.01 – Ground Floor Plan;
 - (i) Drawing Nos. A3.02 - A3.14 - Level 2 – Level 14; [Note: drawing for Level 10 needs to be revised as described herein, to the satisfaction of the Chief Planner]
 - (j) Drawing No. A3.15 – Typical Residential - Levels 15 to 28 & 30 to 36;
 - (k) Drawing No. A3.29 – Level 29;
 - (l) Drawing No. A3.37 – Typical Residential - Levels 37 & 38;
 - (m) Drawing No. A3.39 – Typical Residential - Levels 39 to 41;
 - (n) Drawing No. A3.42 – Typical Residential - Levels 42 to 54;
 - (o) Drawing No. A3.55 – Level 55;
 - (p) Drawing No. A3.56 – Level 56;
 - (q) Drawing No. A3.57 – Level 57;
 - (r) Drawing No. A3.58 – Outdoor Amenity;
 - (s) Drawing No. A3.59 – Roof Plan; [Note: drawing needs to be amended based on elevator overruns and emergency stair projection as described herein to the satisfaction of the Chief Planner]

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- (t) Drawing No. A5.01 – North & West Elevations; [Note: drawing re Level 10 needs to be revised as described herein to the satisfaction of the Chief Planner]
 - (u) Drawing No. A5.02 – South & East Elevations;
 - (v) Drawing No. A5.03 – Section 1 & 2; and
 - (w) Drawing No. A5.04 – Section 3 & 4;
2. Ten (10) sets of the following heritage architectural drawings prepared by ERA Architects Inc. and dated April 7, 2017: [Note: these and any other drawings dealing with the heritage basement window issue need to be revised as described herein to the satisfaction of the Senior Manager, HPS]
 - (a) North Elevation Heritage Façade – Northeast Residential Entrance;
 - (b) North Elevation Heritage Façade;
 - (c) West Elevation Heritage Façade;
 - (d) West Elevation Heritage Façade – Northwest Podium;
 - (e) South Elevation Heritage Façade;
 - (f) South Elevation Heritage Façade – Southwest Podium;
 - (g) East Elevation Heritage Façade – Residential Entrance; and
 - (h) East Enlarged Elevation – Heritage Brick Return;
 3. Five (5) sets of the Shadow Impact Analysis package, prepared by Hariri Pontarini Architects and dated April 5, 2017;
 4. Three (3) sets of the Heritage Impact Assessment prepared by ERA Architects Inc. and dated April 6, 2017; [Note: to be revised as described herein to the satisfaction of the Senior Manager, Heritage Preservation Services]; and
 5. Three (3) sets of the Conservation Plan prepared by ERA Architects Inc. and dated April 7, 2017.

Should you require further information please do not hesitate to contact the undersigned.

Yours truly,

McCarthy Tétrault LLP



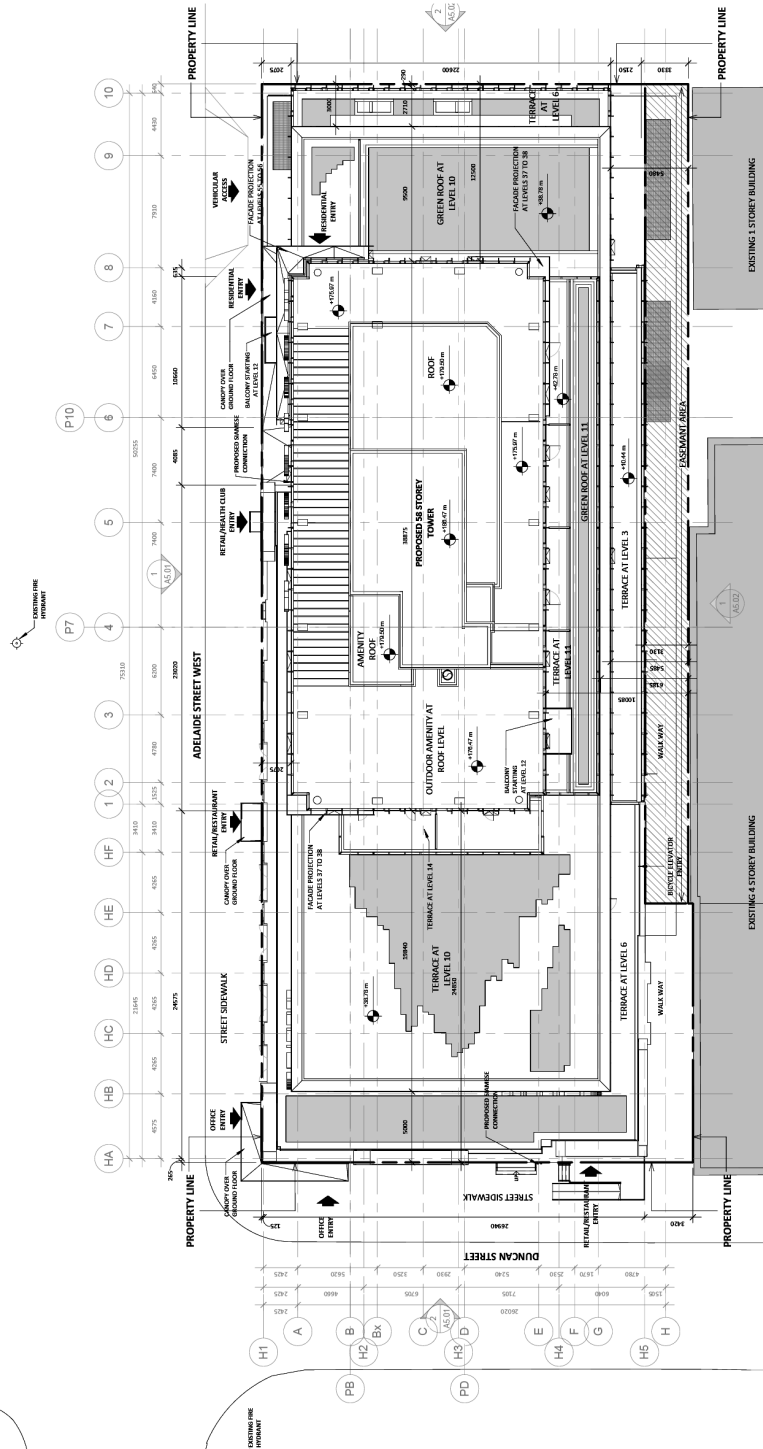
Cynthia A. MacDougall

CAM

cc: Ms. Lynda Macdonald, Manager, West Section, Community Planning, Toronto & East York District
Mr. Anthony DeCarli, Westbank Projects Corp.

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Attachment 2: Site Plan



Site Plan

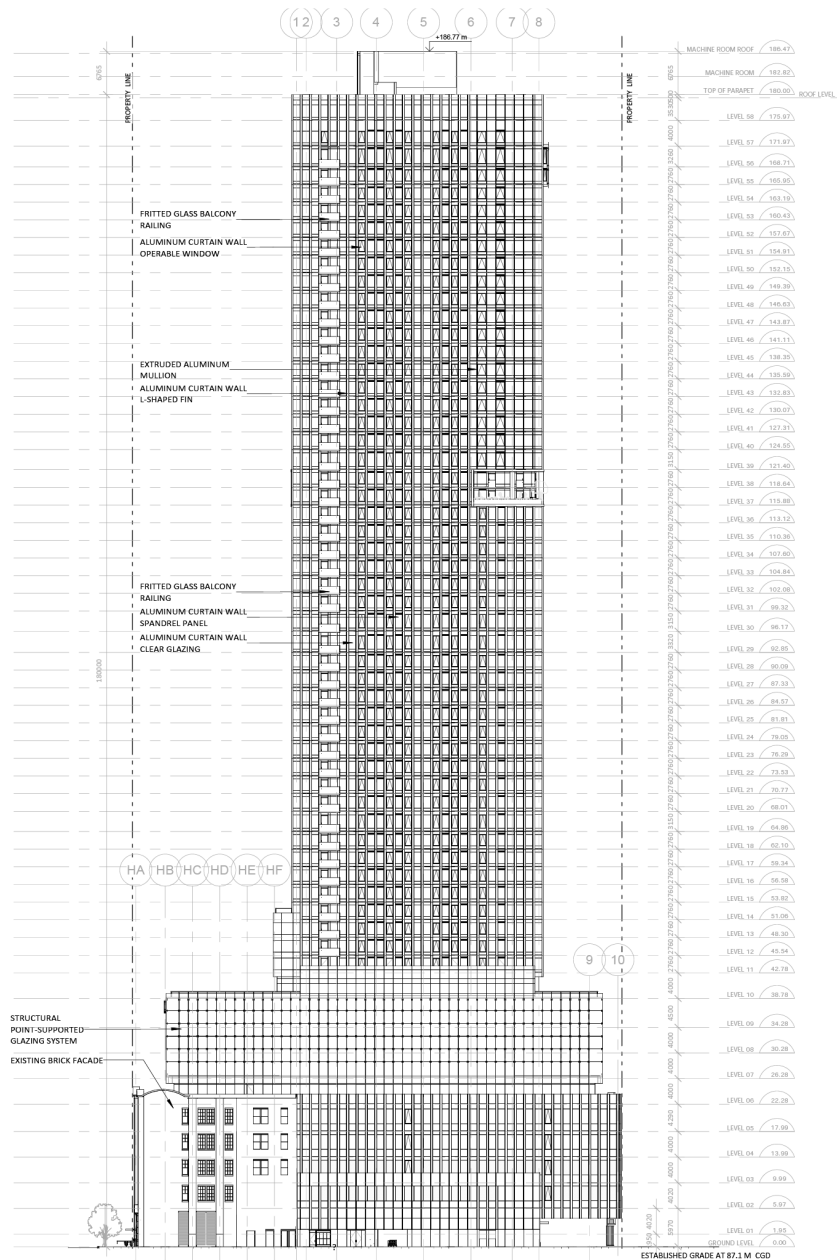
Applicant's Submitted Drawing

Not to Scale
06/28/2017

19 Duncan Street & 219-223 Adelaide Street West

File # 15 104825 STE 20 0Z

Attachment 3: South Elevation



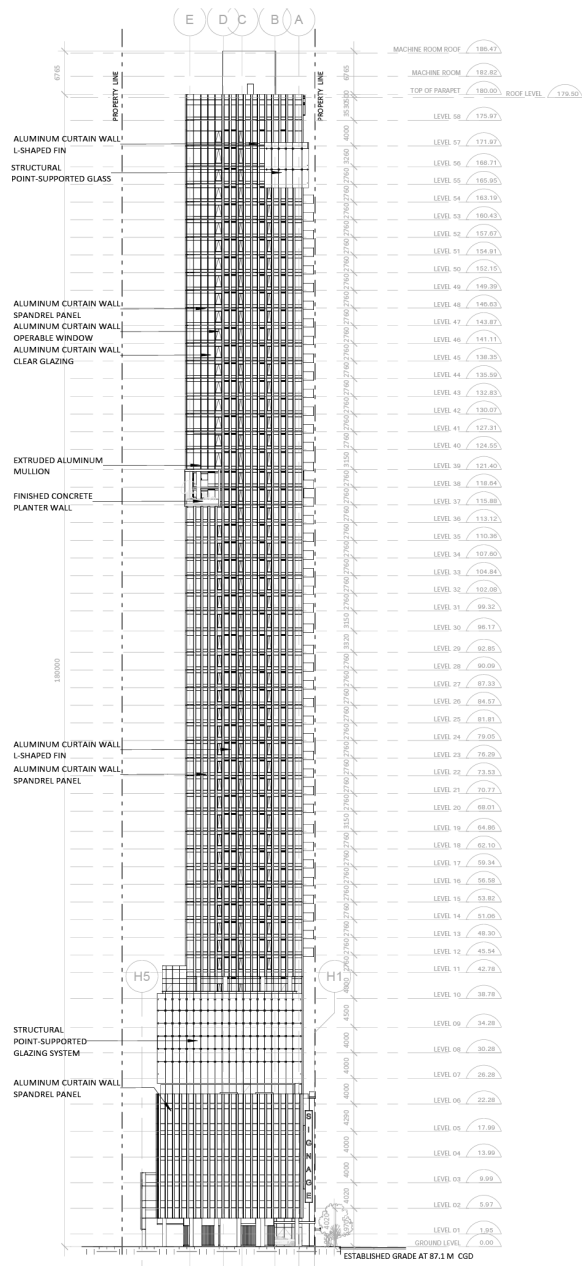
South Elevation

19 Duncan Street & 219-223 Adelaide Street West

Not to Scale
06/28/2017

File # 15 164825 STE 20 0Z

Attachment 4: East Elevation



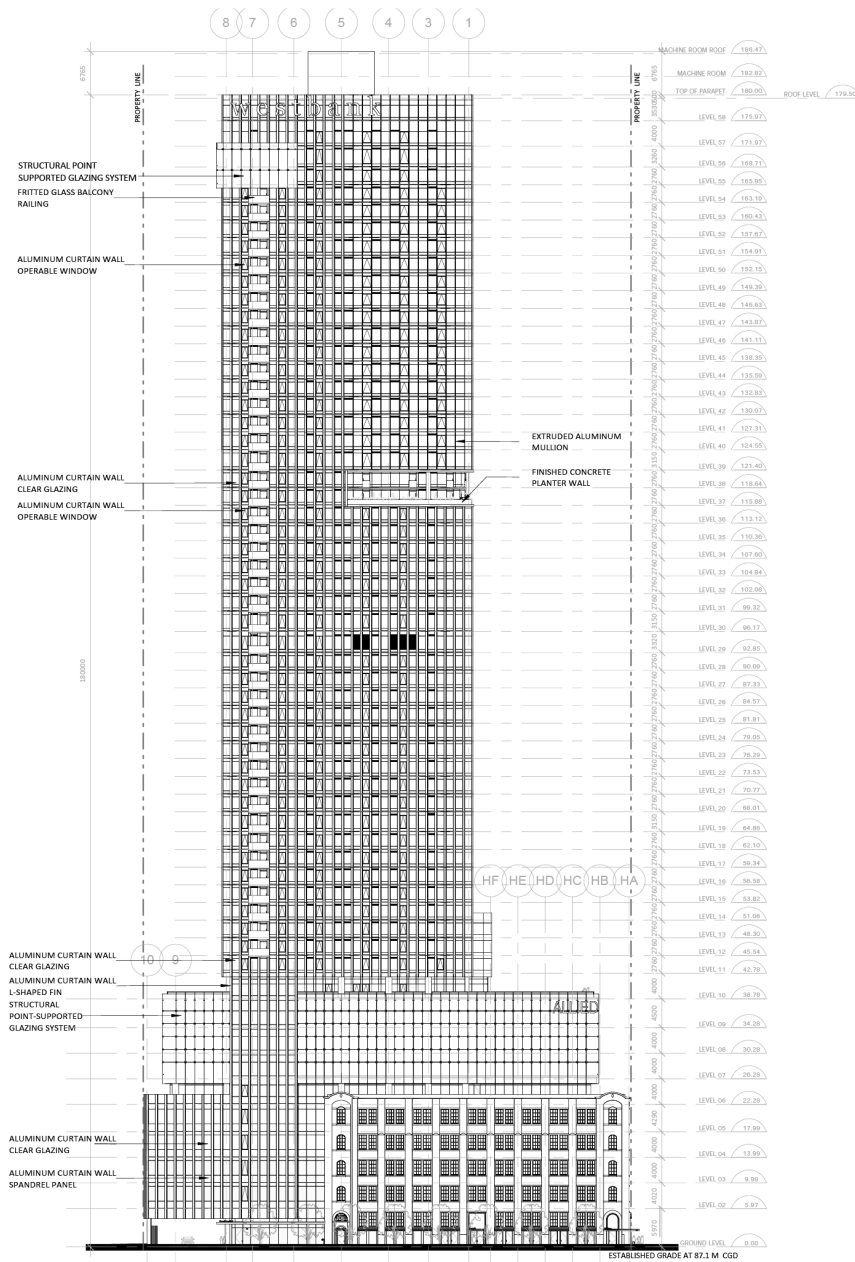
East Elevation

19 Duncan Street & 219-223 Adelaide Street West

Not to Scale
06/28/2017

File # 15 164825 STE 20 0Z

Attachment 5: North Elevation



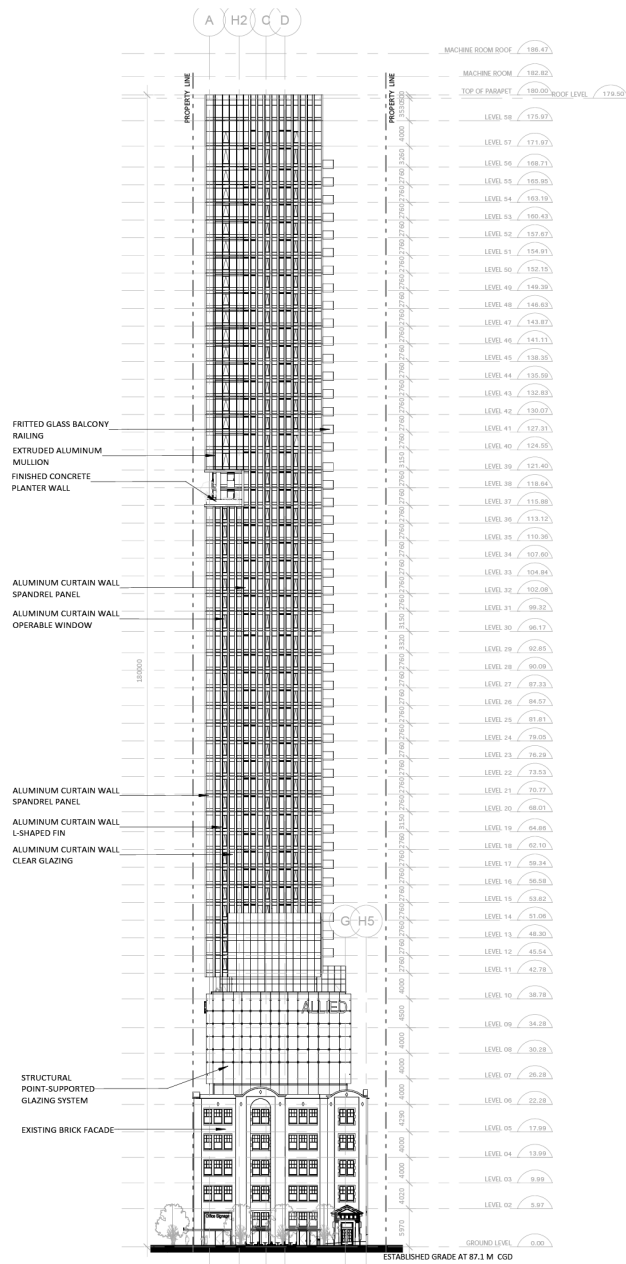
North Elevation

19 Duncan Street & 219-223 Adelaide Street West

Not to Scale
06/28/2017

File # 15 164825 STE 20 02

Attachment 6: West Elevation



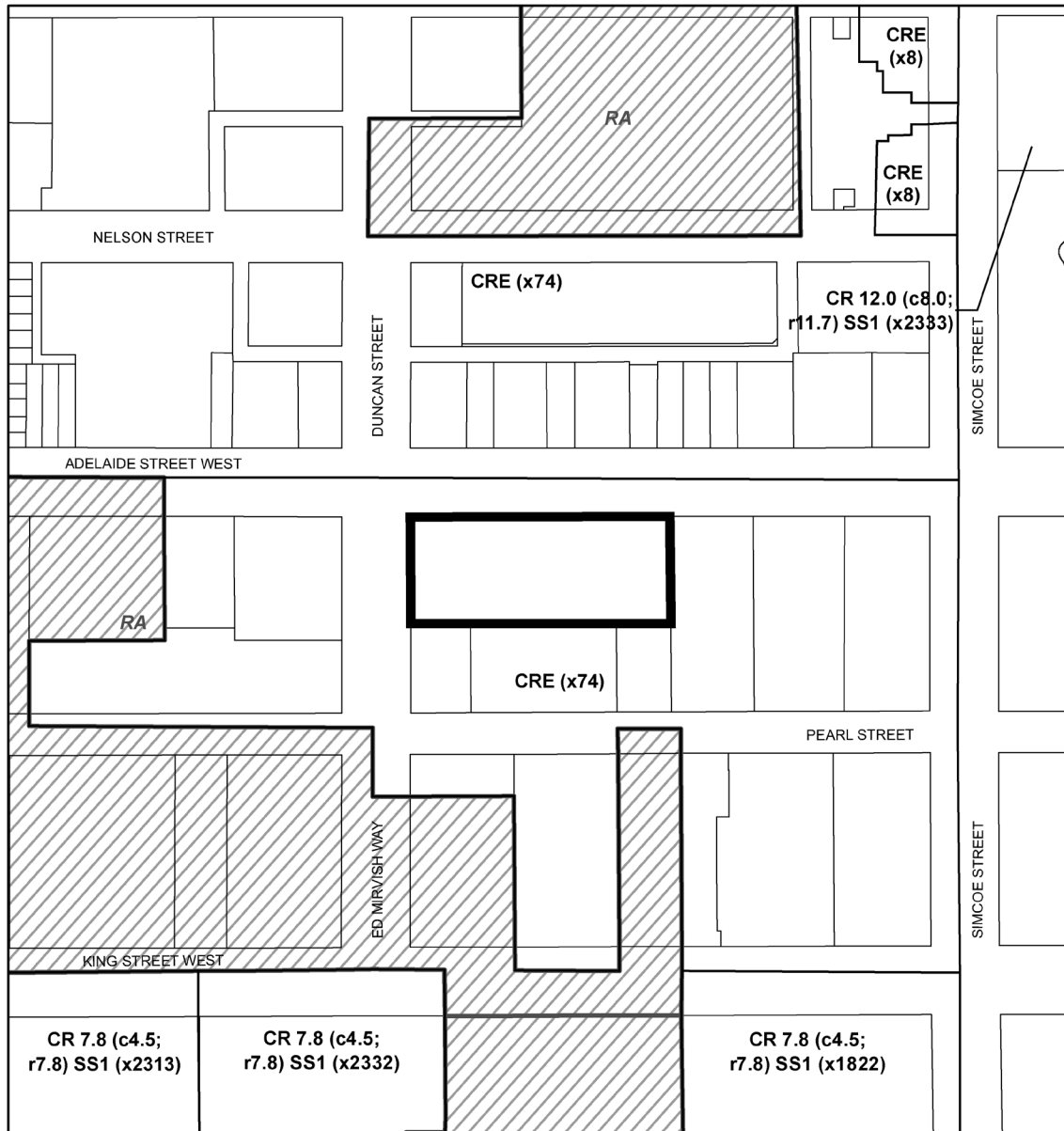
West Elevation

19 Duncan Street & 219-223 Adelaide Street West

Not to Scale
06/28/2017

File # 15 164825 STE 20 02

Attachment 7: Zoning



Zoning By-Law No. 569-2013

19 Duncan, 219 - 223 Adelaide Street West

File # 15 164825 STE 20 02



Location of Application

CR Commercial Residential

CRE Commercial Residential Employment



See Former City of Toronto By-Law No. 438-86

CR Mixed-Use District

RA Mixed-Use District



Not to Scale
Extracted: 06/18/2015

Attachment 8: Application Data Sheet

| | | | |
|-----------------------|--|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 15 164825 STE 20 OZ |
| Details | Rezoning, Standard | Application Date: | May 28, 2015 |
| Municipal Address: | 19 DUNCAN ST | | |
| Location Description: | PLAN 223E PT BLK C WITH ROW **GRID S2015 | | |
| Project Description: | Proposal to redevelop the site with a 58-storey mixed-use development including a nine-storey podium containing retail and office uses with residential units in the tower portion. A total of 133 parking spaces and 672 bicycle parking spaces are located in a below grade parking garage. The existing heritage building will be largely retained. | | |

| | | | |
|---|-----------------------|--------------------------------|--|
| Applicant: | Agent: | Architect: | Owner: |
| Peter Venetas Westbank Projects Corp | Urban Strategies Inc. | HarirI Pontarini Architects | Westbank Projects Corp & Allied Properties Reit |

PLANNING CONTROLS

| | | | |
|----------------------------|--------------------|--------------------------|---|
| Official Plan Designation: | Regeneration Areas | Site Specific Provision: | |
| Zoning: | CRE (x74) | Historical Status: | Y |
| Height Limit (m): | 30 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | | |
|------------------------------------|---------|---------|-----------------|-------|--------------|
| Site Area (sq. m): | 2304.29 | Height: | Storeys: | 58 | |
| Frontage (m): | 76.2 | | Metres: | 179.5 | |
| Depth (m): | 30.5 | | | | |
| Total Ground Floor Area (sq. m): | 1141.8 | | | | Total |
| Total Residential GFA (sq. m): | 29,914 | | Parking Spaces: | 133 | |
| Total Non-Residential GFA (sq. m): | 14,882 | | Loading Docks | 3 | |
| Total GFA (sq. m): | 44,796 | | | | |
| Lot Coverage Ratio (%): | 49.6 | | | | |
| Floor Space Index: | 19.44 | | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | | | |
|--------------|--------|----------------------------------|--------------------|--------------------|
| Tenure Type: | Rental | | Above Grade | Below Grade |
| Rooms: | 0 | Residential GFA (sq. m): | 29,914 | 0 |
| Bachelor: | 174 | Retail GFA (sq. m): | 1,990 | 0 |
| 1 Bedroom: | 135 | Office GFA (sq. m): | 12,892 | 0 |
| 2 Bedroom: | 93 | Industrial GFA (sq. m): | 0 | 0 |
| 3 + Bedroom: | 50 | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 452 | | | |

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