

**135-143 Portland Street - Zoning Amendment  
Application - Request for Direction Report**

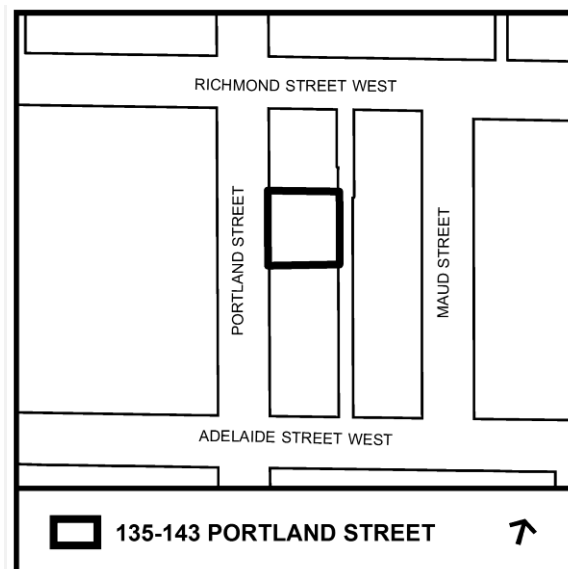
<b>Date:</b>	March 12, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	17 213544 STE 20 OZ

**SUMMARY**

This application proposes a 16-storey building with approximately 243 square metres of retail uses on the ground floor and 117 residential units above at 135-143 Portland Street. The façade of the listed heritage building at 143 Portland Street is proposed to be retained while all other existing buildings on the site, including three listed heritage buildings, are proposed to be demolished.

Seven residential units, of which five appear to be rental dwelling units, are located within the existing group of buildings on the site. The number of rental units is yet to be confirmed. Redevelopment of sites containing six or more dwelling units, of which at least one is a rental dwelling unit, require a permit per Chapter 667 of the Municipal Code to demolish rental housing. A Rental Housing Demolition application has not yet been received. A decision on rental housing would be made by the Acting Chief Planner under delegated authority if fewer than six rental dwelling units are confirmed or by City Council if six or more rental dwelling units are confirmed.

On December 7, 2017, the applicant appealed their Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision on the application within the time allowed by the



*Planning Act*. A pre-hearing conference is scheduled for August 7, 2018.

This report reviews and recommends that the City Solicitor together with City Planning staff and other appropriate staff be directed to oppose the application in its current form at the OMB. The proposed development is not supportable in its context, for reasons including that it does not have regard to relevant matters of provincial interest set out in the *Planning Act*, is not consistent with the Provincial Policy Statement, does not conform with the Growth Plan for the Greater Golden Horseshoe, does not conform with the Official Plan, does not meet the intent of certain Council-adopted guidelines and policy direction for the area, constitutes overdevelopment and is not good planning or in the public interest.

## RECOMMENDATIONS

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor and City staff, as appropriate, to attend the Ontario Municipal Board Hearing, and to oppose the Zoning By-law Amendment application for 135-143 Portland Street in its present form for reasons set out in the report (March 12, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and appropriate staff to continue negotiations with the applicant to address the issues outlined in this report, including appropriate heritage conservation, heights and massing for this site and appropriate public benefits to be secured pursuant to Section 37 of the *Planning Act*.
3. City Council or the Acting Chief Planner and Executive Director, City Planning Division, under delegated authority, defer making a decision on a future Rental Housing Demolition application under Municipal Code, Chapter 667 pursuant to Section 111 of the *City of Toronto Act*, 2006 to demolish the existing rental dwelling units at 135-143 Portland Street and instruct staff to report on the Section 111 Application to Toronto and East York Community Council if six or more rental dwelling units are confirmed on the site at such time as an Ontario Municipal Board decision has been issued regarding the Zoning By-law Amendment appeal for the lands at 135-143 Portland Street.
4. City Council authorize the Acting Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the Ontario Municipal Board.
5. City Council authorize the introduction of a by-law authorizing the entering into of a Heritage Easement Agreement for the properties at 135, 139, 141 and 143 Portland Street.

6. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) until such time as the Board has been advised by the City Solicitor that:
- a. the final form of the Zoning By-law Amendments are to the satisfaction of the Acting Director, Community Planning, Toronto and East York District, and the City Solicitor, which may include securing the replacement rental dwelling units and rents, tenant assistance and other rental related matters;
  - b. the owner has entered into a Heritage Easement Agreement with the City for the properties at 135, 139, 141 and 143 Portland Street to the satisfaction of the Senior Manager, Heritage Preservation Services including execution and registration of such agreement to the satisfaction of the City Solicitor;
  - c. the owner has provided a Conservation Plan prepared by a qualified heritage consultant for the properties at 135, 139, 141 and 143 Portland Street to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - d. City Council has dealt with a future Rental Housing Demolition application if six or more rental dwelling units are confirmed on the site; or the Acting Chief Planner and Executive Director, City Planning Division, under delegated authority, has dealt with a future Rental Housing Demolition application should fewer than six rental dwelling units be confirmed on the site, under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* to demolish the existing rental dwelling units at 135-143 Portland Street;
  - e. the owner has provided an updated Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
  - f. the owner has provided an updated Hydrogeological Report and supporting documents addressing on-site groundwater to the satisfaction of the General Manager, Toronto Water;
  - g. the owner will pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Chief Engineer and Executive Director, Engineering & Construction Services, should it be determined that improvements to such infrastructure is required to support this development; and
  - h. community benefits and other matters in support of the development as are determined appropriate are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Acting Director Community Planning, Toronto and East York District, and the City Solicitor. Other matters in support of the development may include, as necessary,

securing the rental tenure for any rental replacement units for at least 20 years, rents for any affordable and mid-range rental replacements units for at least 10 years and an acceptable tenant relocation and assistance plan for any eligible tenants within the existing rental units at 135-143 Portland Street that are proposed to be demolished as part of the development application, and any other related rental matters, to the satisfaction of the Acting Director Community Planning, Toronto and East York District, and the City Solicitor.

7. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

### **Financial Impact**

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

### **DECISION HISTORY**

On November 14, 2017, Toronto and East York Community Council adopted a Preliminary Report on the Zoning By-law Amendment application for the site. The report provided background information on the proposal, and recommended that a community consultation meeting be held and that notice be given according to the regulations of the *Planning Act*. The Preliminary Report is available at:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-108528.pdf>

At its December 11-13, 2016 meeting, City Council passed By-law 1186-2016 to prohibit the demolition or removal of any buildings or structures on properties that have the potential to contribute to the cultural heritage value of King-Spadina within the study area boundaries for a period of one year, which included the properties at 135, 139, 141 and 143 Portland Street. The accompanying staff report is available at:

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99282.pdf>

On October 2, 2017, City Council adopted recommendations to designate the King-Spadina Heritage Conservation District under Part V of the *Ontario Heritage Act* and adopted the King-Spadina Heritage Conservation District Plan, which includes 135-143 Portland Street. The final report and City Council decision are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>.

At its December 5-8, 2017 meeting, City Council adopted recommendations to include the properties at 135, 139, 141 and 143 Portland Street on the City's Heritage Register. The City Council decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.12>

### **ISSUE BACKGROUND**

#### **Proposal**

This application proposes the development of a 16-storey building with approximately 243 square metres of retail space on the ground floor and 9,216 square metres of residential space above. The overall height would be approximately 52.7 metres, including the mechanical

penthouse. The five existing semi-detached and rowhouse buildings on the site are proposed to be demolished, other than the façade of 143 Portland Street, which is proposed to be retained.

The ground floor of the proposed building would be set back approximately 1.5 metres from the west (Portland Street) lot line, which would align with the existing front setback of the dwelling at 143 Portland Street that is proposed to be retained. This setback would continue up to the seventh floor of the building along Portland Street, above which it would step back slightly at each floor, reaching a maximum setback of approximately 2.5 metres from the Portland Street lot line at the sixteenth floor. The second through fourth floors would include projecting balconies that extend up to the Portland Street property line up to a height of approximately 13.9 metres. Inset balconies are proposed on all levels above the fourth floor.

On the western (front) half of the proposed building, no setbacks are proposed from the north and south lot lines. On the eastern (rear) half of the proposed building, no setbacks are proposed from the north and south lot lines up to the ninth floor, above which approximately 1.5 metre setbacks are proposed. An approximately 1.2 metre setback is proposed from the eastern lot line along the laneway up to the ninth floor. Projecting balconies are proposed within this setback area up to the property line. A 4.5 metre setback is proposed at the tenth floor, which is reduced to a 1.5 metre setback for the eleventh through fifteenth floors.

Retail space is proposed on the ground floor fronting Portland Street. Residential units are proposed on the second through fifteenth floors. The proposed residential unit breakdown is as follows:

Type of Residential Unit	Number of Units	Percentage of Total
Bachelor	20	17.1
One-Bedroom	42	35.9
Two-Bedroom	45	38.5
Three-Bedroom	10	8.5
Total	117	100

Approximately 215 square metres of outdoor amenity space (1.8 square metres per unit) and 143 square metres of indoor amenity space (1.2 square metres per unit) are proposed on the sixteenth storey.

Vehicular access to the site would be provided from the laneway along the east side of the building. Two parking elevators are proposed to provide access to 24 parking spaces in two underground levels for residents. No visitor parking is proposed. One hundred eighteen bicycle parking spaces are proposed on one underground level, of which 106 would be for residents and 12 would be for visitors, and four spaces would be provided on the ground floor associated with the retail space.

For additional details, see Attachment 1: Site Plan, Attachments 2-5: Elevations and Attachment 7: Application Data Sheet.

## Site and Surrounding Area

The site is located on the east side of Portland Street midway between Richmond Street West to the north and Adelaide Street West to the south. The rectangular-shaped site has an area of approximately 783 square metres with frontage on Portland Street of approximately 27 metres and a depth of approximately 29 metres.

The site currently contains two-storey houseform structures at 135, 139, 141 and 143 Portland Street, which were constructed in the late 19<sup>th</sup> century, are listed on the City's Heritage Register and were previously identified as contributing heritage properties in the King-Spadina Heritage Conservation District Study and Plan based upon their design and contextual values. These structures contain a mix of residential and commercial uses. A newer three-storey dwelling is located at 137 Portland Street. All buildings on the site are proposed to be demolished, other than the front façade of 143 Portland Street, which is proposed to be retained.

The group of related buildings contains at least seven residential dwelling units, of which at least five are rental dwelling units. One of the rental dwelling units is vacant and two dwelling units are owner-occupied. The final number of units and their tenure, type and rent affordability categories are yet to be confirmed by the applicant through a Rental Housing Demolition application and associated Housing Issues Report.

Surrounding uses include:

- North: A listed two-storey semi-detached dwelling is located immediately north of the site at 145 Portland Street, which is connected to the front façade of 143 Portland Street that is proposed to be retained. A two-storey office building is located to the north at 147 Portland Street and a nine-storey mixed-use building with retail at grade and residential above is located at the southeast corner of Richmond Street West and Portland Street. A four-storey residential building is located at the northeast corner of Richmond Street West and Portland Street and a seven-storey building with three levels of retail and residential uses above is located at the northwest corner of Richmond Street West and Portland Street.
- East: A public laneway that connects Richmond Street West and Adelaide Street West is located immediately east of the site with a mix of two- to five-storey commercial buildings and surface parking areas beyond along Maud Street. A 10-storey residential building is located at the southwest corner of Maud Street and Richmond Street West. Farther east is St. Andrew's Playground, which is a designated heritage site and an Area of Special Identity in the King-Spadina Secondary Plan. North of St. Andrew's Playground at 497-505 Richmond Street West, a 13-storey building is under construction, which will include a YMCA and conservation of the heritage-designated Waterworks Building.
- South: A listed four-storey commercial building is located immediately south of the subject site at 127 Portland Street. A 12-storey building with commercial uses on the ground floor and residential above is proposed to the south at 502 Adelaide Street West and 119-123 Portland Street where a mix of two-storey rowhouses and a one-storey

commercial building are currently located (File No. 16 228717 STE 20 OZ). A 12-storey commercial building is proposed at 582-590 King Street West, 471-473 Adelaide Street West and 115 Portland Street, which includes the southeast corner of Adelaide Street West and Portland Street that is currently occupied by a surface parking lot and listed one- and four-storey commercial buildings (File No. 17 215103 STE 20 OZ). A listed three-storey commercial building is located at the southwest corner of Adelaide Street West and Portland Street. Farther south is a mixture of two- to five-storey commercial and residential buildings, including a number of properties listed on the Heritage Register.

West: Portland Street is located immediately west of the site. On the west side of Portland Street are a mixture of commercial and residential uses in two-storey houseform buildings. A 15-storey building with commercial space on the ground level and residential uses above is approved at the southwest corner of Adelaide Street West and Portland Street, where a two-storey warehouse and office building is currently located (File No. 14 267424 STE 20 OZ).

### **Provincial Policy Statement and Provincial Plans**

Section 2 of the *Planning Act* outlines matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- the orderly development of safe and healthy communities;
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the conservation of features of significant architectural, cultural, historical and archaeological or scientific interest;
- the appropriate location of growth and development; and
- the promotion of a built form that is well-designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;

- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing types and affordability to meet projected requirements of current and future residents; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character; and
- Providing that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure;



- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserving heritage resources in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

### **Official Plan**

The site is identified as part of the *Downtown and Central Waterfront* on Map 2 of the Official Plan. The Official Plan states that *Downtown* will continue to evolve as a healthy and attractive place to live and work as new development that supports the reurbanization strategy and the goals for *Downtown* is attracted to the area. While *Downtown* is identified as an area offering opportunities for substantial employment and residential growth, this growth is not anticipated to be uniform. Design guidelines specific to districts of historic or distinct character will be implemented to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings.

Chapter Three of the Official Plan 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 3.1.1 contains Public Realm policies, which identify that great cities not only have great buildings, but that the buildings work together to create great streets, plazas, parks and public places. Policies require that new development enhances the quality of the public realm and that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians.

Section 3.1.2 contains Built Form policies, which indicate that development will be located, organized and massed to fit harmoniously with the existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, limiting impacts of servicing and vehicular access on the property and neighbouring properties and limiting shadow and wind impacts. This section of the Plan also contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings, including locating buildings parallel to the street, with clearly visible entrances and ground floor uses with views to the street; locating and organizing parking and servicing to minimize impacts; providing an appropriate scale for adjacent streets; minimizing shadowing, loss of sky view and wind impacts; and fitting within the local context.

Section 3.1.5 of the Official Plan addresses the identification and evaluation of properties of cultural heritage value or interest. It also provides for conservation of heritage resources and includes policies that state that Heritage Impact Assessments will evaluate the impact of a proposed alteration to a property on the Heritage Register and/or to properties adjacent to a property on the Heritage Register, to the satisfaction of the City.

In particular, Policy 3.1.5.4 states that heritage resources on the City's Heritage Register will be conserved and Policy 3.1.5.5 further states that proposed alterations and/or development on or adjacent to a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property. Additionally, Policy 3.1.5.26 identifies that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impact on it. Finally, Policy 3.1.5.27 encourages the conservation of whole or substantial portions of buildings, structures and landscapes on those properties and discourages the retention of façades alone.

This section of the Plan also contains policies related to Heritage Conservation Districts. Policy 3.1.5.32 requires that impacts of site alterations and/or developments within Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes and character are conserved, and Policy 3.1.5.33 adds that Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions and removals in accordance with respective Heritage Conservation District plans.

Section 3.2.1 of the Official Plan contains Housing policies, which state that a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods, is to be provided and maintained to meet the current and future needs of residents. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan. Policy 3.2.1.6 requires that new development that would result in the loss of six or more rental housing units will not be approved unless:

- All of the rental housing units have rents that exceed mid-range rents at the time of application; and
- In cases where planning approvals other than site plan are sought, the following will be secured:
  - At least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
  - For a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and

- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardships.

The site is designated *Regeneration Areas* on Map 18 of the Official Plan. This land use designation provides for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form and is intended to revitalize areas. The framework for new development in these areas is set out in a Secondary Plan, which for the subject site is the King-Spadina Secondary Plan.

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

Chapter 6.16 of the Official Plan contains the King-Spadina Secondary Plan. The Secondary Plan emphasizes the reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm.

Major objectives of the King-Spadina Secondary Plan include:

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

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

- the lower levels of new buildings will be sited and organized to enhance the public nature of streets, open spaces and pedestrian routes;
- servicing and parking are encouraged to be accessed from lanes rather than streets;
- new development will be designed to minimize pedestrian/vehicular conflicts;

- new buildings will be sited and massed to provide adequate light, view, privacy and compatibility with the built form context;
- new buildings will achieve a compatible relationship with their built form context through consideration of such matters as height, massing, scale, setbacks, stepbacks, roof line and profile, and architectural character and expression;
- appropriate proportional relationships to streets and open spaces will be achieved, and wind and shadow impacts will be minimized on streets and open spaces;
- streetscape and open space improvements will be coordinated in new development; and
- heritage buildings will be retained, conserved, rehabilitated, reused and restored.

A primary objective of the Secondary Plan is to assess new development in the context of the historic fabric of the area. Among other matters, the particular scale, massing and street relationships of the existing heritage buildings should form the basis for new development in this part of the King-Spadina Secondary Plan area.

Portland Street is identified in the King-Spadina Secondary Plan as a Significant Street. The Secondary Plan identifies that the quality and character of Significant Streets will be enhanced through zoning, design guidelines and streetscape improvement programs.

The proposed development is west of St. Andrew's Playground, which is identified as an Area of Special Identity and an important park within the King-Spadina Area. New development is to respect the integrity and potential for increased use of the park. The King-Spadina Secondary Plan requires buildings adjacent to parks to be designed to minimize the wind and shadow impacts on streets, parks and open spaces.

## **Zoning**

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

On May 9, 2013, City Council enacted City of Toronto Zoning By-law No. 569-2013. This By-law is subject to appeals at the OMB and is not in force. The site is zoned Commercial Residential Employment (CRE), which permits a variety of residential and non-residential uses and a maximum height of 23 metres.

See Attachment 6: Zoning for additional details.

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Approval application has not been submitted for the site.

## **TOcore: Planning Downtown**

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and that is occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city. TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured. The study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within the City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of Complete Communities, addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

More information on Council direction pertaining to TOcore can be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1>. Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **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 purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016, which provide the detailed performance standards for portions of buildings above 24 metres in height. 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, however it was considered in the review of this application as it is Council-adopted.

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

King-Spadina is one of the highest growth areas in the City of Toronto 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 meeting of September 6, 2017, Toronto and East York Community Council considered a Draft Policy Directions Report and expanded the boundary further to include the West Precinct, so that the entire area of the King-Spadina Secondary Plan will be reviewed in a coordinated and comprehensive manner. The staff report and Community Council decision are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.60>.

The Secondary Plan is currently under review and a final report on the draft Secondary Plan policies is anticipated to be before the Toronto and East York Community Council in 2018.

## **King-Spadina Heritage Conservation District Study**

At its meeting of October 2, 2012, City Council authorized the study of the King-Spadina neighbourhood as a potential Heritage Conservation District (HCD) under Part V of the *Ontario Heritage Act*. The first phase of the HCD Study was concluded in the spring of 2014 and recommended that the area merited designation under Part V of the *Ontario Heritage Act* as an HCD on the basis of its historical, associative, physical, contextual and social and community values. In the fall of 2014 Heritage Preservation Services initiated the second phase of the study, which resulted in the development of statements of objectives, statements of cultural heritage values, boundaries, policies and guidelines, and community and stakeholder consultation

On October 2, 2017, Toronto City Council adopted recommendations to designate the King-Spadina HCD under Part V of the *Ontario Heritage Act* and adopted the King-Spadina HCD Plan. The final report and City Council decision are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>.

The overall objective of the King-Spadina HCD Plan is the protection, conservation and management of its heritage attributes including contributing properties so that the District's cultural heritage value is protected in the long term.

The properties at 135, 139, 141 and 143 Portland Street were identified as contributing heritage properties in the King-Spadina HCD Plan. Contributing properties are to be conserved in a manner that ensures the long term conservation of the District's cultural heritage value, heritage attributes and the integrity of the contributing property.

At its December 5-8, 2017 meeting, City Council adopted recommendations to include the properties at 135, 139, 141 and 143 Portland Street on the City's Heritage Register. The final report and City Council decision are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.12>.

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

Policy 5.3.2.1 of the Official Plan outlines that guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban Design Guidelines specifically are intended to provide a more detailed framework for built form and public improvements in growth areas. The King-Spadina Urban Design Guidelines were endorsed by Council at its meeting on September 25-28, 2006. The King-Spadina Urban Design Guidelines (2006), in conjunction with the Official Plan and King-Spadina Secondary Plan policies, work together to achieve optimal building siting and design that enhances the public realm, while respecting and reinforcing the surrounding built environment and context.

The King-Spadina Urban Design Guidelines support the implementation of the King-Spadina Secondary Plan. Section 2.5 contains the overall Guidelines. Heritage guidelines seek to ensure that new development is compatible with adjacent heritage buildings in terms of massing, height, setbacks, stepbacks and materials, and should relate to key elements such as cornices, rooflines and setbacks from the property line. New development should reinforce the character and scale of the existing street wall and historic buildings in the immediately surrounding area, and development should reinforce the existing streetscape and building rhythm at the street. Tall buildings, where appropriate, must conform with the policies of the Official Plan and Urban Design Guidelines, achieve adequate light, privacy and views and maintain the potential for adjacent sites to develop in a similar manner.

Section 4.3.3 contains built form guidelines for the West Precinct, which includes the subject site. These recognize that new development in the West Precinct has a distinguishing character of uniform height, scale and massing, producing an effect of a maturing mid-rise neighbourhood, which is different from Spadina Avenue and the East Precinct.

Section 5 contains the built form guidelines that expand on Section 4. Section 5.2.1 outlines that the street wall of the building has the greatest impact on the image of the street and emphasizes that this portion of the building should be designed to ensure pedestrian comfort and adequate light penetration. New development should reinforce the continuity of the street wall of a particular street using existing building heights and setbacks as the basis for the design of the street frontage.

Section 5.4.1 affirms that the West Precinct is characterized by a homogenous form of low to mid-rise warehouse, office and mixed-use building patterns. The Guidelines state that applications displaying portions of buildings above the height limit set out in the Zoning By-law will be required to demonstrate no undue impacts on light, view, privacy and sunlight access on nearby properties.

Section 5.4.3 stipulates that where buildings are permitted to be higher than the street wall height, a setback will be required that is large enough to ensure that the higher portion does not overwhelm and detract from the consistency of the street wall from the perspective of the pedestrian experience. This section also considers that, even in situations where a particular development meets angular plane requirements and does not cause significant wind or shadow impacts, the height may still not necessarily be acceptable within its context.

Section 5.4.4 states that taller building elements (above the as-of-right height permissions) should be evaluated on their ability to achieve optimum proximity, light, view and privacy conditions, as well as on their impact on other properties on the same block with similar potentials.

### **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.

In Policy 1 in Section 5.3.2 - Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3, The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

The Tall Building Design Guidelines include guidelines to address the conservation and integration of heritage buildings into tall building development and address new developments within their historic context. Section 1.6(a) directs to conserve and integrate heritage properties into tall building developments in a manner that is consistent with accepted principles of good heritage conservation. Section 1.6 (c) states that new base buildings be designed to respect the urban grain, scale, setbacks, proportions, visual relationships, topography and materials of the historic context.



The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

## **Growing Up: Planning for Children in New Vertical Communities**

In July 2017, City Council adopted the Growing-Up Draft Urban Design Guidelines, and directed City Planning staff to apply the Guidelines in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing-Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Council decision and draft guidelines are available at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>.

## **Rental Housing Demolition By-law**

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law (No. 885-2007) prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Acting Chief Planner, where delegated.

City Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Acting Chief Building Official can issue a permit for demolition under the *Building Code Act*.

The Acting Chief Planner, under delegated authority, is authorized to approve an application to demolish all or part of a rental property where the application includes six or more dwelling units, but fewer than six rental dwelling units. As outlined above, the group of related buildings contains at least seven residential dwelling units, of which at least five are rental dwelling units. The final number of units, their tenure type and rent affordability categories is yet to be confirmed by the applicant. Should the required Rental Housing Demolition application confirm that there are fewer than six rental dwelling units on the site, the Acting Chief Planner would be authorized to make the decision pursuant to Municipal Code Chapter 667-14.

As with City Council, the Acting Chief Planner may impose conditions that must be satisfied before a demolition permit is issued. Chief Planner approval of the demolition of residential dwelling units under Section 33 of the *Planning Act* is also required where six or more residential dwelling units are proposed for demolition, before the Acting Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Unlike *Planning Act* applications, decisions made under By-law 885-2007 are not appealable to the Ontario Municipal Board.

To date a Rental Housing Demolition application has not yet been received for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. A Housing Issues Report would need to be submitted with the required application to confirm consistency with the By-law and the Official Plan.

As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

### **Community Consultation**

A community consultation meeting was held on November 20, 2017. City Planning staff, the Ward Councillor and approximately 50 members of the public attended the meeting. A number of written comments and phone calls about the application have been received as well. The primary issues raised include concern over the demolition of the existing heritage buildings on the site, the increased height, impacts on adjacent properties and lack of separation distance between the proposed development and surrounding buildings, concern about loading and parking access and the loss of rental housing on the site.

Staff have considered these comments in the review of this application.

### **Reasons for the Application**

With an overall height of 52.7 metres, the proposal exceeds the permitted maximum height of 28 metres, including mechanical elements, by approximately 24.7 metres, along with a number of deficiencies related to other performance standards including minimum side and rear yard setbacks, parking and amenity space provisions. Amendments to both the former City of Toronto Zoning By-law 438-86 and the new city-wide Zoning By-law 569-2013 are required.

The need for a Rental Housing Demolition application has been identified, with the final requirements of the application still to be confirmed by the applicant. The applicant has not yet submitted an application for Rental Housing Demolition under Chapter 667 of the Municipal Code for a Section 111 permit pursuant to the *City of Toronto Act* and this will be part of the planning review process.

### **Ontario Municipal Board Appeal**

On December 7, 2017, the applicant appealed the Zoning By-law Amendment application to the OMB, citing Council's failure to make a decision on the applications within the time allotted by the *Planning Act*. A pre-hearing conference is scheduled for August 7, 2018. Further hearing dates have not been scheduled.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

Section 2 of the *Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. Relevant matters of provincial interest include amongst other matters: Section 2(d) the conservation of features of significant architectural, cultural or historical interest; and Section 2(r) the promotion of built form that is

well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposed development does not have regard to Section 2(d) of the *Planning Act*, as the proposed development does not conserve the heritage resources at 135, 139, 141 and 143 Portland Street. The proposed development also does not have regard to Section 2(r) as the proposed development does not have a built form that is well-designed. The proposed development is too tall for its context and the massing is out of scale and inappropriate in its context. If the proposal were approved in its current form, it would set a negative precedent for an increase in height and massing in the West Precinct of King-Spadina.

The Provincial Policy Statement (PPS) contains policies related to managing and directing development. It requires that sufficient land be made available for intensification and redevelopment; that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock or areas; and that they establish and implement minimum targets for intensification and redevelopment within built up areas. While the PPS encourages intensification and efficient development, it recognizes that local context is important and that well-designed built form contributes to overall long-term economic prosperity. The proposed development is not a level of intensification that is appropriate when taking into account the existing building stock and area.

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

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

The conservation of heritage resources is required pursuant to Section 2.6.1 of the PPS, which states that significant built heritage resources and significant cultural landscapes shall be conserved. Built heritage resource is defined to include property that has been designated under Parts IV or V of the *Ontario Heritage Act* or included on local, provincial and/or federal registers. The proposal includes demolition of the listed heritage resources at 135, 139, 141 Portland Street and only proposes to incorporate the front façade of 143 Portland Street. The properties are also included in the King-Spadina HCD, which is designated under Part V of the *Ontario Heritage Act*. The lack of conservation of these significant heritage resources is not consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe identifies the Downtown as an Urban Growth Centre, which is a regional focal point for accommodating population and employment growth in complete communities that are well designed to meet people's needs for daily living throughout an entire lifetime. The Growth Plan builds on Section 2(r) of the *Planning Act*, which recognizes the promotion of built form that is well-designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant to be a provincial interest that municipalities and the OMB shall have regard for. The Growth Plan policies also build on PPS Policy 1.7.1(d), which states that long term economic prosperity will be supported by encouraging a sense of place by promoting well-designed built form.

Policy 2.2.2.4 of the Growth Plan directs municipalities to develop a strategy to achieve minimum intensification targets which will identify the appropriate type and scale of development as well as transition of built form towards adjacent areas. Policy 5.2.5.6 states that, in planning to achieve the minimum intensification and density targets of the Plan, municipalities will develop and implement urban design and Official Plan policies, including other supporting documents, which direct the development of a high quality public realm and compact built form. Section 4.2.7 also states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

The King-Spadina area is located in the Downtown Urban Growth Centre. The planning framework that governs this site includes the Official Plan, King-Spadina Secondary Plan, Heritage Conservation District Plan and associated Urban Design Guidelines, which contain policies and guidelines that support a high quality public realm and compact built form. The Downtown Urban Growth Centre is on track to meet its density target of 400 residents and workers per hectare, as set out in the Growth Plan. It is noted that the target is the average of the entire Urban Growth Centre and it is not for any one particular area within the Centre, such as the King-Spadina Secondary Plan Area, to meet this target. The proposed development does not conserve the on-site heritage resources and does little to contribute toward the achievement of a high quality public realm with a strong sense of place.

The proposal in its current form is not consistent with the Growth Plan for the Greater Golden Horseshoe as it fails to conserve heritage resources and the scale of development based on the proposed height and massing is not appropriate for the subject site.

## **Land Use**

The proposed residential and retail uses are permitted by the *Regeneration Areas* land use designation and applicable zoning provisions for the site.

## **Heritage Conservation**

The heritage policies applicable to the site provide clear direction on both the heritage conservation required on the site and an appropriate response to the surrounding context. The site contains four heritage properties at 135, 139, 141 and 143 Portland Street, which were added to the City's Heritage Register by City Council in December 2017. The site is located in the King-Spadina HCD, as adopted by City Council in October 2017, and is adjacent to listed heritage properties to the north at 145 Portland Street, south at 127 Portland Street, east at 20 Maud Street and west at 124-130 Portland Street. The policies in the Official Plan and

Provincial legislation require the conservation of on-site and adjacent heritage properties. The proposal would have a negative impact on the King-Spadina HCD and the adjacent contributing properties. The King-Spadina HCD Plan stipulates that the demolition of heritage properties shall not be permitted, and includes policies and guidelines relating to street wall height, setbacks and new construction.

The Heritage Impact Assessment submitted in support of the application concludes that "The proposed development will alter the heritage value of the site through demolition of three houseform buildings, however the proposal is in keeping with the emerging neighbourhood context of mid- to high-rise residential and commercial infill development in the area."

Based on the Official Plan and King-Spadina HCD Plan as well as relevant design guidelines, the conclusion provided by the applicant's heritage consultant is inconsistent with the direction for the district. Both the analyses undertaken by City Planning staff outlined in the report to City Council recommending inclusion on the Heritage Register and the HCD study undertaken by the City's consultants have determined that the properties at 135, 139, 141 and 143 Portland Street contain sufficient cultural heritage value under the Provincial criteria, Reg. 9/06 of the *Ontario Heritage Act* and contribute to the heritage character of the district.

The site contains five contiguous residential properties, four of which are considered as contributing within the HCD and are listed on the City's Heritage Register. These contiguous properties comprise a reasonably intact residential block face at this segment of Portland Street. The proposed demolition of three heritage resources is not supportable and the alterations proposed at the front façade of 143 Portland Street are not in keeping with its residential character and would alter its character-defining heritage attributes. The heritage properties at the site are required by Provincial legislation, the Official Plan, Urban Design Guidelines and HCD Plan to be conserved as part of the project. Any new development on the site must maintain the three-dimensional integrity of the heritage resources. Significant revisions to the proposal are required in order to meet the intent of these policies and guidelines.

## **Height, Massing and Setbacks**

### **Building Height**

The proposed building height exceeds typical approvals and the planned context in the interior blocks of the West Precinct. The King-Spadina Secondary Plan emphasizes the importance of achieving compatible built form relationships, stating that new buildings will achieve compatible relationships with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line, character and architectural expression.

Staff have reviewed the proposed development in the context of efforts to maintain the midrise character in the West Precinct of the King-Spadina Secondary Plan area (those lands west of Spadina Avenue, most of which are subject to a 23-metre height limit in the Zoning By-law). The objective of keeping building heights lower in the West Precinct is to protect the character and scale of the existing heritage fabric of the area and to minimize impacts associated with tall buildings, such as shadows on sidewalks, parks and open space and the loss of privacy and sky views associated with inadequate tower separation distances.

Since the approval of the King-Spadina Part II Plan in 1996, most of the approvals within this part of the King-Spadina Secondary Plan area have been for buildings with heights of less than 35 metres, or up to 10 to 12 residential storeys. Generally, buildings in excess of these typical heights in this area have occurred based on OMB approval, the inclusion of office uses that can result in slight increases to overall heights due to the higher floor-to-ceiling height requirements of office uses and in locations on the periphery of the Secondary Plan Area and/or closer to streets with wider rights-of-way including Bathurst Street and Spadina Avenue. The Draft Policy Directions Report considered by Toronto and East York Community Council on September 6, 2017, states that, in the West Precinct, policies will limit the scale of development to be significantly lower than the East Precinct (the area east of Spadina Avenue). New development will be limited to a maximum height of 45 metres, including all mechanical elements. It further states that this height may not be appropriate for all sites, as development is also regulated by the other policies in the Secondary Plan Update.

The proposed building at 16 storeys with an overall height of approximately 52.7 metres, including the mechanical penthouse, exceeds typical approvals in the West Precinct in the interior of the 23-metre height limit zone where a more midrise character predominates and the maximum heights outlined through the emerging direction of the King-Spadina Secondary Plan Review. The proposed height exceeds what could be considered appropriate for the area and is not supportable. As noted elsewhere in this report, a revised application that conserves the existing heritage properties at 135, 139, 141 and 143 Portland Street is required, and this will help inform an appropriate building height that better responds to the context and emerging policy direction for the site and area.

### **Base Building**

The proposed building does not create a base building that responds well to the existing and planned context, and the on-site and adjacent heritage properties. The ground floor of the building would be set back approximately 1.5 metres from the west (Portland Street) lot line, which would align with the existing front setback of the dwelling at 143 Portland Street that is proposed to be retained and share a party wall with the listed dwelling at 145 Portland Street. This setback would generally continue up to the seventh floor of the building along Portland Street, above which it would step back slightly at each floor, reaching a maximum setback of approximately 2.5 metres from the Portland Street lot line at the sixteenth floor. The second through fourth floors include projecting balconies that extend up to the Portland Street property line up to a height of approximately 13.9 metres. Inset balconies are proposed on all levels above the fourth floor.

As required by the King-Spadina Secondary Plan and Urban Design Guidelines, new buildings are to achieve a compatible relationship with their built form context through consideration of such matters as height, massing, scale, setbacks, stepbacks and architectural expression. Existing listed and contributing heritage properties are to be appropriately conserved and integrated into any new development. Further, new development should reinforce the character and scale of the existing street wall, and the base of the building should respond proportionally to the width of the street and reinforce the existing building rhythm of the street. Similarly, the King-Spadina HCD Plan advises that, in order to respect the character and pattern of the street wall frontage

and height of the adjacent contributing heritage built form, a base building height is to be established that will be consistent with the streetwall height of the adjacent buildings and elements above this height are to be stepped back from the front wall.

Part of the purpose of a base building with the taller portion of the building stepped back from the street level is to create good proportion at the street level, avoid overwhelming the public realm and provide appropriate sky view and sunlight conditions. In this case, the existing heritage buildings should form the 'base' of any new building on the site. The proposed building should be located behind the rear eaves line of the existing heritage buildings and the proposed building should have minimal impact upon the three-dimensional integrity of the heritage buildings. The exact stepback from the base will be determined through further review of the application once a revised proposal that includes the conservation of the existing heritage resources is received.

### **Building Setback and Separation Distance**

The proposed side and rear yard setbacks are not sufficient. They would result in inadequate separation distances between buildings on the subject and abutting properties. This will impact light, view and privacy, as well as quality of life. On the western (front) half of the proposed building, no setbacks are proposed from the north and south property lines. On the eastern (rear) half of the proposed building, no setbacks are proposed from the north and south property lines up to the ninth floor, above which approximately 1.5 metre setbacks are proposed. An approximately 1.2 metre setback is proposed from the eastern lot line along the laneway up to the ninth storey. Projecting balconies are proposed within this setback area up to the property line. A 4.5 metre setback is proposed at the tenth floor and a 1.5 metre setback is proposed for the eleventh through fifteenth floors.

The proposed setbacks from the north, south and east property lines do not comply with relevant policies and guidelines. A 16-storey building is considered a tall building and the Tall Building Design Guidelines and Council-adopted OPA 352 would require the provision of a minimum separation distance of 12.5 metres from any property line that is not a street line as well as the centreline of the laneway. A midrise building would generally require a minimum 5.5 metre setback from any property line that is not a street line as well as the centre-line of a laneway. The proposal does not meet either the setbacks sought for tall buildings or those typically sought for midrise buildings. Moreover, the site contains heritage buildings that must be conserved, which will impact the required setbacks from the north, south and east property lines.

The side and rear yard stepbacks must be increased above a revised base building that would appropriately conserve and respond to the existing on-site and adjacent heritage buildings. This should meet the intent of the City's policies and guidelines and the existing and planned context of the area.

### **Sun, Shadow and Wind**

The Shadow Study submitted in support of the application must be revised to clearly demonstrate the proposed building's shadow impacts on the surrounding area and allow evaluation against the existing, as-of-right and approved but unbuilt context. The proposed building should not introduce new shadows beyond the as-of-right zoning permissions on St. Andrew's Playground,

which is a designated heritage site and an Area of Special Identity in the King-Spadina Secondary Plan, and should minimize the shadow impact on the future park secured through the approved application to the west of the site at 543-553 Richmond Street West (File No. 14 267424 STE 20 OZ).

A Pedestrian Wind Assessment submitted in support of the application shows no adverse impacts created by the proposed development on the public realm surrounding the site. The proposed rooftop amenity space would require design mitigation features to address anticipated adverse wind conditions.

It is expected that the massing of the proposed building will be significantly altered once a revised application that conserves the existing heritage properties at 135, 139, 141 and 143 Portland Street is submitted, and this will affect the shadow and wind impacts of the proposal.

### **Amenity Space**

The Official Plan requires that new development provide adequate indoor and outdoor amenity space for residents. The Zoning By-law establishes a standard minimum amenity space rate of two square metres indoor and minimum two square metres outdoor amenity space per dwelling unit. Approximately 215 square metres of outdoor amenity space (1.8 square metres per unit) and 143 square metres of indoor amenity space (1.2 square metres per unit) are proposed on the sixteenth storey. The provision of indoor amenity space should be increased.

### **Residential Unit Mix**

Official Plan policies state that a full range of housing in terms of form, affordability and tenure arrangements will be provided and maintained to meet the needs of current and future residents. The PPS and Growth Plan for the Greater Golden Horseshoe contain policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities design guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments.

The proposed overall unit breakdown consists of 17.1% bachelor units, 35.9% one-bedroom units, 38.5% two-bedroom units and 8.5% three-bedroom units. To meet the intent of the relevant housing policies and guidelines, the number of larger residential units suitable for a broader range of households, including families with children should be increased. This should include increasing the percentage mix of three-bedroom units to a minimum of 10%.

### **Housing**

Based on City Planning staff's site inspections and review of data related to the existing housing on the site, it became apparent to staff that the site includes more than six dwelling units, at least one of which is rental, triggering the requirement for the applicant to submit a:

- Rental Housing Demolition application; and
- Housing Issues Report.



On October 3 and 4, 2017, and January 26, 2018, City Planning staff visited the buildings at 135-143 Portland Street to confirm the number of residential and rental dwelling units located in the buildings. The site visits confirmed that this group of related buildings contains at least seven residential dwelling units, of which five are confirmed rental dwelling units. Further information is required to confirm the number of dwelling units and their tenure.

The final number of units, tenure, unit type and level of affordability has yet to be confirmed. Neither the Rental Housing Demolition application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code nor the Housing Issues Report to confirm consistency with Official Plan policies has been received. Staff advised the applicant in writing of the outstanding items on October 4, 2017. Staff require submission of the above-noted material in order to undertake a full review of the proposal.

As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental properties. Additional requirements may apply depending on confirmation of the number of rental units and affordability level. Staff will continue to work with the applicant to resolve outstanding matters, all of which may need to be secured through one or more agreements with the City and registered on title to the land in a manner satisfactory to the City Solicitor and Acting Director Community Planning, Toronto and East York District.

### **Traffic Impact, Vehicle Parking and Loading**

The Traffic Impact Assessment submitted in support of the proposal concluded that the projected site traffic would have minimal impacts on the area and could be acceptably accommodated on the adjacent road network. Transportation Services staff have reviewed the traffic impact analysis and have determined that it is acceptable.

The existing public laneway east of the site has an approximate width of 4.88 metres and a conveyance of 0.56 metres along the eastern property line is required for laneway widening purposes. This would be conveyed through a possible future Site Plan Approval application.

Vehicular access to the site is proposed from the laneway at the east side of the building, which is acceptable.

Two parking elevators are proposed to provide access to 24 parking spaces in two underground levels for residents. No parking for visitors or retail uses is proposed. This does not meet the minimum requirements of Zoning By-law 569-2013, which would require approximately 89 parking spaces. Transportation Services staff have reviewed the proposal and accept the proposed residential parking supply. Staff have requested further justification of the proposed reduction in visitor and retail parking supply. Parking space dimensions and vehicular manoeuvring diagrams have been requested to demonstrate that the proposed parking elevators and access arrangement can operate in an acceptable manner.

One Type G loading space is proposed, which meets the requirement of Zoning By-law 569-2013.

## **Bicycle Parking**

The Official Plan contains policies that encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies attempt to increase the opportunities for better walking and cycling conditions for residents and workers of the City. One hundred eighteen bicycle parking spaces are proposed on one underground level, of which 106 would be for residents and 12 would be for visitors, and four spaces would be provided on the ground floor associated with the retail space, which meet the supply required by Zoning By-law 569-2013.

## **Servicing and Stormwater Management**

Engineering and Construction Services staff require a revised Functional Servicing and Stormwater Management Report and Hydrogeological Study. This must be reviewed and accepted by Engineering and Construction Services staff before any approval of a site specific Zoning By-law to allow for the development of the site.

## **Tree Preservation**

The Arborist Report and Tree Preservation Plan submitted in support of the application indicate there are 11 trees both within and immediately adjacent to the site. Of these, eight trees are proposed to be removed and all of the trees qualify for protection under the City's Tree Protection By-law. The applicant will be required to obtain the necessary permits and submit a satisfactory replanting plan prior to the removal of any protected trees.

## **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 site is located in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is for a sixteen-storey mixed-use building with 243 square metres of non-residential gross floor area and 9,216 square metres of residential gross floor area comprising 117 units. In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a 10% parkland dedication and the non-residential component of this proposal is subject to a 2% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade 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 and Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the TGS 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. Should the Zoning By-law Amendment application be approved in some form, the site specific Zoning By-laws would secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure and Storage and Collection of Recycling and Organic Waste. Other applicable performance measures, such as Bird Friendly Design, will be secured through a possible future Site Plan Control process.

### **Facilities for Dogs**

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

### **Section 37**

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

City Planning staff recommend that the City Solicitor be directed to request the OMB, in the event it determines to allow the appeal in whole or in part, to withhold any Order that may approve the development until such time as the City and the owner have presented draft By-laws to the Board in a form acceptable to the Acting Director, Community Planning, Toronto and East York District, and the City Solicitor, in consultation with Toronto Building, including providing for the appropriate Section 37 benefits to be determined and incorporated into any Zoning By-law amendment and a satisfactory Section 37 agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Acting Director, Community Planning, Toronto and East York District, and the City Solicitor.

### **CONCLUSION**

City Planning staff do not support the proposal in its current form, as it does not conform with the applicable planning framework for the area, is not consistent with the existing character of the area and does not achieve a compatible relationship with the built form context. Appropriate heritage conservation, a reduction in building height, increased separation distances and stepbacks from adjacent properties, additional amenity space, a better mix of units and submission of the outstanding rental housing demolition application and housing issues report are required. It is recommended that the City Solicitor, together with City Planning and other appropriate staff, be directed to attend the OMB hearing in opposition to the appeal. Staff will

continue to work with the applicant to achieve an acceptable built form for the site that is sensitive to its context and conserves heritage resources.

## **CONTACT**

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Jym Clark, Planner (Housing Policy)

Tel. No.: 416-392-8124

E-mail: Jym.Clark@toronto.ca

## **SIGNATURE**

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Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC\doc) – lm

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: West Elevation

Attachment 3: North Elevation

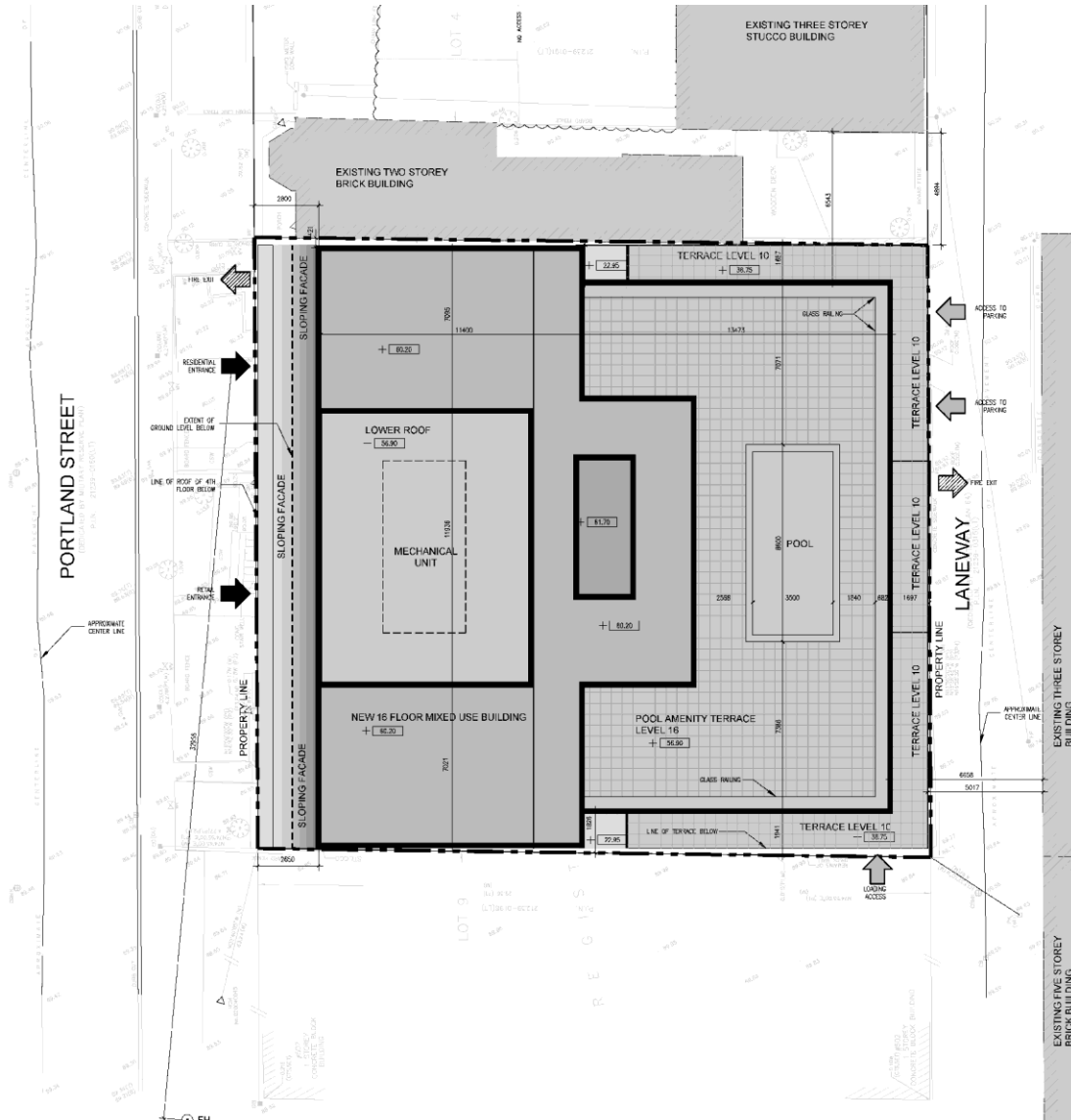
Attachment 4: East Elevation

Attachment 5: South Elevation

Attachment 6: Zoning Map

Attachment 7: Application Data Sheet

# Attachment 1: Site Plan



Site Plan

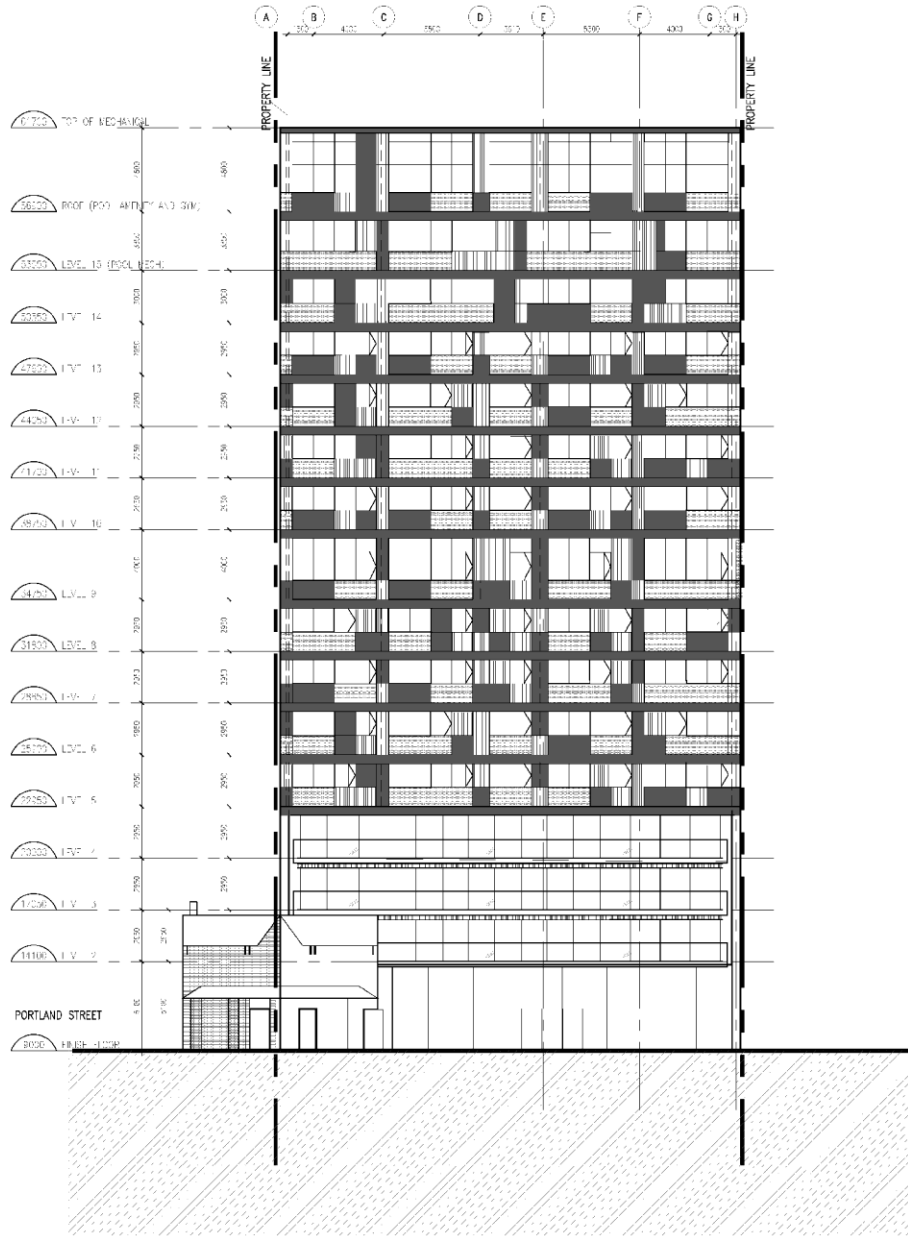
135-143 Portland Street

Applicant's Submitted Drawing

Not to Scale 

File # 17 213544 STE 20 0Z

## Attachment 2: West Elevation



**West Elevation**

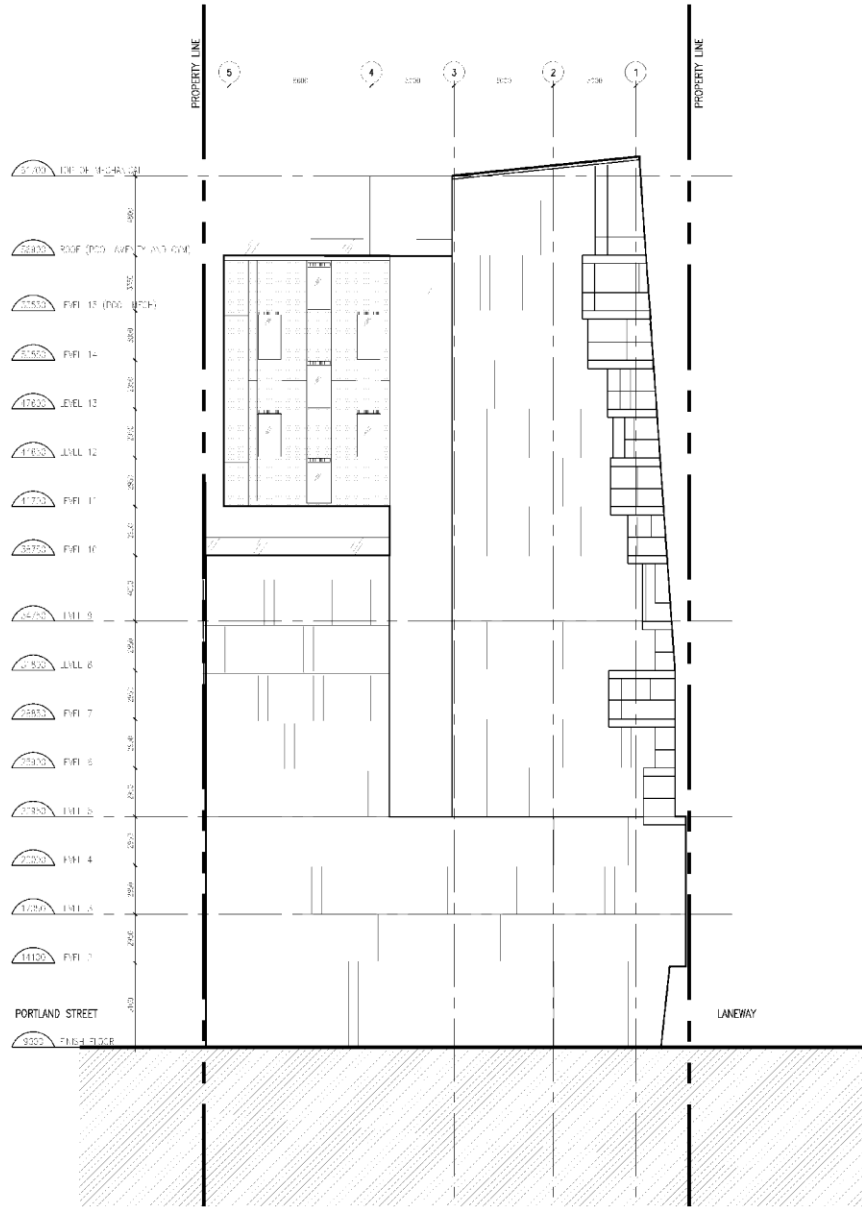
**135-143 Portland Street**

Applicant's Submitted Drawing

Not to Scale 10/05/2017

File # 17 213544 STE 20 OZ


### Attachment 3: North Elevation



**North Elevation**

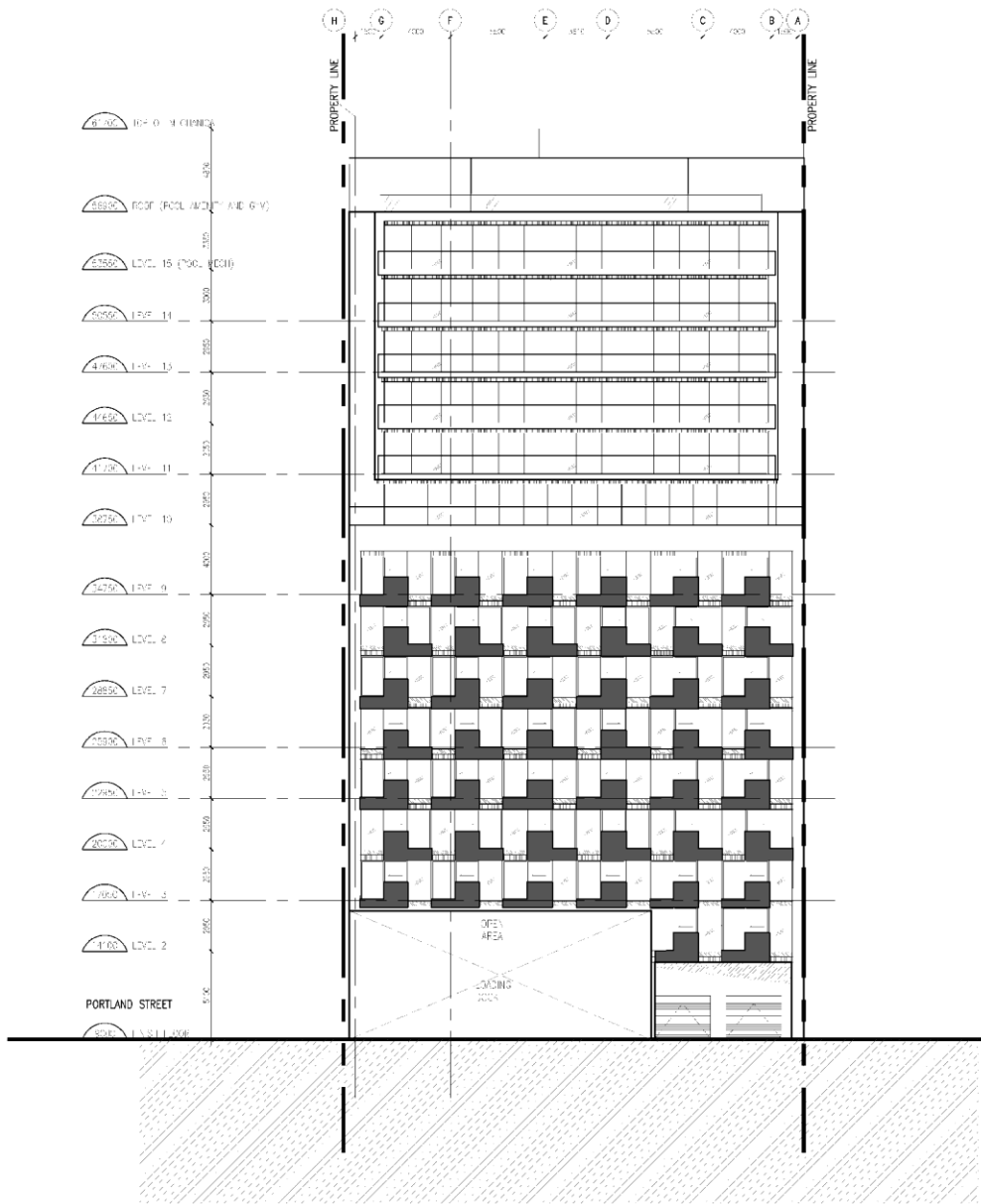
**135-143 Portland Street**

Applicant's Submitted Drawing

Not to Scale   
10/05/2017

File # 17 213544 STE 20 OZ

# Attachment 4: East Elevation



East Elevation

135-143 Portland Street

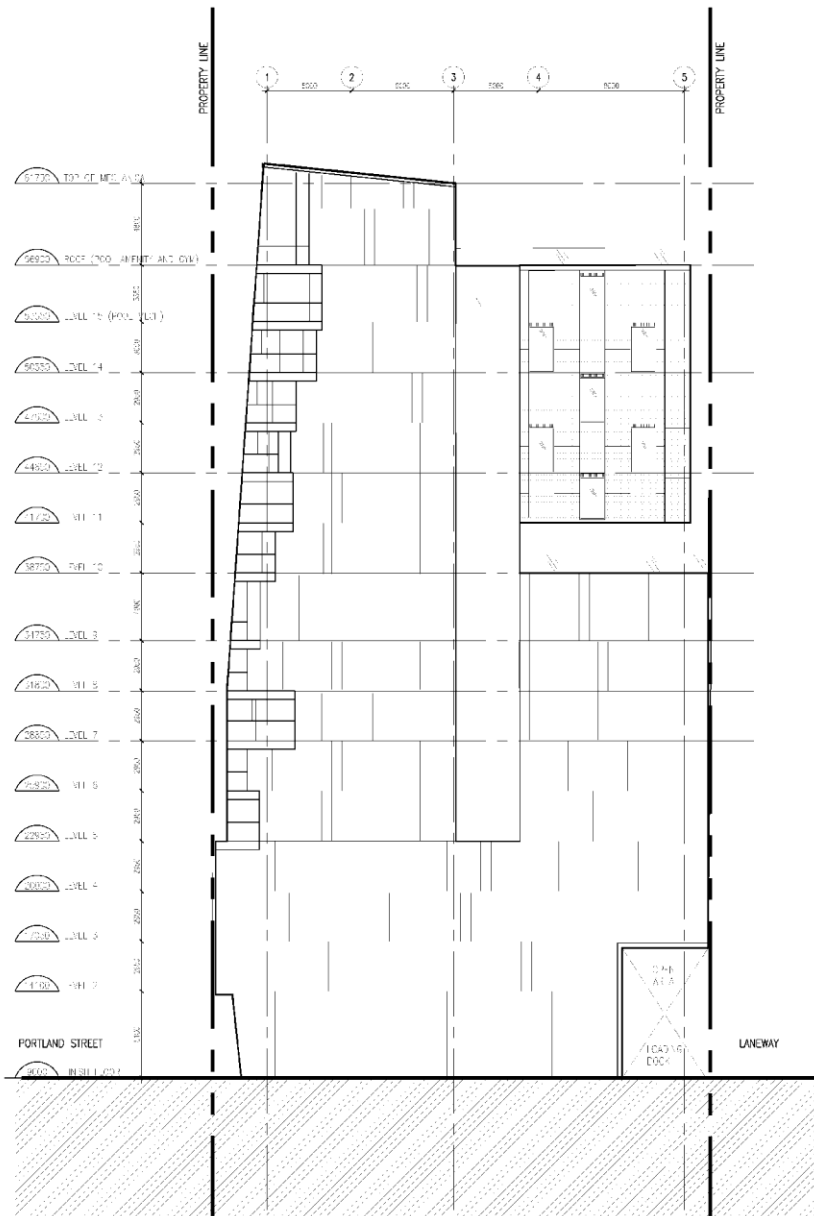
Applicant's Submitted Drawing

Not to Scale   
10/05/2017

File # 17 213544 STE 20 OZ



## Attachment 5: South Elevation



**South Elevation**

**135-143 Portland Street**

Applicant's Submitted Drawing

Not to Scale   
 10/05/2017

File # 17 213544 STE 20 0Z

## Attachment 6: Zoning Map



**Zoning By-Law No. 569-2013**

**135-143 Portland Street**

**File # 17 213544 STE 20 OZ**

Location of Application

See Former City of Toronto By-Law No. 438-86  
RA Mixed-Use District

CRE Commercial Residential Employment    OR Open Space Recreation



Not to Scale  
Extracted: 10/25/2017

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	17 213544 STE 20 OZ
Details	Rezoning, Standard	Application Date:	August 9, 2017
Municipal Address:	135-143 PORTLAND ST		
Location Description:	PLAN 64 PT LOT 8 **GRID S2012		
Project Description:	Proposed 16-storey building with approximately 244 square metres of retail uses on the ground floor and 117 residential units above. The facade of 143 Portland Street is proposed to be retained while all other existing buildings on the site would be demolished. The proposal would contain 122 bicycle parking spaces and 24 vehicle parking spaces in three underground levels.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Walker Nott Dragicovic Associates Ltd.		Quadrangle Architects Ltd.	ADI Development (Portland) Inc.

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	CRE (x76)	Historical Status:	Yes
Height Limit (m):	23	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	783	Height:	Storeys:	16
Frontage (m):	26.63		Metres:	47.9
Depth (m):	29.37			
Total Ground Floor Area (sq. m):	603			<b>Total</b>
Total Residential GFA (sq. m):	9216		Parking Spaces:	24
Total Non-Residential GFA (sq. m):	243		Loading Docks	1
Total GFA (sq. m):	9216			
Lot Coverage Ratio (%):	77			
Floor Space Index:	12.1			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	20
1 Bedroom:	42
2 Bedroom:	45
3 + Bedroom:	10
Total Units:	117

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	9216	0
Retail GFA (sq. m):	243	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Paul Johnson, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>416-397-0259</b>