

**445-451 Adelaide Street West - Zoning Amendment,  
Application - Request for Direction Report**

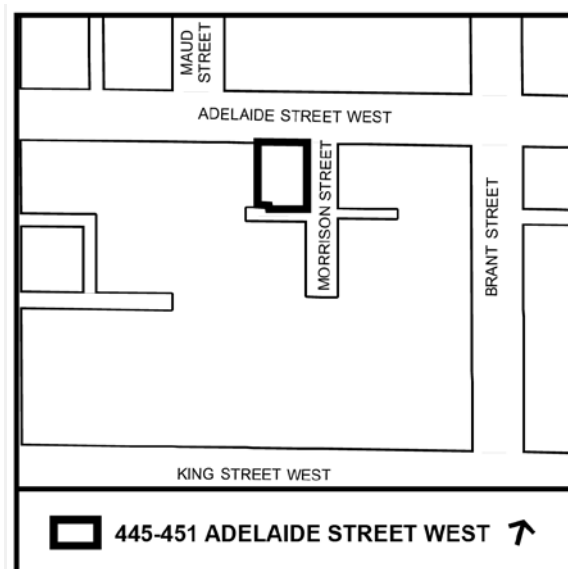
<b>Date:</b>	March 8, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	17 209531 STE 20 OZ

**SUMMARY**

This application proposes to demolish the existing house form buildings included on the City's Heritage Register and to develop the site with an 11-storey office building containing retail uses at grade.

This proposed development is not supportable because it fails to conserve the existing heritage buildings on the site and fails to appropriately transition towards the adjacent heritage property; provides a massing that does not appropriately respond to the character of Adelaide Street West and Morrison Street in terms of streetwall height, and does not provide appropriate separation distances from existing mixed-use buildings to the west and the south. Additionally, the proposal would create new incremental shadow on St. Andrew's Playground during the spring and fall equinox.

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



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council 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 445-451 Adelaide Street West in its present form for reasons set out in the report (March 8, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. 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.
3. 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 until:
  - a) the final form of the Zoning By-law amendments are to the satisfaction of the Acting Director, Community Planning, Toronto East York District and the City Solicitor;
  - b) the owner has entered into a Heritage Easement Agreement with the City for the properties at 445, 457, 459 and 451 Adelaide Street West 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 445, 457, 459 and 451 Adelaide Street West to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - d) the owner has addressed the outstanding items in relation to servicing and loading outlined in the memorandum from Engineering and Construction Services dated September 21, 2017; and
  - e) 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.
4. City Council authorize the City Solicitor and other 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**

### **Committee of Adjustment**

In 2005, the Committee of Adjustment approved minor variances to permit a 10-storey residential building with a height of 29.6 metres, including the mechanical penthouse, on this site. The Committee of Adjustment Decision was subject to the conditions that any plans submitted with the building permit application be substantially in accordance with those approved by the Committee of Adjustment, dated October 20, 2005, and that the mechanical penthouse equipment not exceed a building height of 29.6 metres. The proposal was also subject to Site Plan Approval, however, an application for Site Plan Approval was never submitted, thereby, building permits for the proposal were never issued.

At the time, the proposal before the Committee of Adjustment, submitted by the same applicant as the current Zoning Amendment application, did not conserve the row house buildings on the site as the Minor Variance application pre-dated the King Spadina Heritage Conservation District Plan and City Heritage staff had not yet had the opportunity to identify the heritage integrity of these properties.

### **Listing on City's Heritage Register**

At its December 11, 12 and 13, 2016 meeting, Toronto 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.

The properties at 445-451 Adelaide Street West were listed on the City's Heritage Register, adopted by City Council on December 5, 6, 7 and 8, 2017.

### **Pre-Application Meeting**

On July 26, 2017, Community Planning, Urban Design and Heritage Preservation Services held a pre-application meeting with the applicant. The applicant presented the same proposal which was formally submitted to the City five days later on August 1, 2017. At the meeting, staff advised that the proposal to demolish the existing four heritage buildings cannot be supported. Other built form considerations such as overall building height, base building height, setbacks and stepbacks needed to be informed by a detailed Heritage Conservation Plan and result in a revised proposal showing the conservation of those buildings.

## **ISSUE BACKGROUND**

### **Proposal**

The site consists of four two-storey row house buildings constructed in the 1880s which have recently been added to the City's Heritage Register, and were previously identified as contributing heritage properties in the King Spadina Heritage Conservation District Study and Plan. The Zoning By-law amendment application proposes to demolish these buildings and re-develop the site with an 11-storey office building containing retail uses at grade and office uses above. The total building height will be 40.5 metres, including the mechanical penthouse.

The ground floor of the building will be set back approximately 2.5 metres from the Adelaide Street West property line and approximately 1.9 metres from the Morrison Street Property line. The second storey will cantilever over these setbacks and will bring the building up to the respective Adelaide Street West and Morrison Street property lines. Starting at the 9<sup>th</sup> storey, the building will stepback just over 6 metres and 0.9 metres from the base building below along the Adelaide Street West and the Morrison Street frontage respectively. Additionally, two notch-out areas, one measuring 4.5 metres deep and 3.5 metres wide and the other 4.5 metres deep and 1.7 metres wide will be provided at the northwest and northeast corners of the building respectively. These two notch-out areas, together with the remainder of the stepback of the 9<sup>th</sup> storey from the base building below, will be utilized as an outdoor amenity area.

At the 11<sup>th</sup> storey, the depth of the notch-out areas will increase by 1.5 metres, thereby pushing these sections of the building back an additional 1.5 metres from the base building below along the Adelaide Street Frontage.

A total of 10 vehicular parking spaces will be provided in a below-grade parking garage accessed off of a public lane to the south of the site via a car elevator. A total of 9 long-term and 11 short-term bicycle parking spaces are proposed within the P1 level of the parking garage. A Type-C loading space will be located at grade, also accessed from the lane to the south.

### **Site and Surrounding Area**

The site, located at the southwest corner of Adelaide Street West and Morrison Street, has an approximate frontage of 20 meters along Adelaide Street West and 27 metres along Morrison Street, with a total lot area of 551 square metres. There are five, two-storey row house buildings of brick construction built between 1880 and 1906 located on the south side of Adelaide Street, just west of Morrison Street, however, only the first four buildings, located at 445, 447, 449 and 451 Adelaide Street West, are subject to this development proposal. The last, western-most building, at 453 Adelaide Street West, is not included in the development proposal. All five of these properties are included on the City's Heritage Register.

The four buildings subject to the development proposal contain a combination of office uses and three residential units. A recent site visit by City staff confirmed the number of rental residential units and that a Rental Housing Demolition and Conversion Application under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) will not be required.

The following are uses surrounding the site:

**West:** As noted above, to the immediate west of the subject site is a two-storey row house building which makes up the western end unit of the row-house block. This building thereby shares a party-wall with the adjacent unit, 451 Adelaide Street West, which is subject to this Zoning Amendment application.

Farther west is an L-shaped residential building known as Fashion District Lofts, which has an eight-storey (29.2 metre tall) component fronting Adelaide Street West and a 10-storey (34.2 metre tall) component fronting Morrison Street.

Farther west is a 12-storey (35.7 metre tall) residential building, known as Fashion House, followed by a one-storey and a four-storey commercial building and a surface parking lot at the southeast corner of Adelaide Street West and Portland Street. The two commercial buildings are included on the City's Heritage Register, and, together with the adjacent parking lot, are subject to a development proposal for a 12-storey (51.5 metre tall) office building (File No. 17- 215103 STE 20 OZ).

**North:** To the immediate north of the subject site, between Brant and Maud Streets, is the historic St. Andrew's Playground, a 0.59 hectare park which contains an open green space, a children's play area and an off-leash dog area.

**South:** To the immediate south of the subject site is a public lane and to the south of the lane is the 10-storey tall Morrison Street portion of the L-shaped Fashion District Lofts. Further south, fronting King Street West, is the southern, 12-storey element of the Fashion House condos.

**East:** To the east of the site, at the southeast corner of Adelaide Street West and Morrison Street, is a two-storey commercial building followed by a playground for Brant Street School (the school building itself is located just south of the playground and has frontage on Brant Street).

Further south of the commercial building, along the east side of Morrison Street is a surface parking lot.

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

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

- (d) the conservation of features of significant architectural, cultural, historical, archeological or scientific interest;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (r) the promotion of a built form that,
  - (i) is well designed;
  - (ii) encourages a sense of place;
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant

The Provincial Policy Statement (PPS) (2014) 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 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; 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;
- Conserving significant built heritage resources and significant cultural heritage landscapes; and
- Ensuring development and site alteration adjacent to protected heritage properties are evaluated to ensure the heritage attributes are 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 Provincial Policy Statement. Policy 4.7 further states that the Official Plan is the most important vehicle for implementing the PPS.

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 cultural heritage resources, including built heritage resources, in order to foster a sense of place and benefit communities.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS 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**

### Chapter Two – Shaping the City

The site is located within the *Downtown*, as identified on the Official Plan's Urban Structure map. Chapter Two – Shaping the City identifies that the *Downtown* area offers opportunities for substantial growth, but it is not anticipated that this growth will 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, setbacks, heights and relationship to historic and landmark buildings.

### Chapter Three – Building a Successful City

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 3.1.2 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 transition in scale to neighbouring existing and/or planned buildings, and limiting shadow impacts on streets, open spaces and parks.

### Heritage Conservation:

On May 12, 2015, the Ontario Municipal Board approved Official Plan Amendment 199 to the City's Official Plan Heritage policies. These policies provide direction on the conservation of heritage properties included on the City's Heritage Register, and provide policy direction on development adjacent to heritage properties. The heritage policies contained in Section 3.1.5 of the Official Plan provide the policy framework for heritage conservation. In particular, Policy 3.1.5.4 states that heritage resources on the City's Heritage Register will be conserved and further, Policy 3.1.5.6 encourages the adaptive re-use of heritage properties. Additionally, Policy 3.1.5.26 states 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. Further, Policy 3.1.5.27 discourages the retention of facades alone and encourages conservation of whole or substantial portions of buildings. Finally, Policies 3.1.5.32 – 33 deal specifically with development within Heritage Conservation Districts to ensure the integrity of the district's heritage values, attributes and character are conserved in accordance with HCD plans.



#### Chapter Four – Land Use Designations

The Official Plan designates the site as *Regeneration Areas* within the Downtown. *Regeneration Areas* are one of the key areas of the City expected to accommodate growth and in order to facilitate this, the designation permits a wide range of uses, including the proposed commercial uses. The Official Plan contains policies related to *Regeneration Areas* encouraging the restoration, re-use and retention of existing buildings that are adaptable for re-use so as to encourage a broad mix of commercial, residential, light industrial and live-work uses, thereby revitalizing areas of the City that are vacant or underused. Section 4.7.2 of the Official Plan provides development criteria in *Regeneration Areas*, to be guided by a Secondary Plan, which, in this case, is the King Spadina Secondary Plan.

#### Chapter Five – Implementation

Chapter Five provides guidance to understand and interpret the Official Plan. In particular, Section 5.6, Policy 1 indicates that the Official Plan should be read as a whole in order to understand its comprehensive and integrative intent as a policy framework. Additionally, Section 1.5 How to Read this Plan in Chapter One indicates that the Official Plan is a comprehensive and cohesive whole. The proposed application was evaluated against the policies described above as well as the policies of the Official Plan as a whole.

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

The site is situated within the West Precinct of the King-Spadina Secondary Plan Area 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, heritage and the public realm. The major objectives of the Plan include the policy that heritage buildings and other important buildings within the King-Spadina Area, including the West Precinct, will be retained, restored and re-used.

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 to minimize pedestrian/vehicular conflicts;
- new buildings will be sited for adequate light, view and 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 of building height, massing, scale, setbacks, stepbacks, roof line and profile, and architectural character and expression;
- 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.

Additionally, the policies of Section 4 – Heritage – specify that:

- heritage buildings in the King-Spadina Area are essential elements of the physical character. In this regard, the City will seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more appropriate legal agreements;

A major objective of the King Spadina Secondary Plan is to use the historic fabric of the area as the context within which to assess new development. Additionally, achieving a mixture of compatible land uses and retaining and promoting commercial and light industrial uses is another major objective of the plan.

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

Urban Design guidelines, in conjunction with the Official 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. Guidelines are crucial planning tools that assist in testing the appropriateness of development applications in the policy context. They are intended to assist in the implementation of the Official Plan policies for built form, and serve as a unified set of directions for the evaluation of development applications.

The Official Plan (Section 5.3.2: Implementation Plans and Strategies for City- Building, Policy 1) 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 King-Spadina Urban Design Guidelines support the implementation of the King-Spadina Secondary Plan. These Guidelines state that new development should be compatible with existing heritage buildings in terms of massing, height, setbacks, stepbacks and materials. New development, within the context of existing adjacent buildings, should define and contribute to a high quality public realm. Development should reinforce the character and scale of the existing street wall in the immediate surrounding area. In addition, the scale of the building brought to the sidewalk should respond proportionally to the width of the right-of-way.

Section 4.3.3 Built Form of the Guidelines recognizes 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 emphasizes that the street wall should be designed to ensure pedestrian comfort and adequate light penetration. This can be achieved through a 1:1 ratio of building height

relative to street width. 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.

Further, Section 5.4.1 Building Heights 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 Angular Planes and Stepbacks 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 Light, View and Privacy states that taller building elements (i.e. 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.

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

The King-Spadina Secondary Plan Review began as the "King-Spadina East Precinct Built Form Study". The first expansion to the Study area was made by City Council at its meeting on July 7, 2015, where the boundary was expanded to also include the Spadina Precinct. 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.

The geographic boundaries of the study were further expanded to include the West Precinct, thereby including the entire King-Spadina Secondary Plan Area by Toronto and East York Community Council at its September 6, 2017 meeting, through their consideration of the Draft Policy Directions Report. Draft policy direction includes:

- Proposed land use redesignation from *Regeneration Areas* to *Mixed Use Areas*;
- Public Realm Strategy;

- Urban Design Guidelines;
- Parkland acquisition prioritization;
- Built Form policies;
- Identification of Areas of Special Identity; and,
- Provisions for Infrastructure.

The Community Council decision and staff report, which provides a detailed background of the decision history of studies within this Secondary Plan area can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.60>.

King Spadina is one of the highest growth areas in the City of Toronto. The King-Spadina Secondary Plan Review recognizes that this area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. The updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage and character of the area.

Staff anticipate that the Draft King Spadina Official Plan policies will be posted on the City Planning web site in 2018. A Final Report outlining the proposed Secondary Plan Amendments will be considered at a public meeting of the Toronto and East York Community Council under the *Planning Act*, after a consultation period to allow for public input on the draft policies.

### **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>.

As previously discussed in this report, the Official Plan recognizes the importance of guidelines in advancing policy implementation. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1. The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

## **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, and provides the detailed performance standards for portions of buildings above 24 metres in height. Both OPA 352 and the By-law 1105-2016 are under appeal. 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.

### **TOcore: Planning Toronto's 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 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.

Building on Downtown's existing planning framework and drawing on best practices within 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 accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1>. Further background information can be accessed at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **Community Consultation**

A community consultation meeting was held on November 20, 2017, and was attended by approximately 50 members of the public. A number of written comments have been received as well. Comments raised include concern over the demolition of the existing heritage buildings on the site and the separation distance between the proposed development and the existing "L-shaped" residential building "Fashion District Lofts" located to the west and to the south of the development. Concerns have also been raised by the owner of the heritage row house immediately west of the development site regarding the proposal to share a party-wall with the development and the impact this, as well as the proposed mass of the development, will have on the row house property and on the character of the street as a whole, given that there will be a narrow, two-storey row house building situated between two much taller buildings. Finally, concerns have also been identified regarding the traffic impact on Morrison Street, which is a narrow (12.3 metre wide) street that dead-ends at the Fashion District Lofts and provides the only vehicular access to the Fashion District Lofts but is often already obstructed with parked cars.

## **Notice of Complete Application**

A Notice of Complete Application was issued on August 17, 2017.

## **Ontario Municipal Board Appeal**

The proposal was appealed to the Ontario Municipal Board by the Applicant for failure by the City to issue a decision within the time prescribed by the *Planning Act* (120 days) on November 29, 2017. Given that the application was submitted on August 1, 2017, this was one day prior to the prescribed 120 day period.

## **Reasons for the Application**

The proposal does not comply with the in-force Zoning By-law as it exceeds the permitted height of 23 metres by approximately 17.5 metres, resulting in a total building height of 40.5 metres, including the wrapped mechanical penthouse. Other areas of non-compliance include, but are not limited to, reduced building setbacks, and the number of parking and loading spaces.

## **Site Plan Control**

The development proposal is subject to Site Plan Control. A Site Plan Approval application has not been submitted at this time.

## COMMENTS

This application does not conserve the on-site heritage properties and does not meet the current planning framework, the King Spadina HCD Plan or the emerging policy direction for the King-Spadina West Precinct in relation to streetwall height and transition. The proposal is not compatible and does not complement the existing built form character of the area.

### Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including, as noted in Section 2(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest and in 2(r), the promotion of a built form that is well-designed and encourages a sense of place. In its current form, the proposed development does not have regard for these policies of the *Planning Act*.

The Provincial Policy Statement (PPS) encourages intensification and efficient development. However, it recognizes that local context is important and that well-designed built form contributes toward overall long-term economic prosperity. To this end, Policy 4.7 of the PPS identifies the Official Plan as being the most important vehicle for implementing the PPS. Further, Policy 1.1.3.3 indicates that planning authorities shall identify appropriate locations for intensification and redevelopment. The City of Toronto Official Plan establishes areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies.

The application proposes to intensify the site located in an area where re-development and intensification are encouraged by the Official Plan, however, it does not meet the objectives of the Official Plan and the King-Spadina Secondary Plan because it proposes intensification and re-development of the site at the expense of the existing heritage buildings at 445, 457, 459 and 451 Adelaide Street West. To this end, the proposal is inconsistent with Policy 2.6.1 of the PPS which requires the conservation of significant built heritage resources and cultural landscapes.

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 which are well designed to meet people's needs for daily living throughout an entire lifetime. 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. Additionally, Policy 2.2.3.2 of the Growth Plan directs urban growth centres to achieve a minimum density target of 400 residents and jobs combined per hectare by 2031. Further, 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.

The King Spadina neighbourhood, within which the site is situated, is located within the *Downtown*, an urban growth centre. The planning framework that governs this site includes the King Spadina Secondary Plan, Heritage Conservation District Plan and associated Urban Design Guidelines which contain policies and guidelines supporting a high quality public realm and compact urban form. Furthermore, the *Downtown* is an urban growth centre that is on track to meet the density targets 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. Overall, the Downtown is on track to meet the Growth Plan minimum targets.

As such, redevelopment of this site as contemplated by this proposal is not required to meet or contribute to the minimum density target for the *Downtown* Toronto urban growth centre. Additionally, as the existing streetscape includes the four heritage buildings, the redevelopment of this site without the conservation of these buildings does little to contribute towards the achievement of a high quality public realm with a strong sense of place. Furthermore, the proposed demolition of four existing heritage buildings is not consistent with Policy 4.2.7.1 of the Growth Plan requiring cultural heritage resources to be conserved in order to foster a sense of place and benefit communities.

## **Land Use**

The proposed development consists of commercial retail and office uses and complies with the use permission in the *Regeneration Areas* designation in the King-Spadina Secondary Plan.

## **Heritage Conservation**

The site contains four heritage properties at 445, 457, 459 and 451 Adelaide Street West, included on the City's Heritage Register by City Council on December 5, 6, 7 and 8, 2017. Further, the site is located within the King-Spadina HCD, adopted by City Council on October 2, 2017, and is adjacent to the heritage properties at 453 Adelaide Street West and St. Andrew's Playground located at 450 Adelaide Street West.

A Heritage Impact Assessment was submitted with the application, prepared by ERA Architects Inc., dated August 1, 2017, which maintains that the properties at 445, 457, 459 and 451 Adelaide Street West contain neither sufficient cultural heritage value under the Provincial criteria, Reg. 9/06 of the *Ontario Heritage Act*, to warrant designation under Part IV, nor contribute to the heritage character of the King-Spadina HCD. Both the analyses undertaken by City Planning staff included in the report to City Council recommending inclusion on the Heritage Register as contributing properties and in the HCD study undertaken by the City's consultants, have determined that the properties at 445, 457, 459 and 451 Adelaide Street West do, in fact, contain sufficient cultural heritage value under Reg. O/96 and contribute to the heritage character of the district.



The policies in the Official Plan and Provincial legislation require the conservation of on-site and adjacent heritage properties. The King-Spadina HCD Plan stipulates that the demolition of heritage properties shall not be permitted. The King-Spadina HCD Plan also includes policies and guidelines relating to street wall height, setbacks, new construction and more, the full set of which can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

## **Height**

The proposal will have a total height of 11 storeys (40.5 metres, including the mechanical penthouse). The existing By-law permits a base building height of 20 metres with a three-metre stepback above from any lot line that abuts a street line. As noted above, a revised application that conserves the existing heritage properties at 445, 457, 459 and 451 Adelaide Street West is required and this will inform an appropriate base and total building height.

## **Massing and Stepbacks**

### **Base Building**

The proposed building contains a streetwall height of approximately 29.7 metres before stepping back 6.09 metres above the 8<sup>th</sup> storey and then an additional 4.5 metres above the 10<sup>th</sup> storey along the Adelaide Street frontage. Along the Morrison Street frontage, above the 8<sup>th</sup> storey, the southern half of the building has a 0.9 metre stepback which increases to 1.7 metres for the northern half of the building, closest to Adelaide Street West.

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. Furthermore, 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, which are to be no greater than 2/3 the height of the primary structure, are to be located behind the rear eave line.

In essence, part of the purpose of a base building with the taller portion of the building stepped back from the front facade is to create good proportion at the street level, avoid overwhelming the public realm and provide appropriate sky view and sunlight conditions. In instances where there are existing heritage buildings on the site, such as is the case here, the existing heritage buildings ought to form the 'base' of any new building on the site. As noted above, 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 Stepback and Separation Distance**

A building measuring just over 40 metres in height would be considered a "tall" midrise building in the King Spadina West Precinct. The minimum required stepback for elements of the building above the base building height from any property line that is not a street line or from the centre-line of the lane is 5.5 metres so as to establish a separation distance of at least 11 metres from other taller elements above the base building between buildings on neighbouring properties.

The proposed side and rear yard setbacks are not sufficient. Along the west side façade, the southern half of the building will be located right on the mutual property line with the two-storey heritage row house at 453 Adelaide Street West for the full 40.5 metre height of the development, while the northern half will provide a stepback of 3.5 metres above the 8<sup>th</sup> storey. The rear, south-facing façade will be located right on the property line along the public lane for the full height of the building.

Given that the proposal does not seek to conserve any of the heritage buildings on site, the proposal does not address the policies of the Official Plan, Provincial Policy Statement, Growth Plan or the Council-adopted King Spadina Heritage Conservation District Plan. Until such time as an amended application conserving the heritage buildings is submitted, City Planning staff cannot support the proposed development. A revised application conserving the heritage buildings will inform the appropriate streetwall height, total building height, and required setbacks and stepbacks. The massing of the proposed building will thereby be significantly altered once a revised application that conserves the existing heritage properties at 445, 457, 459 and 451 Adelaide Street West is submitted.

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

A Qualitative Pedestrian Wind Level Assessment submitted with the application shows no adverse impacts created by the proposed development. The applicant's shadow studies show that there will be new incremental shadow throughout the day on September 21<sup>st</sup> on St. Andrew's Playground to the north of the site. This is not supported by staff, nor does it conform with Official Plan Built Form Policy 3.1.2, particularly Policy 3f), requiring new development to be massed in a manner that minimizes any additional shadowing on neighbouring parks. Furthermore, it also does not address Policy 9.1.3 of the Council-adopted King Spadina Heritage Conservation District Plan requiring that new development limit new net shadows on St. Andrew's Playground. However, as noted above, the massing of the proposed building will be significantly altered once a revised application that conserves the existing heritage properties at 445, 457, 459 and 451 Adelaide Street West is submitted.

## **Parking and Loading**

The proposal includes 10 vehicular parking spaces and one Type-C loading space. This falls short of the Zoning By-law requirements requiring 13 vehicular parking spaces and one of each, a Type-B and a Type-C loading space. Engineering and Construction Services staff concur with the information contained in the applicant's Transportation Impact Assessment supporting the parking supply, however, require that a loading demand study be submitted to support the proposed loading space shortfall. Additionally, the applicant will be required to provide a cash-in-lieu payment towards the Municipal Parking Fund to make up for the parking shortfall.

## **Bicycle Parking**

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents and workers of the City. The proposal includes 9 long term and 11 short term bicycle parking spaces which equal the supply required by the Zoning By-law, and is therefore acceptable.

## **Servicing**

Engineering and Construction Services staff require a revised Functional Servicing Report and Stormwater Management Report to provide updated results of a hydrant flow test to confirm that the existing watermain can service the proposal and to identify potential upgrades, if required, and also to assess the capacity of the combined sewer system.

## **Public Realm**

A minimum pedestrian clearway of 2.1 metres is required along both, the Adelaide Street West and the Morrison Street Frontages. Further, a Pedestrian Sidewalk Easement consisting of a 5.0 metre corner rounding at the intersection of Adelaide Street West and Morrison Street will be required in order to satisfy Official Plan requirements for additional width for pedestrian clearway purposes. The submitted plans do not show the 2.1 metre pedestrian clearway or the 5.0 metre corner rounding. Retention of the heritage buildings on site and in their current location will achieve these public realm objectives.

## **Lane Widening**

The King Spadina Secondary Plan contains Urban Structure Policy 3.1 requiring that the existing network of public lanes to be used and enhanced in accommodating new development. In this instance, Engineering and Construction Services staff have identified a lane widening requirement of 1.49 metres of the east-west lane to the south of the subject site. The required lane widening is shown on the applicant's submitted plans.

## **Trees**

The site currently contains three private trees and one tree within the City right-of-way. Two of the three private trees have been identified as being of poor health and require removal. The proposal also removes the remaining private tree and tree within the right-

of-way. No new trees are proposed to be planted on the site or within the street right-of-way which is not supported by Urban Forestry staff nor by Built Form Policy 3.1.2 of the Official Plan requiring the preservation of mature trees wherever possible and incorporating them into proposed landscape designs.

### **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. To this end, the proposal includes the required number (9 and 11) long-term and short-term bicycle parking spaces respectfully. Should the Zoning By-law Amendment application be approved in some form, the subsequent Site Plan Approval application will be further reviewed for compliance with the TGS.

### **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; Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland). No discussions were advanced as the development review process had not resulted in a supportable proposal for this site.

City Planning staff recommend that the City Solicitor be directed to request the Ontario Municipal Board, in the event it determines to allow the appeals in whole or in part, to withhold any Order that may approve the development until such time as the City and the applicant have presented draft by-laws to the Board in a form acceptable to the Acting Director, Toronto and East York District and the City Solicitor, 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, Toronto and East York District and the City Solicitor.

## **CONCLUSION**

Staff have reviewed the Zoning Amendment Application submitted for 445, 447, 449 and 451 Adelaide Street West on August 1, 2017 and determined that the proposal is not consistent with the policies of the Provincial Policy Statement and does not conform with the Growth Plan for the Greater Golden Horseshoe. Additionally, the proposal does not conform with the Official Plan, including the King-Spadina Secondary Plan, or the King Spadina Heritage Conservation District Plan, as well as with the intent of Council-approved guidelines such as the King-Spadina Urban Design Guidelines which support the Official Plan. It is also not consistent with Council-endorsed directions of the King-Spadina Secondary Plan Review.

It is the opinion of City Planning staff that the proposal, in its current form, does not appropriately conserve the heritage resources on the site, is not good planning and is not in the public interest. It is recommended that the City Solicitor, together with City Planning and other appropriate staff, be directed to attend the Ontario Municipal Board hearing in opposition to the appeal.

## **CONTACT**

Joanna Kimont, Planner  
Tel. No. 416-392-7216  
E-mail: Joanna.Kimont@toronto.ca

## **SIGNATURE**

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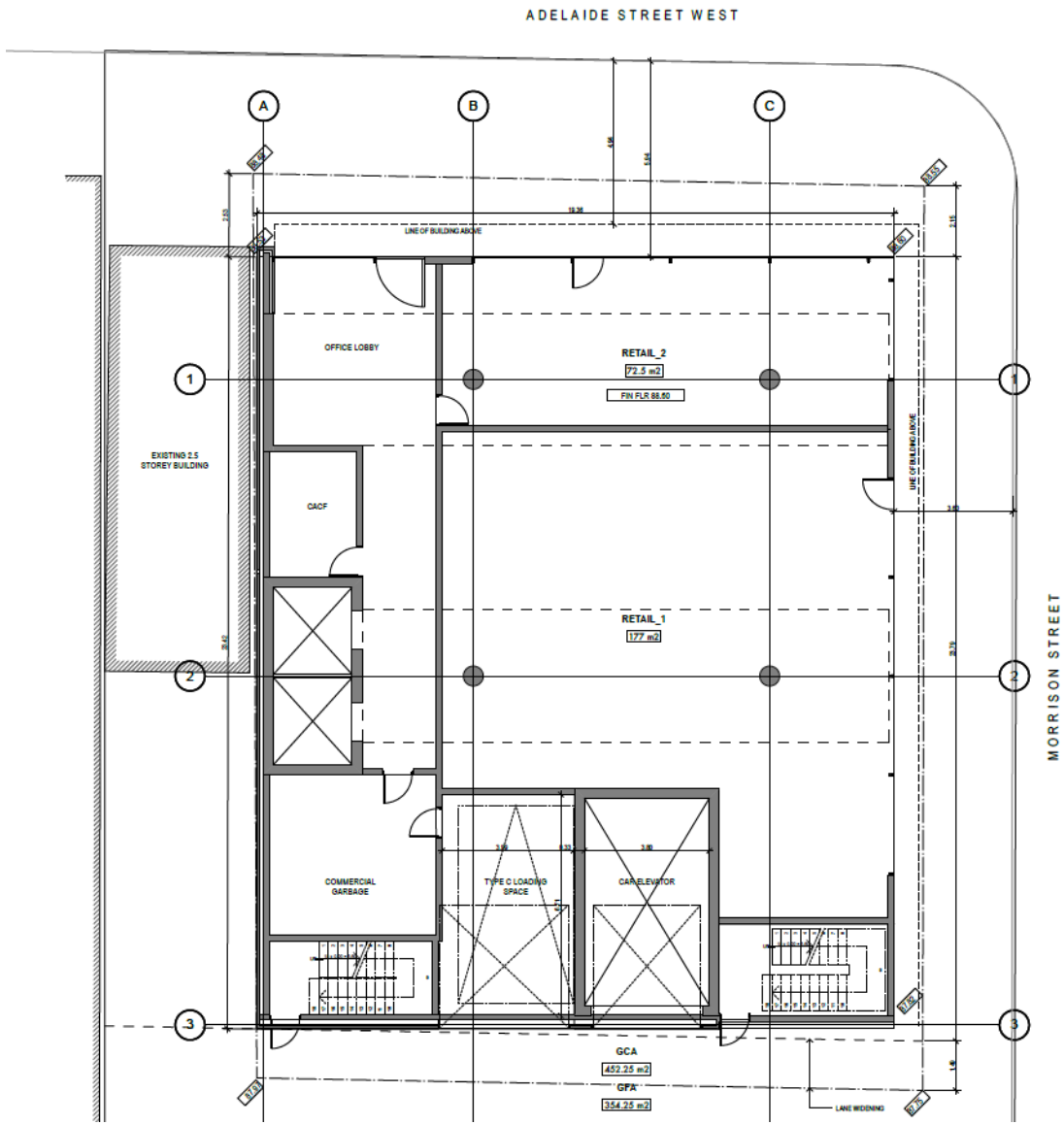
Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC5993167005\doc) – lm

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: East Elevation  
Attachment 4: South Elevation  
Attachment 5: West Elevation  
Attachment 6: Zoning Map  
Attachment 7: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

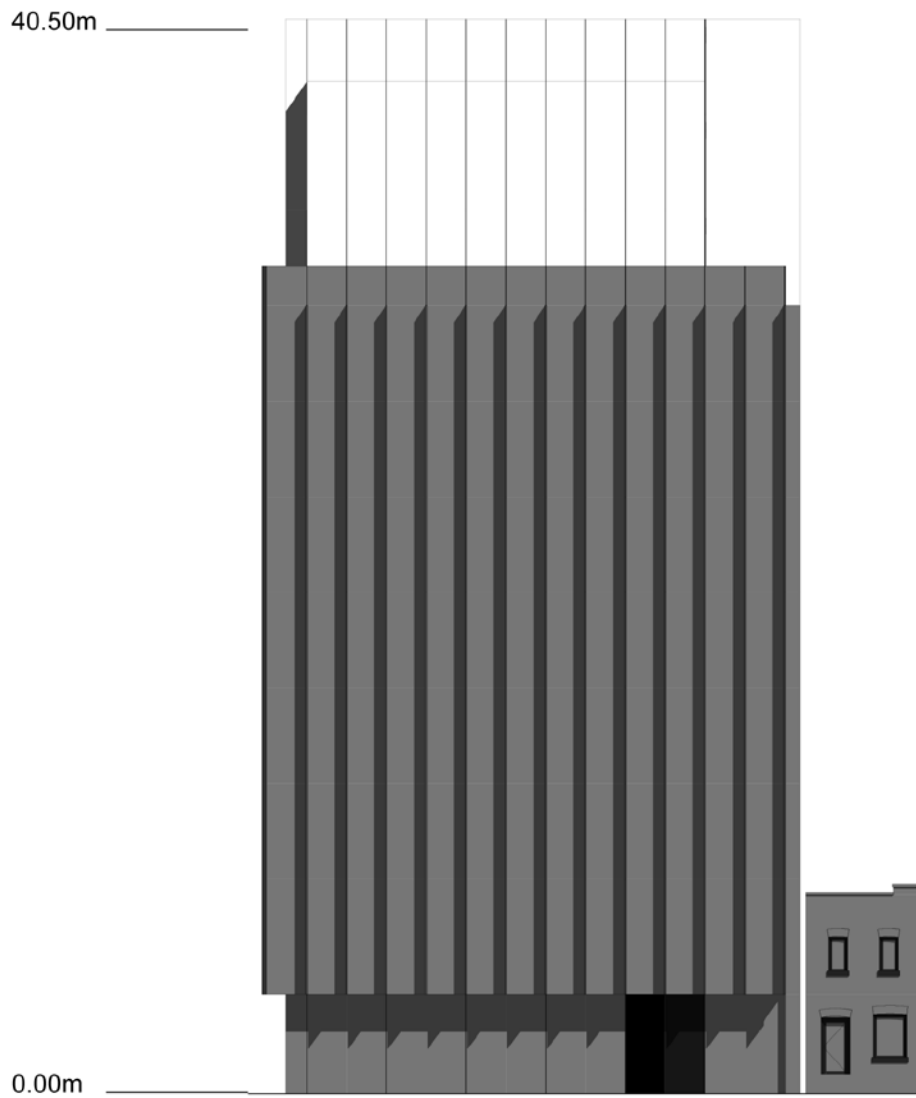
Not to Scale 

11/09/2017

## 445-451 Adelaide Street West

File # 17\_209531\_STE 20 02

## Attachment 2: North Elevation



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### North Elevation

Applicant's Submitted Drawing

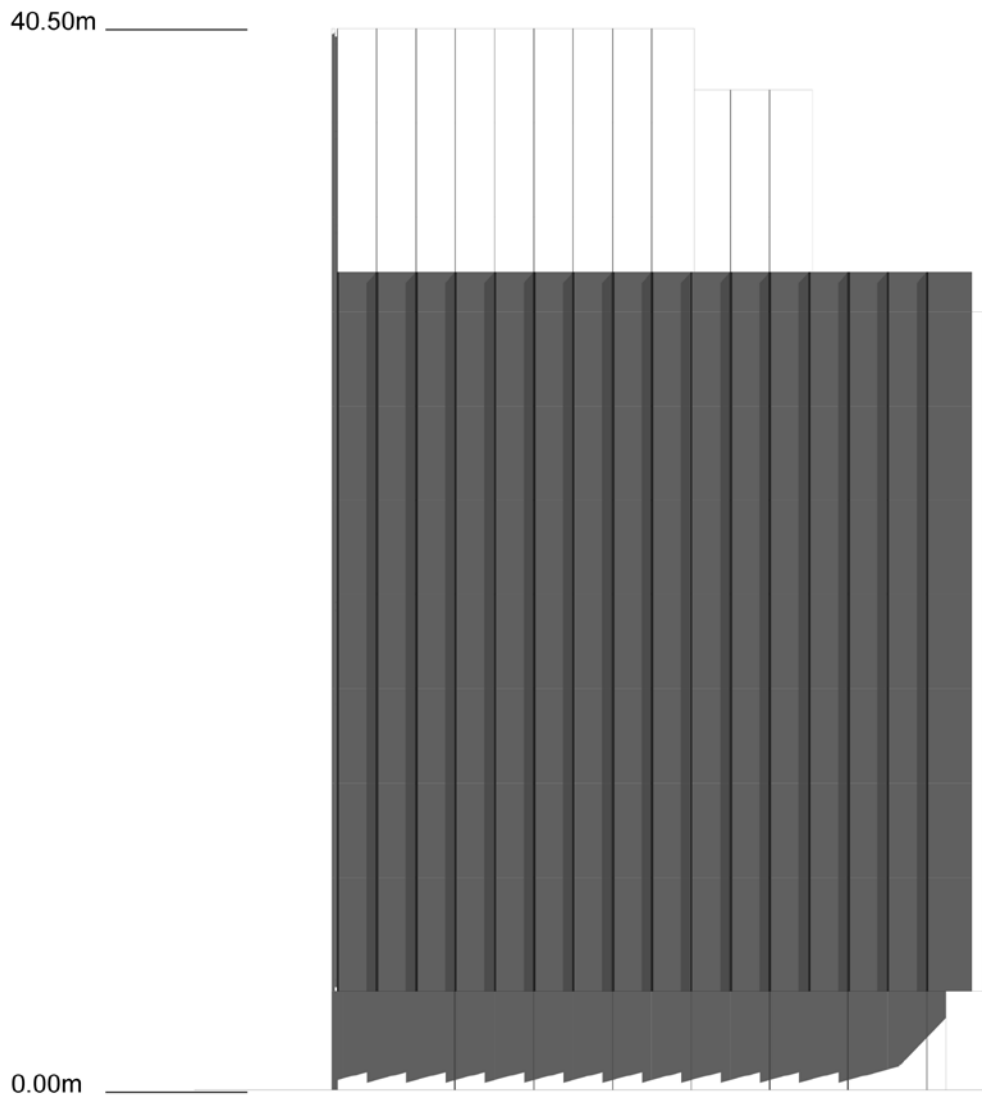
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11/09/2017

445-451 Adelaide Street West

File # 17\_209531\_STE 20 OZ

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### Attachment 3: East Elevation



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#### East Elevation

Applicant's Submitted Drawing

Not to Scale  
11/09/2017

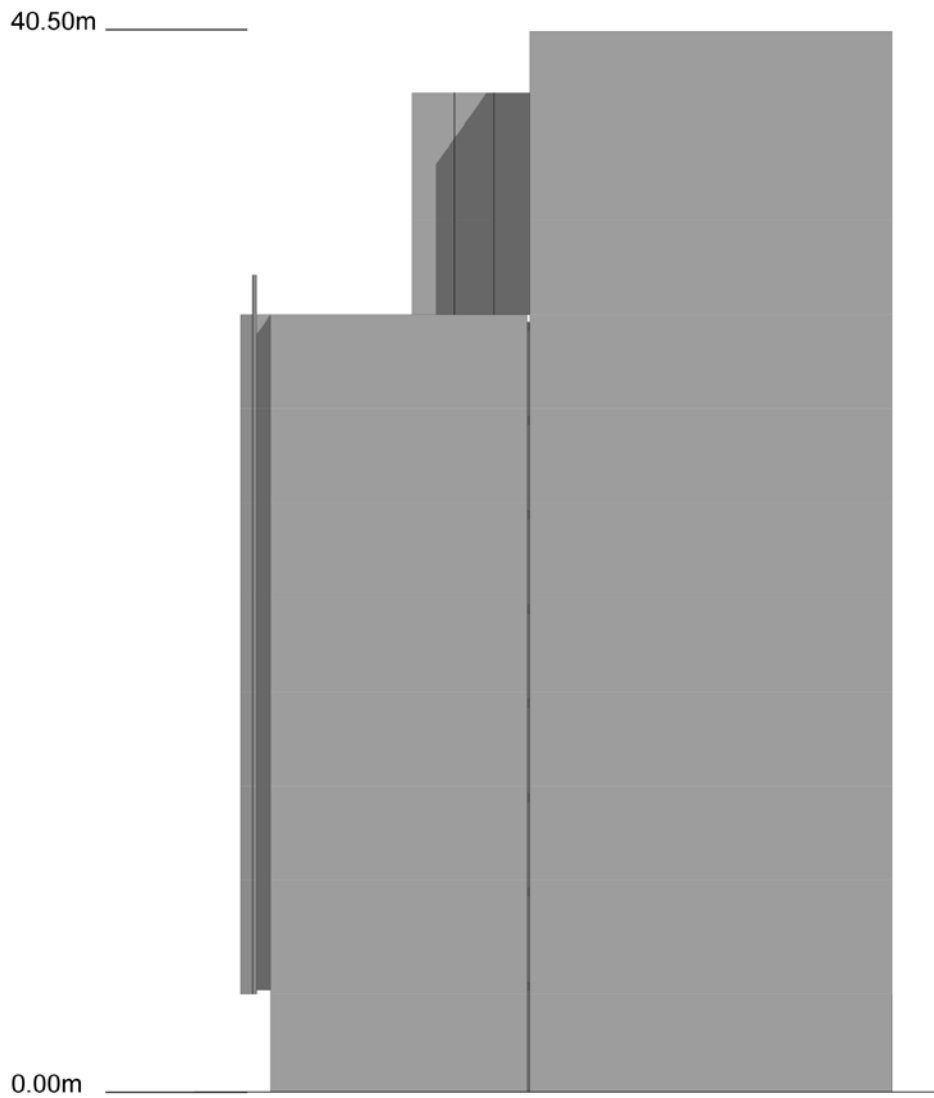
445-451 Adelaide Street West

File # 17\_209531\_STE 20 OZ

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## Attachment 4: South Elevation



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### South Elevation

Applicant's Submitted Drawing

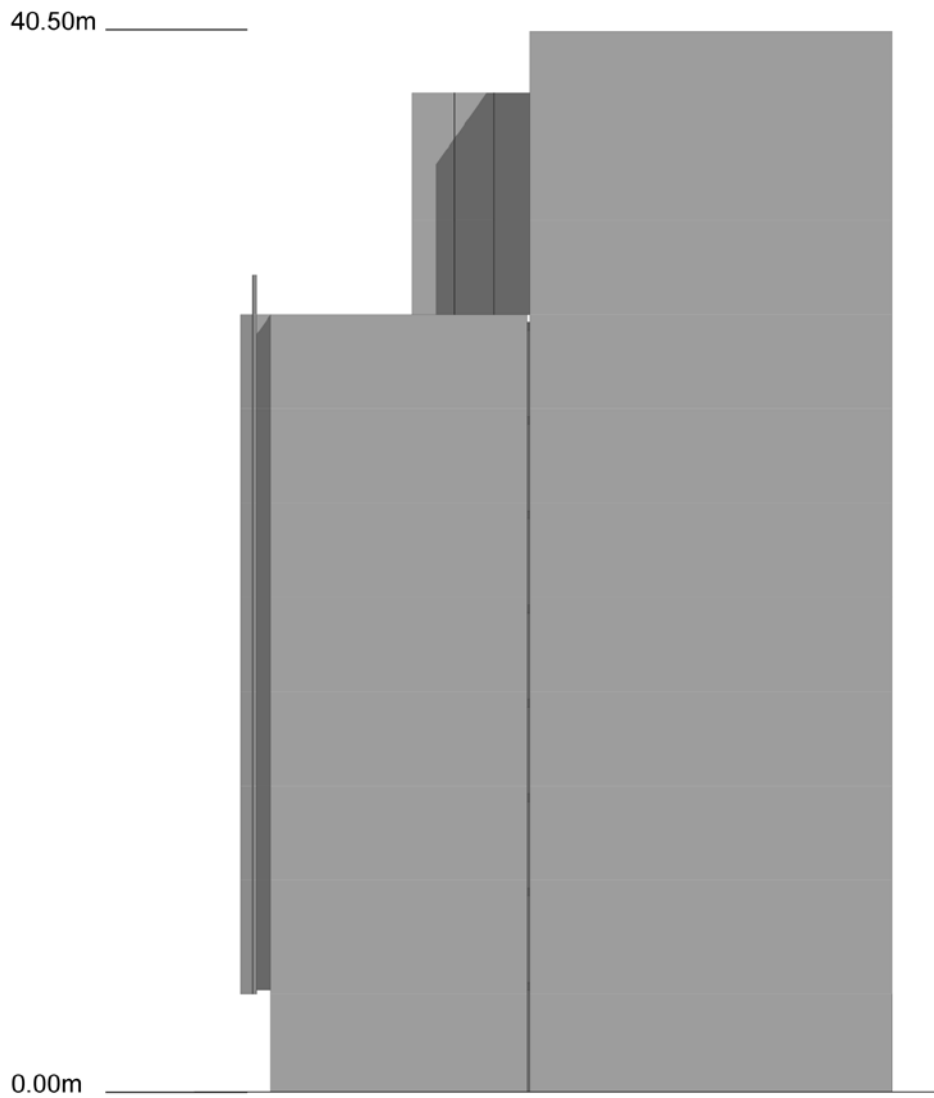
Not to Scale  
11/09/2017

445-451 Adelaide Street West

File # 17\_209531\_STE 20 OZ

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## Attachment 5: West Elevation



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### West Elevation

Applicant's Submitted Drawing

Not to Scale  
11/09/2017

445-451 Adelaide Street West

File # 17\_209531\_STE 20 OZ

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## Attachment 6: Zoning Map



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

**445-451 Adelaide Street West**

File # 17 209531 STE 20 02

- Location of Application
- CRE** Commercial Residential Employment
- OR** Open Space Recreation

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

Not to Scale  
 Extracted: 11/09/2017

## Attachment 7: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	17 209531 STE 20 OZ
Details	Rezoning, Standard	Application Date:	August 1, 2017

Municipal Address: 445 ADELAIDE ST W  
 Location Description: PLAN D157 LOT 4 PT LOT 3 \*\*GRID S2014  
 Project Description: Zoning By-law Amendment to facilitate the redevelopment of the site with a new 11-storey office building having a height of 40.5 metres, including the mechanical penthouse. The proposal includes 249 square metres of retail space at grade, 3,955 square metres of office space and 10 car parking spaces one level below grade.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
AIRD & BERLIS	BOUSFIELDS	ARCHITECTS ALIANCE	JONATHAN KEARNS LTD

#### PLANNING CONTROLS

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

#### PROJECT INFORMATION

Site Area (sq. m):	552	Height:	Storeys:	11	
Frontage (m):	20.38		Metres:	40.5	
Depth (m):	27.43				
Total Ground Floor Area (sq. m):	453				<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	10	
Total Non-Residential GFA (sq. m):	4204		Loading Docks	1	
Total GFA (sq. m):	4204				
Lot Coverage Ratio (%):	82				
Floor Space Index:	7.6				

#### DWELLING UNITS

Tenure Type:  
 Rooms:  
 Bachelor:  
 1 Bedroom:  
 2 Bedroom:  
 3 + Bedroom:  
 Total Units:

0  
 0  
 0  
 0  
 0  
 0

#### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	0	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	4204	4204	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

**CONTACT: PLANNER NAME: Joanna Kimont, Planner**  
**TELEPHONE: 416-392-7216**

