

**504 Wellington Street West - Zoning Amendment  
Application – Request for Direction Report**

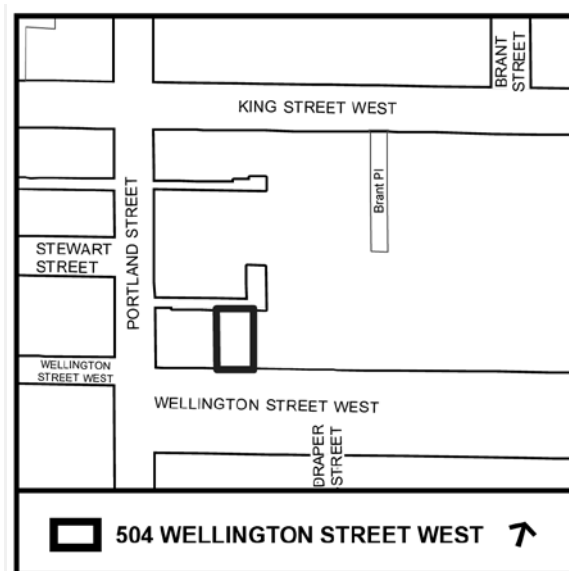
<b>Date:</b>	April 16, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	16 270147 STE 20 OZ

**SUMMARY**

This Zoning By-law Amendment application proposes a 15-storey building with retail and service commercial uses on the ground floor and office uses above at 504 Wellington Street West.

On October 31, 2017, the applicant appealed their Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT) (formerly the Ontario Municipal Board) citing Council's failure to make a decision within the time allotted by the *Planning Act*. A pre-hearing conference is scheduled for August 8, 2018. Further hearing dates have not yet been scheduled.

The proposed development represents an overdevelopment of the site, both in terms of built form and density, and is an unacceptable form of development. 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 including the applicable Secondary Plan, does not meet the intent of



certain Council-adopted guidelines and policy direction for the area, and is not good planning or in the public interest. Issues specifically raised by the proposal include:

- The proposal does not respond appropriately to the built form context of Wellington Street West and, unlike recent development, would set a negative precedent.
- The proposed built form of a tower at a height of 69 metres (including the mechanical penthouse) is not consistent with the mid-rise built form of the West Precinct of the King-Spadina Secondary Plan area.
- The proposed setbacks are not acceptable for a tower proposal.
- The proposal does not appropriately address a number of performance requirements set out in the general Zoning By-laws, such as parking and loading requirements.

The purpose of this report is to seek Council's direction for the City Solicitor and other appropriate City staff to attend an LPAT hearing in opposition to the applicant's current development proposal and 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 addresses the issues outlined in this report.

## **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 Local Planning Appeal Tribunal Hearing, and to oppose the Zoning By-law Amendment application for 504 Wellington Street West in its present form for reasons set out in the report (April 16, 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 height and massing for this site, compliance with the existing and emerging planning framework for the area and appropriate public benefits to be secured pursuant to Section 37 of the *Planning Act*.
3. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal 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 and East York District, and the City Solicitor;

- b) the owner has addressed the outstanding items in relation to servicing outlined in the memorandum from Engineering and Construction Services dated April 25, 2017, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
  - c) 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.

## **DECISION HISTORY**

Pre-application meetings were held with the applicant on October 18, 2016, and November 15, 2016, to discuss complete application submission requirements and to identify preliminary issues with the proposal. Staff identified a number of issues including the appropriateness of the proposed built form for the site, the proposed building height, massing, and consistency with the character of the surrounding area and policies of the King-Spadina Secondary Plan and the Official Plan. The application submitted on December 22, 2016, reflected the proposal discussed at these pre-application meetings, without changes to respond to staff concerns.

## **ISSUE BACKGROUND**

### **Proposal**

This application proposes a 15-storey building with approximately 310 square metres of retail and service commercial uses on the ground floor and 7,552 square metres of office uses above. The overall height of the building would be approximately 69 metres, including the mechanical penthouse.

The building would be located on both the south (Wellington Street West) and east lot lines. A setback area is proposed at the southeast corner of the building to a depth of approximately 5.3 metres, which would align with the portion of the existing building at 500 Wellington Street West that includes primary windows along the property line. This 5.3 metre deep setback area would extend across the Wellington Street West frontage of the property by approximately 3.2 metres up to the fifth story, above which it would increase to approximately eight metres up to the seventh storey, above which it would then extend across the entire Wellington Street West frontage. The setback to the south elevation of the proposed building would decrease slightly from the eleventh to fifteenth floors, which are proposed to be set back approximately 4.8 metres from Wellington Street West.

The building would be set back a minimum of approximately one metre from the north (rear) lot line. An additional setback area is proposed at the northeast corner of the

building above the first floor of the building to a depth of approximately 12.5 metres from the north property line and a width of approximately 3.6 metres from the east property line. This area would align with the portion of the existing building at 500 Wellington Street West that includes primary windows along the east lot line, which would result in a separation distance of approximately seven metres between the portion of the existing building that contains windows and the proposed building at the northern end of the site.

The building is proposed to have no setback from the west lot line.

Vehicular access is proposed from the existing public laneway along the north side of the building. The proposed development includes one Type C loading space and 12 vehicle parking spaces in three-level mechanical parking stackers that would be accessed from the laneway. Thirty-seven bicycle parking spaces are proposed on the ground floor level consisting of 16 short term and 21 long term spaces.

For additional details, see Attachment 1: Site Plan, Attachments 2-5: Elevations and Attachment 6: Application Data Sheet.

### **Site and Surrounding Area**

The site is located west of Spadina Avenue on the north side of Wellington Street West. The rectangular-shaped site has an area of approximately 687 square metres with frontage on Wellington Street West of approximately 20 metres and a depth of approximately 33 metres. The site currently contains a three-storey office building that is proposed to be demolished.

Surrounding uses include:

North: The area north of the site has a predominantly mid-rise character. Most buildings are less than 35 metres in height, with significant setbacks to the taller portions of these buildings from the street. The area includes many three-to six-storey brick and beam former warehouse buildings converted to office uses as well as newer, predominantly residential buildings. A number of properties to the north of the site are either listed on the City of Toronto Heritage Register or designated under Part IV of the *Ontario Heritage Act*.

East: A relatively new 10-storey residential building is located immediately east of the site at 500 Wellington Street West. Linked five- to six-storey listed brick warehouse buildings located to the east at 482-488 Wellington Street West are currently used as office buildings with a ground floor restaurant are the subject of an application for a 16-storey office building with retail space on the ground floor (a height of 72 metres, including the mechanical penthouse (File No. 16 270154 STE 20 OZ)). A two-storey office building beyond at 470-474 Wellington Street West is the subject of an application for a 15-storey office building with retail space on the ground floor (a height of 73 metres, including the mechanical penthouse (File No. 16 261191 STE 20

OZ)). Farther east along the north side of the street is a mix of older industrial buildings two to six storeys in height, which have been converted to residential and office uses, with some commercial uses at grade. A three-storey semi-detached houseform building at 422-424 Wellington Street West is subject of an application for a 19-storey mixed use building (File No. 16 213925 STE 20 OZ). A relatively new 12-storey residential building is east of that site and a gas station is at the northwest corner of Wellington Street West and Spadina Avenue. North of the gas station is an approved development for 11-storey and 19-storey residential buildings with ground floor commercial uses at 46-62 Spadina Avenue (File No. 05 109350 STE 20 OZ). Several properties to the east of the site are either listed on the City of Toronto Heritage Register or designated under Part IV of the *Ontario Heritage Act*.

South: Wellington Street West is located immediately south of the subject site. The street has a right-of-way width of 45 metres. At the southeast corner of Draper Street and Wellington Street West is a two-storey brick office building. The southwest corner of Draper Street and Wellington Street West is subject of an application for a 16-storey building, which would include retail and residential uses (a height of 54 metres, including the mechanical penthouse (File No. 16 114472 STE 20 OZ)). South of these properties is the Draper Street Heritage Conservation District, a series of one- and-a-half to two-and-a-half storey brick homes, which date back to the late 19<sup>th</sup> century, designated under Part V of the *Ontario Heritage Act*. The 7.7 acre parcel (former Globe and Mail site) east of Draper Street has been approved to be comprehensively redeveloped as a mixed-use development with seven buildings containing residential, office and retail uses. The buildings approved to front Wellington Street West are one 13-storey building, which steps back from the street at the west end of the site (with a maximum height of 55 metres including mechanical elements) and two 15-storey buildings, which step back from the street (both a maximum height of 61 metres including mechanical elements) that are adjacent to a five-storey listed heritage warehouse building containing office uses at the southwest corner of Wellington Street West and Spadina Avenue (File No. 14 116571 STE 20 OZ).

West of Draper Street is a mix of low-scale commercial-industrial buildings. The property at 495-517 Wellington Street West is designated under Part IV of the *Ontario Heritage Act* and is subject of an application to permit a commercial building that would reach 16 storeys along Front Street West, with the retention of the heritage buildings fronting Wellington Street West (File No. 17 256142 STE 20 OZ). Farther west is Victoria Memorial Park, several blocks of three-storey townhouses, and nine- and 13-storey residential buildings. A mixed-use building now under construction with heights of up to 19 storeys is located at the corner of Front Street West and Bathurst Street

(a maximum height of 63 metres, including mechanical elements (File No. 11 230641 STE 20 OZ)).

West: A relatively new 11-storey residential building is located immediately west of the site and a listed three-storey houseform building currently used as a restaurant is located at the northeast corner of Portland Street and Wellington Street West. Just west of Portland Street are 10- and 12-storey residential buildings.

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

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

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (r) the promotion of built form that,
  - (i) is well designed;
  - (ii) encourages a sense of place; and
  - (iii) 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 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; 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 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. 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 (the "Growth Plan") 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 builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe 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 Official Plan locates the site within the *Downtown*. Chapter Two – Shaping the City, identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged, and that policies and design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings. Section 2.2.1.6 states that Design Guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings.

Section 2.2.1.1 notes that *Downtown* has a specific target for job growth, with a minimum combined gross density target of 400 jobs and residents per hectare. This figure is taken from the Growth Plan for the Greater Golden Horseshoe.

### Chapter Three – Building a Successful City

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

Section 3.1.3 Built Form – Tall Buildings provides policies related to the development of tall buildings. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. This policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet other objectives of the Official Plan. This policy also states that when poorly



located and designed tall buildings can physically and visually overwhelm adjacent streets, parks and neighbourhoods. They can block sunlight, views of the sky and create uncomfortable wind conditions.

Section 3.1.5 – Heritage Conservation provides direction on the conservation of heritage properties included on the City's Heritage Register and on development adjacent to heritage properties. Policy 3.1.5.5 states that proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work. Policy 3.1.5.26 states that new construction on or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property, and to mitigate visual and physical impact on it. 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

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

Attachment 7 provides an extract of Official Plan Map 18.

#### **Official Plan Amendment 231**

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

"A multi-faceted approach to economic development in Toronto will be pursued that:

- (a) Stimulates transit-oriented office growth in the *Downtown* and the *Central Waterfront*, the *Centres* and within walking distance of existing

and approved and funded subway, light rapid transit and GO stations in other *Mixed Use Areas, Regeneration Areas and Employment Areas*".

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

## **King-Spadina Secondary Plan**

### Section 2 – Major Objectives

The proposed development is subject to the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. Major objectives of the King-Spadina Secondary Plan are as follows:

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

### Section 3 – Urban Structure and Built Form

The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. The policies of Section 3, Built Form, and in particular the policies of Section 3.6 – General Built Form Principles, specify that:

- The lower levels of new buildings will be sited and organized to enhance the public nature of streets, open spaces and pedestrian routes;
- Servicing and parking are encouraged to be accessed from lanes rather than streets;

- New development will be designed to minimize pedestrian/vehicular conflicts;
- New buildings will be sited for adequate light, view, privacy and compatibility with the built form context;
- New buildings will achieve a compatible relationship with their built form context through consideration of such matters as height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression;
- Buildings adjacent to streets, parks or open spaces will be massed to provide appropriate proportional relationships, and will be designed to minimize the wind and shadowing impacts on the streets, parks or open spaces;
- New development will provide comprehensive, high quality, coordinated streetscape and open space improvements to promote greening, landscape enhancement, access, orientation and confidence in personal safety; and
- New developments will include high quality open spaces for the use of residents, visitors and area workers.

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

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

#### Section 4 – Heritage

Heritage buildings in the King-Spadina Area are essential elements of the physical character. In this regard:

- The City shall seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more legal agreements.
- New buildings should achieve a compatible relationship with the heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roofline and profile and architectural character and expression.

For additional details, see Attachment 8: King-Spadina Secondary Plan – Urban Structure Plan and Attachment 9: King-Spadina Secondary Plan – Areas of Special Identity.

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

OPA No. 2 (By-law 921-2006), which is under appeal, proposed amendments to the King-Spadina Secondary Plan that are intended to further clarify and reinforce the fundamental intent of the Secondary Plan. New Policy 2.2 notes that the scale and character of the historic buildings and pattern of the public realm will be protected and enhanced. New Policy 3.1 (Urban Structure and Built Form) states that the King-Spadina Area is comprised of the West Precinct, Spadina Avenue Corridor and the East Precinct (see Attachment 10 – King-Spadina Secondary Plan Review – Precinct Plan). The policy states that development will complement and reinforce the distinctive qualities of these precincts and corridor.

### **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 (2006) were endorsed by Council at its meeting on September 25-28, 2006. The King-Spadina Urban Design Guidelines, 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.

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

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

Section 4.3.3 Built Form states that the western part of King-Spadina is developing as a mid-rise neighbourhood, a distinguishing characteristic which differentiates this area

from the Spadina and eastern portions of the Secondary Plan Area. It is also noted that the north side of Wellington Street West is characterized by street wall buildings set along the edges of the right-of-way, broken up by a series of openings between buildings to provide light to windows on the long side walls and access for servicing at the rear of the buildings. The policy states that the redevelopment of existing buildings and new developments should incorporate landscaped areas between the buildings and between the buildings and the public sidewalk.

Section 5 contains built form guidelines that expand on Section 4.0. Section 5.4.1 recognizes that heights transition down to the west. Section 5.4.3 deals with angular planes and setbacks to minimize shadows and ensure adequate sunlight, and strengthen the existing streetwall scale to maintain a comfortable pedestrian experience. It 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 addresses light, view and privacy requirements, and 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 potential.

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

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

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

### **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.

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 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 Plan**

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 King-Spadina HCD Plan is currently under appeal and is not in force, however it was considered in the review of this application as it is Council-adopted.

### **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.

The Downtown Plan and supporting documentation are available at: [www.toronto.ca/tocore](http://www.toronto.ca/tocore). The Plan will be considered at the May 1, 2018 meeting of Planning and Growth Management Committee.

### **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 and the implementing By-laws are currently the subject of appeals and are not in force, however they were considered in the review of this application as they are Council-adopted.



City Council's decision document, OPA 352, amending zoning by-laws and the Final Report are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

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

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

Staff were supportive of the heights and density on the site substantially above existing permissions because of a number of factors, which made this site and the proposed redevelopment distinct from other area sites:

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

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

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

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

- the total density would be capped at a floor-space index of 9.5;
- a minimum of 65,000 square metres of office space would be provided;
- a mix of on-site and off-site parkland dedication;
- substantial public realm improvements, particularly on Wellington Street West;
- transition in built form would be achieved on the site;
- the development would comply with Council-approved Design Guidelines; and
- S.37 improvements would include: Publicly Accessible Private Open Space to be secured under the City's POPS Program; underground connections to a potential future transit station; on-site community services, streetscape improvements, public art and contributions to affordable housing.

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

The final report and the OPA are available at:

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

City Staff and the applicant continued to work on the plans for the site and on January 31, 2017, Council adopted the staff report recommending the approval of the site-specific Zoning By-laws to permit the redevelopment, which are now in force (Zoning By-laws 124-2017 and 125-2017).

Notwithstanding that Site and Area Specific Policy 495 set an upset limit on the floor space index of the project at 9.5, the more detailed plans submitted in support of the Zoning By-law reflected a more refined version of the proposal resulting in a reduction of the proposed gross floor area. The site-specific Zoning By-laws approved for the site limits the density of the site to a floor space index of approximately 9.1.

The final report and Zoning By-laws are available at:

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

## **Zoning**

The subject site is zoned Reinvestment Area (RA) in former City of Toronto Zoning By-law 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.

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

See Attachment 11: Zoning for additional details.

## **Site Plan Control**

The proposed development is subject to Site Plan Control. An application for Site Plan Approval has not been submitted.

## **Community Consultation**

A community consultation meeting for the proposal was held on May 3, 2017. Proposed developments at 470-474 Wellington Street West and 482-488 Wellington Street West were also presented at same meeting. The following issues were raised:

- The proposal is inconsistent with the existing context, and the scale, massing and height are inappropriate and would exceed approvals on the north side of the street.

- Concern about the potential negative impacts on adjacent properties from the proposal and the lack of separation distance between the proposed development and surrounding residential buildings.
- Desire to see building materials that are consistent with the existing materials in the area, such as brick.
- Incentives for office space should not be allowed to alter the character of the area.
- The loss of existing trees.
- The potential traffic impact on surrounding streets.
- The impact on the sewage system and electrical grid.
- The resulting shadows, both individually and cumulatively from all proposals.
- The cumulative impact of all applications could change the character of this segment of Wellington Street West.
- All applications have the same issues on the street and the City needs to consider these applications comprehensively.

These comments have been considered in City Planning staff's evaluation of the proposal.

The applicant has not formally submitted any changes to the proposal since the application was filed on December 22, 2016. City staff have met with the applicant both prior and subsequent to the filing of the appeal to the LPAT on October 31, 2017, to discuss possible changes to the proposed building.

### **Reasons for the Application**

At an overall height of approximately 69 metres, the proposal exceeds the maximum 28 metre height, including mechanical penthouse, permitted by the in-force Zoning By-law by 41 metres, along with a number of deficiencies related to other performance standards including minimum side and rear yard setbacks, parking and loading 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.

### **Agency Circulation**

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

## COMMENTS

### **Planning Act, 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*. The provisions of Sections 2(r) of the *Planning Act* address the challenges of accommodating development in a manner that contributes to livability in a high density neighbourhood. 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 PPS contains policies related to managing and directing development. It requires that sufficient land be made available for intensification and redevelopment; that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock and areas, and that they establish and implement minimum targets for intensification and redevelopment within built up areas. 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.

Policies 1.1.1 (g) and 1.1.3.2 (a) state that one of the factors to be considered in developing healthy, liveable and safe communities is ensuring that the necessary infrastructure, including public service facilities, are available to service the needs of residents. Policy 1.5.1 references the provision and the equitable distribution of public parks and open spaces in promoting healthy, active communities. The West Precinct of King-Spadina is challenged by numerous proposals for buildings which depart from the existing typology of mid-rise buildings. The growth of this part of the city is outpacing the City's ability to provide the necessary community services and facilities (parks and open spaces, daycare facilities and a range of community services), including the lack of appropriate sites to accommodate these facilities.

Policy 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, contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock, including numerous heritage buildings, and protects the character of the area, consistent with the direction of the PPS. In this context, although the proposal does represent intensification, it is not consistent with other objectives of the Official Plan and to that extent not

consistent with the PPS, in that it does not fit harmoniously into its existing and planned context, and it represents overdevelopment of the site.

The Growth Plan for the Greater Golden Horseshoe identifies the Downtown as an Urban Growth Centre (UGC), 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 LPAT shall have regard for in making their decisions. 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.

The King-Spadina area is located in the Downtown UGC, which is on track to achieve or exceed the UGC density target of 400 jobs and residents per hectare by 2031. The target is the average for the entire Downtown UGC area, and it is not for any one particular area within Downtown. The increased density that would result from the proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

In this context, the Official Plan, the King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina HCD Study, the King-Spadina Urban Design Guidelines (2006), the Tall Buildings Design Guidelines, OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 provide direction on the appropriate scale, massing, height and separation distances between buildings within the King-Spadina area. This proposal has not addressed the policy direction of the Official Plan and its supporting documents, and therefore challenges the conformity test with the Growth Plan.

Section 3.2.6 of the Growth Plan states the need to coordinate community infrastructure and growth. The amount of growth being accommodated in the West Precinct of the King-Spadina Secondary Plan area currently is challenging the ability of the City to provide a range of community services and facilities for residents and workers of this community and to ensure a high quality of life.

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

The application has been assessed in the context of the planning framework for King-Spadina, which includes the Official Plan, the King-Spadina Secondary Plan, the ongoing King-Spadina Secondary Plan Review, King-Spadina HCD Plan and the Tall Building Design Guidelines. As outlined below, the proposal does not meet the objectives of the King-Spadina planning framework. The proposed building fails to adequately reflect the built form context of the adjacent properties or the policy framework of the King-Spadina neighbourhood.

## **Land Use**

The proposed development is located in the *Downtown* and designated *Regeneration Areas* in the Official Plan, and is in an appropriate location for development. The proposed retail and office uses are permitted in this area of the *Downtown*, and provide a mix of uses which are encouraged in *Regeneration Areas*. The proposed development would provide more non-residential gross floor area for office uses to help to maintain a balance between live and work opportunities in an area which has seen a significant amount of predominantly residential growth. The proposed office and retail uses are supported by staff.

## **Heritage**

A Heritage Impact Assessment (HIA) prepared by ERA Architects was submitted in support of the application. The HIA was required to be submitted because of the heritage character and importance of this portion of Wellington Street West, and to address the impact of the proposed development on the property to the south at 495-517 Wellington Street West, which is designated under Part IV of the *Ontario Heritage Act* and is identified as contributing in the King-Spadina HCD Plan adopted by Council. The properties are adjacent to the subject site, according to the Heritage Conservation Definitions in Chapter 3.1.5 of the Official Plan.

The HIA concludes that due to the existing context of newer mid-rise buildings immediately adjacent to the site and the substantial separation distance between the proposed development and the heritage resources at 495-517 Wellington Street West, the proposal has no significant impact on the adjacent designated property.

The current proposal incorporates an approximately 5.3 metre stepback from the southern edge of the base building above the seventh floor along Wellington Street West. Heritage Preservation Services staff have reviewed this report and the proposed development, and are of the opinion that the proposal should incorporate a more generous stepback from Wellington Street West above the base building to more closely reflect existing stepbacks in the surrounding area above base buildings and maintain the character of the street. Wellington Street West, with the scale and pattern of its commercial detached buildings, forms part of the unique civic composition that links Clarence Square and Victoria Memorial Square. This street has been identified in the current Secondary Plan, the emerging policy direction for the area and the King-Spadina HCD Plan as a special street requiring particular sensitivity to the historic built form. Materials for the base building would be addressed through a potential future Site Plan Approval application.

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

### Density

The proposed density of the site at a floor space index (fsi) of 11.6 is greater than the density of approximately 9.1 recently approved on the former Globe and Mail site to the south. That project, as described in this report, is able to accommodate significant density by massing the taller buildings toward the less sensitive frontages of Front Street West and Spadina Avenue. At 7.7 acres, the Globe and Mail site is able to provide sufficient separation distances between buildings, and to provide for heights to transition down to Wellington Street West and the more sensitive interior portions of the West Precinct. In contrast, the subject site at 0.2 acres is a small infill site. The proposed density of 11.6 is an indicator of overdevelopment and is an indication that the proposed building is not creating a "compatible relationship with its built form context."

### Building Height

The height of the proposed building at 15 storeys and 69 metres (including the mechanical penthouse) exceeds development approvals in the West Precinct of the King-Spadina Secondary Plan area and the planned context in the interior blocks of the West Precinct. The proposed height does not respond to the heritage context and represents overdevelopment of the site. Official Plan policies regarding built form require that new development "fit harmoniously into its existing and/or planned context." The proposed development fails to comply with these policies in the Official Plan.

The King-Spadina Secondary Plan includes the following policy:

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

The West Precinct of King-Spadina has evolved successfully as a neighbourhood which incorporates new buildings, many with a contemporary designs and materials, along with many heritage buildings that have been adaptively re-used for both commercial and residential purposes. The north side of Wellington Street in particular is a good example of how newer buildings have been successfully integrated into a neighbourhood with a number of heritage buildings by limiting their height to a mid-rise scale (10 to 12 storeys at generally less than 40 metres in height). The proposed building, at 15-storeys and 69 metres in height, is a significant departure from the numerous buildings constructed in the West Precinct of the King-Spadina Secondary Plan area since the initial revitalization efforts of the "Two-Kings" exercise in 1996.

The Draft Policy Directions Report for the King-Spadina Secondary Plan Review 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 height is neither appropriate nor supportable.

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

#### 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.

The proposed setbacks from the north, east and west property lines do not comply with relevant policies and guidelines. A 15-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 mid-rise 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. Additionally, setbacks on the site should account for the existing context and adjacent buildings.

The proposed building would be set back approximately two metres from the north (rear) lot line at the first floor only with a one metre setback proposed above the first floor. This should be increased to match the setback and stepback of the existing building to the west at 508 Wellington Street West. The setback at grade should align with the abutting building and step back above the first storey to the edge of the balconies on the abutting building.

The proposed west side yard setback of zero metres and the east side yard setback of approximately 3.2 metres at the southern portion of the proposed building where the abutting building includes windows, zero metres where the abutting building includes a blank wall and 3.6 metres at the northern portion of the proposed building where the abutting building includes windows are not sufficient. This would result in inadequate separation distances between buildings on the subject and abutting properties. The proposed side yard setbacks must be increased above the base building. Further

consideration is needed for side yard setbacks for those portions of the base building that are either proposed to include windows or are adjacent to existing windows.

As outlined above, the setback above the base building along Wellington Street West must be increased to better maintain the existing character of the area and unique qualities of the street, and to create good proportion at street level, avoid overwhelming the public realm and provide appropriate sky view and sunlight conditions.

The HCD Plan identifies the driveway on the east side of the property as part of the District's network of laneways. The network of laneways is a heritage attribute of the District that reflects historic circulation routes as well as the historic land use of adjacent contributing properties. The HCD Plan recognizes that laneways within King-Spadina serve a variety of purposes (service access, pedestrian and cyclist mid-block connections, commercial use), and supports the continued viability of the network of laneways for these uses, while encouraging greater permeability where feasible to enhance the network of laneways and create better connectivity. Laneways that are privately owned are strongly encouraged to be conserved, maintaining their location, alignment, connection to adjacent laneways, and views from the public realm.

## **Sun and Shadow**

The shadow study submitted in support of the application show that the proposed building would not shadow the north side of King Street West during the most sensitive time for shadows in the street, between 11 a.m. and 4 p.m., during the shoulder seasons (September 21<sup>st</sup> and March 21<sup>st</sup>). However, the proposed building would cast shadows on a future park to the east of the site at 456 Wellington Street West, secured through the approved Globe and Mail site applications. Changes to the proposed built form discussed earlier in this report should significantly reduce the shadow impact on the future park.

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

### Parkland Dedication

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

All non-residential use is subject to a 2% parkland dedication and the parkland dedication for the proposal is 14 square metres. The applicant is requested to satisfy the parkland dedication requirement through the acquisition of an off-site parkland dedication that will contribute positively to existing parks within the King-Spadina area. Official Plan Policy 3.2.3.7 references the use of off-site parkland dedication where on-site dedication is deemed not feasible. The applicant is requested to work with other development

applicants on Wellington Street West and within 500 metres of the site to consolidate multiple off-site dedication requirements which could result in the conveyance of one suitable parkland site. The size and location of the parkland would be subject to the approval of the General Manager, Parks, Forestry and Recreation.

### Streetscape

The Arborist Report and Tree Preservation Plan submitted in support of the application indicate there are seven trees both within and immediately adjacent to the site, all of which qualify for protection under the City's Tree Protection By-law and all of which are currently proposed to be protected. The applicant will be required to obtain the necessary permits in the event that injury of any protected trees is contemplated.

Wellington Street West is an important street and has great potential due to the width of the street and the streetscape improvements to be undertaken on the south side of the street as part of the proposed development of the former Globe and Mail site. The appropriate streetscape treatment for Wellington Street West will be reviewed in greater detail through the submission of a Site Plan Approval application.

### **Community Services and Facilities**

The increasing population in King-Spadina serves as a statement on the serious need to manage growth to ensure livability. One of the most significant challenges faced by the City in efforts to ensure the livability of the King-Spadina area, and the downtown core generally, is the growing gap between the demands for a range of community services and facilities and the facilities and services which are available.

An office development such as the subject proposal will help to provide a balance the mix of live and work uses within King-Spadina, but will also add to the demands on public facilities such as parks and open spaces and for services such as child care. If revisions to the development are made to address the issues identified in this report or the LPAT allows the appeal, then City Planning staff would seek to secure appropriate Section 37 contributions, including support for child care facilities, park improvements in the area etc.

### **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 Approval process.

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

### Traffic Impact

The Traffic Impact Assessment submitted in support of the proposal conclude 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.

### Site Access

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

### Parking Supply

Three-level mechanical parking stackers containing 12 vehicle parking spaces are proposed. This does not meet the minimum requirements of Zoning By-law 569-2013, which would require approximately 26 parking spaces. Transportation Services staff have reviewed the proposal and have requested further justification of the proposed reduction in parking supply. Parking space dimensions and vehicular manoeuvring diagrams have been requested to demonstrate that the proposed parking stackers and access arrangement can operate in an acceptable manner.

### Loading

The proposed development would provide one Type C loading space located within the building and accessed from the laneway. Additional loading activity is proposed to occur within the on-street parking area of Wellington Street West adjacent to the site. Zoning By-laws 438-86 and 569-2013 require two Type B and two Type C loading spaces to be provided. The applicant's assessment notes that the configuration of the existing properties in the area presents significant constraints to meet the By-law requirements.

Transportation Services have not accepted the conclusions of the applicant's assessment. Staff have requested additional information regarding the type and volume of loading activity anticipated for the subject site along with a proxy site survey of loading activities at existing office buildings that are similar in scale and area context. The note in the applicant's assessment that the configuration of the property makes it difficult to meet loading requirements reinforces that the proposed scale of the development is not suitable for the site.

## **Bicycle Parking**

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies seek to increase the opportunities for better walking and cycling conditions for residents. The application proposes a total of 37 bicycle parking spaces on the ground floor, including 16 short-term spaces and 21 long-term spaces, which meets the supply required by Zoning By-law 569-2013. The size of the proposed bicycle parking spaces could not be confirmed based upon submitted drawings.

## **Servicing and Stormwater Management**

Engineering and Construction Services staff require a revised Functional Servicing and Stormwater Management Report, Geotechnical Report and Hydrogeological Report. These 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. 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 the proposal.

## **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 LPAT, 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 By-laws to the Board in a form acceptable to the Acting Director, Community Planning, Toronto and East York District, and the City Solicitor. This includes providing for the appropriate Section 37 benefits to be determined and incorporated into any Zoning By-law amendment and that a satisfactory Section 37 agreement has been entered into 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**

Staff have reviewed the application for 504 Wellington Street West and determined that the proposal does not have regard to relevant matters of provincial interest as set out in Section 2 of the *Planning Act*, and is not consistent with the policies of the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe. The proposal does not conform with the Official Plan, including the King-Spadina Secondary Plan, or the intent of Council-approved guidelines such as the Tall Building Design Guidelines and the King-Spadina Urban Design Guidelines (2006), which assist in implementing 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 proposed development application constitutes overdevelopment of 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 at the LPAT hearing in opposition to the appeal.

## **CONTACT**

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

Paul Johnson, Senior Planner  
416-397-0259  
Paul.M.Johnson@toronto.ca

## **SIGNATURE**

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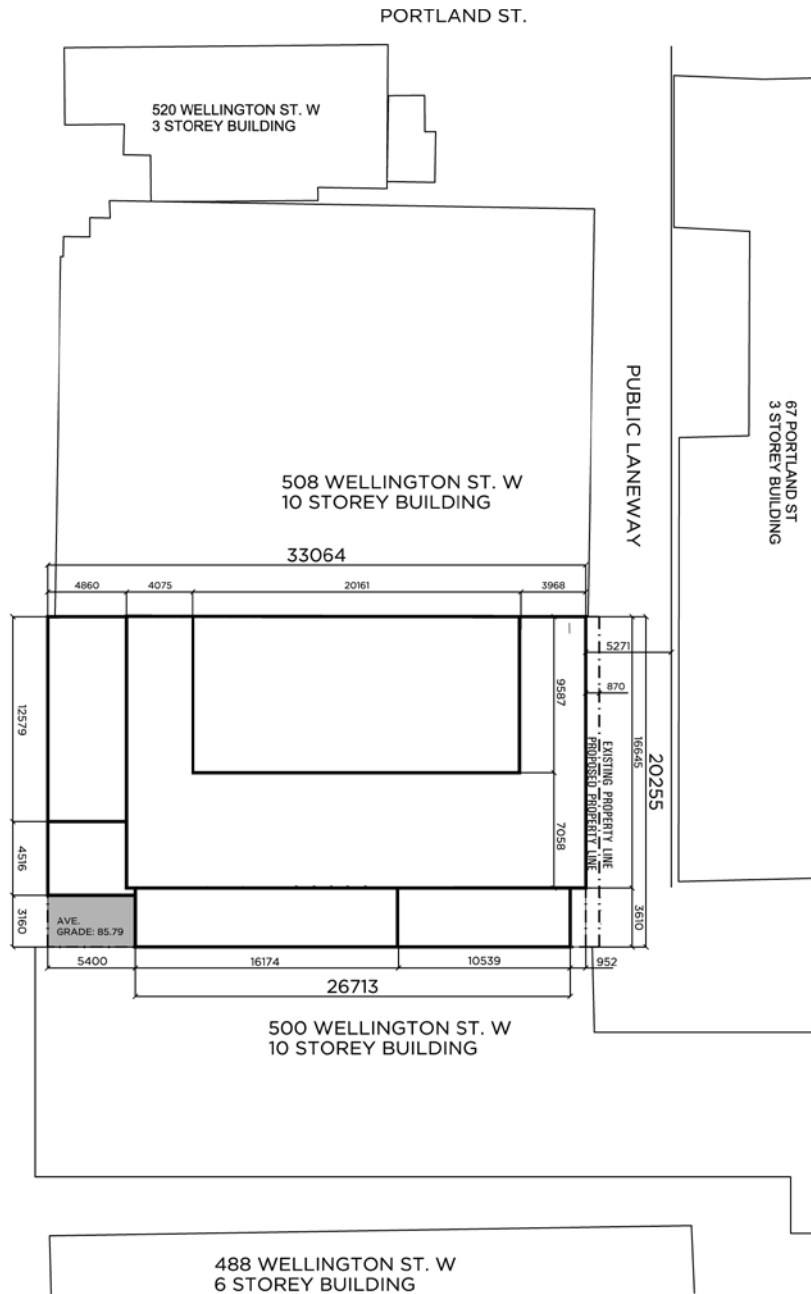
Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: South Elevation
- Attachment 3: East Elevation
- Attachment 4: North Elevation
- Attachment 5: West Elevation
- Attachment 6: Application Data Sheet
- Attachment 7: Official Plan
- Attachment 8: King-Spadina Secondary Plan – Urban Structure Plan
- Attachment 9: King-Spadina Secondary Plan – Areas of Special Identity
- Attachment 10: King-Spadina Secondary Plan Review – Precinct Plan
- Attachment 11: Zoning Map

# Attachment 1: Site Plan



Site Plan

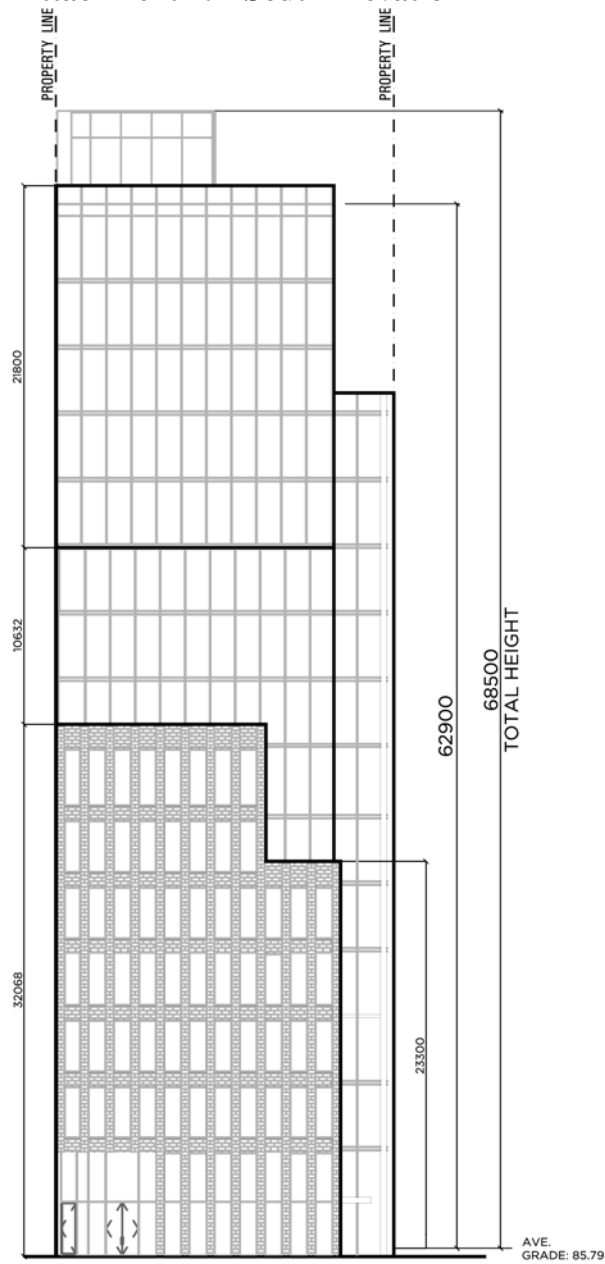
504 Wellington Street West

Applicant's Submitted Drawing

Not to Scale  
04/04/2018 →

File # 16 270147 STE 20 0Z

## Attachment 2: South Elevation



### South Elevation

Applicant's Submitted Drawing

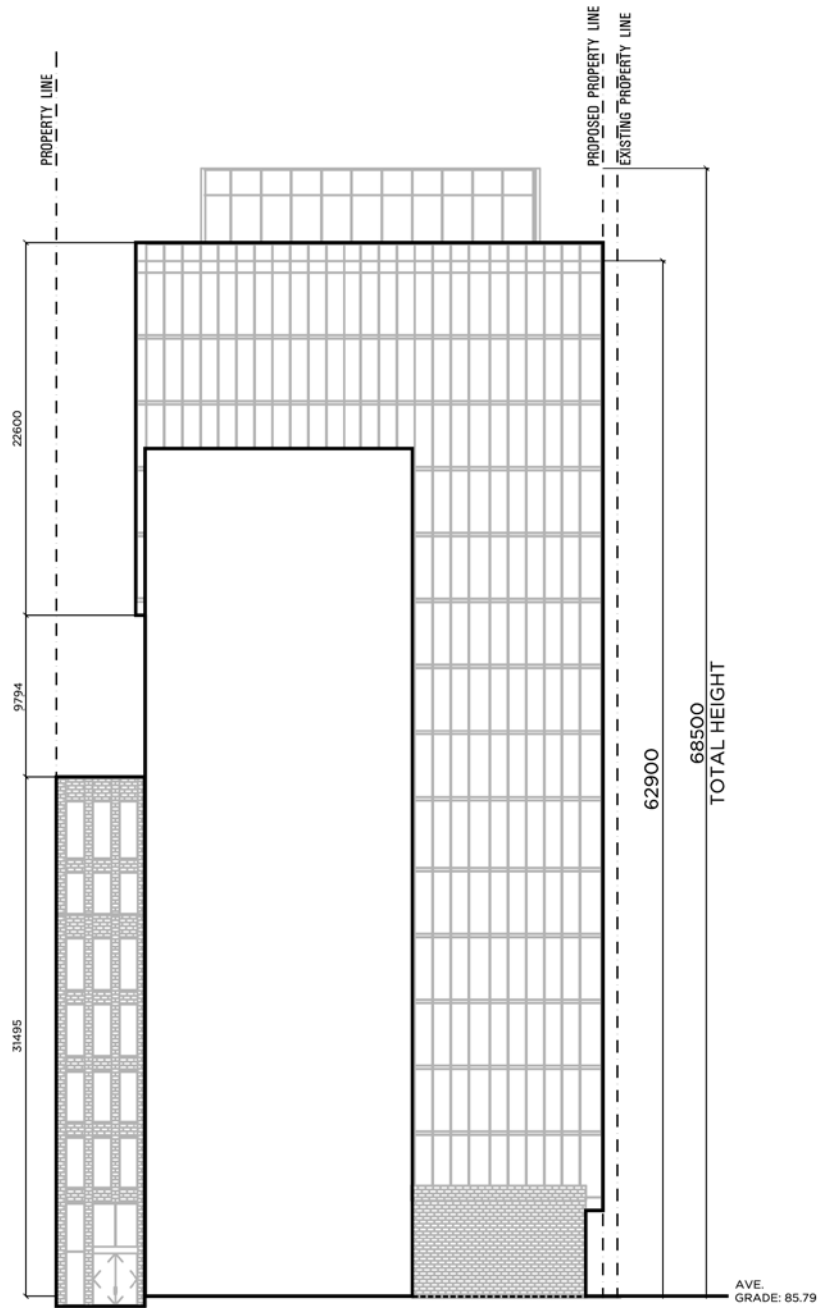
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504 Wellington Street West

File # 16 270147 STE 20 02



### Attachment 3: East Elevation



## East Elevation

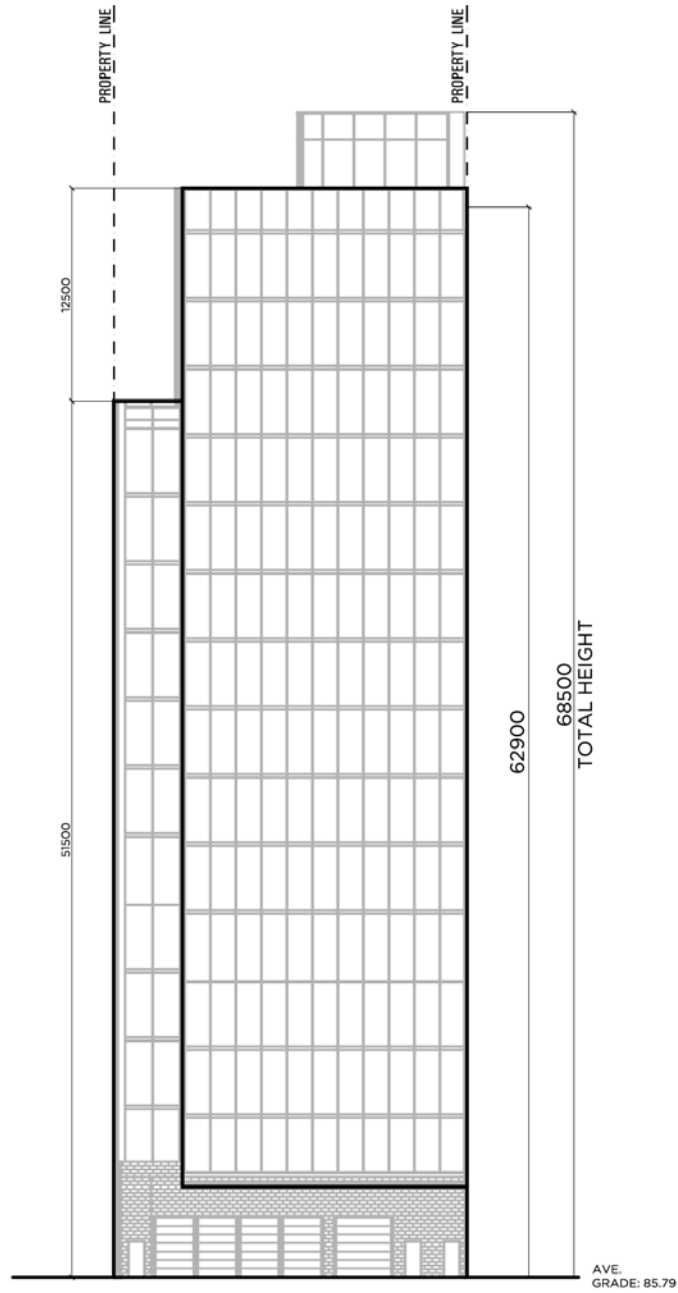
504 Wellington Street West

Applicant's Submitted Drawing

Not to Scale  
04/04/2018

File # 16 270147 STE 20 0Z

### Attachment 4: North Elevation



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## North Elevation

Applicant's Submitted Drawing

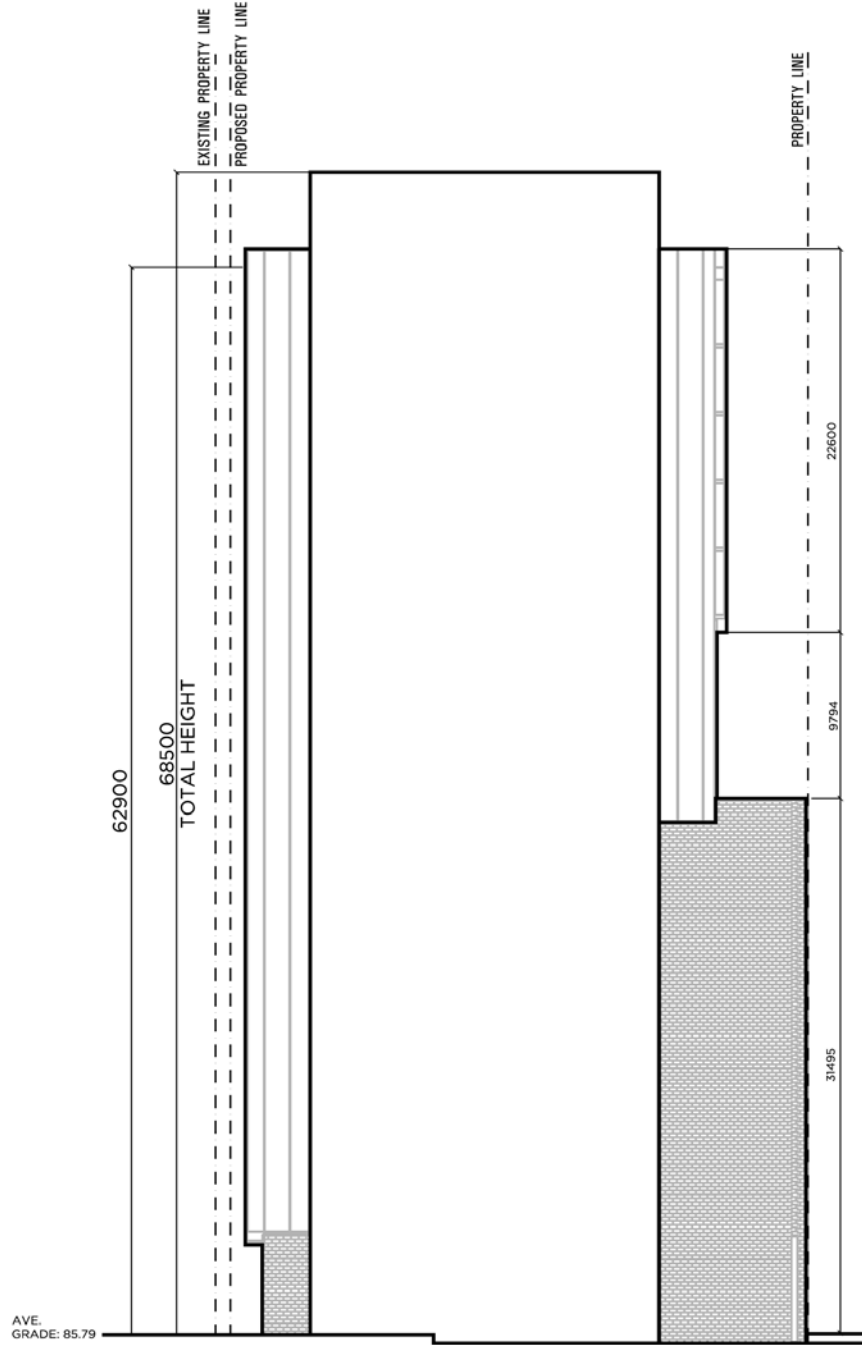
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## 504 Wellington Street West

File # 16 270147 STE 20 0Z

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### Attachment 5: West Elevation



## West Elevation

504 Wellington Street West

Applicant's Submitted Drawing

Not to Scale  
04/04/2018

File # 16 270147 STE 20 OZ

**Attachment 6: Application Data Sheet**

Application Type	Rezoning	Application Number:	16 270147 STE 20 OZ
Details	Rezoning, Standard	Application Date:	December 22, 2016

Municipal Address: 504 WELLINGTON ST W  
 Location Description: PLAN D45 LOT 5 PT LOT 4 & 6 \*\*GRID S2014  
 Project Description: Zoning By-law Amendment application for a 15-storey building with approximately 310 square metres of retail and service commercial uses on the ground floor and 7,552 square metres of office uses above at 504 Wellington Street West.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
David McKay, MHBC		RAW Architects	Uxland Development (West) Inc.

**PLANNING CONTROLS**

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	RA	Historical Status:	No
Height Limit (m):	23	Site Plan Control Area:	Yes

**PROJECT INFORMATION**

Site Area (sq. m):	687	Height:	Storeys:	15
Frontage (m):	20.26		Metres:	68.8
Depth (m):	33.17			
Total Ground Floor Area (sq. m):	621			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	12
Total Non-Residential GFA (sq. m):	7995		Loading Docks	1
Total GFA (sq. m):	7995			
Lot Coverage Ratio (%):	90.4			
Floor Space Index:	11.6			

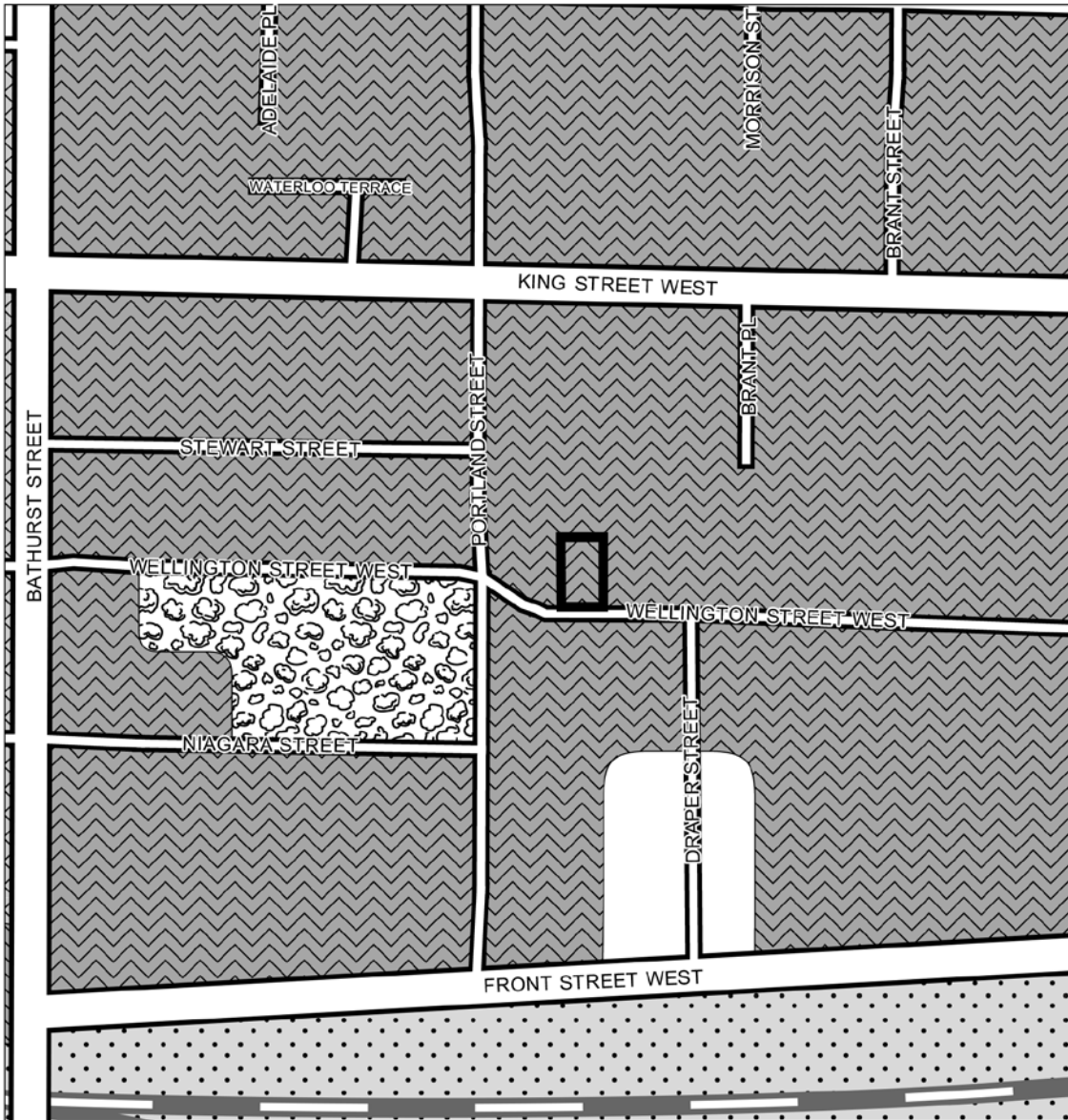
**DWELLING UNITS**

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

		<b>Above Grade</b>	<b>Below Grade</b>
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	310
1 Bedroom:	0	Office GFA (sq. m):	7495
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

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

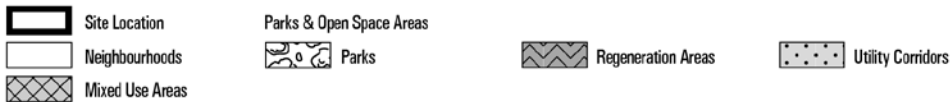
## Attachment 7: Official Plan



**TORONTO**  
 Extract from Official Plan

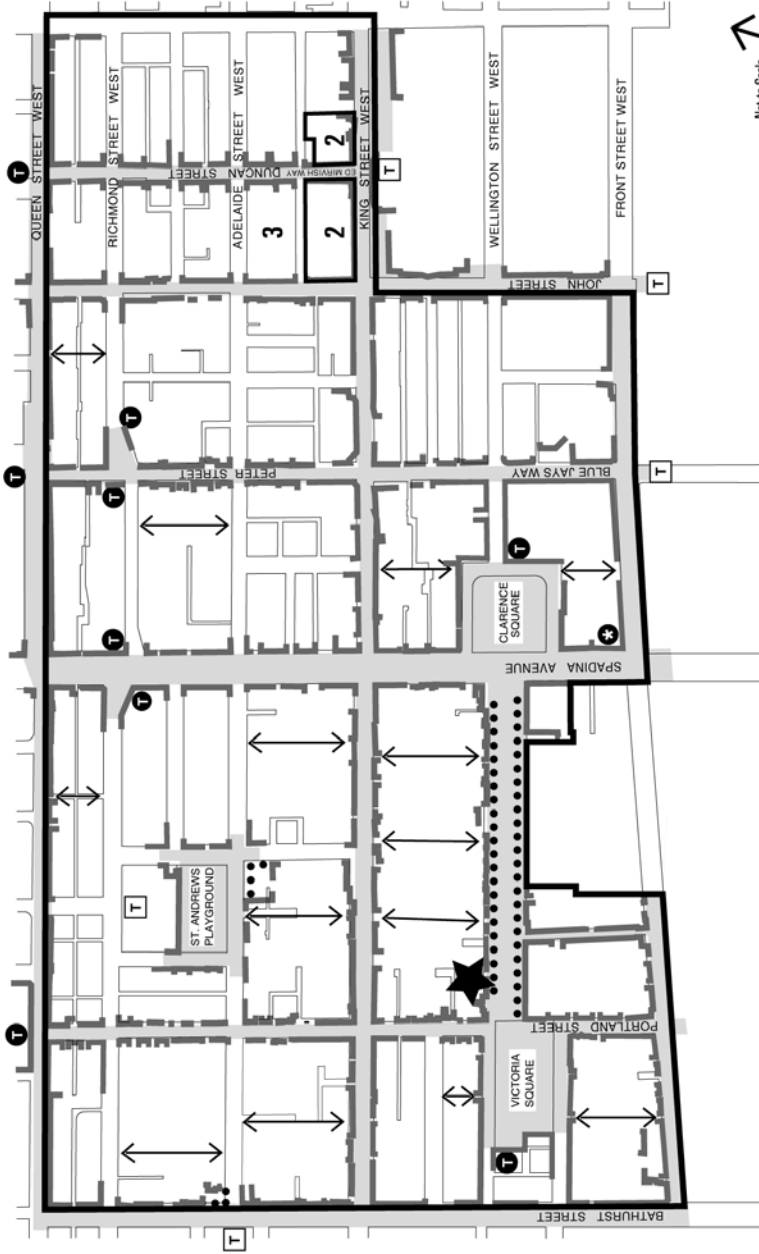
**504 Wellington Street West**

File # 16 270147 STE 20 0Z



  
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 02/28/2017

# Attachment 8: King-Spadina Secondary Plan – Urban Structure Plan



Not to Scale



## King-Spadina Secondary Plan MAP 16-1 Urban Structure Plan October 2015

- Secondary Plan Boundary
- Potential View Terminus
- Existing and Potential Building Edge
- Potential Mid-block Connections
- Landscape Edge
- Site and Area Specific Policy Area 2
- Site and Area Specific Policy Area 3

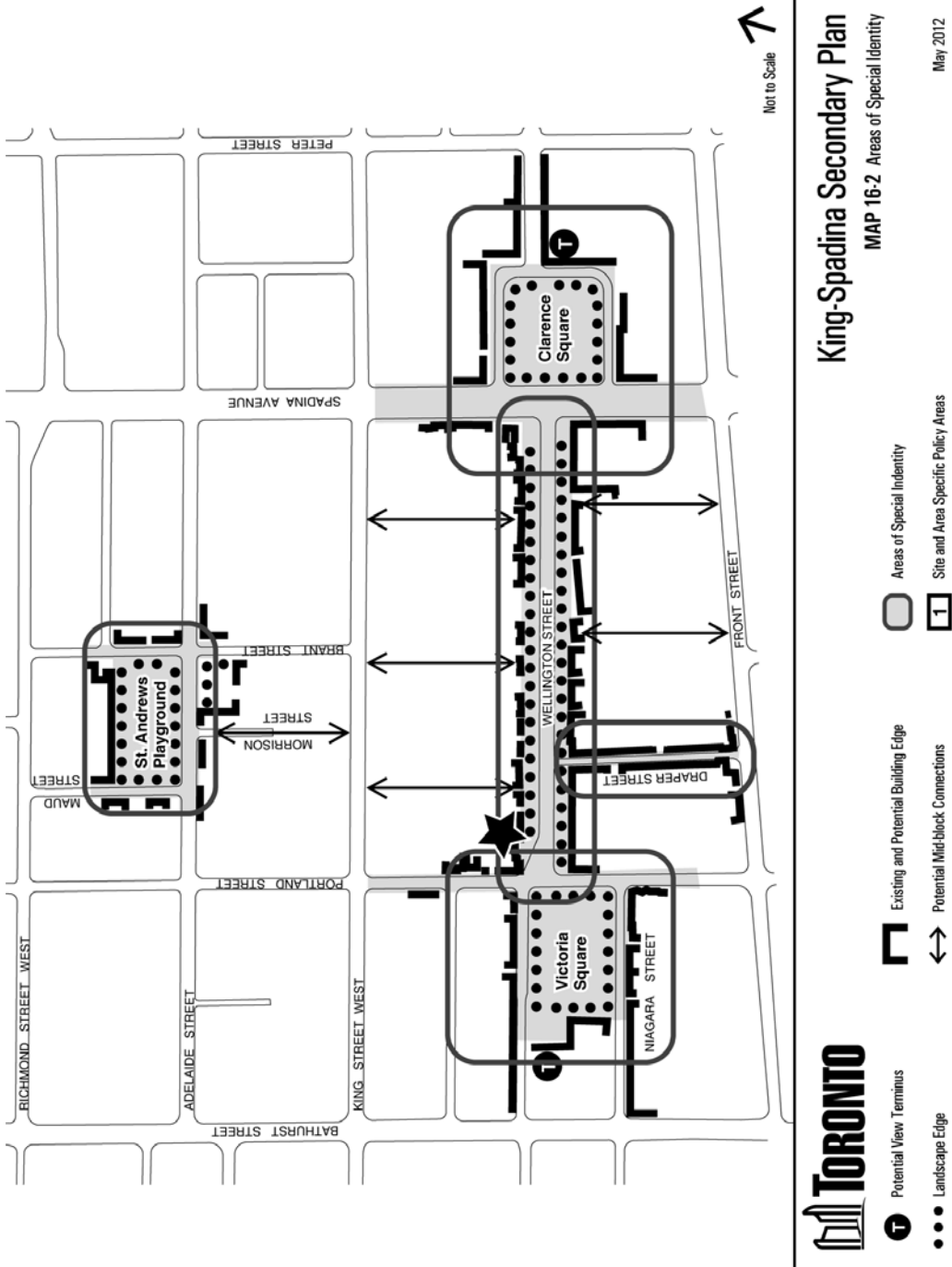
## King-Spadina Secondary Plan

★ 504 Wellington Street West

## 504 Wellington Street West File # 16 270147 STE 20 0Z

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04/04/2018

# Attachment 9: King-Spadina Secondary Plan – Areas of Special Identity



King-Spadina Secondary Plan  
504 Wellington Street West

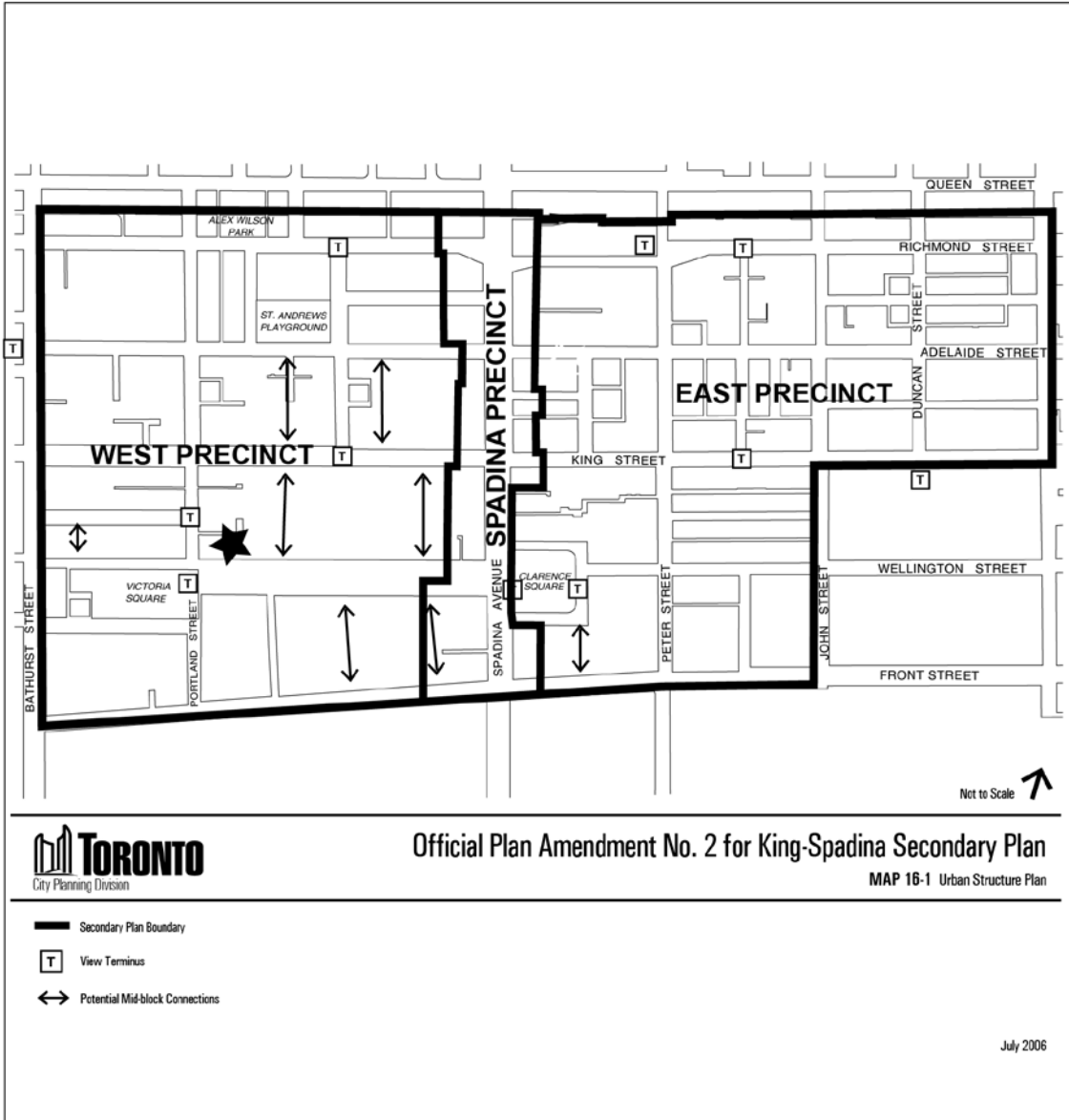
File # 16 270147 STE 20 0Z

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04/04/2018

★ 504 Wellington Street West

King-Spadina Secondary Plan

# Attachment 10: King-Spadina Secondary Plan Review – Precinct Plan



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

504 Wellington Street West

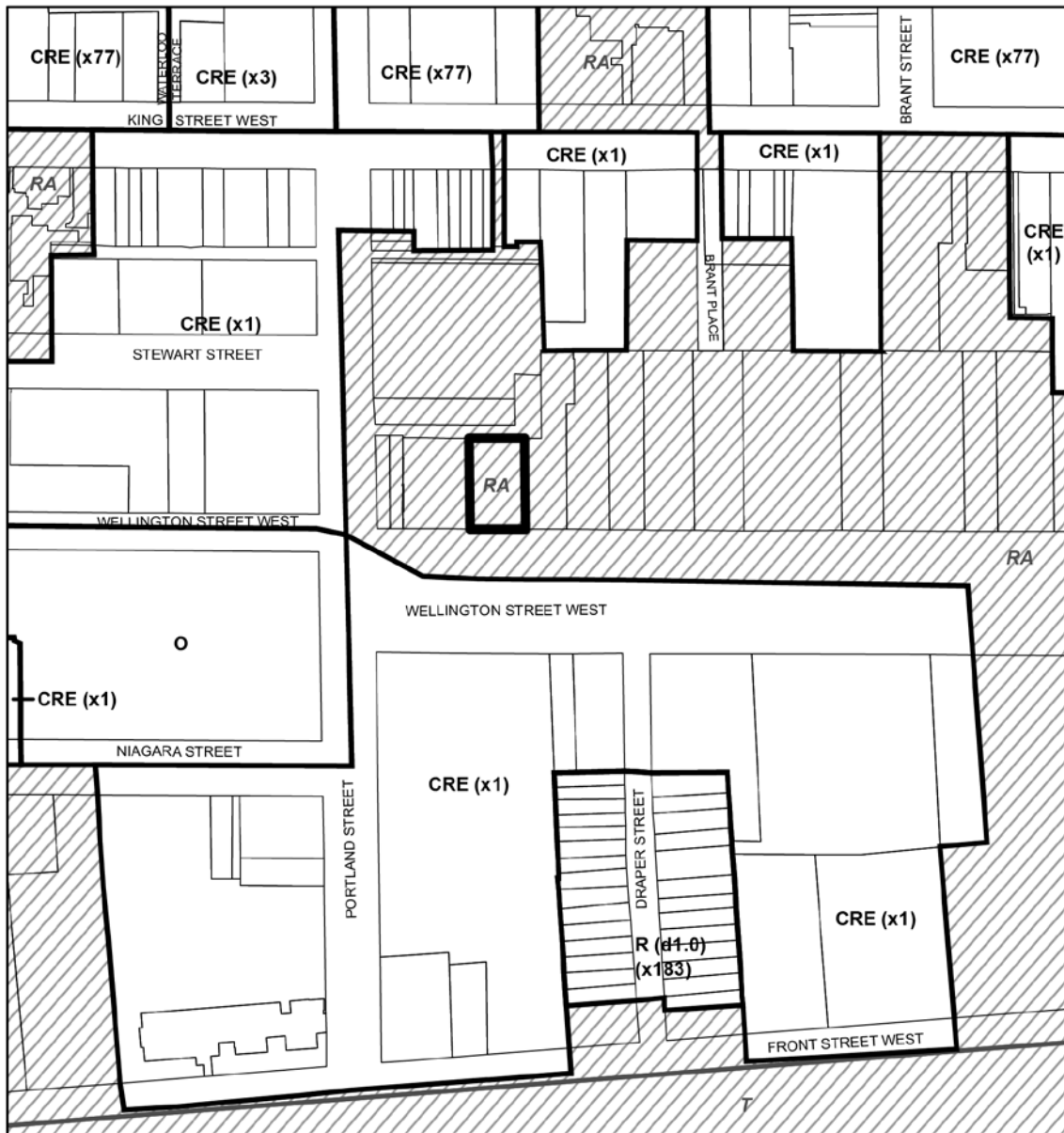
File # 16 270147 STE 20 0Z

★ SUBJECT SITE - 504 Wellington Street West

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02/28/2017



### Attachment 11: Zoning Map



Zoning By-Law No. 569-2013

504 Wellington Street West

File # 16 270147 STE 20 OZ



Location of Application

R Residential    CRE Commercial Residential Employment  
 O Open Space



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

RA Mixed-Use District  
 T Industrial District



Not to Scale  
 Extracted: 03/01/2017