

90 and 100 Simcoe Street, 130 Pearl Street, and 203, 207 and 211 Adelaide Street West - Zoning Amendment Application - Request for Direction Report

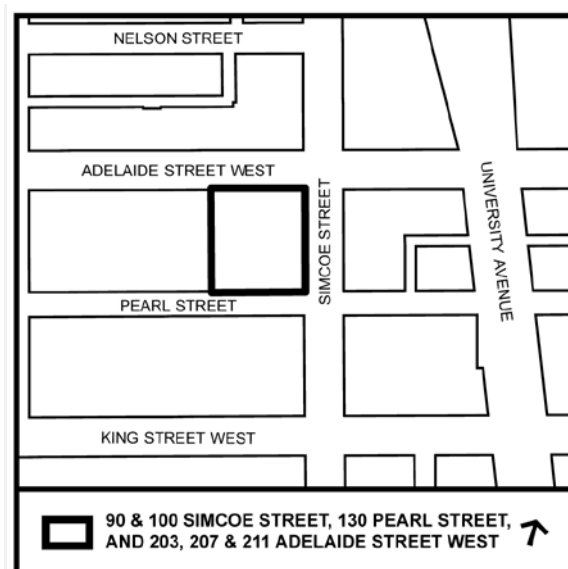
Date:	June 8, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	16 192792 STE 20 OZ

SUMMARY

The application proposes a 59-storey mixed-use building including retail, office and residential uses at 90 and 100 Simcoe Street, 130 Pearl Street, and 203, 207 and 211 Adelaide Street West. A total of 524 dwelling units are proposed as well as 17,171 square metres of office floor area and 785 metres of retail floor area. The total gross floor area of the proposed development is 53,600 square metres, representing a density of 18.29 times the area of the site. The existing building at 100 Simcoe Street is identified as a contributing property in the King-Spadina Heritage Conservation District Plan, and is a listed building on the City's Heritage Register. This building is proposed to be demolished.

The applicant has appealed its Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT) citing Council's failure to make a decision within the time required by the *Planning Act*. A pre-hearing conference has been scheduled for October 24, 2018.

The proposed development as currently configured is not supportable as it represents an overdevelopment of the site in terms of built form and density, and fails



to conserve the existing listed heritage building. The proposal does not conform with Official Plan heritage and built form policies nor does it satisfactorily respond to the applicable built form urban design guidelines. Issues specifically raised by the proposal include:

- The proposed building height at 59 storeys (189 metres) is not in keeping with the existing and planned context for the King-Spadina East Precinct, including the planned transition down in heights from University Avenue to Spadina Avenue;
- The proposed built form is not consistent with the King Spadina Secondary Plan and the applicable built form guidelines, which require buildings to achieve a compatible relationship with the surrounding context through consideration of such matters as height, massing, scale, separation distances, architectural character and expression;
- The heritage property on the site is not being conserved consistent with the heritage policies in the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Official Plan and the King Spadina Heritage Conservation District Plan.

City Planning staff have met with the applicant and consultant team on several occasions, and understand that they are investigating and working on a revised proposal to respond to the various issues raised by staff. Submission of a revised proposal is anticipated later this year, however, the LPAT prehearing process is advancing.

Accordingly, this report seeks City Council's direction for the City Solicitor and other appropriate City staff to attend a Local Planning Appeal Tribunal hearing in opposition to the applicant's current development proposal and appeal. The report further identifies City staff concerns with the proposal and seeks Council authorization for staff to continue discussions on revisions to the proposal to resolve these concerns as the basis for a settlement.

RECOMMENDATIONS

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 the lands at 90 and 100 Simcoe Street, 130 Pearl Street, and 203, 207 and 211 Adelaide Street West in its present form for the reasons set out in this report (June 8, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and other appropriate City Officials to take the necessary steps to continue negotiations with the appellants to resolve the outstanding issues in order to reach a settlement of the appeal, including:

- a) conserving the heritage property at 90 and 100 Simcoe Street, 130 Pearl Street and 203 Adelaide Street West consistent with the Official Plan and King-Spadina Heritage Conservation District Plan;
 - b) reducing the proposed height and massing to avoid overdevelopment of the site and to limit the negative impacts on adjacent properties;
 - c) addressing issues relating to transportation and servicing, including configuration of the parking and loading areas;
 - d) improving compliance with Council's approved planning framework for the area including the King-Spadina Urban Design Guidelines (2006), and the Tall Buildings Design Guidelines;
 - e) improving compliance with emerging policies reflected in the King Spadina Secondary Plan review; and
 - f) improving compliance with policies set out in the Downtown Plan.
3. City Council City 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 Local Planning Appeal Tribunal.
4. 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 East York District and the City Solicitor;
 - b) the owner has entered into a Heritage Easement Agreement with the City for the property at 90 and 100 Simcoe Street, 130 Pearl Street and 203 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 property at 90 and 100 Simcoe Street, 130 Pearl Street and 203 Adelaide Street West to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - d) the owner has addressed the outstanding items relating to servicing and parking outlined in the memorandum from Engineering and Construction Services dated May 9, 2018; 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.

Financial Impact

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

DECISION HISTORY

A pre-application consultation meeting was held in June of 2013. At that time the applicant was considering development options including an office building or a primarily residential development on the site. Pre-application submission requirements were reviewed, and City Planning staff advised that the existing building at 100 Simcoe Street had been identified as a contributing building to the overall heritage character of the King-Spadina East precinct and should be conserved.

Staff prepared a preliminary report for the November 15, 2016 Toronto and East York Community Council meeting that identified issues raised by the proposal, and a community consultation meeting was held on March 21, 2017.

ISSUE BACKGROUND

Proposal

The Zoning By-law Amendment application was submitted in July 2016, and proposes a 59-storey mixed-use building including retail, office and residential uses. Overall the proposal includes 524 dwelling units comprised of 62 studio (12%), 307 one-bedroom (59%), 102 two-bedroom (20%) and 53 three bedroom (10%) dwelling units. The total gross floor area of the proposed development is 53,600 square metres, consisting of 17,171 square metres of office space, 785 square metres of retail space and 35,644 square metres of residential gross floor area representing a density of 18.29 times the area of the site (Attachments 1, 2 and 3).

The building design includes an 8-storey base building 34 metres high with a 51-storey tower above. The height of the building is proposed to be 189 metres excluding the mechanical floors. Two mechanical floors are proposed for an overall building height of 198 metres. Retail uses are proposed on the ground floor along the Adelaide Street frontage of the site with the office and residential lobbies facing Simcoe Street and Pearl Street. Office uses are proposed within the remaining 7 levels of the base building.

Base building and tower setbacks are summarized in Table 1 and described below.

Table 1 – Base Building Setback and Tower Stepbacks				
Street	North (Adelaide Street West)	South (Pearl Street)	East (Simcoe Street)	West
Base Building Setback (m)	0 - 0.15	0 - 0.4	0 - 0.13	0 - 0.15
Tower Setback (m)	12	4.8 12 (25 th level)	13.5	13.4

Most of the base building extends to the property lines or very close to the property lines on all sides with small setbacks in some areas on the ground floor. There are also small cut outs on the ground floor at the northeast and southeast corners of the building at the entrances to the residential and office lobbies. The base building extends over these spaces at the second level and above. The boulevards widths along the adjacent streets vary. The narrowest is Pearl Street which has a boulevard width of approximately 3.2 metres. The Adelaide Street West boulevard is 3.4 metres wide and boulevard along Simcoe Street is 4 metres wide.

The tower is proposed to be set back approximately 13.5 metres from Simcoe Street, 4.8 metres from Pearl Street, 12 metres from Adelaide Street and 13.4 metres from the west property line. A stepback on the south side of the tower is proposed at the 25th level increasing the setback of the tower from Pearl Street to approximately 12 metres. Tower floorplates range in size from approximately 840 square metres for the lower floors in the residential tower decreasing towards the upper floors which have floor plates of approximately 645 square metres.

An underground parking garage with four levels and 245 parking spaces is proposed for the residential uses (179) and the retail and office uses (66). A total of 602 bicycle parking spaces are proposed within the parking garage and on the ground floor, including 472 long-term resident spaces, 52 short-term resident spaces, 71 spaces for office uses and 7 spaces for retail uses. Access to loading and parking is proposed from two driveways situated adjacent to one another at the southeast corner of the site with access to both off of Pearl Street.

Proposed common residential amenity space includes 511 square metres of indoor amenity space situated on the 9th floor with an associated outdoor amenity area of 1,357 square metres. Additional site and development statistics are included in the application data sheet (Attachment 9).

Site and Surrounding Area

The site is located on the west side of Simcoe Street and extends the full block between Adelaide Street West and Pearl Street. The site is 2,930 square metres in area with approximately 57 metres fronting on Simcoe Street, 52 metres on Adelaide Street West and 51 metres on Pearl Street.

The site is currently occupied with two buildings which are proposed to be demolished, comprising an office building in the east half of the site and an above-grade parking structure in the west half of the site. The 5½-storey mixed-use office and retail building at 100 Simcoe Street was originally constructed in 1904 as a warehouse for the engraving and lithography firm Rolph and Clark Limited, and was expanded with a northern addition in 1905. Modifications were made to the building including changes to the main entrance and removal of the building's cupola and cornice prior to 1973, and a two storey addition was constructed in 1983 with alterations to the building entrance and 4th storey cladding, although much of the original building constructed in 1905 remains unmodified. This building is identified as a contributing property in the King-Spadina Heritage Conservation District Plan, and is listed on the City of Toronto's Heritage Register. The overall gross floor area of the existing mixed-used building at 100 Simcoe Street is approximately 8,000 square metres, with an office component comprising 7,000 square metres.

The west half of the site, at 211 Adelaide Street West, is occupied by a 6-storey (7-level) commercial parking garage containing 304 parking spaces.

The site is situated in an area with a diverse range of building types and scales including many historic buildings of lower scale that have been listed on the City's Heritage Register and designated historically significant under the *Ontario Heritage Act*. There are also a number of recently constructed and proposed mixed-use developments in the area including tall buildings.

Surrounding uses include:

North: Opposite the site on the north side of Adelaide Street West are a number of historic buildings ranging from 3 to 5 storeys in height. The Canadian Magazine Company Building at 200 Adelaide Street West opposite the site is an architecturally significant building and is identified on the City's Heritage Register. The Bishop's Block heritage building designated under the *Ontario Heritage Act* is situated on the northeast corner of Simcoe Street and Adelaide Street West with the 66-storey Shangri-La Hotel and condominium on the north side of Adelaide Street West farther east at University Avenue. In the block farther north there are more recently built mixed-use buildings ranging from approximately 20 to 40 storeys along Simcoe Street, Nelson Street and Richmond Street West.

South: Opposite the site on the south side of Pearl Street are two 6-storey historic former warehouse buildings, the Union Building at 212 King Street West and the Canadian General Electric Building at 214 King Street West. Both are designated as historically significant under the *Ontario Heritage Act*. To the southwest is the 45-storey Theatre Park mixed-use building at 224 King Street West and the approved Mirvish-Gehry redevelopment for two mixed use buildings of 82 and 92 storeys. Farther south is Roy Thomson Hall, Metro Hall and David Pecault Square.

West: Abutting the site to its west is a surface parking lot at 217 Adelaide Street West, which is subject to a Zoning By-law Amendment application (File: 15 177189 STE 20 OZ) for a 56-storey building, subsequently revised to a 25-storey building. City Planning staff recommended refusal of the initial application, and it was appealed to the Local Planning Appeal Tribunal by the applicant, where it remains under appeal at this time. Farther west, at the southeast corner of Duncan Street and Adelaide Street West, is a small parking garage and a 5 ½-storey mixed use building listed on the City's Heritage Register at 19 Duncan Street. A Zoning By-law Amendment application for a 57-storey mixed-use building with heritage conservation was recently approved by the Ontario Municipal Board for that site (File: 15 164825 STE 20 OZ). Also to the west of the site, at the northeast corner of Duncan Street and Pearl Street, are two 3 ½ storey commercial buildings listed on the City's Heritage Register at 15 Duncan Street and 158 Pearl Street, which are subject to a Zoning By-law Amendment application (File # 16 269407 STE 20 OZ) to permit a 59-storey mixed-use building. This application was appealed to the Local Planning Appeal Tribunal by the applicant on the basis of municipal non-decision, where it remains under appeal at this time.

East: Opposite the site on the east side of Simcoe Street is the 4-storey Enwave Energy Steam Plant, beyond which is a surface parking lot and a 12-storey brick commercial building.

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:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological 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 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, 2014 (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

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

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. 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 (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 irreplaceable cultural heritage resources.

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

The site is located in the *Downtown* and in the King-Spadina Secondary Plan Area. The site is designated *Regeneration Areas* in the 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 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 2.2.1.1 emphasizes the role of the *Downtown* in accommodating development, including identifying a minimum combined gross density target of 400 jobs and residents per hectare, as derived from the Growth Plan policies.

Section 2.2.1.5 states that the architectural and cultural heritage of *Downtown* will be preserved by designating buildings, districts and open spaces with heritage significance and by working with owners to maintain and restore historic 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.

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 recognizes that tall buildings come with larger civic responsibilities than buildings of a smaller scale. When poorly located and designed, tall buildings can physically and visually overwhelm adjacent streets, parks and neighbourhoods, and block sunlight, views of the sky and create uncomfortable wind conditions. This policy requires new tall building developments to address key urban design considerations, including requiring that they 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.

Section 3.1.5 of the Official Plan contains the policies that form the policy framework for heritage conservation in the City and provide direction on the conservation of heritage properties included on the City's Heritage Register, including direction 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. Policy 3.1.5.27 states that where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures, and landscapes on those properties is desirable and encouraged, and that the retention of facades alone is discouraged. Policies 3.1.5.32 and 3.1.5.33 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 residential and commercial uses. To achieve a broad mix of commercial, residential, light industrial and live/work uses, the Official Plan also contains policies for *Regeneration Areas* requiring 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. 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.

Official Plan Amendment 231

Official Plan Amendment (OPA) 231, adopted by City Council December 18, 2013, received approval by the Minister of Municipal Affairs and Housing on July 9, 2014, and is in large part under appeal before the Local Planning Appeal Tribunal. 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 existing office space, where residential development is proposed. Policy 3.5.1 (6) and (9) are both currently under appeal.

The site is located within 500 metres of the University-Spadina subway line, with the St. Andrew Subway Station approximately 150 metres southeast of the site. Additionally, the King Street Streetcar line is approximately 100 metres south of the site and the Queen Street Streetcar line is approximately 450 metres to the north of the site. The existing building at 100 Simcoe Street contains approximately 7,000

square metres of office space. The proposal includes 17,171 square metres of office floor area representing an increase of 10,171 square metres of office floor area from the existing condition.

King-Spadina Secondary Plan

The proposed development is subject to the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. The policies in the King Spadina Secondary Plan establish the historic fabric of the area as the context within which to assess new development, while achieving a mixture of compatible land uses and retaining and promoting commercial and light industrial uses. 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 of the area; and
- Heritage buildings and other important buildings within the King-Spadina Area will be retained, restored and re-used.

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 4 – Heritage

Heritage buildings in the King-Spadina Area are essential elements of its 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.

King-Spadina Secondary Plan Review (2006)

OPA 2 (By-law 921-2006), which is under appeal to the Local Planning Appeal Tribunal, 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. 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, 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 4.1.1 notes that the Adelaide-Richmond-John heritage area in the East Precinct of King-Spadina has a rich inventory of historic buildings and a diverse historic building stock in terms of building form and scale. It further notes that there are a number of historically significant office and manufacturing buildings ranging between two and twelve storeys, although the majority of buildings are between five and seven storeys.

Section 4.1.3 notes that building heights in the East Precinct are variable, and that in many cases, the height of buildings is greater than that envisioned by the current King-Spadina planning framework. It is also noted that the east boundary of the Plan area is adjacent to the City's financial district where there are development permissions for significantly greater height, but that the vision for and character of King-Spadina is distinct from the adjacent financial district and downtown core. This distinction is primarily based on the lower scale of its historic buildings, and should be preserved and enhanced through new development.

Section 5 contains built form guidelines that expand on Section 4 of the Guidelines. Section 5.4.1 recognizes that heights transition down to the west. Section 5.4.3 deals with angular planes and stepbacks to minimize shadows and ensure adequate sunlight, and strengthen the existing streetwall scale to maintain a comfortable pedestrian experience. Section 5.4.4 addresses light, view and privacy requirements.

The Guidelines note that accommodations in 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.

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 the King-Spadina 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. A final report on the draft Secondary Plan policies is anticipated to be before the Toronto and East York Community Council in 2019.

King-Spadina Heritage Conservation District Plan

At its meeting on August 16, 2013, Toronto City Council directed Heritage Preservation Services staff to undertake Heritage Conservation District (HCD) studies in five priority areas, including King-Spadina. A team led by Taylor-Hazell Architects developed the study, and was subsequently retained to prepare the Plan.

The first phase of the study involved the identification of the area's cultural heritage value, and the determination of potential HCD boundaries. In May 2014, the Toronto Preservation Board endorsed the HCD Study for King-Spadina, along with City staff recommendations to proceed with two HCD plans for King-Spadina, divided along Peter Street. Through the development of policies for the two HCDs and the community consultation process, the project team and City staff determined that a single HCD for the entire district would be more appropriate. The HCD boundary roughly aligns to that of the King-Spadina Secondary Plan, between Simcoe and Bathurst Streets, and Richmond and Front/Wellington/King Street West. The subject site is within the boundaries of the HCD.

The final version of the HCD Plan was released for public comment in June 2017. The Plan was endorsed by the Toronto Preservation Board on June 22, 2017, followed by the September 6, 2017 Toronto and East York Community Council and was adopted by City Council at its October 2, 3, and 4, 2017 meeting.

The final report and City Council's 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.

TOcore: Planning Downtown

At its May 1, 2018 meeting, Planning and Growth Management (PGM) Committee held a Special Public Meeting pursuant to Section 26 of the Planning Act and adopted a staff report entitled 'TOcore: Downtown Plan Official Plan Amendment', as amended, that recommended adoption of the Downtown Plan Official Plan Amendment (OPA 406). OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

At its May 22-24, 2018 meeting, City Council adopted OPA 406, as amended. The Council decision is available here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Pursuant to Section 26 of the Planning Act, the Downtown Plan will be forwarded to the Minister of Municipal Affairs for approval. Council has directed Staff to use the policies contained with the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm and community services and facilities – is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally 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 to the east.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto’s fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto’s Five Year Official Plan Review under Section 26 of the Planning Act, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan. City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan and has regard to matters of provincial interest under Section 2 of the Planning Act.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). 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 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

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 the Downtown Plan Official Plan Amendment.

Further background information can be found at www.toronto.ca/tocore.

OPA 352 – Downtown Tall Building Setback Area

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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 can be found at:

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

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>.

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 3.1 - The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Growing Up: Planning for Children in New Vertical Communities

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

The Council Decision and draft guidelines are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>

Zoning

The site is subject to former City of Toronto Zoning By-law 438-86. The site is also included in the new City-wide Zoning By-law, as enacted by City Council on May 9, 2013. The new By-law is subject to appeals at the OMB and therefore is not in-force.

Under Zoning By-law 438-86, as amended, the site is zoned Reinvestment Area (RA). The RA Zone permits a range of residential uses, as well as commercial, institutional and limited industrial uses. As part of the RA zoning controls, density standards were replaced with built form objectives expressed through height limits and setbacks. The Zoning By-law permits a maximum building height of 30 metres for this site if a 3 metre stepback at 20 metres is provided. An additional 5 metres is permitted for rooftop mechanical elements.

Under Zoning By-law 569-2013, the site is zoned CRE (x74) with a maximum height of 30 metres. The purpose of the CRE (Commercial Residential Employment) Zone is to provide a range of retail, service commercial, office, residential and limited industrial uses in single use buildings and mixed use buildings. Exception 74 (x74) indicates that certain site-specific zoning by-laws will prevail on individual sites within the exception area. The site is not subject to any prevailing site-specific zoning by-laws.

Site Plan Control

This proposal is subject to Site Plan Control. An application for Site Plan Approval has not yet been submitted.

Reasons for the Application

The proposal exceeds the maximum height permitted by the in-force Zoning By-law over a substantial portion of the site. Both Zoning By-laws 438-86 and 569-2013 permit a maximum height of 30 metres to the top of the roof with an additional 5 metres for mechanical penthouse, while the proposed development contemplates a height of 189 metres to the top of the roof (198 metres to the top of the mechanical penthouse). In addition, the proposed building does not comply with other performance standards that apply to the lands including parking and loading requirements, building setbacks and required amenity space for the proposed development.

Community Consultation

Staff prepared a preliminary report for the November 15, 2016 Toronto and East York Community Council meeting that identified issues raised by the proposal, and a community consultation meeting was held on March 21, 2017.

The primary issues raised by members of the public include concerns relating to

- whether a comprehensive block plan should be required to facilitate development of a tall building on the abutting site at 217 Adelaide Street West
- preservation of the character of the neighbourhood in terms of historic buildings and urban design
- accommodation of vehicle stopping, deliveries and passenger drop-off on Simcoe Street and Adelaide Street West, and design of on-site loading area

- location of, and need for direct exterior access to, long-term bicycle parking
- provision of short-term public bicycle parking for retail customers
- lack of smaller retail units suitable for a variety of commercial retail tenants
- proportion of family-sized units
- provision of amenities for dogs
- the timeline for construction

These comments have been considered in City Planning staff's review of the application.

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.

Local Planning Appeal Tribunal Appeal

The proposal was appealed to the Local Planning Appeal Tribunal by the Applicant for failure by the City to issue a decision within the time prescribed by the *Planning Act* (120 days) on October 13, 2017.

COMMENTS

City Planning's review of the Zoning By-law Amendment application described in the following sections is based on the application materials formally submitted on July 18, 2016, and supplementary materials submitted on September 30, 2016, and May 2, 2017.

Planning Act, Provincial Policy Statement and Provincial Plans

The provisions of Sections 2 (d), (f) and (r) of the *Planning Act* address the challenges of accommodating development in a manner which adds to livability in a high density neighbourhood, while conserving heritage resources. Intensification needs to be sustainable, well designed, encourage a sense of place and provide for public spaces that are of high quality, vibrant and attractive. The proposed building's scale and massing, and the demolition of the existing heritage building, present challenges to ensuring that these objectives can be fulfilled.

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.

Policy 1.3.1 requires that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment and institutional uses to meet long-term needs, while encouraging compact, mixed-use development that incorporates compatible employment uses.

Policies 1.7.1 and 2.6 identify the importance of encouraging a sense of place by conserving features that help define character, including both built heritage resources on-site and the heritage attributes of adjacent lands.

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 City's 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 proposed development 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, does not conserve built heritage resources and represents overdevelopment of the site.

The Growth Plan for the Greater Golden Horseshoe informs municipal decision-making regarding the management of growth in communities. The site is within the *Downtown Toronto* Urban Growth Centre (UGC) identified in the Growth Plan, 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.

Policy 4.2.7.1 of the Growth Plan also states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities. In its current form, the proposal does not conserve the heritage properties on the development site and is inconsistent with the heritage policies in the Growth Plan.

The Growth Plan recognizes the central role of municipalities in identifying locations for growth, the appropriate type and scale of development, and the transition of built form to adjacent areas, which are to be implemented through official plan policies and other supporting documents. In this context, the Official Plan, the King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina Heritage Conservation

District Plan, 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.

In its current form, this proposal has not adequately addressed the policy direction of the Official Plan and its supporting documents, and therefore does not meet the conformity test with the Growth Plan for the Greater Golden Horseshoe.

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 on-going King-Spadina Secondary Plan Review, the King-Spadina Heritage Conservation District Plan, the King-Spadina Heritage Conservation District Plan and the Tall Building Design Guidelines. As outlined below, the proposal as currently configured 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 for the neighbourhood.

Land Use

The proposed development is a mixed-use building containing retail and office uses in the 8-storey base building with residential uses in a tower above. The existing buildings on the site contain approximately 7,000 square metres of non-residential gross floor area (GFA) for office uses and 1,000 square metres of retail-restaurant space, which would be replaced with approximately 17,956 square metres of non-residential GFA comprising office uses in the podium and retail uses at grade, and 35,644 square metres of residential GFA.

The site is located in the *Downtown* in an area designated *Regeneration Areas* in the Official Plan (Attachment 4). Development in *Regeneration Areas* is intended to provide a broad mix of commercial, residential, office, parks and open space, institutional, live/work and utility uses in an urban form. The framework for development in *Regeneration Areas* is set out in the associated Secondary Plan, which in this instance is the King-Spadina Secondary Plan (Attachment 5).

The King-Spadina Secondary Plan includes the objective that the King-Spadina area will provide for a mixture of compatible land uses with the flexibility to evolve as the neighbourhood matures, as well as recognizing that the King-Spadina area is an important employment area, and that the retention and promotion of commercial uses is a priority. Furthermore, OPA 231, which was adopted by City Council but is currently under appeal, requires new development that includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices to increase the non-residential gross floor area used for office purposes when the property is located in a *Regeneration Area* in the *Downtown*.

The proposal includes a substantial increase in the amount of non-residential gross floor area for office uses, and the proposed mix of uses is permitted by the Zoning By-law and supported by Official Plan policies for *Regeneration Areas*, and the King-Spadina Secondary Plan.

Heritage

The property at 100 Simcoe Street is included on the City's Heritage Register and has been identified as contributing to the King-Spadina Heritage Conservation District (Attachment 7). Further, the site is located adjacent to a number of other heritage properties, notably including the designated heritage property at 192 Adelaide Street West and the listed property at 200 Adelaide Street West to the north of the property, and the designated properties at 212 King Street West and 214 King Street West to the south of the property.

The site at 100 Simcoe Street contains a former industrial building that was constructed in two sections for Rolph and Clark Limited following the merger of two leading Toronto lithography firms. Toronto architect G. W. Gouinlock designed the south section (1904), with the architectural firm of Sproatt and Rolph completing the complementary north section (1905). The building is valued for its design as a representative example of Edwardian Classicism, which was popular for industrial and other building types in the pre-World War I era. The complex was converted to commercial use and updated in the late-20th century with the addition of the fifth storey.

Rolph and Clark Limited left King-Spadina in 1912 and sold the subject property to Brown Brothers Limited. From 1912 until 1951, the property at 100 Simcoe Street was occupied by Brown Brothers Limited, bookbinders and stationery manufacturers. The building is valued historically for its contribution to the development, evolution and regeneration of the King-Spadina neighbourhood during the 20th century, and culturally through its historical association with significant businesses in King-Spadina.

Contextually, the property at 100 Simcoe Street has value through its support for the historical character of the King-Spadina neighbourhood where it is part of an important collection of former factories and warehouses that changed the area from its origins as an institutional and residential district to Toronto's new manufacturing centre following the Great Fire of 1904 and, in the late-20th century, evolved into a commercial hub and the city's Entertainment District. With its location on Simcoe Street, the Rolph and Clark Limited Building anchors the east end of the King-Spadina neighbourhood.

The Rolph and Clark Limited Building is historically and visually linked to its setting on the west side of Simcoe where it extends along the block from Pearl Street to Adelaide Street West. The property at 100 Simcoe Street forms part of an enclave of surviving early-20th century industrial buildings northwest of King and Simcoe streets, including the collection of former factories and warehouses on King Street West between Simcoe and John streets and on Duncan Street, north of King, which are recognized on the City of Toronto's Heritage Register.

The Official Plan contains policies in Section 3.1.5 providing for the identification and evaluation of properties of cultural heritage value or interest, and the conservation of heritage resources. Policy 3.1.5.26 identifies 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 impacts on it," and Policy 3.1.5.27 requires that "Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encourage. The retention of façades alone is discouraged."

The King-Spadina Heritage Conservation District (HCD) Plan contains policies that are relevant to the development, including those of Section 6.2 requiring conservation of the heritage attributes and integrity of contributing properties, Section 6.11 setting out massing criteria for additions to contributing properties, Section 7.3 relating to development on properties that have portions that are contributing, and Section 7.6 relating to massing of development on non-contributing properties in relation to adjacent heritage resources.

Further, Section 1.6 (b) of the Tall Building Design Guidelines directs that development should "conserve the integrity of the cultural heritage values, attributes, character and three-dimensional form of an on-site heritage building or structure or property within an HCD. Façade retention alone is not an acceptable method of heritage preservation."

The current proposal includes the demolition of the entirety of the original 1904 building and the 1905 addition, and the adjacent parking garage structure, and their replacement with a 51-storey tower atop an 8-storey base building. The base building steps back 4 metres from Simcoe Street and Adelaide Street West above the 5th storey, with the tower stepped back approximately 9.2 to 9.5 metres further along these streets.

New development must be designed to conserve the heritage values, attributes and character of the heritage properties on the site and to mitigate visual and physical impact on them. The removal of the entire heritage building on the site does not conform with the City's Official Plan Heritage policies, is not consistent with the City's Tall Building Guidelines, and is not consistent with the Council-approved policy direction for the neighbourhood found in the King Spadina Heritage Conservation District Plan.

Height, Massing and Separation Distances

Base Building

The proposal involves the demolition of the existing heritage building at 100 Simcoe Street and the parking garage at 211 Adelaide Street West. These would be replaced with a tower including an 8-storey base building, with a height of 34 metres. Most of the base building extends to the property lines or very close to the property lines on all sides with small setbacks in some areas on the ground floor. There are also small cut outs on the ground floor at the northeast and southeast corners of the building at the entrances to the residential and office lobbies. The base building extends over these spaces at the second level and above. Above the 5th storey, the base building

steps back 4 metres from Simcoe Street and Adelaide Street West and includes a terrace at the southeasterly corner of the building, while maintaining a 0 metre setback from the westerly lot line and less than 0.5 metre stepback from Pearl Street. At the 9th storey, the tower steps back a further 9.2 metres from Adelaide Street West, 9.5 metres from Simcoe Street, 4.4 metres from Pearl Street and approximately 13.4 metres from the westerly property line.

The proposed base building should be redesigned to conserve the existing building at 100 Simcoe Street. Above the top of the heritage base building, the remaining height of the building should be stepped back sufficiently to allow the massing of the heritage building to be read from the street. Revisions to the base building should also recognize that Pearl Street is a narrow street with a right-of-way width of 12.2 metres, and provide adequate stepbacks measured from the street centreline above the established streetwall height.

Building Height

The proposed overall building height of 59-storeys (189 metres for the main building, 198 metres including mechanical penthouse) is excessive in the built form context of the site and represents overdevelopment.

The direction for the King-Spadina Secondary Plan Review (formerly the King-Spadina East Precinct Built Form Study) adopted by City Council in August 2014 endorsed a downward gradation of tower heights from University Avenue in the east down to Spadina Avenue in the west, and recognized that not all properties would be appropriate for tall buildings. The draft policy direction, as presented to the public at the Community Consultation on October 11, 2017, would establish height zones generally setting out a series of discernible steps down in height, including at Simcoe Street and at John Street, while taking into account potential impacts on important components of the public realm (Attachment 6).

While the proposed building height is a discernible decrease from the Shangri La development at 188 University Avenue (212 metres height), it is excessive in the context of the prevailing built form fabric in its immediate vicinity, which includes the OMB-approved development at 19 Duncan Street (180 metres height), the proposed development at 15 Duncan Street (182 metres height) and the maximum permitted height of 157 metres set out in OPA 297 for the Block west of Duncan Street.

Given the existing and planned context, City Planning would support a maximum height of 180 metres for the building, including mechanical elements, provided that the tower meets all other built form objectives relating to building massing and tower stepbacks.

Tower Separation Distances and Floor Plates

The Tall Buildings Design Guidelines and OPA 352 provide guidance on the separation required between tall buildings to provide a high quality, comfortable public realm and

appropriate access to sunlight and sky views in public spaces, and natural light, sky views and a reasonable level of privacy for occupants of tall buildings. Zoning By-laws 1106-2016 and 1107-2016, which implement the policies of OPA 352, identify a minimum setback of the greater of 3 metres from a lot line that abuts a street or 12.5 metres from the centreline of the abutting street as generally being sufficient to achieve these objectives. The Tall Buildings Design Guidelines and the policies of the Downtown Plan also identify a maximum residential floor plate size of 750 square metres for the tower component of tall buildings.

The proposal contains tower setbacks of approximately 12.0 metres from the north property line along Adelaide Street West, 13.5 metres from the east property line along Simcoe Street, 4.8 metres for the first 24 storeys and 12 metres for those above from the south property line along Pearl Street, and 13.4 metres from the west property line abutting the property at 217 Adelaide Street West.

The proposed minimum tower setbacks are generally consistent with the requirements of the Tall Buildings Design Guidelines and OPA 352, with the exception of the setback from the centreline of Pearl Street below the 25th storey, which is less than the required 12.5 metres due to the narrowness of the street.

The proposed building design incorporates a stepped reduction in floor plate size as the tower rises. The applicant has indicated that the reason for this approach is to create a better proportional relationship between the podium and the tower as compared to a simple extrusion of a floor plate which could be perceived as proportionally disconnected from the base building, and to create an architecturally differentiated building. This results in tower floor plates of approximately 898 square metres for floors 9 to 21, 785 square metres for floors 22 to 24, 731 square metres for floors 25 to 44, and 714 square metres for floors 45 to 59. While City Planning staff recognize that a stepped approach may be desirable, and that floor plates may in certain circumstances exceed the 750 square metres guideline, staff recommend that the proposed floor plates for the lower portion of the tower should be reduced in size to more closely conform to the guidelines.

Landscape, Streetscape and Public Realm

The application proposes setbacks of less than 1 metre at-grade along the property lines, with the exception of cut-outs at the northeast and southeast corners of the building for entrances. The proposed setbacks do not provide for appropriate sidewalk zones given the nature of the proposal. For new tall building developments, a minimum street curb-to-building face setback of 6 metres is expected in order to contribute towards an improved streetscape and public realm. Where existing heritage buildings are being maintained a reduced sidewalk zone for the portion of the site adjacent to the heritage building is acceptable, with portions not occupied by the heritage building expected to provide larger sidewalk zones, consistent with the Tall Building Design Guidelines.

City Planning staff advise that the existing heritage building at 100 Simcoe Street should be retained and incorporated into the development, and that retention of the existing sidewalk zones adjacent to the building would be supported in that case, with

improvements to the sidewalk zones along the westerly portion of the site where the parking structure is currently located.

The proposal also includes a significant curb cut of 19 metres on Pearl Street providing access to the parking area and loading area. Combining the access to the parking and loading would allow a reduction of the size of the curb cut and improve the public realm along Pearl Street significantly. The 19 metre curb cut in the current proposal has a negative impact on the public realm and is not acceptable.

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 (CS&F) and the facilities and services which are available.

The site is located in an area which is one of the 16 neighbourhoods identified in the TOcore Community Services and Facilities Study – Phase One. Two key points which emerge from Phase 1 of this study are: the need for affordable, appropriate and accessible space; and the need to develop innovative partnerships and collaborations to meet the challenges of growth in the Downtown.

A Downtown Community Services and Facilities Strategy is one of five infrastructure strategies prepared as part of phase 2 of the TOcore process and adopted by City Council in May 2018. The Strategy explores opportunities to enhance existing assets through either facility improvements, renovations or expansions. This includes reviews by TDSB, TCDSB, TPL and City Divisions assessing the future demand for community services and the development of community hub models. The Strategy also identifies other opportunities to explore such as partnerships with community based agencies, expanding and reconfiguring existing space and facilities, securing new innovative facilities and making the space affordable.

The TOcore study found that libraries in the Downtown are very well-used and that library needs in the Downtown are diverse and growing. In addition to their core services, library spaces are used by a variety of community agencies to deliver programs and services. These facilities operate as community hubs that provide neutral and convenient community space for residents of all ages and backgrounds. Three libraries serve the subject site, including the City Hall (100 Queen Street West), Fort York (190 Fort York Boulevard) and St. Lawrence (171 Front Street East) neighbourhood branches. The City Hall neighbourhood branch is closest to the subject site and was the third busiest of the Downtown branches in terms of visitors in 2014.

Child care represents an integral part of the community services and facilities serving community across the City. In the Downtown in particular, child care serves a number of purposes by supporting working families, area residents and connecting families to other supports and services. The TOcore study identified insufficient child care spaces in the

Downtown, particularly infants and toddlers. While the existing number of children of child care age is relatively low in King-Spadina, the substantial adult population indicates the potential for the child population to grow significantly and increasing need to plan for family-friendly communities Downtown.

Provision of recreation programs and human/social services in the Downtown is part of a highly interconnected system of City of Toronto and community-based facilities providing different types of recreation programs and services. The TOcore study identifies need for updated recreation facilities and spaces (e.g. indoor and outdoor informal gatherings, flexible multi-purpose spaces, renovating and replacing aging or outdated spaces/facilities, and upgrades to pools) and specific programs, amenities and design considerations to accommodate older adults, youth, children and transgender clients. There are currently no community and recreation facilities within King-Spadina.

Based on the forgoing, the proposal should incorporate measures or contributions towards addressing community services and facility priorities including towards the YMCA recreation facility under construction at 505 Richmond Street West, and/or space improvements to the City Hall Library.

Traffic Impact, Parking and Loading

The Traffic Impact Assessment submitted in support of the proposal concluded that the projected site traffic would have minimal impacts on the area and could be acceptably accommodated on the adjacent road network. Transportation Services staff have reviewed the traffic impact analysis and have determined that it is acceptable. However, given the narrow width of the public boulevard at the corners of the lot, Transportation Services staff have requested that 5.0 metre corner roundings be provided at the northeast and southeast corners of the site to provide additional pedestrian clearway width. As noted earlier, corner roundings and widenings would not be required with the retention of the heritage building at 100 Simcoe Street.

A total of 245 vehicular parking spaces are proposed for the development, which is less than the 371 spaces which would be required under the provisions of Zoning By-law 569-2013. Transportation Services staff acknowledge that relief from the parking standards may sometimes be granted, but have not been satisfied that the proposed supply is acceptable, and require either the provision of parking in the amount specified in By-law 569-2013 or the submission of a satisfactory parking study demonstrating the proposed residential parking supply is acceptable.

Transportation Services staff have indicated that the proposed 19 metre curb cut on Pearl Street for the separate parking and loading facilities accesses is excessive and unsafe for pedestrian movement and is therefore unacceptable. Staff request that the design be revised to provide a single vehicular access to the parking and loading facilities which minimizes the width of the required curb cut.

The materials submitted with the application indicate that a total of 602 bicycle parking are proposed on site, however at the community consultation meeting the applicant

indicated that approximately 500 bicycle parking spaces would be provided. Bicycle parking is required to comply with the existing Zoning By-law requirements in order to ensure compliance with the Toronto Green Standards, and formal confirmation is required of the number of proposed spaces.

Amenity Space

Policy 3.1.2.6 of the Official Plan requires that every significant multi-unit residential development provide indoor and outdoor amenity space for residents, and that each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces. The Zoning By-law requires a minimum of two square metres of indoor and two square metres of outdoor amenity space per unit.

A total of 511 square metres of indoor amenity space is proposed, equalling 0.98 square metres per unit based on the unit count of 524 units, to be located in rooms on the 9th floor. This is significantly below the Zoning By-law requirement of 2.0 square metres of indoor amenity space per unit, and staff advise that an increase in the provision of indoor amenity space is required.

A total of 1,357 square metres of outdoor amenity space is proposed, equalling 2.59 square metres per unit, to be located atop the base building adjacent to the indoor amenity space on the 9th floor. This exceeds the amount of outdoor amenity space required by the Zoning By-law, which is a positive element in an area with limited outdoor space to service the growing population. Dog amenities, including a dog relief area, will be required to be incorporated as part of the proposed amenity space.

Provision of Family-sized Units

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

The Official Plan housing policies and Growing-Up Guidelines policies recommend a minimum of ten percent of all units as three-bedroom or greater in order to broaden the range of housing and meet the needs of families with children. The Growing-Up Guidelines identify an ideal minimum unit size of 87 square metres for two-bedroom units and 100 square metres for three-bedroom units as most suitable for families. Policy 11.1 of the new Downtown Plan further requires that a minimum of 15 percent of the total number of units be provided as two-bedroom units 87 square metres or more in size, 10 percent be provided as three-bedroom units 100 square metres or more in size, and an additional 15 percent be a combination of two-bedroom or three-bedroom units.

The proposal contains a total of 524 dwelling units comprised of 62 studio (12%), 307 one-bedroom (59%), 102 two-bedroom (20%) and 53 three bedroom (10%) dwelling units). Of these, 3 two-bedroom units and 22 three-bedroom units meet the minimum family-size unit criteria. The development proposes a proportion of two- and three-bedroom units that is in keeping with what has previously been approved in the vicinity of the site. The provision of a greater number of family-sized two and three bedroom units would allow for a more diverse mix of households, including larger households and families with children, in the building. Opportunities to deliver affordable housing will be sought through future Section 37 discussions with the applicant.

Servicing

Engineering & Construction Services staff require that the applicant submit a revised Functional Servicing Report, Stormwater Management Report and Site Servicing Plan to address outstanding issues relating to servicing and water. Further outstanding comments regarding parking and loading facilities, fire services, waste management access and streetscape elements also require the submission of revised drawings. These comments were outlined in memorandums dated December 16, 2016, and May 9, 2018, provided to the applicant.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The site is subject to the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, however, for sites less than 1 hectare in size, a cap of 10% is applied for the residential use while the non-residential use is subject to a 2% parkland dedication. The total parkland dedication is approximately 215 square metres, which is not of a suitable size to develop a programmable park in the context of this development.

In accordance with Official Plan Policy 3.2.3.7, the applicant is requested to satisfy the parkland dedication through acquiring off-site parkland that will contribute positively to existing parks within the neighbourhood.

The applicant is encouraged to work with other development applicants within 500 metres of their site to consolidate multiple off-site parkland dedication requirements with the conveyance of one site. The size and location of the parkland would be subject to the approval of the General Manager, Parks, Forestry and Recreation, and would be subject to conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

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, daycare, parkland and/or park improvements above and beyond the required Section 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 were advanced as the development review process had not resulted in an agreement on the proposal.

City Planning staff recommend that the City Solicitor be directed to request the Local Planning Appeal Tribunal, 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 owner have presented the by-laws to the Tribunal 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 as between the City and the owner, and registered on title, all to the satisfaction of the Acting Director, Community Planning, Toronto and East York District, and the City Solicitor.

Conclusion

Staff have reviewed the Zoning By-law Amendment application for 100 Simcoe Street and determined that the proposal in its current configuration does not have regard to relevant matters of provincial interest set forth in section 2 of the *Planning Act*, and is not consistent with the policies of the Provincial Policy Statement or in conformity to the Growth Plan for the Greater Golden Horseshoe. The proposal does not conform with the Official Plan, including the King-Spadina Secondary Plan, as well as with the intent of Council-approved King-Spadina Urban Design Guidelines (2006), which support the Official Plan. It is also not consistent with the Council-endorsed directions of the ongoing King-Spadina Secondary Plan Review, and the Council-approved King-Spadina Heritage Conservation District Plan.

It is the opinion of City Planning staff that the proposed development, in its current configuration, fails to achieve a compatible relationship with the built form context, fails to conserve the heritage attributes of the listed buildings on site, and would set a negative precedent which would diminish the historic scale of these streets. The approval of this proposal would also set a negative precedent for development in the immediate area. The proposal in its current form does not represent 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 Local Planning Appeal Tribunal hearing in opposition to the appeal. The report also seeks Council authorization for staff to continue discussions with the applicant on revisions to the proposal to resolve these concerns as the basis for a settlement.

CONTACT

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E-mail: john.duncan@toronto.ca

SIGNATURE

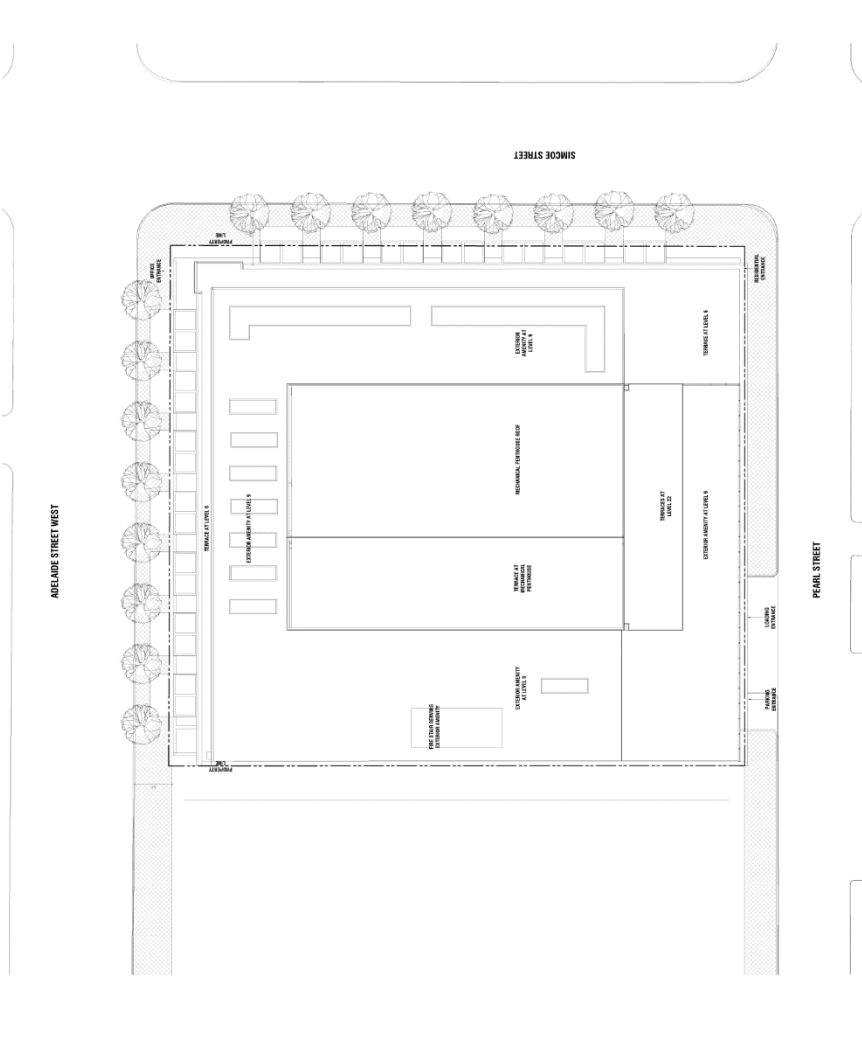
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: North and South Elevations
- Attachment 3: East and West Elevations
- Attachment 4: Official Plan
- Attachment 5: King-Spadina Secondary Plan – Urban Structure Plan
- Attachment 6: King-Spadina Secondary Plan Review – Draft Height Zones
- Attachment 7: King-Spadina Heritage Conservation District Plan
- Attachment 8: Zoning Map
- Attachment 9: Application Data Sheet

Attachment 1: Site Plan

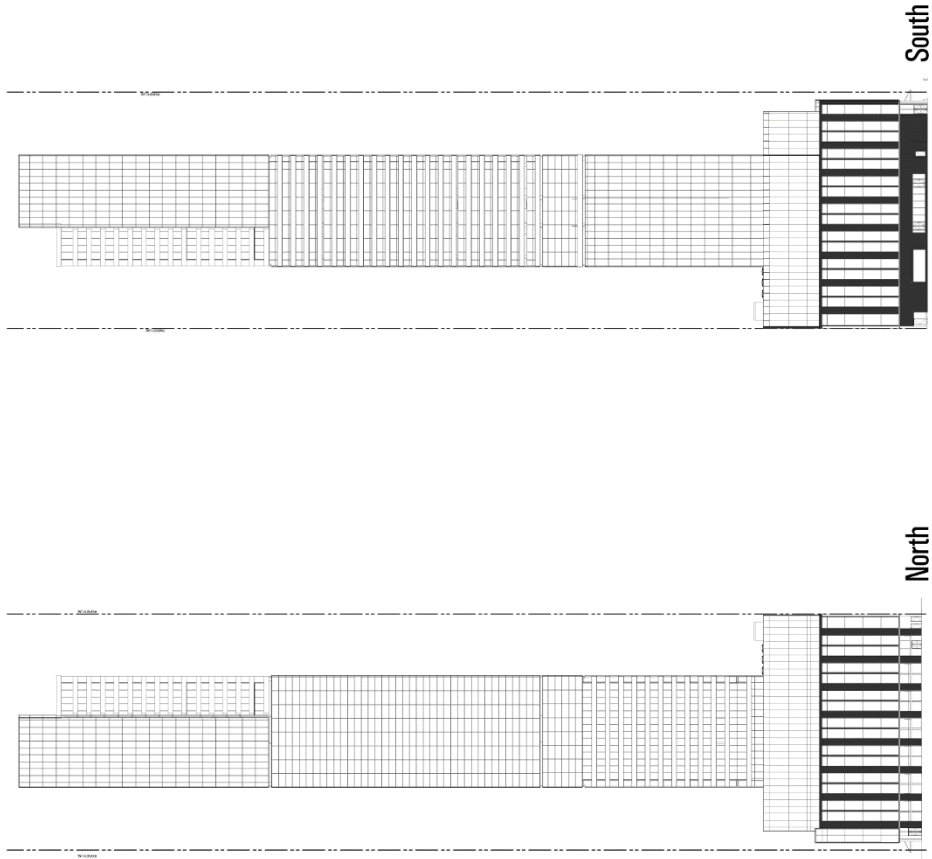


**90 and 100 Simcoe St., 130 Pearl St. &
203, 207 and 211 Adelaide St. West**
File # 16 192792 STE 20 0Z

Site Plan
Applicant's Submitted Drawing
Not to Scale
06/05/2018



Attachment 2: North and South Elevations



**90 and 100 Simcoe St., 130 Pearl St. &
203, 207 and 211 Adelaide St. West**

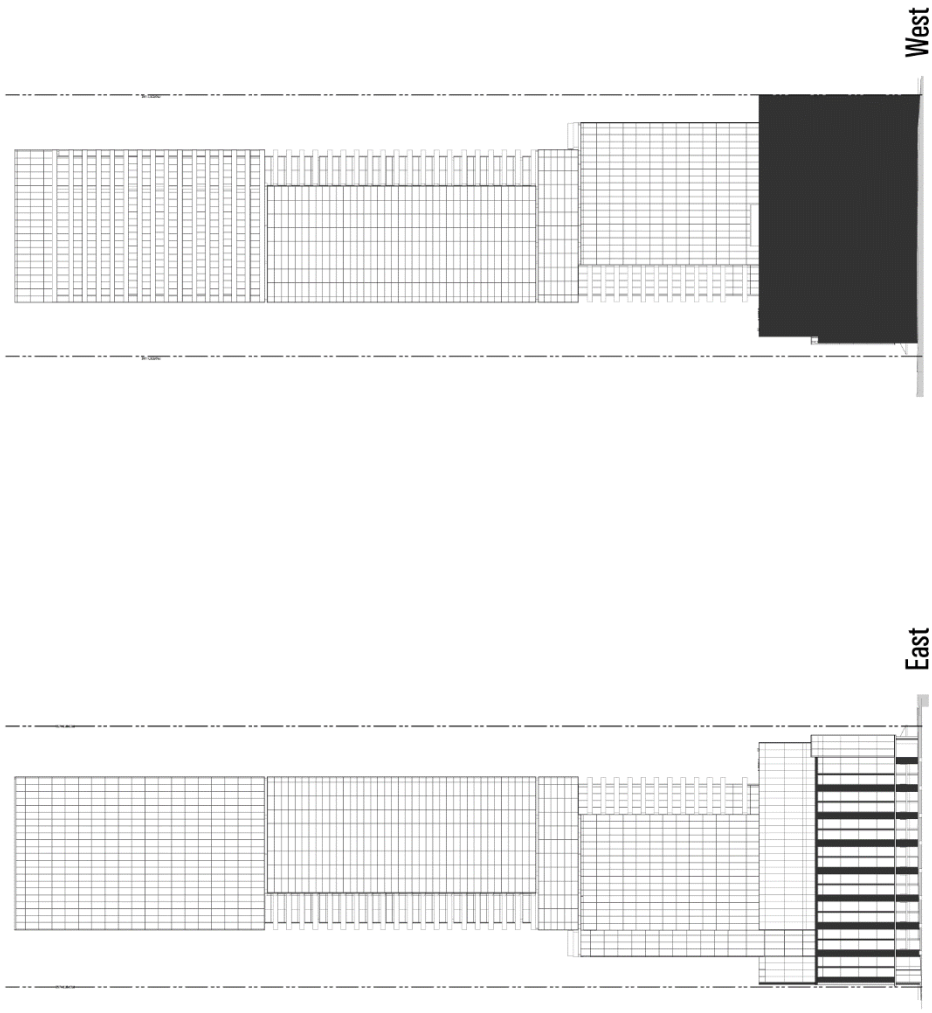
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North and South Elevations

Applicant's Submitted Drawing

Not to Scale
06/05/2018

Attachment 3: East and West Elevations



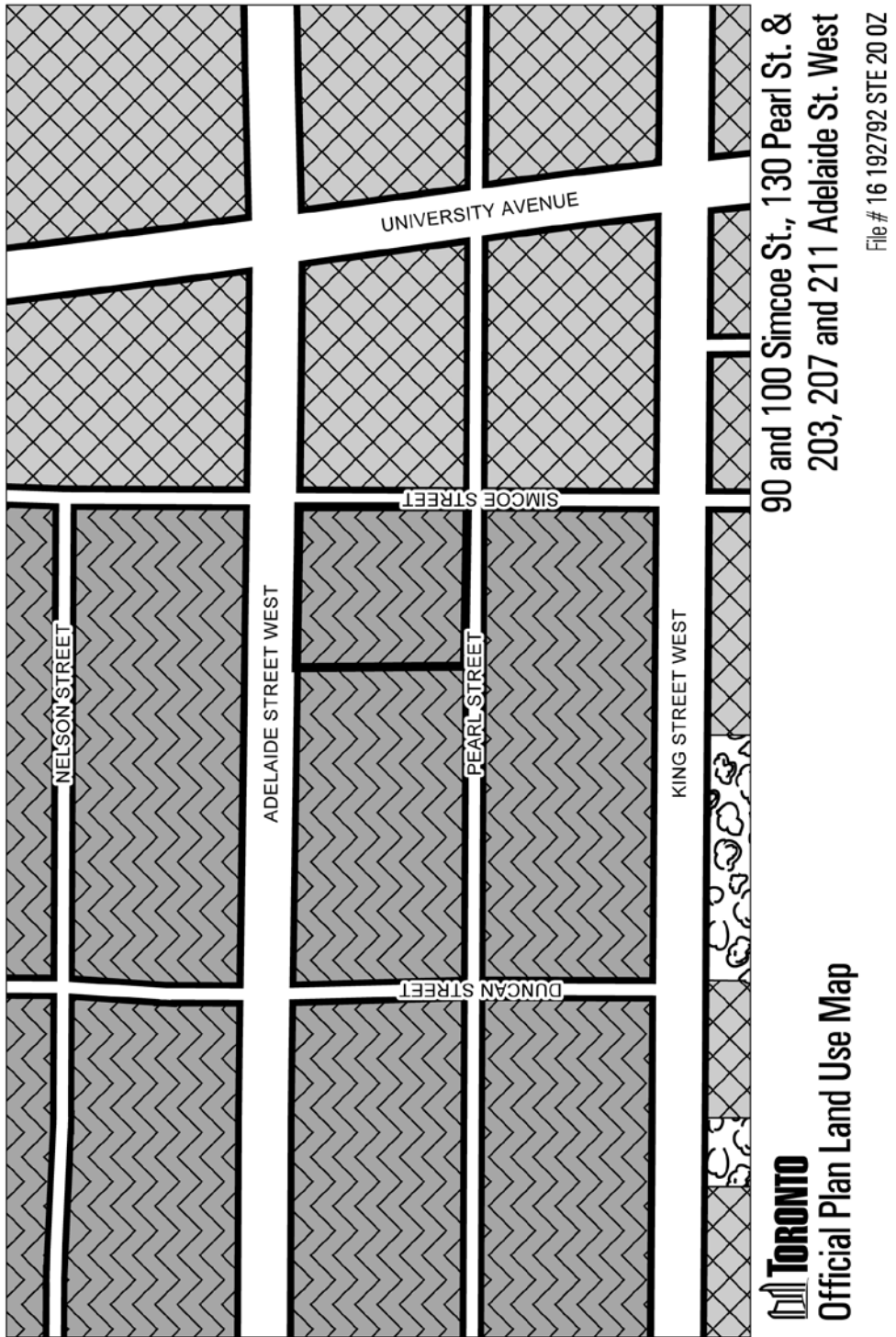
East and West Elevations
Applicant's Submitted Drawing

Not to Scale
06/05/2018

**90 and 100 Simcoe St., 130 Pearl St. &
203, 207 and 211 Adelaide St. West**

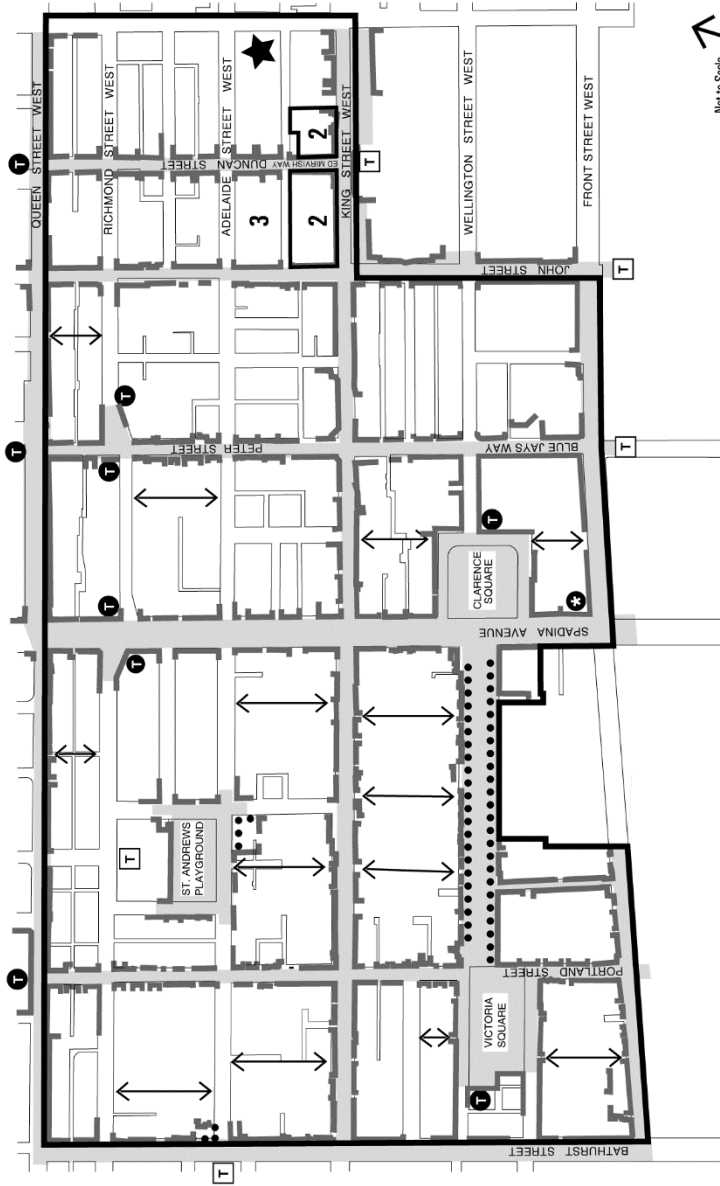
File # 16 192792 STE 20 0Z

Attachment 4: Official Plan



↑
Not to Scale
06/05/2018

Attachment 5: 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
- Significant Street & Open Space
- Site and Area Specific Policy Areas
- Site and Area Specific Policy Area
- Potential Gateway
- Existing New Terminus
- Potential Mid-block Connections
- Landscape Edge
- Location of Application



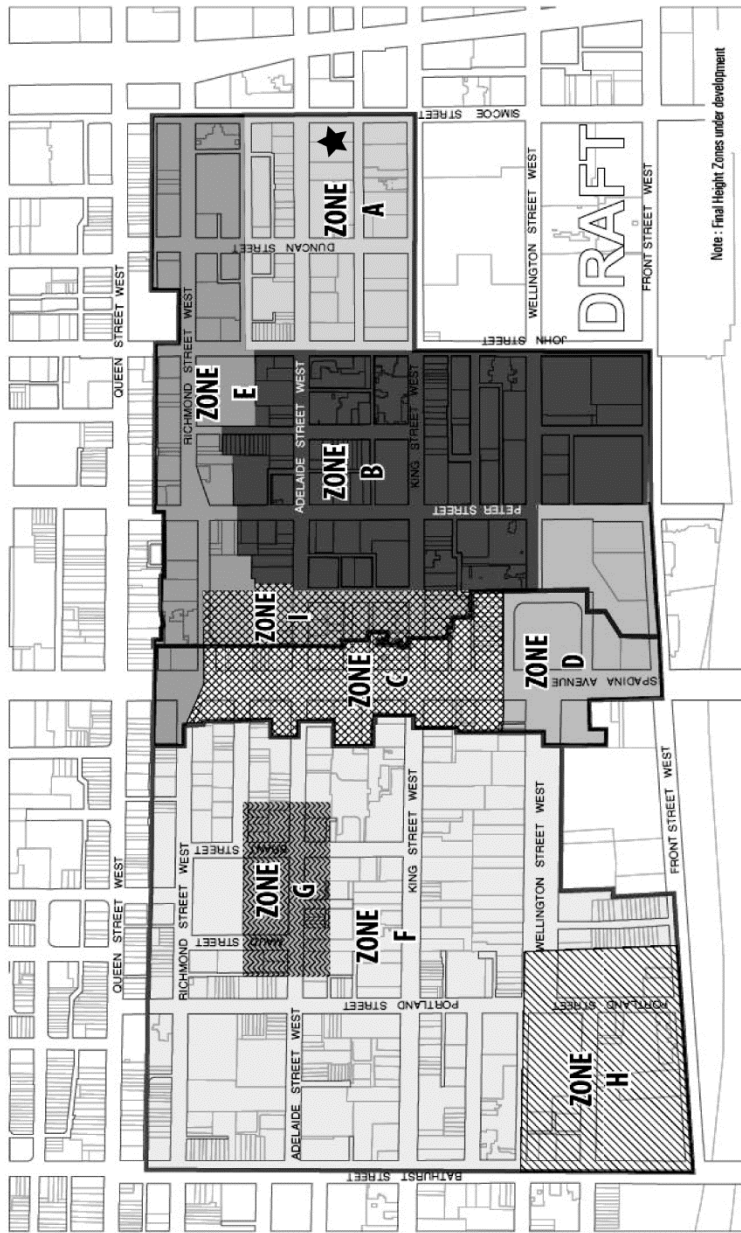
90 and 100 Simcoe St., 130 Pearl St. &
203, 207 and 211 Adelaide St. West

King-Spadina Secondary Plan
Map 16-1 Urban Structure Plan

Not to Scale
October 2015

File # 16 192792 STE 20 0Z

Attachment 6: King-Spadina Secondary Plan Review – Draft Height Zones



King-Spadina Secondary Plan
MAP 16-5 Height Zones



Proposed Plan Boundary ★ Location of Application

King-Spadina Secondary Plan Review
DRAFT Height Zones

Not to Scale
October 2017



90 and 100 Simcoe St., 130 Pearl St. &
203, 207 and 211 Adelaide St. West

File # 16 192792 STE 20 0Z

Attachment 7: King-Spadina Heritage Conservation District Plan



TORONTO
Contributing Properties

-  Proposed Plan Boundary
-  Listed Properties
-  Location of Application

Proposed King-Spadina
Heritage Conservation District

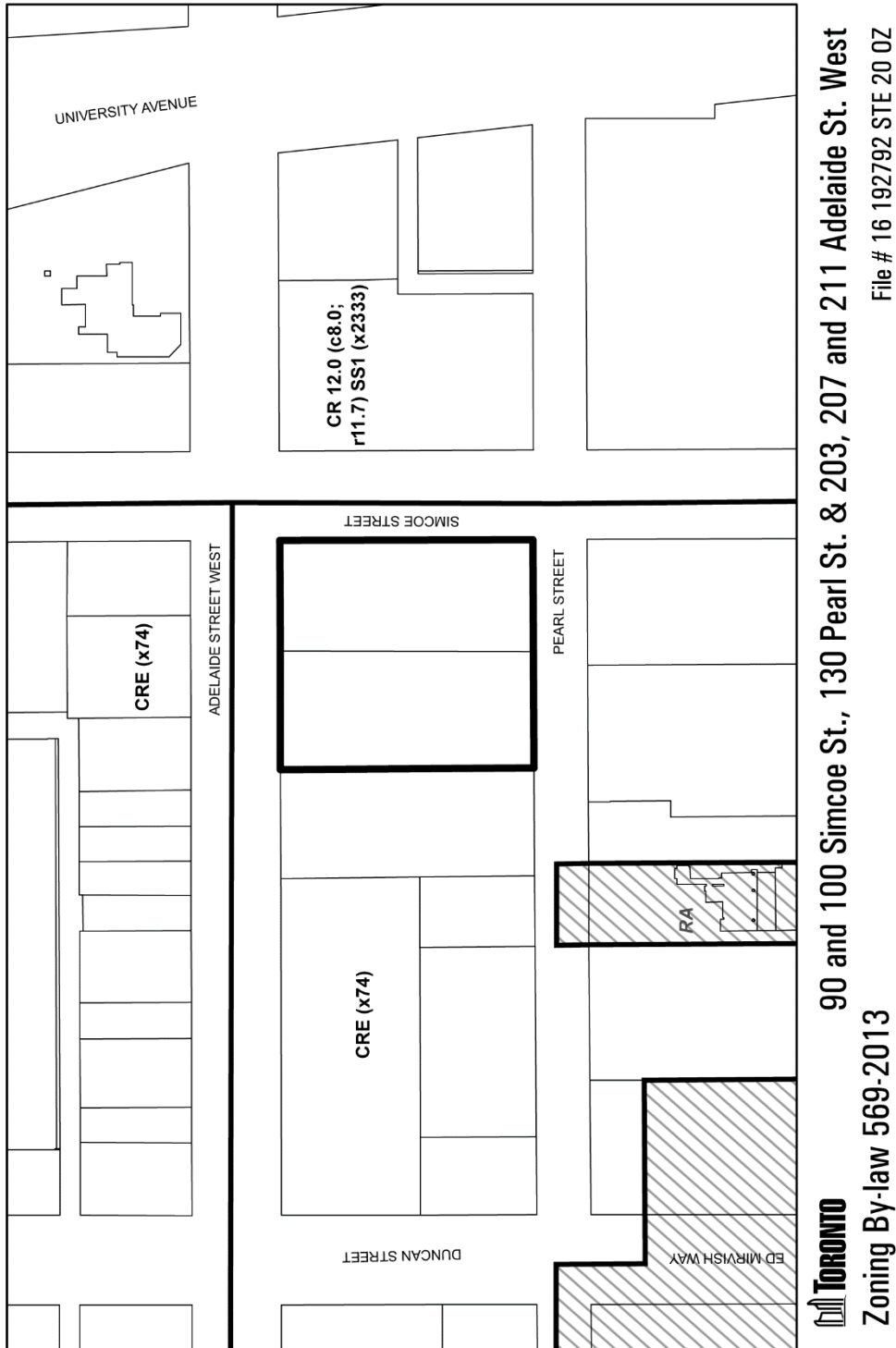
**King-Spadina Heritage Conservation District
Contributing Properties**

Not to Scale
June 2017 

**90 and 100 Simcoe St., 130 Pearl St. &
203, 207 and 211 Adelaide St. West**

File # 16 192792 STE 20 0Z

Attachment 8: Zoning Map



 Location of Application
 Commercial Residential
 Commercial Residential Employment
 Mixed-Use District
 See Former City of Toronto By-Law No. 438-86
 RA

File # 16 192792 STE 20 0Z
 ↑
 Not to Scale
 Extracted: 06/05/2018

Attachment 9: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	16 192792 STE 20 OZ
Details	Rezoning, Standard	Application Date:	July 18, 2016

Municipal Address: 100 SIMCOE ST
 Location Description: PLAN 223E PT BLK C **GRID S2015
 Project Description: Rezoning application for a 59-storey mixed-use retail, office, and residential project: 524 dwelling units, 17,171 square metres of office space, 785 square metres of retail, 4 levels of below-grade parking

Applicant:	Agent:	Architect:	Owner:
DEVINE PARK LLP		DIAMOND SCHMITT ARCHITECTS	SUN LIFE ASSURANCE COMPANY OF CANADA

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	2930	Height:	Storeys:	59
Frontage (m):	56.85		Metres:	189
Depth (m):	51.43			
Total Ground Floor Area (sq. m):	2754			Total
Total Residential GFA (sq. m):	35644		Parking Spaces:	245
Total Non-Residential GFA (sq. m):	17956		Loading Docks	4
Total GFA (sq. m):	53600			
Lot Coverage Ratio (%):	94			
Floor Space Index:	18.29			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	35644	0
Bachelor:	62	Retail GFA (sq. m):	785	0
1 Bedroom:	307	Office GFA (sq. m):	17171	0
2 Bedroom:	102	Industrial GFA (sq. m):	0	0
3 + Bedroom:	53	Institutional/Other GFA (sq. m):	0	0
Total Units:	524			

CONTACT: PLANNER NAME: John Duncan, Planner
TELEPHONE: (416) 392-1530