

355 Adelaide Street West, 46 Charlotte Street and 16 Oxley Street – Zoning Amendment Application – Preliminary Report

Date: September 17, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 10 - Spadina-Fort York

Planning Application Number: 20 160837 STE 10 OZ

Notice of Complete Application Issued: A notice of incomplete application was issued on July 20, 2020. The required Hydrogeological Report has not yet been submitted.

Listed Heritage Building on Site: Gelber Building, constructed in 1920.

Current Use on Site: A 6.5-storey building, listed on the City's Heritage Register, is located at 355 Adelaide Street West. It contains a total of 2,450 square metres of non-residential uses, including commercial and office uses. The remainder of the subject site, at 46 Charlotte Street and 16 Oxley Street, is currently occupied by surface parking lots.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 355 Adelaide Street West, 46 Charlotte Street and 16 Oxley Street. The Zoning Amendment application proposes to redevelop the site with a 50-storey mixed-use building located on the 355 Adelaide Street West and 46 Charlotte Street portion of the site and a 12-storey residential building on the 16 Oxley Street portion of the site. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 355 Adelaide Street West, 46 Charlotte Street and 16 Oxley Street, together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

In November 2017, the Local Planning Appeal Tribunal (the "LPAT") refused a Zoning By-law Amendment application for a 41-storey mixed-use building at 46 Charlotte Street. The decision can be found at:

<https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL161030>

On December 5, 2017, City Council listed the property at 355 Adelaide Street West on the City's Heritage Register.

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

ISSUE BACKGROUND

Application Description

This revised application proposes to amend Zoning By-laws 438-86 and 569-2013 for the properties at 355 Adelaide Street West, 46 Charlotte Street and 16 Oxley Street to permit the redevelopment of the site with a 50-storey mixed-use building with frontage along Adelaide Street West and Charlotte Street, and a 12-storey residential building with frontage along Oxley Street. The 50-storey building would have a height of 156 metres (165 metres to the top of the mechanical penthouse), and the 12-storey building would have a height of 35.7 metres to the top of the roof, with no mechanical penthouse above.

The proposal contains ground floor retail uses, approximately 7,540 square metres of office uses in levels 2 to 9, and 293 residential units above. The existing 6.5-storey building listed on the City's Heritage Register would be incorporated into the base building.

The 7-storey base building of the 50-storey building fronting Adelaide Street West would incorporate the existing north, south and west-facing facades of the heritage building located at 355 Adelaide Street West. The new development would be located on the north, east and south lot lines to align with the heritage building. The heritage building is setback 3 metres from the west side lot line and this existing setback would be maintained. The base building would have a height of 19.24 metres, matching the height of the heritage building.

The tower portion of the 50-storey Adelaide Street building is proposed to step back 3 metres from the north, east and west sides of the base building. The south side of the tower would be located on the lot line.

At the 12th floor, the tower is proposed to be recessed to allow for additional outdoor amenity with stepbacks of 5.6 metres fronting Adelaide Street West, 8.1 metres fronting Charlotte Street, 4.6 to 10.3 metres along the south lot line and 13.6 metres along the west lot line. Starting at the 13th floor, the building pushes back out to a 3 metre stepback from Adelaide Street West and from Charlotte Street, a 0 to 4.75 metre stepback on the south side and a 7 metre stepback on the west side. The tower floorplate, starting at the 14th floor, would be just under 600 square metres. The total proposed Gross Floor Area is approximately 28,740 square metres with a floor space index (FSI) of 22.52.

The 12-storey building fronting onto Oxley Street would only be physically connected to the 50-storey Adelaide Street building below grade. Above grade, the first 6 storeys of the Oxley Street building would be located 4.83 metres south of the Adelaide Street building. Above this, starting at the 7th floor, a stepback along the north-facing façade of the Oxley Street building would be provided, increasing the separation distance between the two buildings to 9.58 metres.

The existing heritage building is set back 3 metres from the west property line which would be used as a public walkway. The office lobby is proposed to be accessed from this public walkway, the residential lobby is proposed along Charlotte Street and the retail units would front Adelaide Street West. The Oxley Street building would have its own lobby located on Oxley Street.

The application proposes 32 parking spaces in a 3-level underground parking garage. No residential visitor or commercial parking spaces are proposed. An internal driveway would occupy the equivalent of the first 2 floors of the proposed 12-storey Oxley Street building, with access located off Oxley Street. The driveway would continue north through the 16 Oxley Street property, providing vehicular access to a 3-level underground parking garage beneath the 50-storey building.

A total of 366 bicycle parking spaces are proposed, of which 293 would be long-term residential spaces, 59 would be for residential visitors and 12 would be for commercial users. The bicycle parking spaces are proposed to be located within the below grade garage and also on the residential floors.

A single Type-G loading space would be provided to service both buildings and would be accessed from Oxley Street.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment Nos. 1 - 6 of this report for a 3-dimensional representation of the project in context, a Location Map , a Site Plan and an Application Data Sheet.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The application is located on lands identified as Downtown and Central Waterfront on Map 2 of the Official Plan. The lands are also identified as Regeneration Areas on Map 18, as shown on Attachment 4. The site is designated Mixed Use Areas 1 - Growth on Map 41-3 A of the Downtown Secondary Plan.

The Downtown Plan

City Council adopted OPA 406 on May 22-, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought

forward a new Secondary Plan for the entire Downtown area. The Ministry of Municipal Affairs and Housing approved OPA 406 with modifications on June 5, 2019.

The site is designated Mixed Use Areas 1 - Growth. Development in Mixed Use Areas 1 will include a diverse range of building typologies, including tall buildings, with height, scale and massing dependent on the site characteristics and supportive of intensification suitable for a downtown growth area. Mixed Use Areas 1 is also where the greatest proportion of non-residential uses are located. The Complete Communities Policies of the Downtown Plan require that new buildings fit within their existing and planned context, conserve heritage attributes and improve the public realm.

The Downtown Plan identifies Adelaide Street West as a priority cycling route. The subject site is also within the Downtown Film District as shown on Map 41-15.

The Downtown Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

King-Spadina Secondary Plan (1996)

The site is situated within the East Precinct of the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. The King-Spadina Secondary Plan requires new development to reinforce the characteristics of the area through built form, heritage conservation and public realm improvements. A key objective of the Plan is to retain, restore and re-use heritage buildings.

The policies of the King-Spadina Secondary Plan emphasize that new buildings will be sited for adequate light, view, privacy and compatibility with the built form context. The policies direct that new buildings will achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line and profile, and architectural character and expression. Heritage plays a key role in establishing the character of the Secondary Plan area. The policies in the Secondary Plan state that heritage buildings are essential elements of the physical character in the King-Spadina Area. In this regard, the City will seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more appropriate legal agreement(s).

King-Spadina Secondary Plan (2020) - OPA 486

At its meeting on January 29, 2020, City Council adopted a Final Report and Official Plan Amendment 486 (OPA 486) outlining updates to the King-Spadina Secondary Plan. The City Council Decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.4>

King-Spadina is one of the fastest growing areas in the downtown and has a strong heritage character. Updates have been made to the King-Spadina Secondary Plan to recognize this growth and the evolution of this area from predominantly non-residential uses to an area with a mix of uses. The updated plan recognizes 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 built form and heritage character of the area.

OPA 486 has been appealed to the LPAT and is not yet in force. The applicant for the subject development has filed a site-specific appeal.

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

On October 5, 2016, City Council adopted Official Plan Amendment 352 - Downtown Tall Building Setback Area ("OPA 352"). OPA 352 is currently under appeal before the LPAT. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of all tall buildings in the Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide detailed performance standards for portions of buildings above 24 metres in height. The City Council Decision can be found here:

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

The lands were previously subject to a site specific appeal of OPA 352 for 46 Charlotte Street, which was withdrawn in November, 2018. There are no site specific appeals of OPA 352 for the properties at 16 Oxley Street or 355 Adelaide Street West.

King-Spadina Heritage Conservation District

The site is within the King-Spadina Heritage Conservation District (HCD) Plan area. The HCD Plan was adopted at the October 2, 2017, City Council meeting, recommending the designation of the King-Spadina HCD Plan under Part V of the Ontario Heritage Act. The HCD Plan is currently under appeal at the LPAT. The City Council decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

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

The property at 355 Adelaide Street West was identified as a contributing property in the King-Spadina HCD study and subsequently was listed on the City's Heritage Register on December 5, 2017.

Zoning By-laws

The site is zoned RA (Reinvestment Area) in former City of Toronto Zoning By-law 438-86 and CRE (Commercial Residential Employment) in By-law 569-2013. These zones permit a range of residential, commercial, institutional and limited industrial uses. The maximum height permitted is 30 metres plus 5 metres for a mechanical penthouse. The RA zoning category does not include maximum density provisions but rather, the building envelope is established through the performance standards, including height, setbacks and stepbacks.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Tall Buildings Design Guidelines
- King-Spadina Urban Design Guidelines (2004 and 2006)
- The Growing Up Guidelines
- Pet Friendly Guidelines for High Density Neighbourhoods

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

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

COMMENTS

Reasons for the Application

The Zoning By-law Amendment application seeks to obtain relief from the development criteria in Zoning By-law 438-86 and Zoning By-law 569-2013, as amended, as it relates to height, setbacks, stepbacks, parking and loading requirements. Through the review of the application, staff may identify additional areas of non-compliance with the Zoning By-laws.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff are evaluating this application against the PPS (2020) and the applicable Provincial Plans to establish the application's consistency with the PPS (2020) and conformity with the Growth Plan (2020).

Official Plan Conformity

Staff will continue to evaluate this planning application to determine its conformity to the Official Plan, the King-Spadina Secondary Plan and the King-Spadina Secondary Plan update (2020) and the Downtown Plan.

Heritage Impact and Conservation

The property at 355 Adelaide Street West, listed on the Heritage Register, has been identified as a contributing property containing a detached commercial building in the King-Spadina HCD Plan.

A Heritage Impact Assessment was submitted with the application and is under review. This application will be evaluated to determine if the proposed alterations to the heritage resource at 355 Adelaide Street West are consistent with applicable provincial and municipal policies.

Built Form, Planned and Built Context

Staff are assessing the suitability of the proposed height, massing, and other built form issues based on Provincial policies, the City's Official Plan and Secondary Plan, the HCD Plan and Design Guidelines including the Tall Building, Growing Up, and Pet-Friendly Design Guidelines. To date, staff have identified the overall building height and proposed separation distance from the property to the south as significant concerns and will continue to work with the applicant to resolve these issues.

As part of the review of this application, staff will continue to assess:

- The proposed height, density and massing, including base building height, setbacks and stepbacks, in relation to the area's existing and planned built form and scale which includes the Official Plan, the Downtown Plan and the King-Spadina Secondary Plan;
- The proposed heritage conservation strategy;
- The provision of office replacement;
- The relationship between the proposed development and the planned City park at 105 Spadina Avenue;
- The proposed ground floor height;
- The proposed floor to ceiling heights of the non-residential portion of the development;
- Parkland dedication under Section 42 of the Planning Act;
- Impact on the public realm, including sidewalk width and a need for a Privately-Owned Publicly Accessible Open Space (POPS) in accordance with the King-Spadina Public Realm Plan;
- Provision of indoor and outdoor amenity space;
- Midblock connections;
- Pedestrian-level wind conditions along nearby streets, surrounding properties, and open spaces;
- Shadow impacts;
- Location and number of bicycle parking space; and
- Provision and location of the proposed loading space.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Staff will evaluate the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population.

Archaeological Assessment

The subject site has archaeological resource potential. A Stage 1 Archeological Resource Assessment was submitted with the planning application and is under review.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the of the required Section 37 community benefits should the application be approved in some form.

Infrastructure/Servicing Capacity

The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing & Stormwater Management Report and Transportation Impact Study. A Hydrogeological report is required and still pending. Staff will continue to review the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

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. Through the Site Plan approval process, staff will work with the applicant to achieve Tier 2 or higher.

Staff will continue to assess the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

Other Matters

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director, Community Planning, Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Massing Model (Northeast View)
Attachment 2: 3D Massing Model (Southwest View)
Attachment 3: Location
Attachment 4: Site Plan
Attachment 5: Official Plan
Attachment 6: Application Data Sheet

ATTACHMENT 1 - 3D Massing Model (Northeast View)

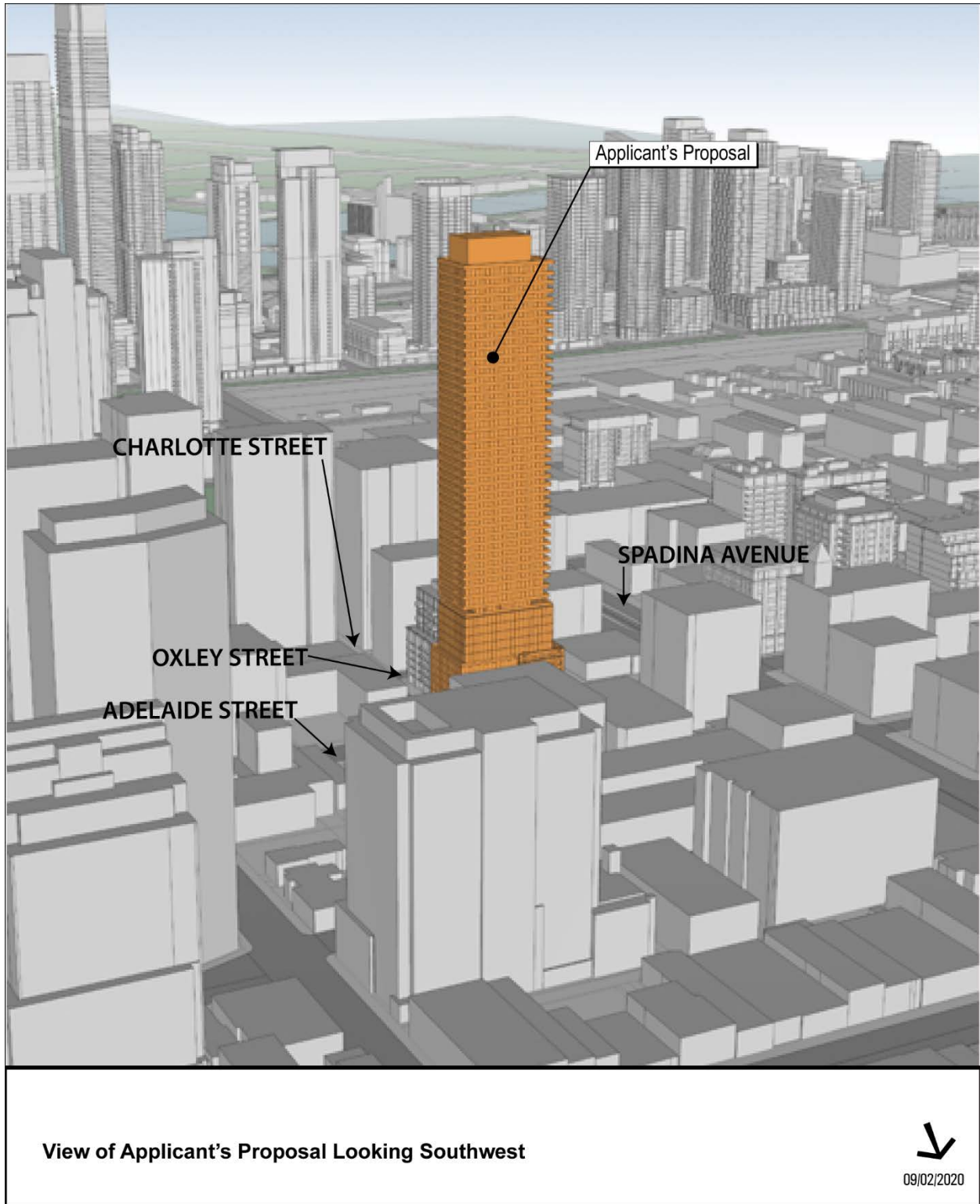


View of Applicant's Proposal Looking Northeast

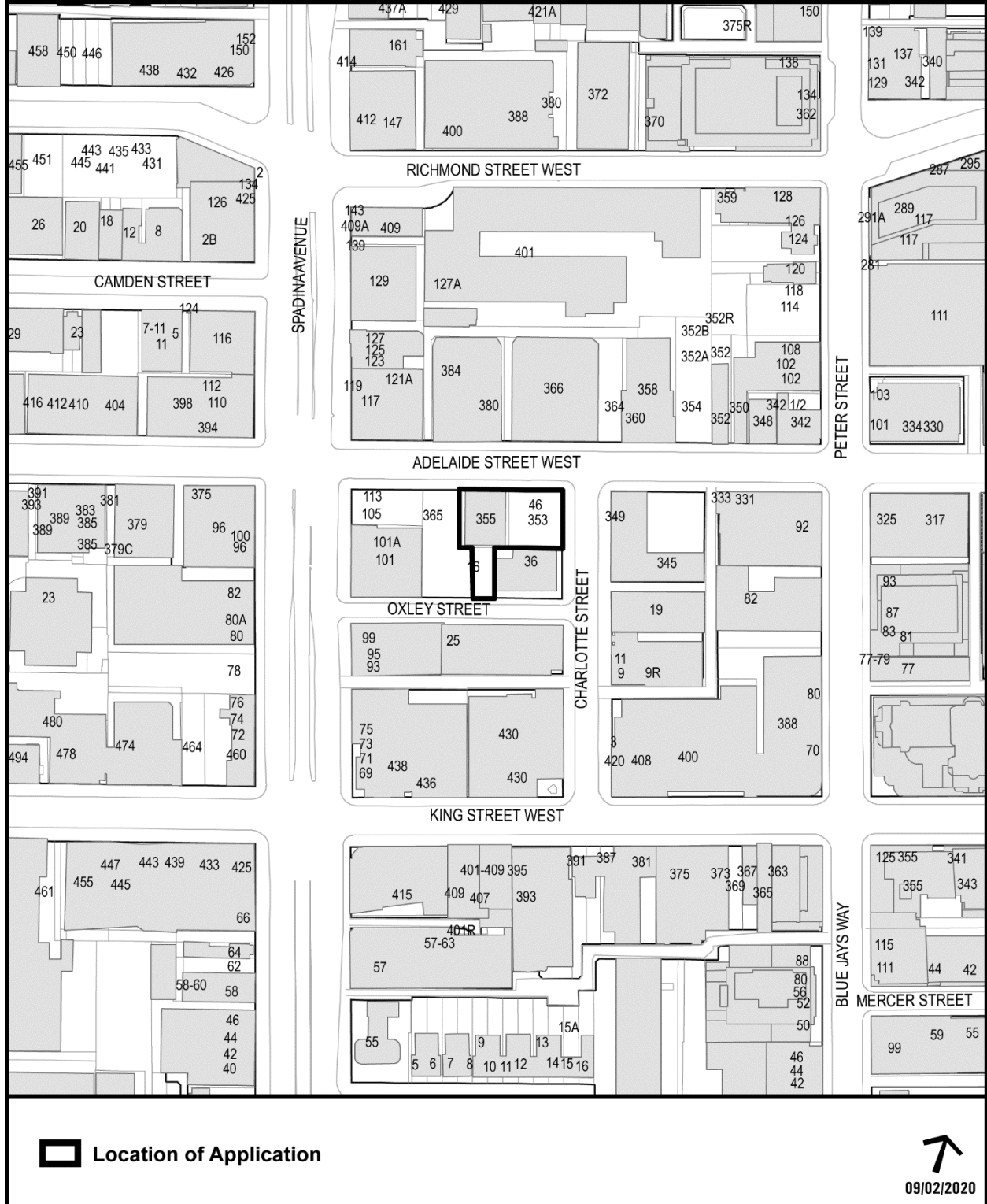


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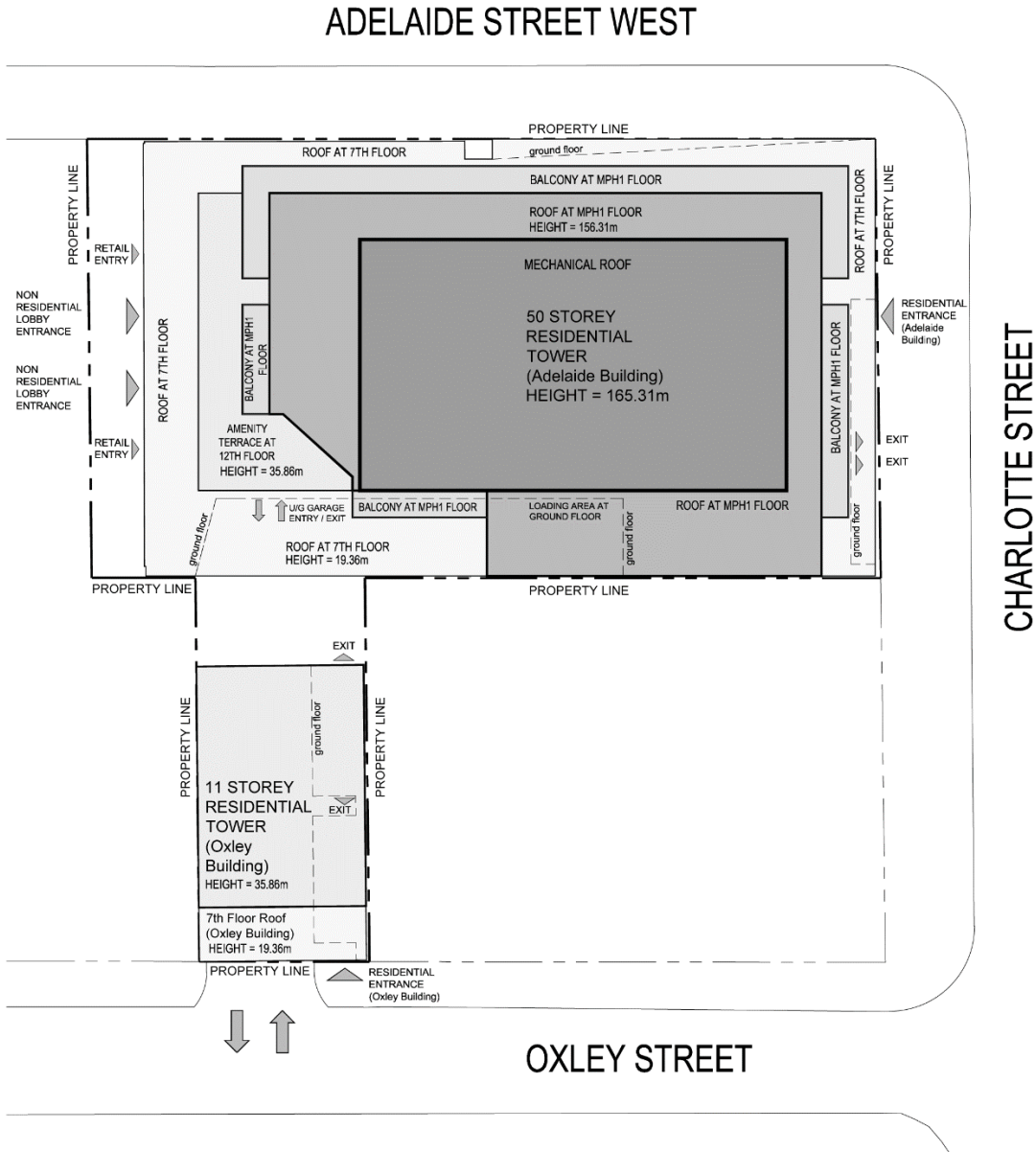
ATTACHMENT 2 - 3D Massing Model (Southwest View)



ATTACHMENT 3 - Location Map



ATTACHMENT 4 - Site Plan



Site Plan



ATTACHMENT 5 - Official Plan



355 Adelaide St., 46 Charlotte St. & 16 Oxley St.

Official Plan Land Use Map #18

File # 20 160837 STE 10 0Z

- Location of Application
- Mixed Use Areas
- Parks
- Regeneration Areas

Not to Scale
 09/02/2020

ATTACHMENT 6 - Application Data Sheet

Municipal Address: 355 ADELAIDE ST W Date Received: June 26, 2020
 46 CHARLOTTE ST
 16 OXLEY ST

Application Number: 20 160837 STE 10 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposed Zoning By-law Amendment for a 50-storey mixed-use building fronting Adelaide Street West, incorporating the existing heritage building and a 12-storey building fronting Oxley Street. The 50-storey building proposes to contain retail, office and residential uses and the 12-storey building proposes residential uses. A total of 293 residential dwelling units are proposed.

Applicant	Agent	Architect	Owner
MHBC PLANNING LIMITED	MHBC PLANNING LIMITED	CUSIMANO ARCHITECT	GO-TO SPADINA ADELAIDE SQUARE INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	CRE	Heritage Designation:	Y
Height Limit (m):	23	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,275 Frontage (m): 5 Depth (m): 46

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			954	954
Residential GFA (sq m):			20,844	20,844
Non-Residential GFA (sq m):			7,900	7,900
Total GFA (sq m):			28,744	28,744
Height - Storeys:	7		50	50
Height - Metres:			156	156

Lot Coverage Ratio (%)	74.82	Floor Space Index:	22.54
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	20,844	
Retail GFA:	351	
Office GFA:	7,549	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			293	293
Other:				
Total Units:			293	293

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		89	36	118	50
Total Units:		89	36	118	50

Parking and Loading

Parking Spaces:	32	Bicycle Parking Spaces:	366	Loading Docks:	1
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