



Reply to the Attention of: Mary Flynn-Guglietti
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 Our File No.: 242169
 Date: January 7, 2020

DELIVERED BY EMAIL TO TEYCC@TORONTO.CA

Toronto and East York Community Council
 City Hall, 2nd Floor, West Tower
 100 Queen Street West
 Toronto, ON M5H 2N2

Attention: Ms. Ellen Devlin

Dear Chair and Members of the Toronto and East York Community Council:

**Re: Item No. TE12.4
 King-Spadina Secondary Plan Update – Final Report
 Comments on behalf of 462 Wellington Inc.**

We are the solicitors retained on behalf of 462 Wellington Inc. (“**our client**” or “**462 W**”), owners of the lands municipally known as 462 Wellington Street West (the “**Site**”) and located within the King-Spadina Secondary Plan area. We have had an opportunity to review the *King-Spadina Secondary Plan Update* (“**KS Secondary Plan**”), dated December 12, 2019 together with the Final Report and recommendations (the “**Staff Report**”) specifically as it impacts our client’s Site and it’s current existing rezoning application. We respectfully request the TEYCC to exclude our client’s Site from the policies contained in the KS Secondary Plan.

In April of 2019, 462 W applied to the City of Toronto for a Zoning By-law Amendment (Application Number 19 133227 STE 10 OZ). The purpose of the application was to preserve an existing 5 storey heritage building and transform an adjacent surface parking lot into a truly mixed use development consisting of existing and new office space, a seniors continuum care rental retirement residence and grade related commercial uses. The proposed redevelopment conserves and preserves the cultural heritage value of the heritage building at 462 Wellington Street West while introducing a much needed seniors living facility. . It also increases the amount of commercial office space and introduces grade related commercial uses. The rezoning application was deemed complete in June of 2019. Accordingly, the filing of the rezoning application predates the proposed KS Secondary Plan and therefore the policies of the KS Secondary Plan should not be imposed on this application.

It is important to note that a main project partner in this redevelopment proposal is Verve Senior Living ("Verve"), an owner and operator for over forty years of a number of continuum care retirement residences throughout Canada. In particular there are 16 Verve retirement residences in Ontario. Verve has an excellent reputation for providing superior housing opportunities for seniors that allow independent living with additional care as residents' needs evolve, allowing seniors to age in place within their community. In addition to providing senior living accommodations, Verve employs a significant number of staff members to meet the needs of the seniors within their retirement residences and, therefore, in addition to providing senior housing, programming and care opportunities, Verve will be a significant employer in the King-Spadina area.

Subsequent to filing the rezoning application, our client and its consulting team, have worked together with City staff to address multiple policy and design objectives. This unique redevelopment project creates a high quality truly multi-use building that respects and enhances the unique heritage character of Wellington Place while retaining the three-dimensional integrity of the listed heritage building and respects the unique spatial requirements of a seniors living facility. In reviewing the KS Secondary Plan we respectfully submit that the "one size fits all" policies will significantly undermine the unique design features as well as undermine the ability to accommodate the unique programming required in a continuum care rental retirement residence that have been specifically incorporated into the redevelopment. In particular we strongly object to policies 6.3, 6.5 and 6.14 of the KS Secondary Plan. Attached for your review and consideration is a detailed analysis of the policies of concern listed above as reviewed by Urban Strategies Inc., our client's planning consultants in support of our client's objections to the KS Secondary Plan.

For the reasons as listed above and contained in the attached correspondence from our client's Planning consultants we request the TEYCC to recommend that the unique configuration of the Site and the importance of the uses to be introduced on the Site that a site specific policy within the KS Secondary Plan be adopted for the lands municipally known as 462 Wellington Street West.

We thank you for your consideration and should you have any questions please do not hesitate to call me.

Yours truly,



Mary Flynn-Guglietti*

*A Professional Corporation

Encl.

Cc: Domenic Gesualdi, DCMS Realty Developments Inc.

Joseph Gesualdi, DCMS Realty Developments Inc.
Emily Reisman & Dan Godin, Urban Strategies Inc.
Lynda MacDonald, Community Planning, City of Toronto

January 7, 2020

462 Wellington Inc.
500-2800 14th Ave
Markham, ON
L3R 0E4

Attention: Domenic Gesualdi

**Re: King-Spadina Secondary Plan Update – Final Report
Planning Application Number: 09-123346 SPS 00 OZ
Item #TE12.4 – Toronto and East York Community Council**

Dear Mr. Gesualdi,

We have reviewed the King-Spadina Secondary Plan Update – Final Report ("Staff Report") and the proposed King-Spadina Secondary Plan Update, dated December 12, 2019, as they apply to the lands municipally known as 462 Wellington Street West (the "Site"). The purpose of this letter is to identify the proposed policies in the King-Spadina Secondary Plan Update that would affect the Site and Proposed Development for your lands at 462 Wellington.

As you are aware, in April 2019 on behalf of 462 Wellington Inc., our firm applied for a Zoning By-law Amendment on your behalf (Application Number 19 133227 STE 10 OZ) for the Site to conserve and transform an existing 5-storey heritage building and adjacent surface parking lot into a continuum of care rental retirement residence and office building with commercial uses at-grade (the "Proposed Development"). The initial proposal included a 17-storey retirement home that fully preserves the existing heritage building and adds 5 storeys of new office commercial space in the base, in addition to the 75-80 full-time equivalent jobs associated with the retirement residence, creating a truly mixed-use development and contributing to a more complete community. The Proposed Development will be a significant benefit to the King-Spadina area, providing an increase in valuable and much needed seniors housing while providing new employment uses to this mixed-use area. For clarity, the application was deemed complete in June of 2019 and therefore is technically not subject to the proposed amended policies.

In the months subsequent to the first ZBA submission for the Proposed Development in April 2019, 462 Wellington Inc. and the project team have been working to address staff comments to meet multiple policy and design objectives, many of which are now incorporated in the proposed King-

Spadina Secondary Plan Update. The Site is located within a diverse and evolving neighbourhood with a unique heritage identity, within the Wellington Place character area. The Site is adjacent to a future park and mid-block connection between Wellington Street and King Street. The intent of the Proposed Development is to create a high-quality building that respects and enhances the unique heritage character of Wellington Place and retains the three-dimensional integrity of the listed heritage building on the site, while meeting the unique spatial requirements of a seniors living facility.

Based on our review, we are concerned that a number of the policy requirements outlined in the King-Spadina Secondary Plan Update may limit your ability to achieve this design intent while delivering this much-needed use within the Downtown area. It is our opinion that a strict 'one size fits all' approach to built form may significantly limit the ability to create a high-quality, contextually appropriate development on the site that meets the unique requirements of a seniors living facility. Specifically, the policies of concern are:

- Policy 6.3 states that “Development will provide setbacks on all elevations facing public streets, not including laneways. The setbacks [...] will be a minimum of three metres above the height of the streetwall or base building”;
- Policy 6.5 states that “No net-new shadow shall be cast on Victoria Memorial Square, Clarence Square, St. Andrew’s Playground, 456 Wellington Street West and 543 Richmond Street West, as measured from March 21st to September 21st from 10:18 a.m. – 4:18 p.m.”;
- Policy 6.11 states that “Development in Mixed Use Areas 2 within the West Precinct will not exceed 50 metres in height including the mechanical penthouse and all projections, with the exception of an exit stair for roof access and the elevator overrun.”;
- Policy 6.14 states that “Above the base building, development will include setbacks from adjacent properties to provide separation distances between buildings that protect access to light, view and privacy. A minimum setback of 5.5 metres will be provided from any property line that is not adjacent to a public street or public lane. Where a property line is adjacent to a public lane, a minimum setback of 5.5 metres will be provided from the centre line of the lane”; and
- Policy 7.8.3. states that, in the Wellington Place Area of Special Identity, “Development and enhancements to the public realm will [...] provide a minimum setback of 10 metres above the streetwall or base building for all elevations fronting Wellington Street West.”

While we generally support the direction of the policies of the Secondary Plan Policies above, in our opinion these restrictive minimum setbacks and the maximum height limit may undermine your ability to arrive at a design solution that conserves the cultural heritage value of the Wellington Place area and the heritage building at 462 Wellington Street West, while also meeting the unique spatial requirements of a seniors living facility within a truly mixed-use building. The floor plate requirements of a seniors living facility are more akin to an institutional use than a residential use

and include special considerations such as looping corridors which, in addition to being doubled on each care floor, are wider than typical residential corridors, and greater floor to ceiling heights are needed to accommodate the institutional use and amenities. The heritage consultant on the project team, Mr. Philip Goldsmith, has prepared a Heritage Impact Assessment report in support of a conservation strategy that fully preserves the 3-dimensional and interior floorplate integrity of the existing heritage building through a combination of setbacks and vertical separation, however the setback above the base in that case is less than 10 metres above the base building. Furthermore the policy to not permit any new shadow on the future park at 456 Wellington Street West critically restricts any development potential on the existing surface parking lot.

We are committed to continuing to work collaboratively with the City on your behalf to arrive at a design solution that meets the unique requirements of the seniors living facility within a mixed-use building while preserving and enhancing the heritage character of the Wellington Place area. However, it is our belief that this approach requires a policy framework that allows and respects sufficient flexibility to consider and enable high-quality, unique development that responds positively to its context.

We would recommend that the unique configuration of this site (immediately adjacent to the future park) and the proposed seniors facility be recognized by the City through a site specific policy within the Secondary Plan, with appropriate flexible relief from the above noted policies.

Accordingly, we recommend that the above-noted concerns with the Secondary Plan be addressed through a letter of concern to the TEYCC at its meeting scheduled for January 8, 2020.

Yours truly,

URBAN STRATEGIES INC.



Emily Reisman, MCIP, RPP
Partner



Dan Godin, MCIP, RPP
Planner

cc. Mary L. Flynn-Guglietti, McMillan LLP
Joseph Gesualdi, Verve Senior Living