TORONTO

REPORT FOR ACTION

147 Spadina Avenue – Zoning By-law Amendment and Site Plan Control Applications – Appeal Report

Date: September 29, 2023

To: Toronto and East York Community Council

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

Ward: 10 - Spadina-Fort York

Planning Application Number: 21 208078 STE 10 OZ

SUMMARY

The purpose of this report is to seek direction from City Council to endorse a revised proposal for the application to amend the Zoning By-law that has been appealed to the Ontario Land Tribunal (the "OLT") due to Council's failure to make a decision within the time frame prescribed in the Planning Act.

Since the time of filing the appeals to the OLT (April 2022), the applicant has worked with City staff and the property owners of the adjacent commercial building to the north at 161 Spadina Avenue as well as the adjacent residential building to the east at 388 Richmond Street West ("District Lofts"), both of whom are parties to the Tribunal proceedings, to address various concerns. Following those meetings, the property owners have submitted a revised application.

The revised proposal is for a 24-storey mixed-use building at a height of 76.8 metres (82.8 including the mechanical penthouse). Revisions from the original application include an improved building setback and public realm along Richmond Street West; increased separation distance from the adjacent residential building to the east at 388 Richmond Street West; increased tower stepbacks from the edge of the base building along both Richmond Street West and Spadina Avenue; a reduced streetwall height; a reduction in overall building height from 25 storeys; and elimination of north-facing windows within the base building.

This report recommends that City Council endorse the revised proposal in accordance with the recommendations included within this Appeal Report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend before the Ontario Land Tribunal in support of the proposed revised Zoning By-law Amendment for 147 Spadina Avenue, subject to the recommendations below.

- 2. City Council instruct the City Solicitor to request that the Ontario Land Tribunal withhold its Order on the Zoning By-law Amendment until such time as the OLT has been advised by the City Solicitor that:
 - a) the proposed Zoning By-law Amendment is in a final content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b) the owner has worked with City Planning and Urban Forestry staff to conserve as many of the five existing City trees as possible along the Spadina Avenue frontage. For any trees that do require removal to facilitate construction, the owner has submitted an application to remove City trees together with a Tree Planting Replacement Plan, to the satisfaction of Urban Forestry;
 - c) the owner has withdrawn their site-specific appeals of the King-Spadina Secondary Plan (OPA 486) and the King-Spadina Heritage Conservation District Plan;
 - d) the owner has, at its sole cost and expense:
 - i. submitted a revised Site Servicing and Stormwater Management Report, a Servicing Report Groundwater Summary, and a Hydrogeological Review Summary, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - ii. made satisfactory arrangements for the construction of any improvements to the municipal infrastructure in connection with the Functional Servicing Report, to be resubmitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development; and
 - iii. submitted appropriate documentation to demonstrate that required easements and/or agreements have been entered into to permit vehicular access to the property at 147 Spadina Avenue through the adjacent property at 388 Richmond Street West, to the satisfaction of the City Solicitor.
- 3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

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

A Preliminary Report on the application was adopted by Toronto and East York Community Council on January 6, 2022, recommending that the report be received for information. The Toronto and East York Community Council Decision is available here: Agenda Item History - 2022.TE30.10 (toronto.ca)

THE SITE

Description: The site is located at the northeast corner of Spadina Avenue and Richmond Street West. The site has a frontage of approximately 35 metres along Spadina Avenue and 31 metres along Richmond Street West. The total site area is approximately 1,080 square metres.

Existing Uses: 2-storey commercial building containing ground floor retail uses and office uses on the second floor.

Heritage Resources: The building, constructed in 1936, was listed on the City's Heritage Register in 2017, but upon further review, it has been determined that the building has been heavily altered from its original form, and conservation will not be required.

THE APPLICATION

Description of Application

Height: A 24-storey mixed-use building (82.8 metres tall including the mechanical penthouse) with ground floor retail and residential uses above. The proposal includes a 13-storey base building and an 11-storey tower above.

Density: 15.15 times the area of the lot.

Dwelling Units: The proposed 226 dwelling units include 22 bachelor units (10%), 128 one-bedroom units (57%), 53 two-bedroom units (23%), and 23 three-bedroom units (10%). 22 of the one-bedroom units are proposed with knock-out panels which can be converted into 11 additional two or three-bedroom units.

Non-Residential Uses: A total of 351 square metres of ground floor retail uses are proposed.

Bicycle Parking: A total 258 bicycle parking spaces are proposed, comprised of short term and long-term spaces located within the P1 level of the underground parking garage. A bicycle repair station is also included.

Access, Parking and Loading: A total of 29 vehicular parking spaces are proposed within a 3-level underground parking garage. Vehicular access to the garage is proposed to be shared with the neighbouring building to the east, utilizing that building's

existing driveway and ramp and accessed through a knock-out panel between the two buildings. A single loading space is proposed to be accessed directly from Richmond Street West.

Additional Information

See Attachments 2 and 6-13 of this report for the Application Data sheet, a site plan of the proposal, ground floor plan, elevation drawings and three-dimensional representations of the project in context. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.toronto.ca/147SpadinaAve

Reason for the Application

The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to vary performance standards including building height, building setbacks and building stepbacks.

Agency Circulation

The application together with the reports/studies submitted in support of the application have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Site Plan Control

A Site Plan Control application (File Number 21 236578 STE 10 SA) was submitted on November 22, 2021 and was also appealed by the applicant to the OLT. City staff and the applicant will continue to work to resolve all Site Plan matters.

Revisions

The current proposal incorporates revisions from the original application, including the following:

- Reduction in the number of storeys (from 25 to 24);
- Reduced base building height (from 14 to 13 storeys);
- Increased building setback (for the first two floors) from the Richmond Street West property line, increasing the sidewalk width from 2.1 metres to just over 6 metres:
- Corner stepback at the southwestern-most corner of the base building starting at the 7th floor to align with the adjacent building to the east (388 Richmond Street West);
- Incorporation of a window well within the base building towards the east property line (388 Richmond Street West) with a continuous setback of 5.5 m for the majority of the base building;
- Provision of a 5.5 metre tower setback from the east property line (2.5 to 3 metres was previously proposed);

- A previously varied tower stepback along the street frontages is proposed to be increased to 4.15 metres along Richmond Street West and 3 metres along Spadina Avenue (5 metres for the14th floor located directly above the base building);
- Provision of corner cut-outs at the northwest and southwest corners of the tower in order to reduce the massing of the building as viewed from Spadina Avenue;
- Overall reduction in the tower floor plate resulting from the various setback increases as described above; and
- Maintenance of a 45-degree angular plane as measured from the north sidewalk of Queen Street West, eliminating shadow impact after 12:18 pm on the Queen Street West north sidewalk, consistent with the King-Spadina Secondary Plan and the Queen Street Heritage Conservation District.

These changes, among other specific details, were incorporated into the resubmission to address comments that were provided by City Staff, through Community Consultation, and also during discussions between the applicant, City staff and the other two parties to the OLT appeal.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS) and shall conform to provincial plans.

Official Plan: Within the Downtown and Central Waterfront area and designated Regeneration Areas in the Official Plan. The site is also designated Mixed Use Areas 2 - Intermediate in the Downtown Plan. See Attachment 3 of this report for the Official Plan Land Use Map. The City of Toronto Official Plan can be found here: Official Plan – City of Toronto

King-Spadina Secondary Plan (OPA 486): Located in the East Precinct within Transition Zone E, requiring new development to remain beneath a 45-degree angular plane taken from the curb on the north side of Queen Street West. The King-Spadina Secondary Plan, previously under appeal, was approved by the OLT in August 2023, as modified, and is now in full force and effect. See Attachment 4 of this report for the King-Spadina The King-Spadina Secondary Plan Area and Precinct Map. The King-Spadina Secondary Plan can be found here: By-law 112-2020 (toronto.ca)

Zoning: Commercial Residential Employment (CRE (x80)) under By-law 569-2013, with a height limit of 39 metres. This zoning category permits a wide range of residential, retail, office and park uses. There are no maximum densities, rather, the building envelope is guided by building height, ground level setbacks and upper level stepback provisions.

Design Guidelines

The following Design Guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- King-Spadina Public Realm Strategy;
- Complete Streets and Pedestrian Priority Guidelines
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting
- Retail Design Guidelines; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines may be found here:

https://www.toronto.ca/city-government/planning-development/official-planguidelines/design-guidelines/

Toronto Green Standard

The Toronto Green Standard (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. The TGS can be found here: https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/

PUBLIC ENGAGEMENT

A Virtual Community Consultation Meeting hosted by City staff was held on January 26, 2022. The meeting was attended by City Planning staff, the Ward Councillor, the applicant team and 45 members of the public and the following comments were raised:

- The appropriateness of the proposed building height in the context of the immediate neighbourhood;
- The shadow and overlook impact on the courtyard terrace of District Lofts at 388 Richmond Street West[address];
- The proposed separation distance to District Lofts and 161 Spadina Avenue;
- Impact of the proposed vehicular parking entrance through the District Lofts parking garage;
- Impact of the proposed loading space entrance on the bike lanes on Richmond Street West:
- Consideration of retaining the existing building listed on the City's Heritage Register;
- Lack of street trees on Richmond Street West,
- Lack of affordable housing, and
- Impact of noise and dust during construction.

After the application was appealed to the OLT, additional discussions were held with representatives of District Lofts and 161 Spadina Avenue, where similar issues to those noted above were raised.

COMMENTS

The proposal has been reviewed against the Planning Act, the Provincial Policy Statement, Growth Plan, Official Plan, Downtown Plan, King-Spadina Secondary Plan as modified, and relevant design guidelines.

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff find the proposal to be consistent with the Provincial Policy Statement and conforms with the Growth Plan.

Public Realm

The revised application proposes a setback of just over 4 metres from the Richmond Street West property line for the first two floors, resulting in a sidewalk width of just over 6 metres measured from the curb to the face of the building. This enhanced streetscape creates more room for pedestrians and space for landscape, where currently none exists. This is an improvement to the current 2.1 metre wide sidewalk condition.

The existing sidewalk width of over 6 metres is proposed to be maintained along Spadina Avenue which in the opinion of staff is appropriate as this provides adequate room for pedestrians, street trees and the option for an outdoor patio associated with the ground floor commercial space, helping to animate the public realm. The 4 existing street trees, one of which is deemed to be in poor condition, one in fair condition and two in good condition, are proposed to be removed to facilitate construction, and replaced with 5 new street trees. Staff will continue to work with the applicant to explore opportunities to retain the existing trees which are in good condition.

The residential entry is proposed from Richmond Street West and 3 retail entry points are proposed from Spadina Avenue. City Planning staff will continue to work with the applicant to ensure the proposed streetscaping improvements are consistent with the public realm objectives of the Official Plan and the King-Spadina Public Realm Strategy, and will be refined and secured through the Site Plan Control process.

Built Form

City Planning staff is of the opinion that the revised application results in a proposal that conforms with the applicable Official Plan, Downtown Secondary Plan and King-Spadina Secondary Plan policies with respect to built form, massing, separation distances and shadow impacts.

The proposed 13-storey (40.7 metre tall) base building is equal to the width of the Spadina Avenue right-of-way and is also consistent with the height of the warehouse-form buildings common on Spadina Avenue. The proposed deeper tower stepback of 5 metres from the edge of the base building at level 14, combined with a strong cornice line at the top of the base building, helps distinguish the tower from the base building, pushing the tower mass away from the public realm. Additional articulation of the base

building creates a streetwall height and mass consistent with the adjacent property to the east at 388 Richmond Street West.

The application proposes a building height of 82.8 metres, including the mechanical penthouse. The site is located in the East Precinct of the King-Spadina Secondary Plan Area and is designated Mixed-Use Areas 2 - Intermediate in both the Downtown Plan and the King-Spadina Secondary Plan. Development in Mixed-Use Areas 2 is intended to transition down from the taller buildings in Mixed-Use Areas 1. In the King-Spadina Secondary Plan, buildings in the East Precinct are also intended to transition down in height moving west towards Spadina Avenue from the taller buildings in the Financial District. The proposed height is consistent with this transition.

Within the East Precinct, the site is located in Transition Zone E in the King-Spadina Secondary Plan requiring that development fit beneath a 45-degree angular plane taken from the curb on the north side of Queen Street West in the Queen Street West Heritage Conservation District, ensuring that there be no new-net shadow on the north sidewalk of Queen Street West on March 21st and September 21st from 12:18 pm. The proposed development fits within the angular plane and complies with this shadow policy and the Queen Street West Heritage Conservation District Plan

In the opinion of Planning staff, the proposed building will also provide an appropriate separation distance to the adjacent residential building at 388 Richmond Street West (District Lofts). Concerns related to the impact that the original proposal would have had on District Lofts was a key issue raised by the residents of that building. The proposed changes described below are the result of various discussions between the applicant, City staff and the residents of District Lofts.

The neighbouring building is comprised of two 14-storey buildings oriented in an east-west direction with an internal courtyard in between them. The buildings are located right on the shared property line with the application site. In order to reduce shadow and overlook issues created by the original proposal, the revised proposal provides a 5.5 metre stepback from the shared property line starting at the second storey, with the exception of a bump-out in the southern-most portion of the building which extends to the property line for levels 7-13. This bump-out is appropriately coordinated with the position of existing windows at District Lofts so as to minimize impact. Starting at the 14th storey, the 5.5 metre stepback is provided for the entire east-facing elevation of the building.

Additionally, the proposed development would also result in an appropriate transition to the surrounding context to the north. Staff do not contemplate a tall building development at the site to the immediate north at 161 Spadina Avenue due to the size and configuration of that site. However, in order not to preclude any as-of-right development of the adjacent site, the revised proposal no longer includes any north-facing windows within the base building, enabling the possibility of a future a party wall condition.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first building permit.

Micro-Climate - Shadow and Wind

An updated sun-shadow study was submitted by the applicant with the revised proposal, illustrating that there is no adverse shadow impact as a result of the proposed building. As discussed earlier in this report, there are no shadow impacts on the north sidewalk of Queen Street West after 12:18 pm on March 21st and September 21st, consistent with the King-Spadina Secondary Plan. Additionally, there are no shadow impacts on any existing or planned City parks. Staff find the proposed shadow impacts satisfactory.

A pedestrian level wind study was submitted by the applicant with the original application that reviewed the predicted wind conditions for all grade-related areas within and surrounding the site. The study noted that the proposed pedestrian comfort and safety conditions are considered to be acceptable. The reduced and further articulated massing in the revised proposal would either maintain or improve the previously proposed wind conditions.

Amenity Space

Zoning By-law 569-2013 requires a minimum of 4 square metres per unit of combined residential indoor and outdoor amenity space (in this case 904 square metres) of which at least 40 square metres have to be outdoor amenity space in a location adjoining or directly accessible to an indoor amenity space. The revised proposal includes a total of 975.8 square metres of amenity space of which 243.6 square metres would be outdoor amenity space, all of which would be adjoining an indoor amenity space.

A portion of the amenity space is located in the setback area above the second floor adjacent to the courtyard at 388 Richmond Street West. The applicant has agreed to work with staff and the adjacent residents at the Site Plan Control stage to ensure that appropriate privacy screening and/or buffering is provided.

Mobility

A total of 232 long-term and 26 short-term bicycle parking spaces are proposed, both of which exceed the minimum number of bicycle spaces required by the Toronto Green Standard. Bicycle parking is proposed on the P1 level of the parking garage, accessed by a service elevator. While the proposed location and access to the bicycle parking spaces are generally satisfactory, staff will work with the applicant at the Site Plan Control stage to look for opportunities to accommodate a number of the parking spaces, particularly visitor spaces, on the ground floor. A bicycle repair station located in the bicycle parking room is also proposed.

Vehicular parking, totaling 29 spaces including 2 accessible spaces and 6 with Electric Vehicle charging capabilities, are proposed on parking garage levels P2 and P3, accessed by a link to the existing underground garage of District Lofts. Easements that secure this proposed shared access were entered into as part of the District Lofts development.

Transportation Services staff reviewed and accepted the conclusion of the Transportation Impact Study which supported the proposed parking supply, with the recommendation that a number of Transportation Demand Management (TDM) measures be introduced. The TDM measures can include one or a combination of: payment of \$50,000 towards a new bike share station on-site or in the immediate area; pre-loaded Presto cards; and/or car share and/or bike share membership incentives. Staff will work with the applicant during the review of the Site Plan Control application to secure these measures.

A single loading space is proposed internal to the building with access from Richmond Street West. The ground floor has been designed to allow trucks to enter and exit the site in a forward motion. The applicant's Transportation Consultant confirmed that the loading space access from Richmond Street West is the only option as the site does not abut a public laneway and Richmond Street West is preferred over Spadina Avenue, a higher-order street. City Transportation Services concurred with this conclusion.

Servicing

A Site Servicing and Stormwater Management Report, Servicing Report Groundwater Summary and Hydrogeological Review Summary were submitted by the applicant with the original application. Engineering and Construction Services staff reviewed these Engineering Reports and required additional changes. City Planning staff recommend that the OLT withhold its final Order on the Zoning By-law Amendment until the above Engineering Reports are re-submitted by the applicant, to the satisfaction of Engineering and Construction Services and Toronto Water staff, concluding that there is sufficient water, sanitary and stormwater capacity to support the development.

In the event that improvements or updates and/or new infrastructure are identified, the owner will be required to enter into agreement(s) for the construction of such services, as required, at no cost to the City.

Toronto Green Standard

City 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.

The applicant is encouraged to achieve Tier 2 or higher to advance the City's resilience objectives and achieve net-zero emissions by 2040 or sooner.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, the Downtown Secondary Plan and the King-Spadina Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS and conforms with the Growth Plan. Furthermore, the proposal conforms with the intent of the Official Plan, Downtown Plan and King-Spadina Secondary Plan, particularly as it relates to the provision of an enhanced public realm and a built form which provides an appropriate relationship to the surrounding area. Staff recommend that Council direct the City Solicitor and appropriate City staff to attend before the Ontario Land Tribunal in support of the revised proposal..

CONTACT

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SIGNATURE

Carly Bowman, MScPI, MCIP, RPP Director, Community Planning Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Application Data Sheet Attachment 3: Official Plan Land Use Map

Attachment 4: King-Spadina Secondary Plan Area and Precincts

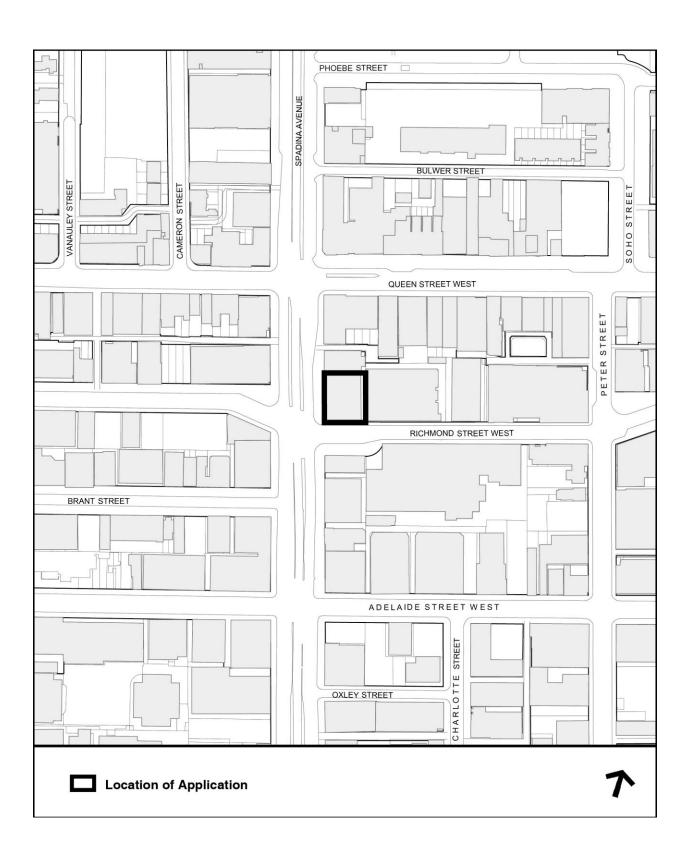
Attachment 5: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 6: Site Plan

Attachment 7: Ground Floor Plan Attachment 8: West Elevation Attachment 9: South Elevation Attachment 10: East Elevation Attachment 11: North Elevation

Attachment 12: 3D Model of Proposal in Context looking Northeast Attachment 13: 3D Model of Proposal in Context looking Southwest



Attachment 2: Application Data Sheet

Municipal Address: 147 SPADINA AVE Date Received: September 3, 2021

Application Number: 21 208078 STE 10 OZ

Application Type: Rezoning

Project Description: Revised Zoning Amendment application to redevelop the site

with a 24-storey mixed-use building with a height of 76.8 meters (82.8 metres including the mechanical penthouse). A non-residential gross floor area of 351 square metres is proposed

along with 226 residential units.

Applicant Agent Architect Owner
HM RB Bousfields Inc. Audax Architecture HM RB

(147 Spadina) LP Inc. (147 Spadina) LP

EXISTING PLANNING CONTROLS

Official Plan Designation: Regeneration Site Specific Provision: King Spadina

Areas Secondary Plan

Zoning: CRE (x80); RA Heritage Designation: listed

Height Limit (m): 39 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,081 Frontage (m): 35 Depth (m): 31

Building Data Existing Retained Proposed Total Ground Floor Area (sq m): 782 782 Residential GFA (sq m): 16,022 16,022 Non-Residential GFA (sq m): 351 351 1,953 Total GFA (sq m): 1,953 16,373 16,373 Height - Storeys: 2 24 24 77 Height - Metres: 77

Lot Coverage Ratio 91.89 Floor Space Index: 15.15

(%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 16,022 Retail GFA: 351 Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			226	226
Other:				
Total Units:			226	226

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		22	128	53	23
Total Units:		22	128	53	23

Parking and Loading

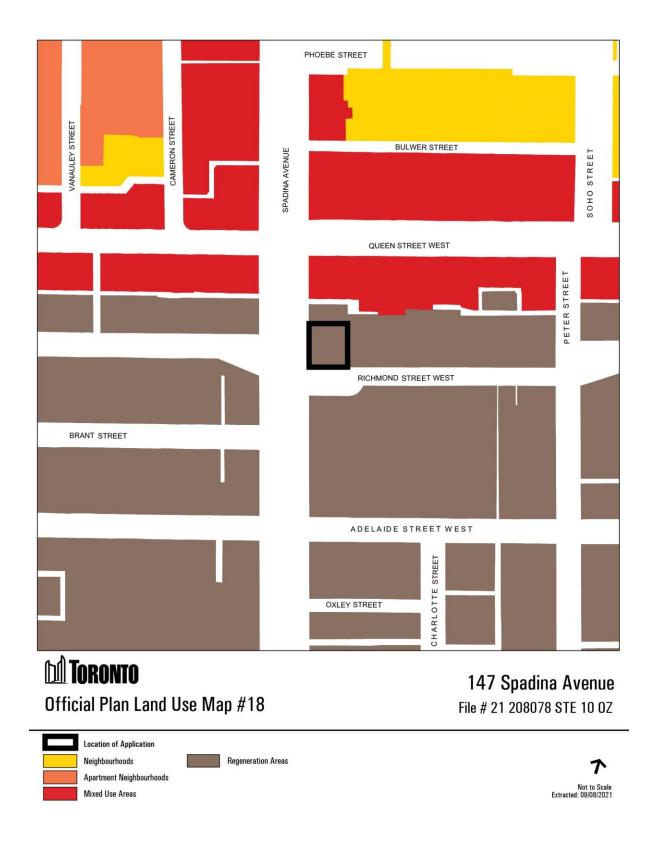
Parking Spaces: 29 Bicycle Parking Spaces: 258 Loading Docks: 1

CONTACT:

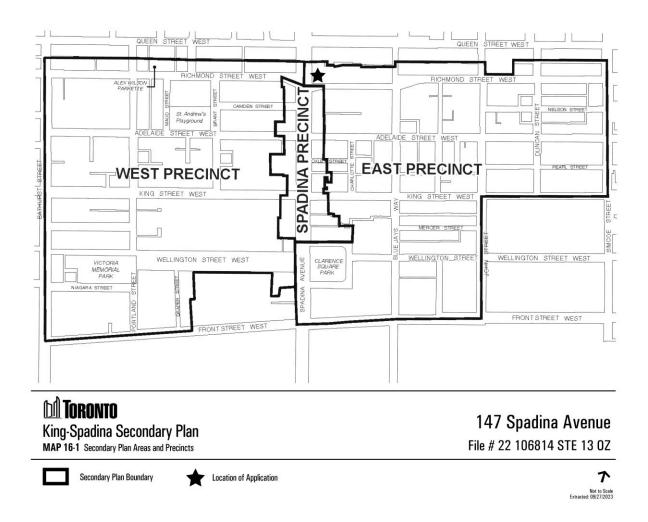
Joanna Kimont, Senior Planner, Community Planning 416-392-7216

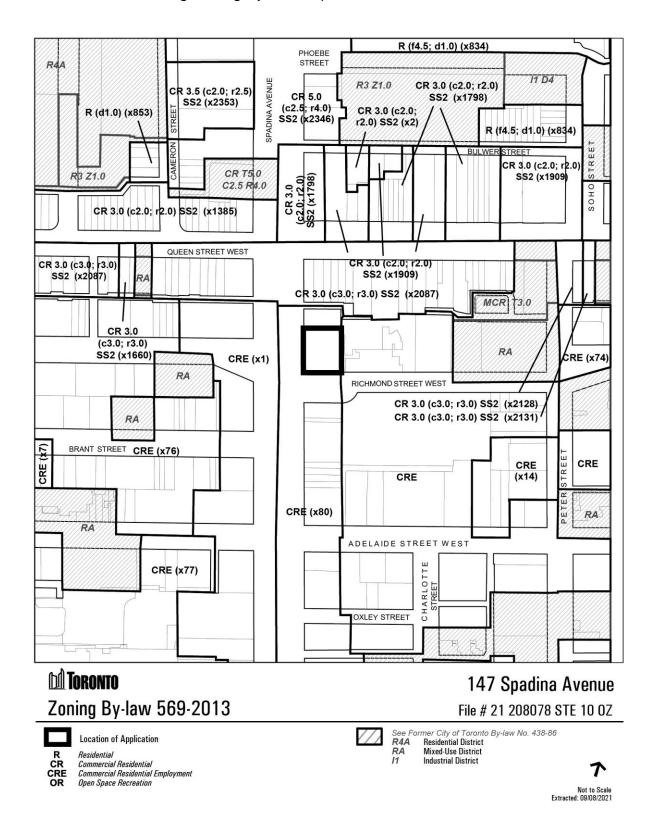
Joanna.Kimont@toronto.ca

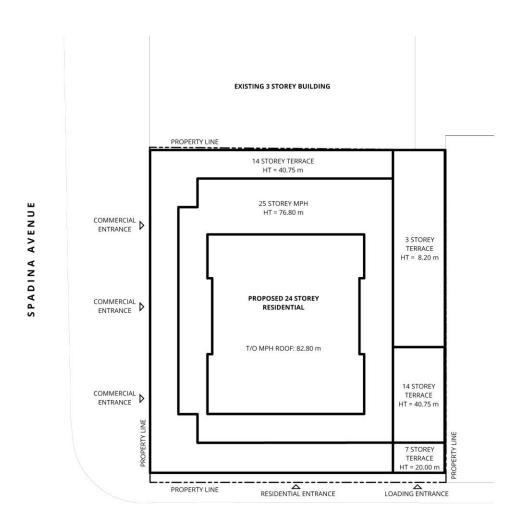
Attachment 3: Official Plan Land Use Map



Attachment 4: King-Spadina Secondary Plan Area and Precincts



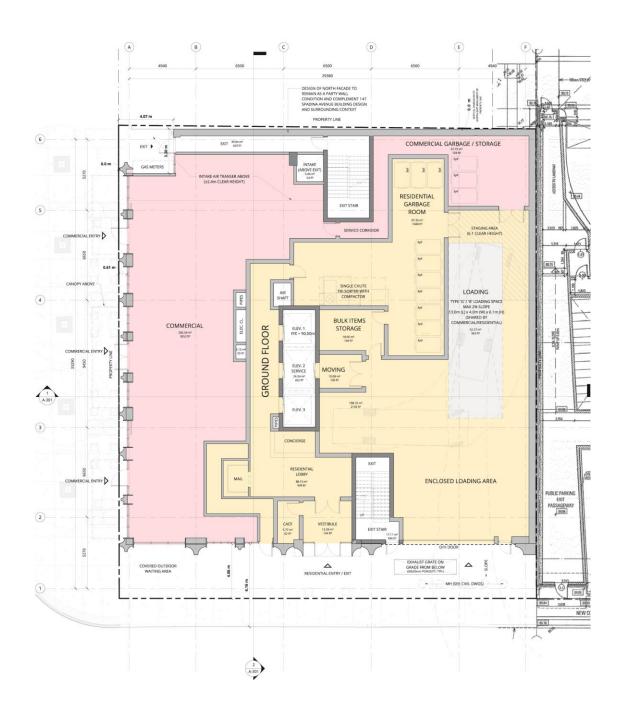




RICHMOND STREET WEST

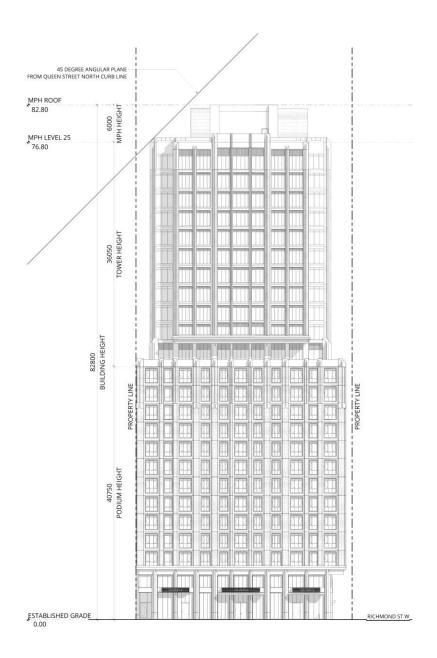
Site Plan



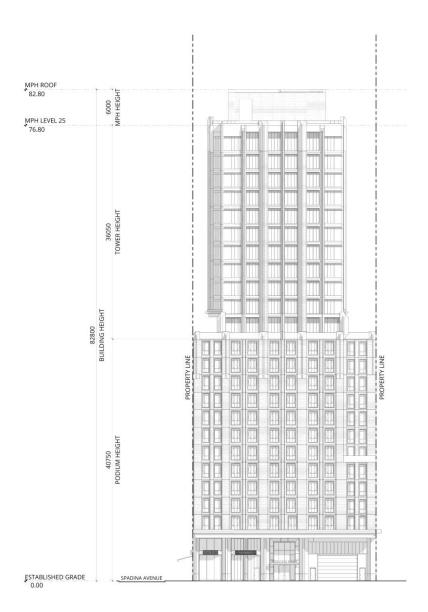


Ground Floor Plan

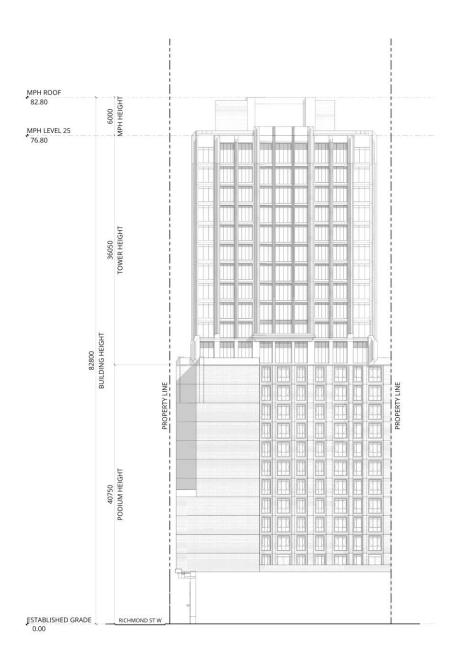




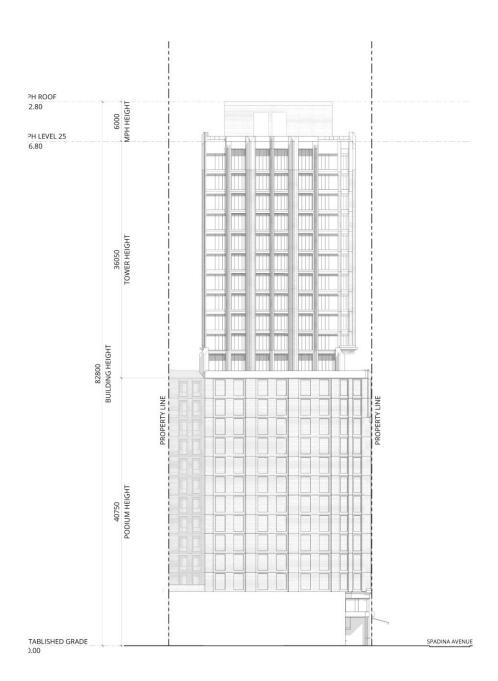
West Elevation



South Elevation

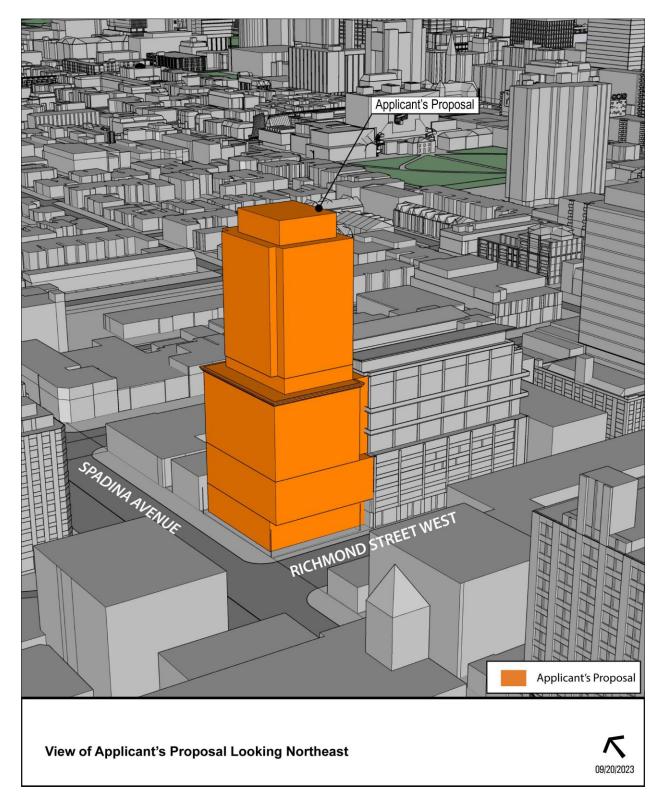


East Elevation



North Elevation

Attachment 12: 3D Model of Proposal in Context looking Northeast



Attachment 13: 3D Model of Proposal in Context looking Southwest

