

81 - 87 Peter Street – Zoning Amendment Application – Final Report

Date:	March 19, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	12-115750 STE 20 OZ

SUMMARY

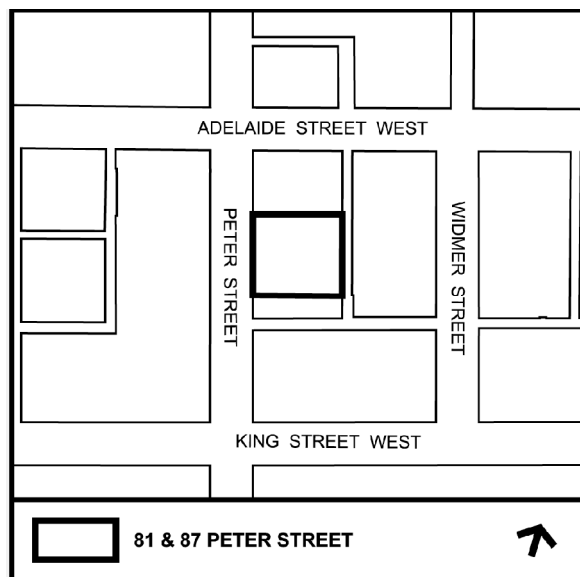
This application proposes a new 49-storey mixed-use building comprising; retail/commercial at grade, an above grade commercial parking garage on floors 2 to 4, 598 residential units and 5 levels of residential parking below grade.

This report reviews and recommends approval of the application to amend Zoning By-law 438-86. The owners will be required to enter into a Section 37 Agreement to provide affordable ownership units in the building along with \$1,300,000 towards streetscape improvements and \$250,000 towards an artists treatment of the façade of the above-grade parking structure. A Heritage Easement Agreement between the owners of 317-325 Adelaide Street West (the "Commodore Building") is also required.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 81-87 Peter Street as described in the report (March 19, 2013) from the Director, Community Planning, Toronto and East York District, and in accordance with the draft zoning by-law to be available prior to



Toronto and East York Community Council meeting of April 9, 2013.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owners of 317-325 Adelaide Street West, which is listed on the City's Inventory of Heritage Properties, to submit appropriate supporting documentation and enter into a Heritage Easement Agreement with the City, to the satisfaction of the Manager of Heritage Preservation Services, Chief Planner and Executive Director, City Planning Division, and the City Solicitor.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the City Solicitor to secure the following:
 - a. A cash contribution in the amount of \$1,300,000.00 to be applied to streetscape improvements in the East Precinct of King Spadina. The amount shall be payable prior to issuance of the first above-grade permit and shall be indexed upwardly in accordance with the change in the Statistics Canada, Non-Residential Building Construction Price Index for Toronto, from the date of execution of the Section 37 Agreement to the date of payment.
 - b. The provision and maintenance of an art contribution with a minimum value of \$250,000.00, indexed as per 4.a. above, to be focused on enhancement of the facades of the above-grade parking.
 - c. A Section 37 contribution of \$1,300,000 in the form of condominium residential units on the lot to be conveyed to Habitat for Humanity Toronto (Habitat), or a similar non-profit provider of below-market ownership housing selected by the City, with the only adjustments payable being condominium fees (including reserve fund allocations) and property taxes on the following terms:
 - i. the units shall be provided to the same finished standard as the market units in the building, ready for occupancy and including 5 appliances;
 - ii. each condominium apartment shall include a bicycle parking space;
 - iii. the units shall be conveyed within 60 days following the registration of the development as a condominium pursuant to the *Condominium Act*.

- d. The owner shall enter into Agreements of Purchase and Sale on its standard terms as modified by these recommendations with respect to the residential condominium Units to be provided pursuant to Recommendation 4.c., with the City and/or the Provider prior to the issuance of the first above - grade building permit for the development and there shall be provisions allowing the Agreements of Purchase and Sale of all these units to be assignable by the City and/or Habitat for Humanity.
 - e. The City may at its sole discretion elect to take a cash payment of \$1,300,000, indexed, in lieu of the housing units, such payment being due on the earlier of condominium registration of the building or within two (2) years of execution of the Section 37 Agreement to be paid to the City's Capital Revolving Fund for Affordable Housing and to be used for the development of affordable housing in Ward 20.
 - f. At least ten percent (10%) of the total number of dwelling units to be constructed on the lot shall contain three bedrooms or more in compliance with the provisions of the Ontario Building Code.
 - g. Submission of a Wind Study as part of the related application for Site Plan Approval and implementation of any wind mitigation measures, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
5. City Council authorize the City to be a party to the Agreements of Purchase and Sale for the units as a contingent transferee, in order to ensure the benefit of the units to be conveyed is secured for the intended purpose as set out in the report from the Director, Community Planning, Toronto and East York District, entitled "81-87 Peter Street, Final Report" (dated March 19, 2013) in the event the owner or Habitat is not able to complete the transactions.
 6. City Council authorize and direct the Director, Affordable Housing Office to enter into an agreement with Habitat or, if Habitat is unable to complete the transactions, a similar alternate provider to secure the terms of the sale of the units as below market affordable ownership homes, to require reporting of the activity involving the sale of the units and to secure such other terms and conditions as he deems advisable, such agreement to be in a form satisfactory to the City Solicitor and to be entered into prior to the completion of the Agreements of Purchase and Sale contemplated by Recommendation 4.c., and referred to in Recommendation 7 below.
 7. In order to ensure the transfer of the condominium units described in Recommendation 4.c. may proceed in a timely manner, in the event any of the agreements of purchase and sale cannot be completed by Habitat, City Council authorize taking such actions as is necessary, such as assigning the agreements of purchase and sale, to give effect to the intended purpose as set out in this Report. If that is not possible, in the sole discretion of the Director, Affordable Housing Office, to sell the units on the open market and the proceeds of sale directed to the

- Capital Revolving Funds for affordable housing, to go towards affordable housing in Ward 20, on terms and conditions approved by the Director and in a form satisfactory to the City Solicitor, with the intention that there are no financial consequences to the City having been a party to any of the agreements of purchase and sale.
8. City Council authorize and direct the City Solicitor to execute, on behalf of the City, the agreements of purchase and sale with respect to the Units as well as any directions with respect to title and documents required for assignment or transfer of the Units that may be necessary as a result of the City being a party to the agreements of purchase and sale, as well as any and all documents that may be required with respect to the charge to be given to the City, pursuant to the agreement in Recommendation 6, including information and discharge statements and discharges. The City Solicitor also be authorized to amend the closing, due diligence or other dates, amend and waive terms and conditions all on such terms as she considers reasonable.
 9. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect to the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The preliminary report on this application can be found at <http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-46251.pdf>

ISSUE BACKGROUND

Original Proposal

The proposed development is a 49-storey mixed-use building that fronts onto Peter Street with a 16-storey base. The building, including the mechanical penthouse, will rise to a height of 156.95 metres. This proposal also includes retail/commercial at grade, a commercial parking garage on floors 2-4 with 103 parking spaces, 546 residential units and 189 residential parking spaces on 5 levels below grade. A total of 574 bicycle parking spaces are proposed consisting of 440 spaces for residents and 134 spaces for visitors. A private shared driveway is proposed between the subject property and the heritage property to the immediate north (317-325 Adelaide Street).

The total residential floor area is 37,158 square metres. The ground floor will consist of 289 square metres of retail/commercial floor area. Access to the commercial garage and to residential parking will be from Peter Street. A total of 1,127 square metres of indoor and 291 square metres of outdoor amenity space is proposed. The resultant density is 26.2 times the lot area.

Podium

The proposed base of the building (podium) is massed and articulated with different heights to respond to the variety of heights in the immediate context. The podium rises to the 13th floor along the north property line and 16 floors along the Peter Street frontage (west), east and south property lines. The base of the proposed building will be built to the south and east property lines and along the Peter Street frontage. The building is setback 3 metres from the centre line of the laneway at the rear along the east property line. The applicant is required to convey 0.72 metres of land along the east property line for the purposes of lane widening. The base of the building is setback 3.0 metres from the north property line to facilitate a private laneway for servicing and access to residential parking. Levels 4-13 are cantilevered above the private laneway.

Tower

The tower above the 16th floor has a floor plate of approximately 750 square metres, is setback 3 metres from the edge of the podium along the Peter Street frontage, 7.5 metres on the east side from the centreline of the public lane, 5.5 metres on the north side to the centreline of the private lane and 9 metres from the south property line. The mechanical penthouse is further setback 10 metres from the north property line and a green roof is proposed on top of the penthouse.

For further statistical information, refer to the Application Data Sheet found on Attachment 5 of this report

Revisions to the Original Proposal

A number of revisions have been made to the proposal since the original submission.

- The setback of the tower from the south property line has increased from 9 to 10 metres in response to a request by City staff to better address the Tall Building Guidelines;
- The number of bicycle parking spaces has been increased from 574 to 613 spaces, and the locations of the proposed spaces have been reconfigured. Most of the proposed bicycle spaces are located within bicycle storage rooms, other spaces are proposed along the perimeter walls of the below grade parking levels;
- The number of residential units has increased from 546 to 598;
- The setback of the tower from the north property line has decreased from 5.5 metres to 4.5 metres;
- The setback of the mechanical penthouse from the north property line has decreased from 10.3 metres to 9 metres;
- The height of the tower has been reduced by 3 metres, from 156.95 to 153.95 meters;

- The podium height has been reduced by 3 metres from 41.15 to 38.8 metres on the north side to achieve compatibility with the building at 317-325 Adelaide Street West (Commodore building). The podium height on the south side has been reduced slightly to relate to the adjacent Hyatt hotel building;
- The continuous balconies along the south building face have been redesigned in response to City Staff's request to reduce the width of the south side balconies to less than 50% of the wall so that it does not read as part of the building wall; and
- The proposed density has increased from 26.2 to 26.5 times the lot area.

Site and Surrounding Area

The site is located mid block on the east side of Peter Street, south of Adelaide Street West and north of King Street West. The site is 1,625 square metres in area, rectangular in shape, and has a frontage of about 39 metres on Peter Street and a depth of about 42 metres. Eighty-one Peter Street is currently occupied by a 3-storey brick building with a 1-storey addition in the rear. Eighty-seven Peter Street is currently being used as a commercial surface parking facility. Both are bordered by a public lane along the east property line, running north-south.

Surrounding uses include:

North: A 10-storey brick building (317-325 Adelaide Street West) also known as the Commodore. The Commodore building is listed on the City's Heritage Inventory. A 2-storey office building with a commercial surface parking lot (315 Adelaide Street West) is located north-east across the laneway.

East: A row of 6 homes on the Inventory of Heritage Properties are located across the laneway fronting Widmer Street with a vehicle repair shop and associated surface parking lot. On the east side of Widmer a 43 storey (137 metre) condominium is under construction.

West: On the south-west corner of Adelaide Street West and Peter Street is a 6-storey office/retail building, also known as the Fremes, with a listed status in the City's Inventory of Heritage Properties. To the south along Peter Street is the 16-storey Hilton Garden Inn (92 Peter Street), a 5-storey office brick building (82 Peter Street), and a 2-3 storey office building with a Shoppers Drug Mart is located on the north-west corner of King Street West and Peter Street. An application for a 29 storey (123 metre) office building has been submitted for the site on the west side of Adelaide Street.

South: To the immediate south of the subject property is a 4-storey brick office building with a club on the first floor (77 Peter Street) and the 20-storey Hyatt Regency Hotel. A laneway running east-west separates the above noted buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is located in the *Downtown* and in the King-Spadina Secondary Plan Area. The site is designated *Regeneration Area* in the Official Plan. The designation permits a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses, in order to promote reinvestment and revitalization.

The Official Plan includes development criteria (Policy 4.7.2) to help guide new development in Regeneration Areas, including in particular:

- urban design guidelines related to the unique character of each *Regeneration Area*;
- a greening strategy to plan for tree planting, improvements to existing parks and the acquisition of new parks, open spaces;
- a community services strategy to monitor the need for new community services and facilities and local institutions as new residents are introduced and to ensure they are provided when needed;
- environmental policies to identify and ensure that any necessary cleanup of lands and buildings is achieved, that potential conflicts between industrial and residential, other sensitive land uses or live/work uses are mitigated, and that policies for the staging or phasing of development are considered, where necessary; and
- transportation policies that encourage transit, walking and cycling in preference to private automobile use and ensure the movement of people and goods as the number of businesses, employees and residents increase.

The subject site is within the "Downtown and Central Waterfront" on Map 2 - Urban Structure of the Official Plan. The "Downtown will continue to evolve as a healthy and attractive place to live and work as new development that supports the urbanization strategy and the goals for *Downtown* is attracted to the area". (Policy 2.2.1.1) Sites located within this area offer opportunities for substantial employment and residential growth.

The Official Plan 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 (Chapter Two – Shaping the City).

The Official Plan also identifies that most of the City's future development will be infill and redevelopment. Development will need to fit in, respect and improve the character of the surrounding area (Chapter Three – Building a Successful City). It will also be located, organized and massed to fit harmoniously with its existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, and limiting shadow and wind impacts. This section of the Plan also contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings, including locating buildings parallel to the street, with clearly visible entrances and ground floor uses with views to the street; locating and organizing parking and servicing to minimize impacts; providing an appropriate scale for adjacent streets; minimizing shadowing, loss of sky view and wind impacts; contribution to the skyline character; and fit within the local context.

Section 3.1.5 (Chapter Three – Building a Successful City) deals with the City's heritage resources. Policy 3.1.5.1 seeks to conserve significant heritage resources through listing or designating properties, and designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character. Policy 3.1.5.2 requires that development adjacent to listed or designated heritage buildings respect the scale, character and form of the heritage buildings and landscapes. A heritage building (317-325 Adelaide Street West) also known as the Commodore is located immediately north of the subject property. The proposed development has been reviewed in this policy framework.

King-Spadina Secondary Plan

The subject site is located within the King-Spadina Secondary Plan area. The King-Spadina Secondary Plan (Chapter 6.16 of the Official Plan) provides a framework for reinvestment and development, the intent of which is to encourage reinvestment for a wide range of uses in the context of a consistent built form that relates to the historic

building stock and the pattern of streets, lanes and parks. In particular the policies of Section 3.6 – General Built Form Principles specify that:

- buildings are to be located along the front property line to define edges along streets; lower levels are to provide public uses accessed from the street;
- encourage servicing and parking to be accessed from lanes rather than streets and minimize pedestrian/vehicular conflicts;
- site new buildings for adequate light, view and privacy; compatibility with the built form context;
- new buildings achieve a compatible relationship with their built form context through consideration of such matters of building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression;
- provide appropriate proportional relationships to streets and open spaces; and minimize wind and shadow impacts on streets and open spaces;
- provide coordinated streetscape and open space improvements; and
- provide high quality open spaces.

Heritage policies in Section 4 of the Secondary Plan acknowledge that heritage buildings are essential elements of the physical character of King Spadina. Policy 4.3 specifically requires that new buildings achieve a compatible relationship to the heritage buildings within their context through consideration of matters including height, massing, scale, setback, step backs, roof line and profile, and architectural character and expression.

In addition, the Pedestrian, Transportation and Parking sections of the King-Spadina Secondary Plan particularly Chapter 16.6.3 specify:

- the establishment of new surface parking lots in the King-Spadina Area or the expansion of existing surface parking lots is prohibited;
- the removal of existing surface parking will be encouraged, with priority given to the removal of surface parking around heritage buildings and in Areas of Special Identity;
- new or replacement parking spaces for any development, other than re-use or conversions of existing buildings, should be provided below grade; and
- any above grade accessory parking will implement the Built Form Principles in Section 3.6 of this Secondary Plan.

The Urban Structure Plan identifies a number of “Significant Streets”. Peter Street is identified as a Significant Street. Its quality and character is intended to be enhanced through zoning, design guidelines and streetscape improvement programs.

2009 Entertainment District BIA Master Plan

The above-noted plan essentially aims to ensure that the needs of existing and future businesses, residents, tourists and the citizens of Toronto are harmonized within the area’s ongoing transformation and revitalization. The Plan’s guiding principles include the following:

- Protection for historic and character buildings, current height patterns, and a balance of mixed use spaces;
- Promotion of local businesses, tourism, and heritage environments; and
- Enhancing streetscapes, open areas, and liveable and pedestrian environments.

These guidelines reflect the recommendations of the 2008 Built Form Study and the King-Spadina Urban Design Guidelines. The King-Spadina Urban Design Guidelines (2006) support the implementation of the King-Spadina Secondary Plan with detailed guidelines for areas of special identity and special streets. Peter Street is identified as a special street. The guidelines seek to ensure that new development respects the massing, height, setback, orientation and character of the industrial buildings prevalent on the street. Building articulation should reflect the historic building facades. The guidelines were updated in February 2013. The revised document provides more detailed recommendations for new buildings and improvements to the public realm.

King Spadina Urban Design Guidelines

Updated King-Spadina Urban Design Guidelines were endorsed by City Council in September 2009. The updated Guidelines encourage buildings with podiums that relate to nearby historic buildings, and evaluate tall buildings in terms of massing and height and impacts on light, view, privacy, sunlight access and wind conditions, as well as ensuring that the potential for other sites appropriate for tall buildings to develop in a similar manner is maintained. In addition, step backs between 3 and 9 metres are encouraged for tall portions of buildings so as to not overwhelm the street wall.

The Urban Design Guidelines also states that tall buildings are to be assessed in accordance with the City’s Tall Building Design Guidelines, including guidelines for tower separation, floor plate and sky view and shadow impacts.

Design Criteria for the Review of Tall Building Proposals

The City's 'Design Criteria for the Review of Tall building Proposals' provides guidelines for the design and evaluation of tall buildings in the City. Aimed to implement the built form policies of the Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals. The criteria relate to four main areas; site context, site organization, building massing and the pedestrian realm.

In considering site context, in addition to requirements for master plans on larger sites, tall building proposals must address transitions between taller buildings and lower scale features nearby. Measures such as height limits, setbacks, step backs and angular planes are used to achieve appropriate transitions in scale and the protection of sunlight and sky views.

Design criteria related to site organization address issues of building placement and orientation, location of building entrances, servicing and parking requirements, enhancement of adjacent streets and open spaces.

New tall buildings are expected to enhance the public realm by providing active frontages, and high quality streetscape and landscape design elements. To reduce negative impacts of taller buildings elements, a minimum step back of 5 metres for the tower from the street edge of the base building is recommended. Other considerations include weather protection, limiting shadowing impacts and uncomfortable wind condition on nearby streets, properties and open spaces, as well as minimizing additional shadowing on neighbouring parks to preserve their utility.

The City's 'Design Criteria for Review of Tall Buildings Proposals' can be found on the City's website at: <http://www.toronto.ca/planning/urbdesign/index.htm>.

King-Spadina East Precinct Built Form Study

The findings of the King-Spadina East Precinct Built Form Study include the principle that heights decrease generally from east to west (University Avenue to Spadina Avenue), and from south to north (Front Street to Queen Street). Within this general height trend are areas of localized conditions. The subject site is within the King Street Corridor as identified by the Built Form Study.

The subject site is also located within an area where buildings with additional height beyond the “First Tier” or as-of-right heights as provided in By-law 483-86 are to be considered. Applications for buildings with “Second Tier” height permissions are to be considered in light of the policy objectives in the King-Spadina planning framework as well as the built form standards that apply to any tall building development in the City, including but not limited to: respect for heritage in the immediate context; preservation of sunlight on important pedestrian streets (including King Street West); conformity with the King-Spadina Built Form Guidelines; and achieving a 25 metre tower separation and a maximum 750 square metre floor plate to address light, view and privacy.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (Attachment 4). The RA zoning permits a range of uses and a maximum building height of 30 metres for this site. An additional 5 metres is permitted for rooftop mechanical elements. The Zoning By-law also contains a number of requirements related to building setbacks from the side and rear lot lines. Section 12(2)246 of the Zoning By-law requires a 3-metre setback above 20 metres on all street frontages.

Above-grade parking garages are permitted within the RA zone, provided that the parking is accessory to the uses on the lot and that any part of a parking garage located on the ground floor (specifically, between grade and a height of 4 metres) is setback a minimum of 10 metres from any street line, with intervening uses located between the parking and the street line. By-law 922-2006, implementing the zoning by-law amendments arising from the 2006 King-Spadina Secondary Plan review, added provisions that included requirements for windows of dwelling units to maintain a separation of 15 metres, and 7.5 metres to a lot line that is not a public street. By-law 922-2006 is under appeal at the Ontario Municipal Board and many of the appeals have been withdrawn or resolved. A further pre-hearing on the outstanding appeals has not yet been scheduled by the OMB.

The Zoning By-law parking standards for King-Spadina are those applied to the downtown generally, which requires less parking than many other areas of the City acknowledging the high level of transit service in this area. For commercial parking minimum and maximum standards apply. Visitor and bicycle parking are also required by the By-law.

Site Plan Control

The proposed development is subject to site plan approval. No site plan submission has been made.

Reasons for the Application

The applicant has submitted a Zoning By-law Amendment application to permit a building that does not comply with the height limit permitted and other provisions as set out in Zoning By-law 438-86, as amended. The proposed height of 153.95 metres exceeds the permitted height by approximately 120 metres. The proposed above-grade commercial parking facility is not a permitted use. In addition, the proposed building does not meet various setback and step back or parking requirements.

Community Consultation

A Community Consultation meeting was held on July 18, 2012. Planning staff, the applicant, the local Councillor and approximately 80 members of the public attended. The following issues were raised at the meeting.

Height – Concerns were raised with respect to the height of the building, which was originally proposed at 156.95, metres and the appropriateness of this height.

Access off Peter Street – The proposed vehicular access for the commercial garage and residential parking is off Peter Street. Some concerns were raised regarding potential traffic impacts.

Breakdown of Units – Many people at the meeting had questions about the unit breakdown, the provision of a large number of one-bedroom units and small number of larger units.

Commercial Parking Garage – The community were concerned that the number of proposed commercial parking spaces (103) exceeds the existing number of spaces (50) on the surface commercial parking lot. Concerns were also raised regarding the exterior façade of the garage and potential negative visual impact.

Residential Parking Space – The community were concerned that the initial proposed 189 parking space servicing 546 units is inadequate. In addition, visitor and retail parking is included/provided in the commercial parking garage.

Vehicular/Pedestrian conflicts – The community were concerned that the commercial parking garage would create high traffic volumes and vehicular/pedestrian conflicts on Peter Street.

Privacy and Overlook – Concerns were raised about overlook from the balconies located on the north, east and south façade of the building, and the loss of privacy for abutting properties.

Shadows – Questions were raised at the meeting about shadow impacts of the proposed building on the adjacent buildings.

Other questions and concerns that were raised included bird friendly design, consistency with provincial policies and the provision of a canopy to improve pedestrian activity on Peter Street.

All of the above noted issues are discussed in the Comments section of this report.

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 formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement by proposing intensification within a built-up urban area near higher-order transportation. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe, by proposing intensification within the *Downtown*, which is identified as an Urban Growth Area.

Land Use

The proposal to replace a surface parking lot with a mixed-use development is consistent with the land use provisions of the Official Plan, the objectives of the King Spadina Secondary Plan and the use provisions of the Zoning By-law.

The existing parking lot can accommodate 50 cars with the proposed commercial parking facility providing parking for 110 vehicles. The Entertainment District BIA has commented to the City on the ongoing need for commercial parking as the majority of the surface parking lots in the area are being replaced with mixed use development. The BIA notes that the area is a destination for many entertainment and restaurant uses but more importantly is characterized by a large number of heritage buildings that serve employment uses. These buildings were not built with parking and usually have no space for parking on their lot. Although some new projects in King Spadina have provided parking on their lots to replace the existing commercial parking supply a number have not.

In the case of 81-87 Peter Street, the commercial parking component of the building is proposed to be owned by the owner of the Commodore Building, a 10-storey heritage office building to the north, in order to provide associated parking for that building. This building has no parking but if built today as new office would require between 35 and 75 parking spaces depending on the mix of uses. While meeting the needs of the Commodore Building, this lot will serve other heritage "brick and beam" buildings in the area to help the businesses attract employers and to protect this building stock as it competes in the market.

Although City policies do not promote the development of new commercial parking facilities, in this context the proposed parking does not represent an oversupply that would encourage more automobile use or encourage increased commuting.

Height

The subject property is located mid block and the immediate context consists of buildings with different heights. The 10-storey Commodore building (listed by Heritage Preservation Services) is located to the north, a 4-storey brick office building and the 20-storey Hyatt Regency hotel building are located to the south. On the west across Peter Street, are the 16-storey Hilton Garden Inn (92 Peter Street) and a proposed 29-storey office tower with retail uses at grade to replace the 5-storey office brick building at 82 Peter Street and the 3-storey office building at 388 King Street West.

The Official Plan identifies that most of the City's future development will be infill and redevelopment. Development will need to fit in, respect and improve the character of the surrounding area (Chapter Three – Building a Successful City). It will also be located, organized and massed to fit harmoniously with its existing and/or planned context. The proposed height of the building has been evaluated in the context of the above noted policy framework as well as the King-Spadina Secondary Plan, Design Guidelines for the review of Tall Buildings and the King-Spadina East Precinct Built Form Study.

Although the proposal is significantly taller than the as-of-right heights in the area, a number of tall buildings have been approved in the immediate vicinity. These include the Bell Lightbox and Cinema Tower to the west, 333 and 355 King Street West to the south and 430 King Street West to the west. All of these recent approvals are in the 150 metre height range. Given this context and that the building generally conforms to the

established pattern of building heights stepping down from east to west, the proposed height is acceptable.

Massing and Built Form

Peter Street is identified as a Significant Street in the King-Spadina Secondary Plan where new developments should be well designed to enhance the streetscape and pedestrian environment. The Toronto Entertainment District BIA design objectives emphasize the importance of maintaining an animated human-scale street wall and minimize wind impacts on the sidewalk. In addition, ensure a well defined low-rise podium with commercial uses at-grade on all streets, and avoid sheer walls by setting back towers from the street wall by no less than 3.0 metres.

City staff recognizes the challenge of massing the podium to establish a suitable relationship with Peter Street as well as the built form context. The podium which covers most of the site is massed and articulated with different heights to integrate it with the existing built form context. The podium rises to the 13th floor (38 metres) along the north property line and the 16th floor (47 metres) along Peter Street (west), the east and south property lines. The base of the building is setback 3.0 metres from the north property line, to facilitate a private lane for access to residential parking with levels 4 to 13 cantilevered above. The scale of the podium is acceptable in view of the surrounding context.

The tower floor plate of approximately 750 square metres (gross floor area) meets the recommendations of the Tall Building Guidelines. Its location at the north end of the site achieves a 28 metre of separation from the Hyatt-Regency Hotel, approximately 23 metres from the Hilton Garden Inn and the proposed 29-storey office building across Peter Street/King Street.

In terms of establishing relationships with the pedestrian realm and incorporating design elements as outlined in the Built Forms policies of the Official Plan, the proposed podium has a canopy along the entire front façade for weather protection and environmental comfort for pedestrians. The width of the sidewalk after redevelopment of the site will be 3 metres which is comparable to other sidewalks in the area and should support pedestrian activity, limited frontage and marketing zone and limited tree planting/street furniture. The retail component meets the objectives of the King-Spadina Secondary Plan and it will be built to the street line and front on the street.

The continuous balconies along the south building face have been redesigned in response to City Staff's request to reduce the width of the south side balconies to less than 50% of the wall face so that it does not read as an extension of the building wall. The northwest corner of the tower and the southwest corner of the podium have opaque glass panels interspersed with traditional glass windows which contribute to the overall visual privacy. Further evaluation of the architectural materials, character, expression and articulation of the east wall (facade), ground floor retail and the commercial parking garage will also be addressed under the site plan approval process.

The different podium height generally respects the scale of the surrounding buildings on each side. The tower is stepped back from the podium breaking up the massing and establishing a visual separation from the podium below. The design and integration of the mechanical penthouse with the tower contributes positively to the skyline. The massing and built form is acceptable and the proposal meets the built form policies of the Official Plan Policy and the King-Spadina Secondary Plan.

Tower Separation

The Design Criteria for the Review of Tall Buildings recommend a tower setback of 12.5 metres from the abutting side and rear property boundaries not abutting streets. The purpose of this setback is to achieve a separation distance of 25 metres between towers.

The tower is set back 4.5 metres from the north property line and 10 metres from the south property line. The 10 metre setback from the south property line is consistent with other approvals in this part of King Spadina. In order to address the proximity of the tower to the north lot line the owner of (the Commodore Building) at 317-325 Adelaide Street West indicated a willingness to enter a Heritage Easement Agreement to ensure the long term retention of the heritage building and mitigate the possibility of a tower immediately to the north. This agreement is discussed below. The tower is set back 4.5 metres from the east property line and approximately 20 metres from the row of 6 homes designated under the Ontario Heritage Act. Development is not anticipated on these sites due to the heritage status.

Heritage

There is no heritage building on the subject property however, to the immediate north is the Commodore Building (317-325 Adelaide) which was built in 1929 and is included the City of Toronto Inventory of Heritage Properties as listed under the Ontario Heritage Act. A private lane separates both properties and the current proposal will widen this lane to 6 metres.

The proposal has been evaluated within the framework of the Official Plan and the King-Spadina Secondary Plan. Chapter 3.1.5.2 of the Official Plan states that "Development adjacent to properties on the City's *Inventory of Heritage Properties* will respect the scale, character and form of the heritage buildings and landscapes". The King-Spadina Secondary Plan chapter 16.4.3 states that "new buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, step-backs, roof line and profile and architectural character and expression". The podium height has been reduced by 3 metres from 41.15 to 38.8 metres on the north side to achieve compatibility with the height of the Commodore Building. The podium will be built to the north property line and cantilevered from floor 4-13 to accommodate a 6 metre private laneway. The tower component is setback by 4.5 metres from the north property line and 7.5 metres from the Commodore building.

A Heritage Impact Statement (HIS) was submitted by the applicant. The HIS considered a numbers of policies including the Parks, Canada Standards and Guidelines, PPS,

Ontario Heritage Act, City of Toronto Official Plan, King-Spadina Secondary Plan and the Entertainment District Business Improvement Master Plan. The HIS concludes that any compatibility issues are addressed by ensuring that the podium of the proposed development corresponds to the height and massing of the Commodore Building as well as separating the tower component with step-backs/setbacks. The relationship between the proposed building and the Commodore Building is acceptable. The owners of 317-325 Adelaide Street West have agreed to enter into a Heritage Easement Agreement with the City. This would ensure that any future development at 317-325 Adelaide Street West will protect existing heritage elements of the building, will include direct involvement of Heritage Preservation Services and will set a context to for addressing any adjacency issues with the proposed development.

Sun, Shadow & Wind

The Built Form policies of the Official Plan in Chapter 3.1.2.3(e) states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. The applicant submitted shadow studies for the development at June 21st and March 21st/September 21st for each hour between 9:18 a.m. and 6:18 p.m. There will be no impacts on *Neighbourhoods* or *Parks* because the proposed development is not close to any of the aforementioned areas. The shadows during March and September will be cast mainly on other tall buildings in the vicinity and is comparable to the shadows from other tall buildings in the area.

The King-Spadina East Precinct Built Form Study notes that new developments in the “King Street Corridor” should minimize shadowing and wind and sky view impacts on King Street. The shadow study for June 21 shows that the proposed building will cast a minimal shadow on King Street West between 5:18 pm and 6:18 pm. The shadow impacts from the proposed development satisfy the Official Plan criteria and are acceptable in view of the *Downtown* context.

A wind study is required by the City as part of a development application that seeks to develop a building higher than 6-storeys or 20 metres in height. The application included a pedestrian level wind study which indicates that the conditions are predicted to be similar to the current setting.

The wind study indicates conditions at most locations at the proposed site are suitable for standing or walking under normal to high ambient wind conditions. Under strong or gusty wind conditions, higher than average ground level winds will be encountered along the Peter Street façade of the proposed development, although it is expected to remain suitable for the area’s intended purpose. The proposal utilizes wind mitigating features comprising the podium, parapet walls, canopies, balconies, stepped building façades, landscaping to reduce the down trajectory and velocity of wind around the building.

Even though the proposed development will alter wind conditions around the site and in the pedestrian realm, the resulting condition is acceptable to City staff.

Traffic Impact, Access, Parking & Servicing

This proposal consists of retail/commercial at grade, a commercial parking garage on floors 2 to 4 with 106 parking spaces, 598 residential units and 185 residential parking spaces on 5 levels below grade.

A Traffic Impact Study and Parking Review, revised June 2012, was submitted with the application. The revisions were in response to comments provided by City Engineering staff and modifications to the site statistics. The Traffic Impact Study and Parking Review estimate that the proposal will generate approximately 155 and 150 two-way trips during the AM and PM peak hours, respectively. The traffic study notes that the proposed retail component in the ground floor will serve as an auxiliary use for the proposed development and is not expected to generate additional primary auto trips. The above noted study concludes that the updated analysis indicate that all signalized and unsignalized intersection within the study area will continue to operate at acceptable levels of service during the weekday peak hours. City Engineering staff have accepted the findings of the revised report and noted the traffic impacts of the development are acceptable for the area.

The Zoning By-law requires 355 spaces (322 resident and 33 visitor spaces) for the proposed development. A total of 291 spaces comprising 178 resident spaces, 7 auto share spaces and 103 commercial and visitor spaces, 3 barrier free parking spaces and 4 compact parking spaces. City Engineering staff have reviewed the parking supply and determined that the shortfall in residential parking spaces is acceptable and the provision of visitor parking can be accommodated within the proposed commercial parking facility.

This proposal meets the objectives of the Pedestrian, Transportation and Parking sections of the King-Spadina Secondary Plan Secondary Plan particularly Chapter 16.6.3:

- the establishment of new surface parking lots in the King-Spadina Area or the expansion of existing surface parking lots is prohibited;
- the removal of existing surface parking will be encouraged, with priority given to the removal of surface parking around heritage buildings and in Areas of Special Identity; and
- any above grade accessory parking will implement the Built Form Principles in Section 3.6 of this Secondary Plan.

As noted, the number and organization of parking spaces is generally acceptable, however it gives preference to commuter and all-day parking without the provision of dedicated visitor parking for residents. Planning staff are of the opinion that a dedicated visitor parking area should be provided in the commercial parking facility.

The number of bicycle parking spaces has been increased from 574 to 613 spaces, and the locations of the proposed spaces have been reconfigured. Most of the proposed bicycle spaces are located within bicycle storage rooms and some of the spaces are proposed along the perimeter walls of the below grade parking levels, in the area between the top of residential car parking spaces and adjacent walls. City staff will continue working with the applicant to improve the location and organization of the car and bicycle spaces when a site plan application is filed.

The proposed development will be serviced by two driveways. The driveway used to service the commercial parking garage will be located off Peter Street. A private shared driveway with a width of 6 metres is proposed between the subject property and the heritage property to the immediate north (317-325 Adelaide Street) to connect to the public laneway for access to residential parking. The existing public lane running north-south along the east property line to Adelaide Street West, which is approximately 4.57 metres wide, will provide access for loading and servicing. In accordance with City Council policy, this lane should ultimately be widened to a minimum width of 6.0 metres. As a result, the applicant is required to convey a 0.72 metre wide strip of land across the entire width of the property adjacent to the lane. The applicant is proposing a conveyance of 0.74 metres which is acceptable to City staff.

The loading area is located on the east side of the site with proposed access from Adelaide Street via the north-south public laneway. The proposed development will provide one shared Type "G" loading space. City Engineering staff reviewed the proposed loading area and manoeuvring diagram and concluded that the Type "G" space provided is acceptable.

The applicant submitted a Functional Servicing Report which concludes that full sewer and water services can be provided to the proposed development, including necessary utility infrastructure. The applicant also submitted a stormwater management report in support of this proposal. City Engineering staff have requested that a revised functional servicing reports, a stormwater management report, grading and drainage plan must be submitted with a site plan application.

Residential Amenity Areas

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. The above noted policy also states that each resident will have access to outdoor amenity spaces. The current proposal provides 1,184 square metres of indoor amenity space and 274 square metres of outdoor amenity space. The By-law requires the provision of 1,196 square metres of amenity space each for indoor and outdoor areas. The shortfall in outdoor amenity space reflects the challenge of providing space on a tower site. In this context, the space provided along with balcony space for individual units is acceptable.

Open Space/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 lands which are the subject of this application are in an area with 0.42 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1020-2010.

The original application proposed 546 residential units on a total site area of 1,625 square metres. The revised application proposes 598 residential units. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would have been 0.768 hectares or 472.6% of the site area. However, a cap of 10% is applied to the residential uses while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is approximately 146 square metres. The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 146 square metres would not be of a useable size and the site would be encumbered with below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

Section 37 Contributions

The applicant has agreed to provide as part of the Section 37, residential condominium units to Habitat for Humanity or a similar non-profit provider for below-market ownership housing. The exact unit mix is to be determined, but the target is to achieve three-bedroom units ranging in area from 900 to 1000 square feet each. The terms include providing the apartments to the standard level of finishes for comparable units in the building. Habitat will contribute funds towards each unit on top of the Section 37 contribution which is valued at \$1,300,000 for the housing component only.

Habitat for Humanity intends to offer these apartments to a qualifying low or moderate-income family at a very affordable price through an interest-free mortgage, securing the difference between this amount and fair market value in another payment-free mortgage that would come due upon resale. Habitat's model emphasizes the long-term occupancy of such units by their partner families.

The Section 37 Agreement will provide for the timing of the agreements of purchase and sale, the option for them to be assigned, and the City's role to secure this community benefit for the intended purpose if the agreements are not able to be completed. Other

provisions will secure the key obligations of the housing provider for conveying below-market ownership units to qualifying households, and to use available methods to ensure the affordability of these units for as long as possible at 81-87 Peter Street. Though these units are not being secured at the specific affordable ownership prices as defined by the Official Plan, the Habitat model is able to achieve very low prices for the qualifying families.

The provider will also enter into a contribution agreement with the City to the satisfaction of the Director, Affordable Housing Office to provide for the implementation and monitoring of providing these below-market ownership units.

This development will reach a height beyond the Second Tier identified in the King Spadina East Precinct Built Form Study. In keeping with framework of the Built Form Study, the applicant will be expected to provide community benefits, which will assist in providing the facilities and services that this area requires to support increasingly intense development.

The community benefits recommended to be secured in the Section 37 agreement to the satisfaction of the City Solicitor which will be registered on title are as follows:

- a. a cash contribution in the amount of \$1,300,000.00 to be applied to streetscape improvements in the East Precinct of King Spadina. The amount shall be payable prior to issuance of the first above-grade permit and shall be indexed upwardly in accordance with the change in the Statistics Canada, Non-Residential Building Construction Price Index for Toronto, from the date of execution of the Section 37 Agreement to the date of payment;
- b. the provision and maintenance of an art contribution with a minimum value of \$250,000.00, indexed as per 4 a. above, to be focused on enhancement of the facades of the above-grade parking;
- c. a Section 37 contribution of \$1,300,000 in the form of condominium residential units on the lot to be conveyed to Habitat for Humanity Toronto (Habitat) or a similar non-profit provider, of below-market ownership housing, , selected by the City, with the only adjustments payable being condominium fees (including reserve fund allocations) and property taxes on the following terms:
 - i. the units shall be provided to the same finished standard as the market units in the building, ready for occupancy and including 5 appliances;
 - ii. each condominium apartment shall include a bicycle parking space;

- iii. the units shall be conveyed within 60 days following the registration of the development as a condominium pursuant to the *Condominium Act*.
- d. The owner shall enter into Agreements of Purchase and Sale on its standard terms as modified by these recommendations with respect to the residential condominium Units to be provided with respect to Recommendation 4.c., with the City and/or the Provider prior to the issuance of the first above - grade building permit for the development and there shall be provisions allowing the Agreements of Purchase and Sale of all these units to be assignable by the City and/or Habitat for Humanity;
- e. should the units not be conveyed to the City or Habitat, the City may at its sole discretion elect to take a cash payment of \$1,300,000, indexed, in lieu of the housing units, such payment being due on condominium registration of the building or within two (2) years of execution of the Section 37 Agreement, to be paid to the City's Capital Revolving Fund for Affordable Housing and to be used for the development of affordable housing in Ward 20;
- f. At least ten percent (10%) of the total number of dwelling units to be constructed on the lot shall contain three bedrooms or more in compliance with the provisions of the Ontario Building Code;
- g. Submission of a Wind Study as part of the related application for Site Plan Approval and implementation of any wind mitigation measures, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division

Tenure

The proposed tenure is condominium ownership.

Conclusion

The proposal provides an acceptable redevelopment of a parking lot with a mixed use building. It is consistent with the emerging built form within an area that has seen a number of tall buildings approved within the context of meeting the tall buildings guidelines and stepping down in height from east to west. The Section 37 provisions being secured will help to secure more below market housing in the downtown and contribute to streetscape improvements that will improve the amenity of the area.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

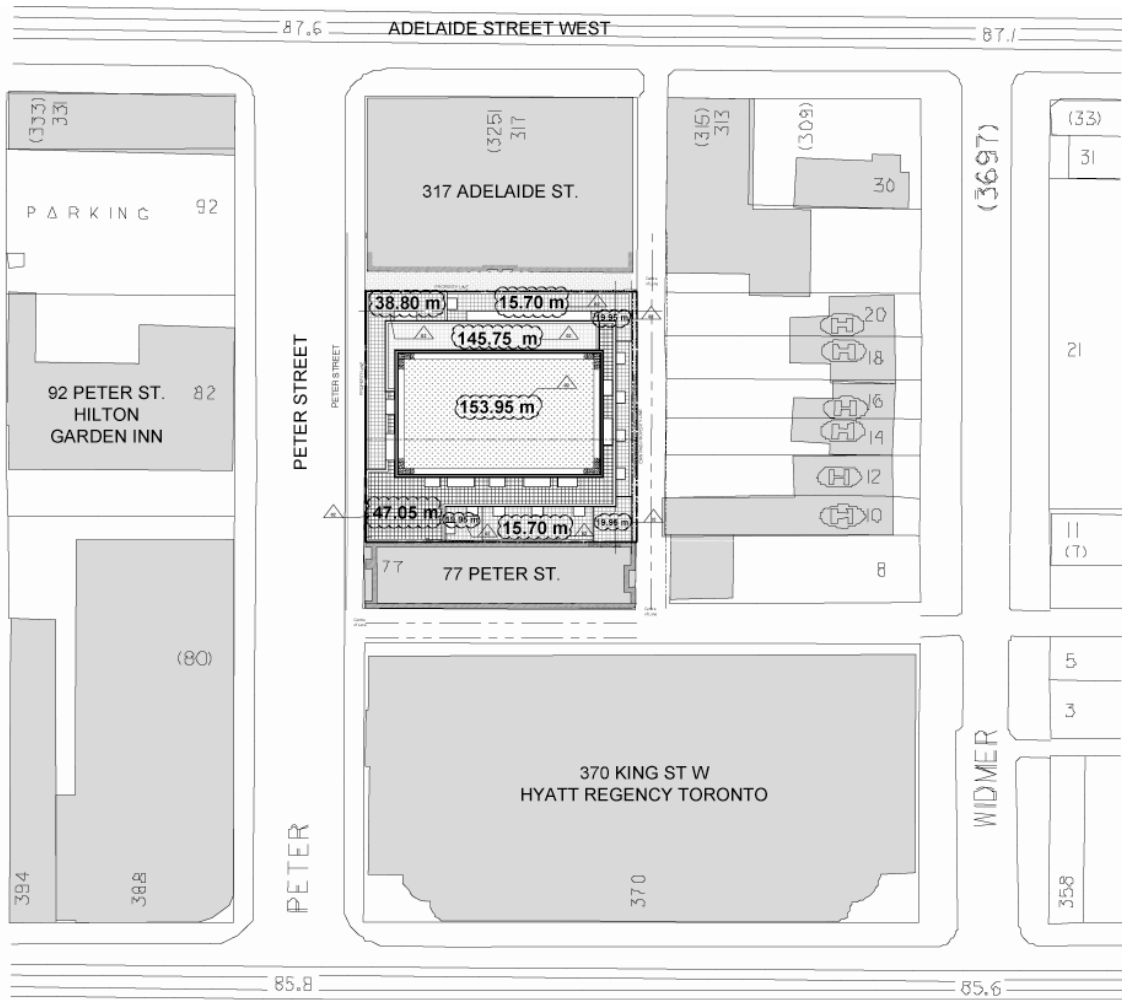
Attachment 2: South & West Elevations

Attachment 3: North & East Elevations

Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

81 & 87 Peter Street

Applicant's Submitted Drawing

Not to Scale
10/04/2012

File # 12_115750

Attachment 2: South & West Elevations



Elevations

81 & 87 Peter Street

Applicant's Submitted Drawing

Not to Scale
10/05/2012

File # 12_115750

Attachment 3: North & East Elevations



Elevations

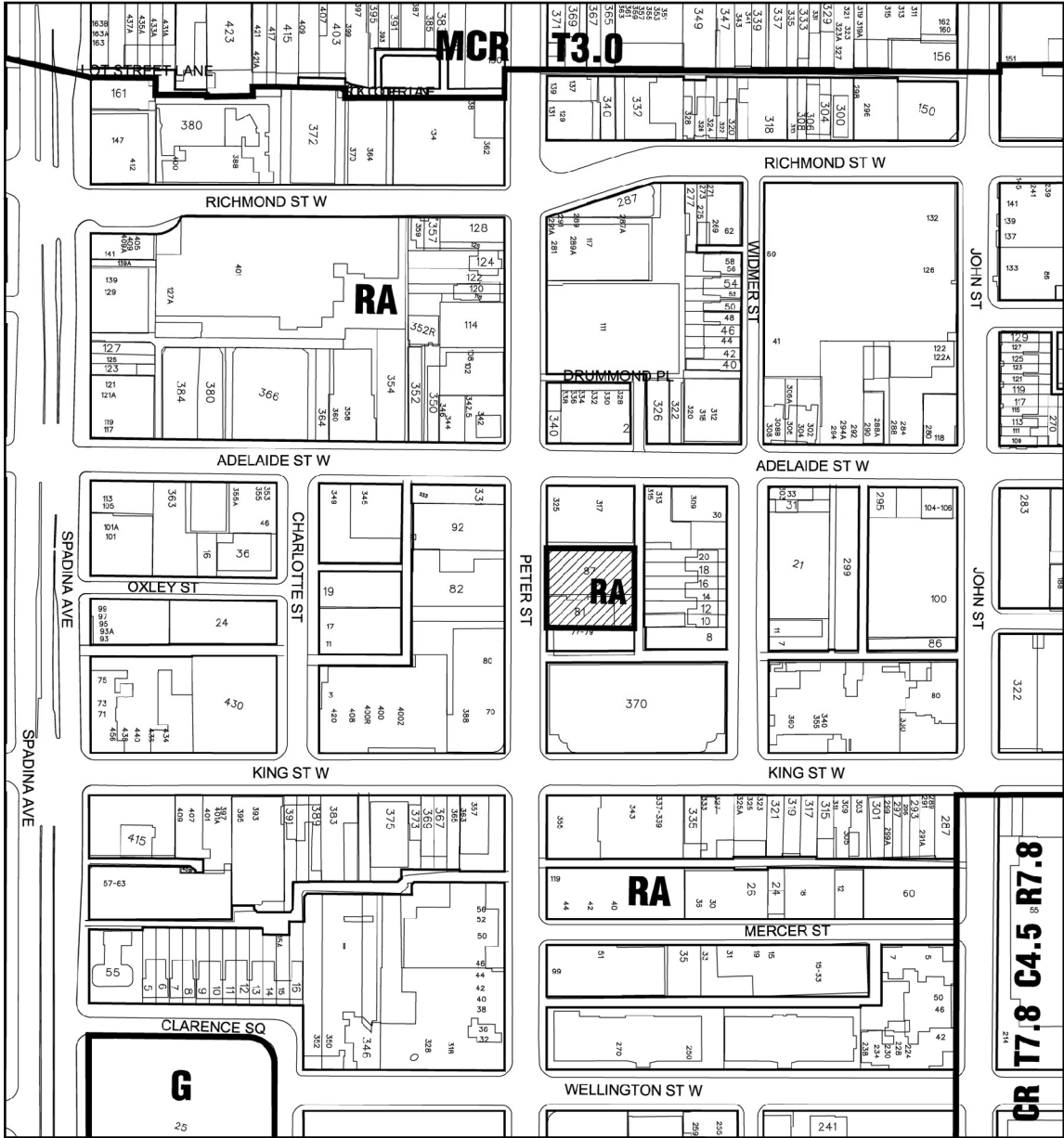
81 & 87 Peter Street

Applicant's Submitted Drawing

Not to Scale
10/05/2012

File # 12_115750

Attachment 4: Zoning



81 & 87 Peter Street

File # 12 115750 0Z

- RA Mixed-Use District
- MCR Mixed-Use District
- CR Mixed-Use District
- G Parks District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 03/06/2012

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	12 115750 STE 20 OZ
Details	Rezoning, Standard	Application Date:	February 1, 2012

Municipal Address: 81 PETER ST
 Location Description: PLAN 84 PT LOTS 19 AND 20 **GRID S2015
 Project Description: Rezoning application for new mixed use building - commercial at grade - commercial parking garage on floors 2-4 and residential above. - 49 storeys - 5 levels below grade parking - 185 residential parking spaces - 106 commercial parking spaces - 598 residential units.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN			2228477 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	RA	Historical Status:
Height Limit (m):	35	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	1,625	Height:	Storeys:	49
Frontage (m):	38.82		Metres:	153.95
Depth (m):	41.9			
Total Ground Floor Area (sq. m):	904			Total
Total Residential GFA (sq. m):	37,545		Parking Spaces:	291
Total Non-Residential GFA (sq. m):	5,458		Loading Docks	1
Total GFA (sq. m):	43,003			
Lot Coverage Ratio (%):	56			
Floor Space Index:	26.5			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	37,545	0
Bachelor:	46	Retail GFA (sq. m):	263	0
1 Bedroom:	451	Office GFA (sq. m):	0	0
2 Bedroom:	42	Industrial GFA (sq. m):	0	0
3 + Bedroom:	59	Institutional/Other GFA (sq. m):	5,195	0
Total Units:	598			

CONTACT: PLANNER NAME: Francis Kwashie, Planner
TELEPHONE: 416-392-1306