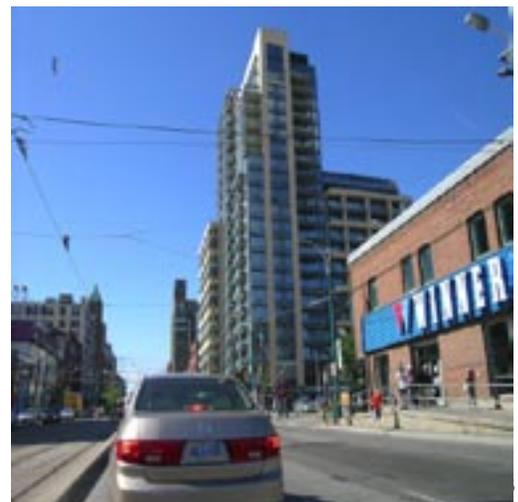




PART FOUR

BUILT FORM

Recent development in the King-Spadina Study Area has seen incremental increases in height beyond what was proposed in 1996. Built form interventions within the area should be carried out in the context of an urban, highly desirable, intense, pedestrian-oriented and mixed-use area. The built form content of the King-Spadina Plan should reinforce the characteristics of King-Spadina and establish as-of-right conditions, while providing straightforward and simple measures for reviewing applications for redevelopment including those beyond established policies of the plan. West of Spadina no significant changes to the built form regime are recommended. On Spadina and east of Spadina, there may be opportunities for buildings greater than the existing height permissions. Consideration of additional height would be subject to a rezoning and will be based on an evaluation of impacts on public realm objectives, impacts on historic buildings and a proposal's ability to meet specific performance standards.



14.0 BUILT FORM PLAN

The built form principles of the King-Spadina Plan remain intact from the policies promoted in 1996. The character of King-Spadina to be protected and enhanced is established by the area's heritage buildings and other newer development that have been developed in harmony with them. Simply put, the built form objectives of King-Spadina include maintaining and reinforcing the existing height of the area, the relationship of buildings to one another along the street and the design of buildings at the street level.

The pattern of development in the area is an important component of its planning. The change in height from east to west, the scale of lot frontages, the character of the area provided through the existing stock of historic buildings and the form of new development are the basis of the built form criteria being promoted in this report. It is important to point out that the general existing and desired character of the area remains that of an industrial scale neighbourhood with a consistent street relationship. High buildings that have been constructed recently have been inserted into that fabric and do not yet represent the "norm" for built form in the area.

14.1 Buildings and Planning Approvals Beyond the Current Height Limits

There have been a number of proposals for buildings that exceed the maximum heights set out in the bylaw. Buildings that exceed these heights in King-Spadina should be termed 'Tall Buildings'. Since the approval of the plan

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Buildings exceeding the existing height limits.



Buildings exceeding the existing height limits east of Spadina.



Buildings exceeding the existing height limits west of Spadina.

in 1996, development west of Spadina has been relatively consistent with the height of existing buildings with the exception that some additional height has been allowed as long as the new development achieved the additional height by wrapping the mechanical equipment within the mass of the building (5m of additional height). West of Spadina all of the applications for increased height have come through the Committee of Adjustment.

The majority of such proposals east of Spadina have been in the form of “Tall Buildings”. The tallest projects in this area are as high as 157m. On the east side of Spadina there has been a mix of Committee of Adjustment approvals, zoning by-law amendment applications and settlements related to appeals of the King Spadina planning framework.

While there are numerous proposals for buildings taller than the permitted heights in King Spadina, planning and urban design reviews and decisions have been made in relation to individual applications as they come forward – each being considered as comprehensively as possible, but in the absence of an overall policy regarding the potential for taller buildings in the area. With this approach each individual project is reviewed in the context of “as-of-right” height limits and existing buildings on adjacent properties.

Proceeding in this way – reacting to individual applications – may result in a tall building on one site eliminating the “potential” for other tall buildings on other sites. At the same time, a tall building planned this way may have the amenity of its upper levels compromised by the construction in the future of another tower that was not anticipated at the time of its original planning approval. In addition, these piecemeal approvals may result in inappropriate tall buildings that detract from the overall character and scale of the neighbourhood.

14.2 A Built Form Strategy

The built form strategy for the King-Spadina area will reinforce the role that it plays in developing livable spaces within the area. Historically buildings have been sited to reinforce the public realm and it is the objective of the King-Spadina Plan to continue to see the scale and orientation of buildings continue to generate pedestrian friendly public spaces and streetscapes. Earlier sections of this report provide recommendations for enriching the public realm. The built form recommendations will support those objectives by recommending a framework for reinforcing the existing

character of the area by establishing design guidelines and criteria to measure the impact of new development. In summary, the intent of the built form strategy is to:

- Reinforce the general intent of the plan that new development respect the historic built form;
- Reinforce the character of the area by way of compatible materials and architectural details of adjacent built form;
- Recommend refinements to the existing as-of-right permissions to codify new maximum heights that occur through the wrapping of roof top mechanical equipment subject to impact assessments for sun/shadow and sky views from the public realm;
- No additional height through the Committee of Adjustment; and,
- The establishment of a clear set of criteria for the consideration of re-zoning applications including responses to the character of the area established by historic heights, setbacks and architecture; sunlight and shadow on the adjacent public realm especially parks; the potential to export impacts to adjacent sites such as views, privacy and scale.

Large Site Assemblies

In King-Spadina, larger site redevelopment is expected on existing and future assemblies. The principles and objectives of the Plan apply to these sites although it is acknowledged that a larger site may afford more/different options for built form. No special zoning status beyond the base King-Spadina permissions is anticipated. Because larger site redevelopments typically offer opportunities for different built form outcomes and the ability to contain potential impacts on their own sites, it is anticipated that they will proceed through a rezoning process.

The opportunities presented on larger sites include the achievement of new north-south streets (where appropriate), mid block pedestrian linkages and the creation of new public parks plazas and open spaces. While most large site redevelopment will likely go through a re-zoning process, all should be viewed within the context of the objectives of the plan to create a strong public realm, publicly accessible open space and to assure that linkages in the form of roads and/or pedestrian ways be integral to their development.

In some cases a Master Plan will be required. This will occur for sites of significant size, historical importance and/or in strategic locations. The Master Plan will identify how the site would be organized, and how open space and road/pedestrian connections through the site would be accommodated, how different building forms would respond to the different built form and character of the surrounding area, and identify what elements of the Community Improvement Plan would be implemented through redevelopment of the site.

It is also critical for large site redevelopments to include the ongoing preservation of existing heritage buildings.

14.3 Urban Design Guidelines

Currently, the existing guidelines guide development within areas of "Special Identity" in King-Spadina, but do not address development outside of these specific areas. The existing guidelines will be updated to incorporate new guidelines that cover the entire area for consistency and effectiveness in governing built form control.

One of the areas the guidelines can address in particular is for new projects to respond sensitively to the material of the surrounding buildings including the relationship of buildings to the street, modulation of the façades of historic buildings as well as the architecture of existing buildings. This will ensure that the context of both historical and recent built form is respected and maintained.

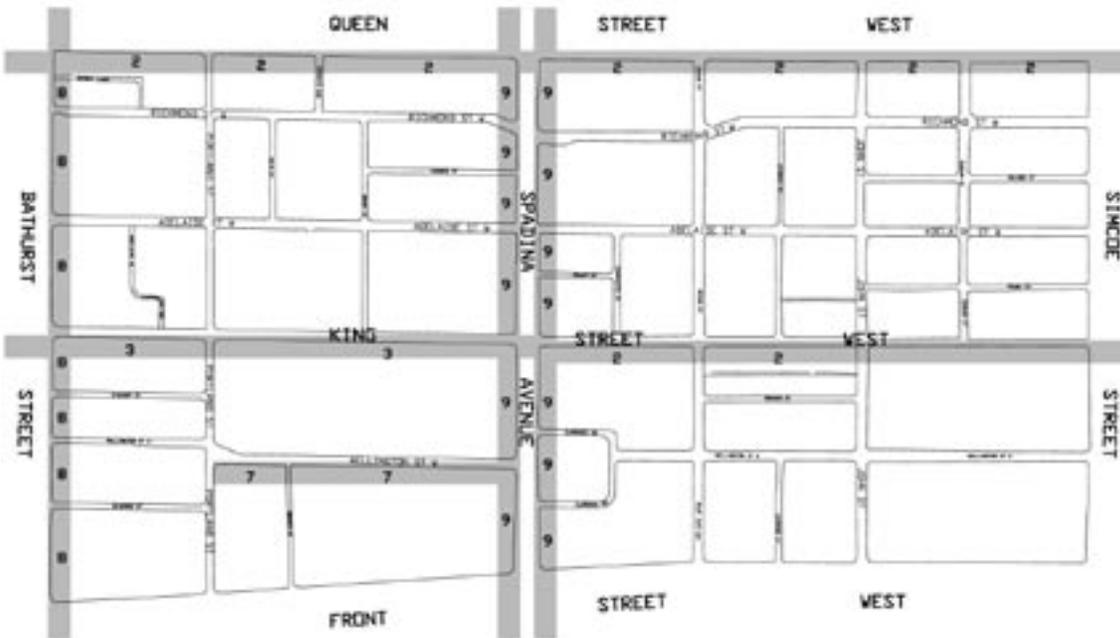
14.4 Protect Sunlight Access and Sky Views on Important Streets and Open Spaces

Tall building proposals in King-Spadina need to be evaluated on their effects on the level of amenity in the public realm. Amenity in the public realm includes considerations of shadow, wind and sky view impacts on nearby streets, parks and other public and private open spaces. At present the measures of sunlight on the public realm are effective for areas throughout the City where mid-rise buildings are appropriate. However, definitive and workable standards for measuring these potential impacts from tall building proposals do not exist, although angular plane provisions for "sunlight streets" are present in the current zoning for the area. There are a significant number of "sunlight streets" in King-Spadina. These constitute a basic description of potential sunlight access to opposite sidewalks. The perception that the effects of shadows is fleeting is not correct and with the scale of streets in the King-Spadina area, prolonged periods of shadow can be detrimental to uses in close proximity. However, the current angular plane

provisions do not recognize the potential for acceptable transient shadow movement along streets.

Opportunities for tall buildings in King-Spadina are limited and these must be evaluated on their ability to meet a set of more detailed performance criteria with regard to sunlight access and sky view. These criteria should clearly define the availability of sunlight access at the scale of the block – and recognize the potential for there to be some shadow penetration to the street at this scale. It is important to identify that taller buildings be evaluated only in special circumstances and in particular locations within the area and that the burden of establishing the impact of a proposal on sun/shadow and sky views is with the applicant.

The distinction between the east and west sides of Spadina and Spadina Avenue itself cannot be over emphasized. To date, the tall buildings in the area are all to the east of Spadina Avenue. This places added importance on the protection of sun access to the public realm because it is becoming more difficult to achieve on the east and needs to be protected on the west. Where there is the expectation that outdoor activities will occur at the street level, it is



Current sunlight streets.

MAP SYMBOL	HEIGHT AT WHICH ANGULAR PLANE IS MEASURED	ANGLE
2	16m	44°
3	20m	44°
7	18m	30°
8	22m	44°
9	29m	44°

important to assure that there is adequate sunlight on both sides of the street.

The east west streets in King-Spadina that are subject to a sunlight access standard are:

- Queen Street (Base height of 16m)
- King Street (Base height of 16m)

The north south streets in King-Spadina that are subject to a sunlight access standard are:

- Bathurst Street (Base height of 22m)
- Spadina Avenue (Base height of 29m)

This study examined the possibility of increasing the number of streets that are subject to these standards. Continued evaluation of the appropriate streets for sunlight protection under the plan should be undertaken. In particular, it is recommended that consideration be given to the potential to establish sunlight standards on all streets in the West Character District.

In addition to more sunlight streets, this study examined the creation of sunlight controls on all of the existing parks and public open spaces in King-Spadina. Sunlight access on public parks should have separate criteria. Reference should be made to the approach taken in the 1992 "Sun Easements to Parks" study carried out for the former City of Toronto by the University of Toronto's Center for Landscape Research. Sky view access is something that needs definitive and useable criteria, as none currently exist.

Sunlight standards are identified in Section 12(2) 260 in City of Toronto Zoning Bylaw 438-86 as amended. In the King-Spadina area, the sunlight streets have two specific forms – an east west street standard that sets a south side base street wall height of 16-20m and an angular plane of 44 degrees and a north south street standard with a base height of 22-29m and angular plane of 44 degrees.

There are a limited number of parks within King-Spadina, so preserving their access to light and sky view is important to achieve the overall viability of their function. The specific recommendation is to create in the zoning bylaw a series of new sunlight access angular planes that would ensure that no new development at any scale would cast any additional shadows onto the existing parks and open spaces.

The Parks and open spaces subject to such an angular plane



Typical "Tall Building".



Typical of new "Tall Buildings".

standard would include:

- Victoria Memorial Square;
- Clarence Square;
- St. Andrew's Park/Playground;
- School yard south side of Adelaide at Brant; and,
- Alex Wilson Park.

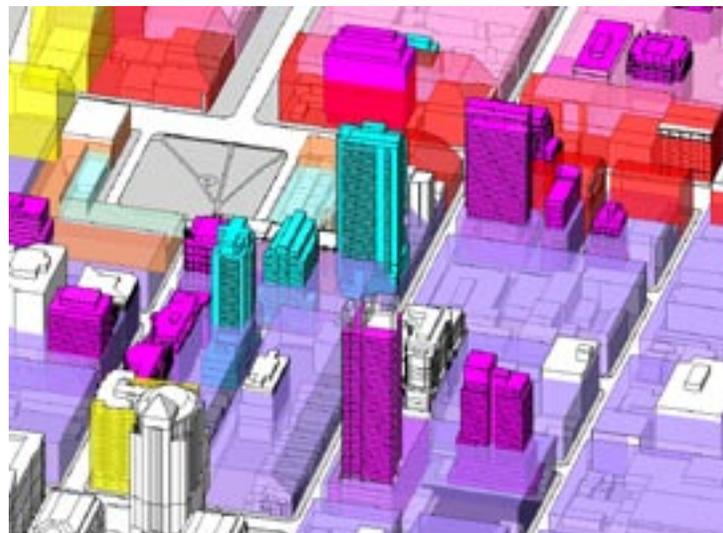
The angular planes would be constructed to eliminate any potential shadowing on the sidewalks (or curbs or property boundaries as the case may be) at the perimeter of each of these parks and open spaces. The angular planes should be calibrated in order to eliminate any potential for shadowing from buildings for the periods between 11AM and 3PM on March 21.

Any new public parks or open spaces created in King-Spadina should be planned to have these same angular planes applied to them.

14.5 A Strategy That Looks at the Potential for Additional Height

Toronto is a city with an increasing number of towers and increasing real estate values, coupled with a local development framework for economies of scale and market response has resulted in this perception being strengthened through the applications for additional "Tall Buildings".

There is a decisive split in applications for the height of "Tall Buildings" in King-Spadina Study; the majority of the west side of Spadina Avenue is composed of existing and proposed buildings that "fit" within or are close to the current height regime. The east side of Spadina has a number of additional buildings, both existing and sought after, that are considerably taller than the current height



Proposed and approved buildings that exceed the height limit.

regime. This is partially a result of the proximity to the Financial District and the tallest buildings in the City, as well as the various entertainment and cultural amenities within King-Spadina that provide an attractive environment to live in, particularly for young couples and urban professionals.

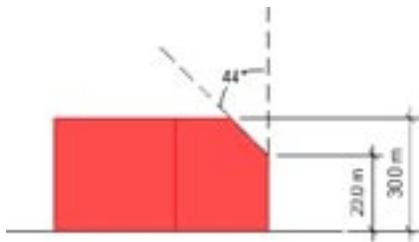
It is recognized that the presence of a tall building does not constitute a “negative impact” on neighbouring properties or the public realm in and of itself. Tall buildings can offer high levels of amenity in the living and working spaces that are provided within them. A key component of this amenity is the potential to have long, relatively uninterrupted views over the general city fabric. The amenity is related to the proximity and facing conditions of other tall building elements in the vicinity. This amenity however will benefit only the residents of that building and not the City or community at large. Tall buildings, if designed and sited properly will support the City and community at large by using land efficiently, supporting public transit, allowing people to live close to work, support on-street retail, and provide affordable housing.

However, the need for, and location of Tall Buildings must be balanced with the protection and enhancement of existing features, including streetscape, public realm, historic built form and public parks and open spaces.

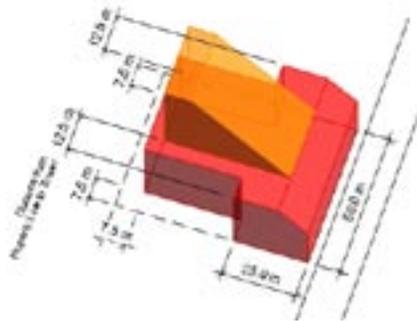
A definition of “Tall Buildings” for King-Spadina

“Tall Buildings” are recommended to be defined for King-Spadina as any buildings that would exceed the as-of-right zoning height regime in King-Spadina, and would require a rezoning application to permit additional height.

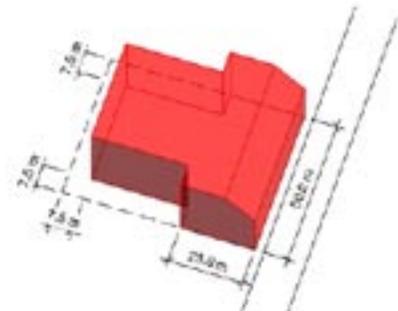




Current height and King Street angular plane requirements.



Current height, setbacks, and angular plane applied to a hypothetical 50m x 65m site, with constraints on additional height potential.



Current height, setbacks, and angular plane applied to a hypothetical 50m x 65m site.



There are a number of existing and approved buildings east of Spadina in the Study Area that would be classified as “Tall Buildings” such as:

- 326 King Street West (Toronto International Film Festival);
- 430 and 446 King Street West Hudson (Phase I and II); and,
- 21 Widmer Street.

A Strategy that looks at the potential for additional height at the scale of the site and its vicinity

Additional building heights beyond the permitted maximums in the King-Spadina area would only be considered as part of a rezoning of a site. The recommendation of this study is to establish clear criteria for the evaluation of potential height increases above the base zoning height. During the process of this study, we have revisited the planning framework and have determined that no additional height is recommended west of Spadina Avenue with the exception of codifying the existing approach allowing additional height that wraps roof-top mechanical equipment – which permits an additional 5m.

It should be noted that during the process of this study sites on both the east and west sides of Spadina were considered to determine if additional height might be appropriate based on the measures and criteria identified. On this basis and in discussions with City staff it was determined that there are limited opportunities for additional height, particularly with the protection of sunlight streets being an important component of the evaluation.

At or below the approved maximum heights should continue to be the “as-of-right” built form potential. At these heights, development rights and a series of constraints are related to individual properties. It should be understood that the existing King-Spadina Plan and its associated approach to zoning in the King-Spadina area reflects a scale of development that in most as-of-right situations would be considered to be compatible with the King-Spadina context.

Above the approved maximum heights, new descriptors that refer to “potential” rather than defined “rights” should be established. Development “potential” would not reside with individual properties but instead would be related to the urban block. The “potential” of an individual urban block to accommodate a building or buildings above the as-

of-right configuration would be determined by a series of performance tests that would “prove” the ability of elements that have additional height to exist in a compatible way with their surroundings, without undue impact on the immediate neighbourhood.

Proximity of tall buildings – Light, View and Privacy Issues

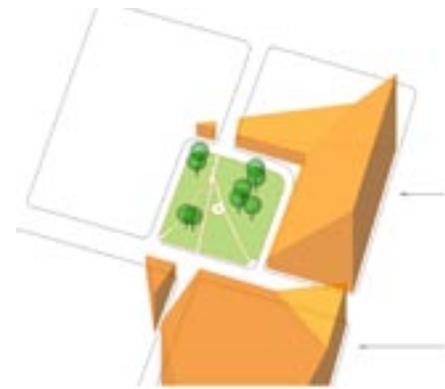
Assessing the impact of Tall Buildings has most often been based upon a common approach that uses of the minimum facing distance between windows in principal rooms of 11.0m or 5.5m to a property line for buildings as the “standard” for light view and privacy between tall building elements.

There is the potential for tall building projects to “export” proximity, light, view and privacy problems beyond their property boundaries – affecting development potential on nearby sites. We recommend that tall building proposals in King-Spadina be evaluated on their ability to achieve optimum proximity, light, view and privacy conditions themselves and their impact on the potential for other properties on the same “block” with similar “potential” to achieve the same.

Impact would be measured against clearly defined standards that could include:

- Minimum face-to-face dimensions of 25m between buildings, or a 1:1:1 ratio between facing tower dimensions and separation distances. Actual dimensions to be consistent with those in the City’s Tall Buildings guidelines;
- 12.5m to all property lines other than street frontages;
- Minimum lot size of 50m x 50m;
- Demonstration that the proposal does not export facing dimension constraints to adjacent sites; and,
- Demonstration that the proposal does not unintentionally preclude other appropriate “potentials” on the block.

Sunlight access would be a separate performance test. Ultimate height permissions could be determined by the testing of the proposal relative to an established “potential” for sunlight on designated “sunlight streets”, as well as various other criteria found in the Official Plan and other Toronto Urban Design Guidelines and studies.



“Tall Buildings” need to consider sunlight standards to ensure they do not detract from the public realm.

The impact of sunlight standards on nearby streets and public open spaces on the potential for tall buildings

Prioritizing the public realm by emphasizing sunlight streets and providing clearer standards for redevelopment, including Tall Buildings, will ensure that any new Tall Buildings are located appropriately to not detract from the public realm, eliminate or export any impacts on adjacent development parcels and maintain issues of privacy, light and view.

Sunlight standards on the streets and open spaces, including angular plane requirements reinforce the intentions of the King-Spadina Plan and make sunlight access a priority in the future build-out of King-Spadina. The extension of the

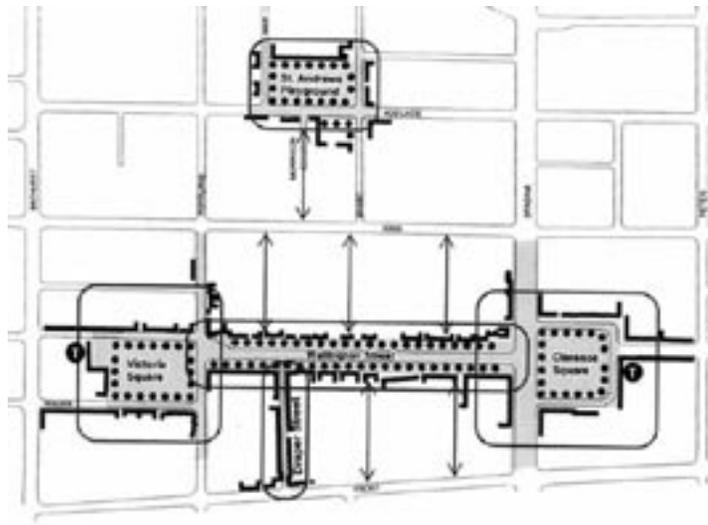


Diagram from existing Urban Design Guidelines.

angular plane creates a tool for testing rezoning applications. Through rezoning tall buildings will be restricted in height by angular planes extended from any sunlight streets or parks that have been defined. Tall buildings must be located below all angular planes to ensure they have no shadow impact on the public realm. It is important to note that while meeting sunlight standards alone can make a tall building appropriate, the overall scale and context of the development will be paramount.

Coordination with emerging City of Toronto general policies regarding Tall Buildings

The City of Toronto is currently working on a set of Urban Design Guidelines for the assessment of any Tall Building applications within the City. It is expected that the guidelines being presented within this document for the King-Spadina area reflect City direction on this issue, but will be updated as necessary to coincide with any larger policy framework.

15.0 RECOMMENDATIONS

Built Form Recommendations

BF-1. The King-Spadina Plan built form policies be revised to incorporate policies related to the consideration of zoning by-law amendments for tall buildings (in excess of height permissions).

BF-2. Creation of a consolidated Urban Design Guideline that addresses the existing and emerging character of the overall King-Spadina Study Area that would be in addition to the current Guidelines that cover specific areas of special identity.

These guidelines would include discussions of historical context of the area, and provide considerations of adjacent and street materiality in determining appropriate building design.

BF-3. Calibration of some existing height limits in the King-Spadina (both east and West Districts with the emerging consistent heights of recently approved developments;

- a) Include in the current 23m, 26m and 30m maximum heights the potential to wrap the additional permitted height of mechanical penthouses (5.0m in all cases) with additional built form if appropriate setbacks of this additional height are achieved and demonstrating no additional sun/shadow impact at the street.
- b) Reinforce the special cases for lower scale building heights around historical ensembles with additional setback, angular plane and scale transition requirements on adjacent properties.

BF-4. Development of built form and architectural design criteria appropriate to as-of-right zoning and site plan related approvals (in particular changes to Site Plan Approval under Bill 51);

- a) Where the existing built form exhibits a consistent building height (whether it is at the permissible height or lower), new development should adopt step backs from this base height for any higher elements.
- b) In such circumstances, building base elements of new development should use similar materials

to other existing buildings in the vicinity, particularly at the podium levels;

- c) In such circumstances and where there are no sunlight standards in place, street facing portions of buildings on the south side of streets should be encouraged to provide side yard setbacks above the as-of-right maximum height where wrapping of the mechanicals takes place to ensure that natural light penetrates to the street and sky views are enhanced.



BF-5. Protection of sunlight access on Parks in King-Spadina;

- a) Create a series of new sunlight access angular planes in the urban design guidelines and zoning bylaw that would ensure that no new development in the vicinity would cast shadows



Proposed adjustments to height regime.

onto the existing and new parks and open spaces. The parks and open spaces subject to such an angular plane standard would include:

- Victoria Memorial Square;
- Clarence Square;
- St. Andrew's Park;
- Schoolyard on the south side of Adelaide at Brant; and,
- Alex Wilson Park.

BF-6. Protection of sunlight access on Streets in King-Spadina;

- a) Reinforce the importance of the existing sunlight streets shown in Toronto's Official Plan for the King-Spadina Area.
- b) Amend the angular plane provisions that describe the desired sunlight penetration on existing sunlight streets in the King-Spadina Area so that they extend infinitely beyond the current "as-of-right" built form envelopes.
- c) Consider creating new "sunlight streets" in the King-Spadina Plan Area. East-West streets could be considered for this further designation.

BF-7. Development of performance standards to assist in determining the compatibility of and minimizing the impact of additional height above the existing height limits in the East and Spadina Study Areas in future rezoning (including Section 37 agreements).

- a) Additional building heights beyond the permitted maximums in the Kings (as established in zoning by-law revisions flowing from the King-Spadina Plan review) would only be considered as part of a rezoning of a site.
- b) Above the approved maximum heights new descriptors that refer to "potential" rather than defined "rights" should be established.
- c) Buildings above the as-of-right configuration would be determined by a series of performance tests that would "prove" the ability of elements that have additional height to exist in a compatible way with their surroundings, without undue impact on the immediate neighbourhood including considerations of light view and privacy and sunlight access to nearby sites and other properties and sky views from the surrounding public realm.

BF-8. Compatibility of taller building elements and tests of their potential impact would be measured against clearly defined standards that could include:

- a) Minimum face-to-face dimensions of 25m

between buildings or a 1:1:1 ratio between facing tower dimensions and separation distance. Actual dimensions to be consistent with those in the City's Tall Buildings guidelines (not yet published).

- b) 12.5m to all property lines other than street frontages.
- c) Minimum lot size of 50mx50m.
- d) Demonstration that proposal does not export facing dimension constraints to adjacent sites.
- e) Demonstration that proposal does not unintentionally preclude other appropriate "potentials" on the block.
- f) Minimum setbacks above the podium/streetwall at 3-9m, depending on the proximity to adjacent heritage buildings.

BF-9. A retooling of the provisions for built form bonuses for heritage preservation in the zoning bylaw.

Development history in King-Spadina suggests that the existing provisions in the zoning bylaw for heritage bonusing are difficult to interpret and apply. The King-Spadina Plan recommends that in addition to the provision of specific height bonuses (as is the case at current zoning bylaw), an additional and/or modified heritage preservation approach that could be added to the Community Improvement Plan.

BF-10. Conveying the status of historic conservation areas to heritage buildings within the five districts should be considered as a means of securing their long-term preservation and enhancement. Correspondingly, the City recently announced that property owners will be required to give 60 days notice of their intent to apply for a demolition of a listed heritage building.

New development in King-Spadina, both inside and outside of the five identified historic districts, should exhibit the influence of adjacent buildings both historic and recent through their height, façade, modulation, scale and materials. The intent of such measures would be to reinforce and enhance the evolving built form fabric of King-Spadina.



PART FIVE

IMPLEMENTATION

To achieve the public realm and built form objectives of the study, new policies for the King-Spadina Plan should be crafted keeping in mind the desire to reinforce the character of the King-Spadina Study Area. The west and east sides of Spadina Avenue, and Spadina Avenue itself, form the basis for distinct approaches to development in the area however there are characteristics that bind the area together. As a result, there are a variety of issues that need to be addressed to ensure compatible redevelopment within the King-Spadina Area, keeping in mind that the fundamental philosophy of facilitating appropriate development is an ongoing value to be protected.



16.0 ELEMENTS OF THE STRATEGY FOR IMPLEMENTATION

16.1 Four Distinct Districts

The King-Spadina Area is not a homogenous district where the same planning rules should apply throughout. In fact, there are 4 districts of the King-Spadina Area that require distinct planning approaches:

1. The Queen Street Frontage;
2. The Spadina Avenue Corridor;
3. The lands east of Spadina; and,
4. The lands west of Spadina.

This is an important distinction because the existing and planned character within each of these districts is different. Character is an important consideration in determining what constitutes compatible development

16.2 The Queen Street Frontage

The Queen Street frontage, to the half lot depth is part of the historic Main Street and is fundamentally different from the rest of the King-Spadina Area. It is recommended, given its specific zoning, and ongoing planning studies to protect its heritage character through designation as a Heritage Conservation District, that it be deleted from the King-Spadina Plan.

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16.3 Compatible Development

Within the King-Spadina Area there is a desire to ensure that new development respects the character of the area (or, more specifically, the components that define the character of each of the defined districts within King-Spadina) and is compatible with its surrounding context. In King-Spadina, where substantial redevelopment is both anticipated and desired by the City, built form issues are paramount and are related to the scale, form and character of buildings and their relationship to the street and to neighbouring properties.

In a review of any redevelopment proposal, the paramount concern is always about whether or not the proposal represents compatible development. The existing King-Spadina Plan and its associated approach to zoning reflects a scale of development that in most cases can be considered compatible development. The King-Spadina Plan should therefore be very explicit that any redevelopment proposal that, in the opinion of the City, conforms to the King-

Spadina Plan, the zoning by-law and associated design guidelines is, by definition, compatible development. If a redevelopment proposal requires an amendment to any of the planning documents, it must be required to pass a stringent test of development compatibility based on the following definition:

Compatible development means development that may not necessarily be the same or similar to the existing buildings in the vicinity, but, nonetheless, enhances the nature, scale and character of the neighbourhood and can coexist with existing development without causing any undue adverse impact on surrounding properties.

This definition includes a variety of key concepts that require further definition in the context of a redevelopment proposal that is considered contrary to existing planning policy:

in the vicinity - the concept of vicinity can be flexible and can be varied in consideration of the scale of the proposed development. However, in establishing a vicinity for the evaluation of redevelopment proposals within King-Spadina, it is suggested that it include two zones of influence, the first related to the entire King-Spadina Area, where issues of parking, road and transit capacity and community facilities and parkland contribution issues are considered. A second, much more detailed vicinity that is based on all lands within 120 metres of the proposed development, where an array of other detailed development impacts are considered that may include but shall not be limited to:

- loss of privacy;
- shadows;
- noise;
- relationship to built form; and,
- relationship to street edge/public realm.

The determination of appropriate vicinity for each individual development proposal is crucial in discussions of context, neighbourhood character and compatible development.

enhance the nature and character of the neighbourhood - all new development in the King-Spadina Area shall contribute positively to the existing nature and character of the area as an urban, highly desirable, intense, pedestrian-oriented and mixed use area. This concept will need to be further refined by establishing a clear description of the elements of the neighbourhood that are considered valuable and in need of protection and improvement. The broad categories of

height, historical context, architectural detail, building/lot relationships, landscape and streetscape details make sense because they are key indications of the existing character of the area. All of these indicators of community character need to be explained in detail in the review of development applications on the basis of the positive versus detrimental impacts of change; and,

coexistence without undue adverse impact on surrounding properties - the nature and character of any redevelopment within the King-Spadina Area and its defined vicinity needs also to be tied to an understanding of negative development impacts, such as those mentioned previously, and the potential for impact mitigation.

16.4 Height Controls

It is the intent of the Built Form controls in the King-Spadina Plan to reinforce the characteristics of the area, and to establish the redevelopment context. Part Four of this report identified a regime for controlling the built form character of the area, while promoting compatible development. The built form strategy needs to be incorporated by amendment to the King-Spadina Plan, with further details to be provided within a comprehensive set of urban design guidelines.

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16.5 Section 37 of the Planning Act - Height and Density Bonus Provisions

It must be a principle of the Plan that any Section 37 benefits accrued from any redevelopment within the King-Spadina Area be for the benefit of the King-Spadina Area.

Section 37 of the Planning Act should be applied as proposed in the recent staff report presented to the Planning and Transportation Committee dated December 19, 2005 titled: *Authorization for City Planning Staff to Consult with the Development Industry, Community Organizations, Interest Groups and the Public on Proposed Section 37 Implementation Guidelines*. Specifically, the following principles for the use of Section 37 should be included in the King-Spadina Plan:

- the community benefits must be either on-site, or within the King-Spadina Plan Area;
- the proposed development must represent good planning;
- the intended community benefits must be specified in the implementing zoning by-law; and,
- good architecture and good design are expected of all developments, and are not eligible Section 37 benefits.

Further, the Plan should specify the community benefits to be considered appropriate, and must ensure that the parameters of any height bonus be clearly articulated in the Plan and/or implementing zoning by-law.

16.6 Section 40 of the Planning Act - Cash-in-lieu of Parking Provisions

While City Council recently established a policy to the contrary, it is recommended that it should be a principle of the Plan that any Section 40 benefits accrued cash-in-lieu of parking from any redevelopment within the King-Spadina Area should be considered for the benefit of the King-Spadina Area. As such, the Toronto Parking Authority will continue to monitor parking needs within the King-Spadina Area, and will establish parking facilities in the area that respond to demand and cost effective.

The City should confirm both a minimum and maximum parking standard for all land uses within the King-Spadina Area. It is recognized that the City prefers that parking requirements be achieved on-site, however, there could be policies that permit parking requirements to be achieved on a different site, in proximity to the development site, as well as policies to share parking facilities among different developments, subject to appropriate legal agreements executed to the satisfaction of the City. These opportunities shall be evaluated by the City on a site-by-site basis.

16.7 Section 42 of the Planning Act - Conveyance of Land for Park Purposes

The City shall confirm the use of the alternative requirement for the provision of parkland for residential projects (1 hectare for every 300 dwelling units) of the Planning Act and consider the following in the review of all redevelopment applications:

- Through development applications, seek to acquire public parkland, especially on large sites. Alternatively, seek to consolidate lands for public parks where there are multiple landowners
- To supplement public parkland, redevelopment applications shall consider the inclusion of publicly accessible privately owned lands. Policies with respect to these publicly accessible privately owned lands could include:

- publicly accessible privately owned lands may be credited against the parkland dedication requirement of the Planning Act if it remains open and accessible to the public at all times; is built to the standards and requirements for publicly accessible privately owned lands prescribed by the City by the proponent; and, is maintained at all times by the condominium corporation (or other suitable body) to a standard acceptable to the City. These provisions would be the subject of a legal agreement among the City, the development proponent and, subsequently the condominium corporation/building owner to the satisfaction of the City.
- alternatively, publicly accessible privately owned lands could be dedicated to the City.

For redevelopment applications that are deemed not to require the inclusion of publicly accessible privately owned lands by the City (due to the small size of the site, for example), the City may accept cash-in-lieu of parkland in accordance with Section 42 (6) of the Planning Act, however, it should be a principle of the Plan that all funds collected through the cash-in-lieu of parkland provisions be utilized to enhance the supply of public open space within the King-Spadina Area.