

**323-333 King Street West - Zoning Amendment
Application - Request for Direction Report**

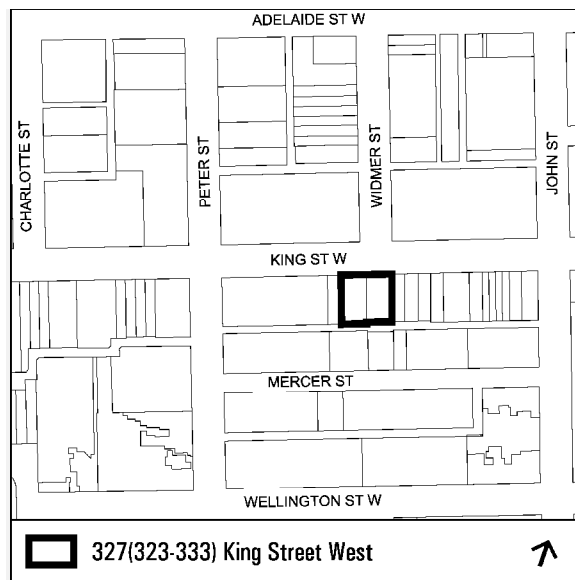
Date:	August 22, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	10 182677 STE 20 OZ

SUMMARY

The application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the development of a 39-storey mixed use building 129.2 metres tall including mechanicals at 323-333 King Street West. The proposed building would contain 201 residential units and be comprised of a 3-storey podium and a 36-storey tower. Retail uses are proposed at grade on King Street West. On-site parking is to be provided in a six (6) level underground parking garage. The applicant proposes to retain the façades of the listed heritage buildings which will be integrated into the podium.

The proposal represents over-development of the property contrary to the planning framework for King-Spadina. The building creates negative impacts on abutting properties that affects their use and enjoyment. The proposed development would also replace the existing heritage buildings on the site with a built form which overwhelms the prevailing two to three storey listed heritage buildings on this portion of King Street West. Its approval would set a negative precedent for future development that undermines the vision for this area of the City.

The purpose of this report is to seek City Council’s direction for the City Solicitor,



together with Planning and appropriate City staff, to oppose the proposal at the OMB.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 323-333 King Street West (File10 182677 STE 20 OZ), and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are needed in support of the position recommended in this report.
2. City Council authorize the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.
3. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

DECISION HISTORY

Planning History for King-Spadina

In 1996, Council of the former City of Toronto approved Part II Official Plan and Zoning By-law amendments for King-Spadina and King-Parliament (the Kings) that introduced a planning framework aimed at encouraging rejuvenation of these historic districts that were instrumental in shaping the City. The Part II Plan for King-Spadina was included as a Secondary Plan in the new City of Toronto Official Plan adopted by Council in 2002. Along with the objectives and policies of the Official Plan, the Secondary Plan seeks to encourage investment in King-Spadina for a broad range of uses in a manner that reinforces its historic built form, pattern of streets, lanes and parks. These objectives were implemented through the Reinvestment Area (RA) zoning, urban design guidelines and a community improvement plan.

There has been significant investment through new construction and conversions of existing buildings in King-Spadina since the approval of the planning framework in 1996. Along with this investment, a number of issues have arisen related to land use, community services and facilities, quality of life, built form and the public realm.

In 2006 Council enacted amendments to the King-Spadina Secondary Plan and the Zoning By-law and adopted new urban design guidelines for the area. Also in 2006, Council adopted design criteria for the review of tall building proposals that implement the built form policies of the Official Plan and these apply throughout the City including King-Spadina. A study of the built form in the East Precinct of King-Spadina, within

which the subject site is situated, that addressed area specific issues related to height, massing and built form context was considered by Council in 2009. A community improvement plan has also been approved for King-Spadina. In addition the Entertainment District Business Improvement Association's Master Plan, that includes portions of King-Spadina, provides the BIA's recommended directions for King-Spadina.

Together these initiatives provide a framework for development in King-Spadina. They encompass the vision for King-Spadina as an area where growth is encouraged, while ensuring that its place as an historic district, essential to the development of the City, is maintained and reflected in its buildings and along its streets well into the future.

King Spadina Secondary Plan Review

In 2005, a review of the King-Spadina Secondary Plan was initiated by Council to evaluate specific matters related to entertainment uses in the area, community infrastructure, built form policies and the policies related to the public realm. In September 2006, City Council enacted amendments to the King-Spadina Secondary Plan and RA zoning to update the planning framework for the Plan area (Official Plan Amendment No. 2/By-law 921-2006 and Zoning By-law Amendment 922-2006).

The amendments are currently under appeal to the Ontario Municipal Board by some area owners and developers. A series of pre-hearing conferences have resulted in many appeals being withdrawn or settled. The pre-hearing has been deferred with the consent of all parties, until May 2010. As of August 17, 2011, this deferral remains unchanged.

King Spadina East Precinct Built Form Study

In April 2008, Council directed staff to undertake a study of the built form in the East Precinct of the King-Spadina Secondary Plan Area, in response to the large number of applications that continued to challenge the planning framework of the East Precinct area. This study recognizes areas within the East Precinct, identified as Second Tier height areas, that can accommodate more height than currently permitted as-of-right. Achieving additional height is subject to meeting criteria for development as set out in the King-Spadina Secondary Plan, the 2006 King-Spadina Urban Design Guidelines and the City's Tall Building Guidelines, and subject to providing an appropriate contribution pursuant to Section 37 of the *Planning Act*. Any proposal seeking a Second Tier height beyond the current zoning permission of 30 metres plus 5 metres for a mechanical penthouse will be required to undergo a rezoning process. This framework was endorsed by City Council at its meeting of September 30, October 1, 2009.

The subject site is not within a Second Tier height area. It is in a portion of King Street West that has a uniquely intact heritage character and that is not considered appropriate for development beyond the as-of-right height of 30 m plus 5 m mechanical.

Pre-Application Discussion

A pre-application meeting was held with the applicant in February of 2010. At the meeting, staff indicated that they had significant concerns with the height and built form

proposed and that it was inappropriate for the site given its physical and planning policy context.

ISSUE BACKGROUND

Discussions with the Applicant

Staff met with the applicant in November of 2010 and pointed out continued concerns with regard to the impact of the development on the heritage resources on restaurant row. In addition, staff stated that, if a tall building were to be considered for this site, the proposed separation distances for the tower from the side property lines and the potential to export unacceptable facing distances to adjacent sites was not supportable. It was also pointed out to the applicant that the recently approved development at 355 King Street West and 119 Blue Jays Way (immediately to the west of the subject site) was supported by staff in part because the applicant was able to purchase an additional property on King Street West to achieve an acceptable facing distance between the proposed tower and the property line. Staff continued to discuss alternatives with the applicant which would be more consistent with the Secondary Plan policies.

In July of 2011, staff met with the applicant and confirmed that the proposed 39-storey building would not be supported by Planning staff as it represented an over development of the site and imposed an unacceptable impact on the heritage resources on King Street West.

Proposal

The applicant proposes the development of a 39-storey mixed-use building (118 metres, excluding mechanical). The building features a three to four-storey base with a 36-storey tower. The base building, including the facades of the listed heritage buildings, is 14 metres in height. The mechanical elements of the building add an additional 11.2 metres in height resulting in a total height of 129.2 metres. Retail uses are proposed at grade on King Street West.

The tower is proposed to be stepped back 3 metres from the facades of the heritage buildings and 5.5 metres from the centre line of the laneway at the rear of the property. The tower is proposed to be set back 6.0 metres from the western property line and 5.0 metres from the eastern property line.

The proposed gross floor area of the development is 18,597 square metres. The proposed residential gross floor area is 17,647 square metres and the non-residential gfa is 950 square metres, resulting a floor space index of 19.6. The proposed tower has a typical floor plate of 486 square metres. The proposed unit mix consists of 4 bachelor units, 105 one-bedroom units, 72 two-bedroom units, and 20 three-bedroom units for a total of 201 units. A total of 114 parking spaces are proposed in a six (6) level underground parking garage with an additional 18 tandem parking spaces provided for the use of the family (three-bedroom) unit owners. One hundred and fifty eight (158) bicycle parking spaces are proposed. Vehicular access to parking and loading is proposed to the rear of the site from an existing public laneway off John Street.

It is proposed that the façade of the western half of Hughes Terrace be disassembled during construction, the building demolished and the façade reconstructed to the current (original) design. The Gardiner Boyd Buildings would be demolished with the façade supported during construction and reincorporated into the new building.

Further details are provided in Attachment 6 - Site Plan, Attachment 7 - Elevations, and Attachment 11 - Application Data Sheet.

Site and Surrounding Area

The site is located on the south side of King Street West opposite the terminus of Widmer Street, approximately midway between John Street and Blue Jays Way. The site has a frontage of approximately 31.5 metres on King Street West, has a depth of approximately 30.0 metres and has an overall site area of 949.5 square metres. There is a public lane which runs along the south edge of the site that will be used for servicing.

The site is currently occupied by commercial buildings of one to three storeys in height. All of the buildings on the site, with the exception of a one-storey building which is contemporary in appearance, are listed in the City's Inventory of Heritage Properties. This contemporary building is located at 327 King Street West between the two listed heritage buildings on the site.

The building which occupies the eastern portion of the property at 323 King Street West forms the western half of the building known as Hughes Terrace. This residential building was designed by architect John Tully and constructed c. 1856 as a four-unit terrace block. The two western bays (323-325) were demolished and reconstructed in 1985, reproducing the original and reusing some original materials. Hughes Terrace is one of the earliest residential buildings remaining on King Street West in the King-Spadina Neighbourhood.

The building which sits on the western portion of the property at 333 King Street West is known as the Gardner Boyd Buildings. The Gardiner Boyd Buildings, were constructed in 1886 as a pair of three-storey buildings, but were reduced to two stories following a mid-century fire.

This block along King Street West remains largely historically intact with the majority of buildings being listed and designated. Adjacent to the proposal site and contiguous with the side lot line of the project is 319-321 King Street West (the eastern half of Hughes Terrace), which is listed on the City's Inventory of Heritage Properties. The remainder of the block consists of listed properties at 315, 301-303, 299, 297, 293, 291 King Street West and a designated property at 287-289 King Street West.

The site is surrounded by the following uses:

North: The northern edge of the site is defined by King Street West. On the north side of King Street West between Peter Street and Widmer Street is the 20-storey Hyatt

Regency Hotel and Offices. The 42-storey Festival Tower with the Bell Lightbox (TIFF) is located east of the project between Widmer Street and John Street.

South: To the south of the subject site is a public laneway, opposite which is the Hotel Le Germain, a ten-storey contemporary building fronting on Mercer Street.

West: To the west of the Hotel Le Germain and the subject site are commercial parking lots and the six-storey Westinghouse Building. These properties are the location of the recently approved development at 355 King Street and 119 Blue Jays Way, which features two towers at 42 and 47 storeys.

East: To the east of the Hotel Le Germain and the subject site and south west of the subject site is the recently approved residential development at 60 John Street which consists of a 33-storey mixed-use building with a five-storey podium fronting on Mercer Street.

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets forth matters of Provincial interest which municipal Councils shall have regard to in making decisions under the *Act*. These include 2(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; 2(h) the orderly development of safe and healthy communities; 2(l) the protection of the financial and economic well-being of the Province and its municipalities; and 2(p) the appropriate location of growth and development.

The Provincial Policy Statement 2005 (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. Its objectives include: building strong communities; wise use and management of resources, including cultural heritage resources, over the long term; and carefully managing land use to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns. Section 3(5) of the *Planning Act* requires City Council's planning decisions to be consistent with the PPS.

The *Planning Act*, PPS and the City's Official Plan are inter-connected. One of the stated purposes of the *Planning Act* in Section 1.1(f), is to recognize the decision-making authority of municipal councils in planning. Section 4.5 of the PPS provides that the official plan is the most important vehicle for implementation of the PPS. In addition, the PPS provides that comprehensive, integrated and long term planning is best achieved through municipal official plans, that official plans are to identify provincial interests and set out appropriate land use designations and policies, and that official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The PPS provides minimum standards and states that it does not prevent planning authorities and decision makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy in the PPS. Planning authorities are to keep their Official Plans up to date with the PPS in order to protect Provincial interests.

The City's Official Plan is up to date, having been approved at the OMB in 2006, and, along with guiding development in the City, it implements the PPS in order to protect Provincial interests. The King-Spadina Secondary Plan is one of 27 secondary plans to the Official Plan. As described earlier in this report, the King-Spadina Secondary Plan area was reviewed in its entirety in 2006, with amendments (By-laws 921-2006 (OPA 2), and accompanying Zoning By-law amendment 922-2006) adopted by Council.

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City 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 Three – Building a Successful City identifies that most of the City's future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow and wind impacts on streets, open spaces and parks.

Section 3.1.3 contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings. The background text in Section 3.1.3, which provides context for the policies, is clear in stating that tall buildings do not belong everywhere. Tall buildings are generally limited to areas in which they are permitted by a Secondary Plan, an area specific policy, a comprehensive zoning by-law, or site specific zoning. Tall buildings will only be permitted in other areas on the basis of appropriate planning justification consistent with the policies of the Official Plan.

Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street and that integrates with adjacent buildings, a middle with a floor plate size and shape with appropriate dimensions for the site, and a top that contributes to the skyline character. Policy 3.1.3.2 requires new tall development to address key urban design considerations, including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and/or planned context;
- taking into account the relationship of the site to topography and other tall buildings;
- providing high quality, comfortable and usable publicly accessible open space areas; and
- meeting other objectives of the Official Plan.

Section 3.1.5 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.

The site is designated as a *Regeneration Area*, the boundaries of which correspond with the boundaries of the King-Spadina Secondary Plan Area. The *Regeneration Area* designation permits a wide range of uses, including the proposed residential and commercial uses. Section 4.7.2 of the Official Plan provides development criteria in Regeneration Areas, which is to be guided by a Secondary Plan. The Secondary Plan will provide guidance through urban design guidelines related to each *Regeneration Area's* unique character, greening, community improvement and community services strategies, and a heritage strategy identifying important resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources, and environmental and transportation strategies. See Attachment 9 - Official Plan Schedule.

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 fundamental 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, setbacks, 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 acknowledge that heritage buildings are essential elements of the physical character of King Spadina. Policy 4.3 requires that new buildings achieve a compatible relationship to the heritage buildings within their context through consideration of matters including height, massing, scale, setback, setbacks, roof line and profile, and architectural character and expression.

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

King-Spadina Secondary Plan Review

OPA No. 2 (By-law 921-2006), which is under appeal to the Ontario Municipal Board, proposed amendments to the King-Spadina Secondary Plan that are intended to further clarify and reinforce the fundamental intent of the Secondary Plan.

Specifically, new Policy 2.2 notes that the scale and character of the historic buildings and pattern of the public realm will be protected and enhanced. New Policy 3.2 (b)(iii) identifies King Street West as a special character street. It is an important main street with a vibrant commercial character and historic buildings of varying scale that should be reinforced. Further, new Policy 3.2 (c) states that development throughout the King Spadina Area is to reinforce the historic built form context, and that Heritage Areas as identified in Map 16-2 of OPA 2 (See Attachment 2 - Areas of Importance) are to be considered for district designation under Part V of the *Ontario Heritage Act* (the subject site is within the King Street Heritage Area). New Policy 3.7 notes that additional height significantly in excess of existing zoning regulations may be considered for the north side of King Street between Spadina and John Streets. This does not include the stretch of King Street that contains the subject site. Where tall buildings are contemplated by this policy, proposals must demonstrate that they do not export facing distance constraints

onto adjacent sites and that they do not preclude other appropriate tall buildings in the area.

King-Spadina Urban Design Guidelines

The King-Spadina Urban Design Guidelines (2004) support the implementation of the King-Spadina Secondary Plan.

Section 2.5 contains the overall Guidelines. Heritage guidelines seek to ensure that new development is compatible with adjacent heritage buildings in terms of massing, height, setbacks, stepbacks and materials, and should relate to key elements such as cornices, rooflines, and setbacks from the property line. New development should reinforce the character and scale of the existing street wall, the base of the building should respond proportionally to the width of the street, and development should reinforce the existing streetscape and building rhythm at the street.

Tall buildings, where appropriate, must meet the policies of the Official Plan and Urban Design Guidelines, achieve adequate light, privacy and views, and maintain the potential for adjacent sites to develop in a similar manner. New development should reinforce a street wall height that reflects the character and scale of the area, particularly that of heritage buildings on the same block face.

Section 4.1.1 Heritage notes that the historic form of development on King Street between Spadina Ave. and Peter Street comprising former residential buildings which support ground-floor restaurant uses, creates an ambiance which contributes to the current character of the area.

Section 4.1.2 Public Realm states that with regard to King Street West, development should protect for sunlight and sky views on the public realm.

Section 4.1.3 Built Form states that the eastern part of King-Spadina is adjacent to the downtown core and financial district where there are permissions for significantly greater height. It goes on to note that the vision for, and character of, King-Spadina is distinct from the adjacent financial district and downtown core. This distinction is primarily based on the lower scale of the historic buildings. This distinction should be preserved and enhanced through new development.

Section 5 contains built form guidelines that expand on Section 4.0. Section 5.4.1 recognizes that heights transition down to the west. It also notes that heights that are beyond the permitted zoning and are anomalous with the heritage fabric of the area should not be used as precedents for development. Section 5.4.3 deals with angular planes and stepbacks to minimize shadows and ensure adequate sunlight, and strengthen the existing streetwall scale to maintain a comfortable pedestrian experience. Section 5.4.4 addresses light, view and privacy requirements.

The Guidelines point out that accommodations in tall building tend to be small, so access to natural light and reasonable views will particularly important in improving the

livability of these units. Protecting privacy is also important in a high density neighbourhood. Light, view and privacy are described as "quality of life" issues, which must be evaluated based on the existing and potential development.

With regard to separation distances (facing distances) between towers, the Guidelines refer to the standard of 25 metres between towers or a distance of 12.5 metres between the tower and the property line, as called for in the City's Design Criteria for the Review of Tall Buildings Proposals.

Design Criteria for the Review of Tall Building Proposals

The City's 'Design Criteria for the Review of Tall Building Proposals' provide guidelines for the design and evaluation of tall buildings in the City. Aimed to implement the built form policies of the City's Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals. Criteria and indicators are related 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 concerns related to transitions between taller buildings and lower scale features nearby. Measures such as height limits, setbacks, stepbacks 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, and respect for heritage buildings.

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 stepback of 5 metres for the tower from the street edge of the base building is required. 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.

King-Spadina East Precinct Built Form Study

In April 2008, Council directed staff to undertake a study of the built form in the East Precinct of the King-Spadina Secondary Plan Area, in response to the large number of applications that continued to challenge the planning framework of the East Precinct area.

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 not 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.

Achieving additional height is subject to meeting criteria for development as set out in the King-Spadina Secondary Plan, the 2006 King-Spadina Urban Design Guidelines and the City’s Design Criteria for the Review of Tall Buildings Proposals, and subject to providing an appropriate contribution pursuant to Section 37 of the *Planning Act*. The criteria include but are 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. This framework was considered by City Council at its meeting of September 30, October 1, 2009.

The subject site is within the King Street Corridor identified by the Built Form Study and falls within the “Restaurant Row” sub-area. “Restaurant Row” describes a row of substantially intact heritage and pedestrian level streetscapes. The study states that “Restaurant Row” is not considered to be an appropriate location for tall buildings. Staff will be recommending that the listed buildings on “Restaurant Row” be designated under Part IV of the *Ontario Heritage Act*.

Tall Buildings Downtown Study

In October of 2010 the City released the finding of the Tall Building Downtown Study. The consultant’s report, entitled “Tall Buildings, Inviting Change in Downtown Toronto” In recommending a set of customized performance standards for tall buildings downtown, the report draws upon pre-existing Toronto-wide design guidelines known as the Design Criteria for Review of Tall Buildings Proposals as well as an on-the-ground assessment of local conditions and the results of selective testing of chosen sites in Downtown Toronto. An assessment of experiences of comparable cities from around North America was also part of the study.

Notwithstanding that the King-Spadina area was excluded, the recommendations which come out of the consultant's Study represent a useful tool in evaluating tall buildings proposals. Public consultation on the study was undertaken in the Spring of 2011 and staff will present a report on the study, the consultation findings and options for implementing the finding of the study to City Council in the Fall of this year.

The report concludes that assuming a minimum tower dimension of 20 metres by 30 metres, the minimum size for a mid-block site to accommodate a tower is approximately 33 metres depth by 50 metres width or 43 metres depth by 40 metres width.

Toronto Entertainment District Master Plan

In 2008 the Entertainment District Business Improvement Association (BIA) initiated a Master Plan Study of the BIA that was completed in May 2009 intended to articulate the long-term vision for the BIA and provide guidance for change. Although the boundaries of the BIA are different than those of King-Spadina it does encompass the East Precinct and a portion of the Spadina Avenue Corridor and the Master Plan complements the planning framework for King-Spadina.

Similar to the Built Form Study, the Master Plan identifies areas of distinct character within the BIA, and three are within the East Precinct of King-Spadina. These include the 'Warehouse Precinct', the 'King Street Precinct' and the 'Front Street Precinct' and they are closely related to the character areas identified in the Built Form Study.

The subject site is in the 'King Street Precinct' which is described as, "Defined by the animated and active King Street West corridor comprised of contemporary and pockets of historically significant buildings". Among the objectives of the Plan with regard to the 'King Street Precinct' is to protect and enhance remaining heritage resources that lend to King Street's distinction and charm". Section 4.3 of the BIA Master Plan identified the section of King Street West between Blue Jays Way and John Street as a "Heritage Character Streetscape".

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 8 - Zoning Map, By-law No. 438-86). As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks.

The Zoning By-law permits a maximum building height of 30 metres for this site. An additional 5 metres is permitted for rooftop mechanical elements. A 3-metre stepback above 20 metres on all street frontages is also required.

Site Plan Control

The proposed development would be subject to site plan approval. An application for site plan approval was not submitted.

Reasons for Application

The Zoning By-law Amendment application proposes a building that exceeds the permitted maximum building height of 30 metres by approximately 99 metres, resulting in a proposed building height of approximately 129.2 metres, including the mechanical penthouse. A number of other variances were required for the proposal.

There was insufficient information provided to evaluate the adequacy of proposed parking in the application, but the proposal appears to be deficient in the amount of parking proposed.

Ontario Municipal Board Appeal

On June 2, 2011 the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. No date has been set for the hearing.

Notice of Intention to Demolish under the Ontario Heritage Act

On July 13, 2011, the applicant filed a Notice of Intention to Demolish a Listed Building under the *Ontario Heritage Act* for the heritage properties at 323 and 333 King Street West. The *Ontario Heritage Act* requires owners to provide 60 days notice of the intention to demolish a listed property. The Chief Planner has delegated authority from City Council and the Toronto Preservation Board to deal with demolition matters through By-law 906-2011 between July 13, 2001 and September 1, 2011. Under this delegated authority, the Chief Planner is required to issue a Notice of Intention to Designate when demolition notices for listed buildings are received. On August 10, 2011, City staff received a letter from the applicant withdrawing the Notice of Intention to Demolish. The letter indicated that the Notice will be resubmitted after September 1, 2011 to allow Council to deal with the matter.

Heritage Preservation Services staff are in the process of preparing a report recommending the designation under Part IV of the *Ontario Heritage Act* of the listed properties at 323 and 333 King Street West. The report will be presented at the September 20 meeting of the Toronto Preservation Board and at the October 4 meeting of Toronto and East York Community Council. Should council designate the properties, the owner can appeal the decision to the Conservation Review Board and/or apply to demolish the building under the Ontario Heritage Act. . Should council refuse the request to demolish, the owner can appeal this decision to the Ontario Municipal Board, at which time the Zoning By-law Amendment and demolition appeals would be consolidated.

Community Consultation

A community consultation meeting was held on March 30, 2011. The proposal had been presented twice previously at community meetings hosted by the local Councillor.

Community members asked questions about the architectural treatment of the building and the proposed retention of heritage facades as well as the servicing and traffic on the rear laneway and wind conditions resulting from the developments of towers.

Comments and concerns included the following:

- There is too much residential development in the neighbourhood and buildings are too much alike.
- The restaurants and hotel (Hotel Le Germain) are already having issues with use of the laneway as it is undersized and often blocked by deliveries to the restaurants. As new developments are constructed, use of the laneway will become more difficult, even with the widening of the lane. How will the

- arrangements for parking and servicing impact the businesses already using the lane?
- There are already issues with wind with material being blown off the roof of the TIF building (Festival Tower). As more towers are added, the wind conditions will worsen.
 - There is a need for a comprehensive wind study to address wind impacts associated with towers in King-Spadina.
 - The proposed facing distances between towers and potential towers on adjacent properties are a concern. Buildings are too close. Arrangements should be made with adjacent property owners to the east to purchase their property or acquire air rights to allow more room between towers.
 - What will the impact be of noise from patios and restaurants on residents in the area?

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Planning Act

The proposed development does not have adequate regard to matters of Provincial interest as required by Section 2 of the *Planning Act*.

In particular, Section 2(d) refers to the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; 2(h) refers to the orderly development of safe and healthy communities; 2(l) refers to the protection of the financial and economic well-being of the Province and its municipalities; and Section 2(p) refers to the appropriate location of growth and development. Policies pertaining to these items of Provincial interest are contained within the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

Provincial Policy Statement

The proposal is not consistent with the PPS.

The application proposes intensification within a built-up urban area near higher-order transportation, however, the proposal does not represent a positive or appropriate form of intensification. It does not respect the level of intensification set out in the Official Plan and Secondary Plan for the area. Policy 4.5 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS. Comprehensive, integrated and long-

term planning is best achieved through municipal official plans, which shall identify provincial interests and set out appropriate land use designations and policies.

Section 1.1 of the PPS contains policies related to managing and directing development. Policy 1.1.2 requires that sufficient land be made available for intensification and redevelopment. This has been done through the Official Plan, the King-Spadina Secondary Plan and the Zoning By-law, which identify areas where growth and intensification are appropriate and outline the appropriate levels for intensification.

Policy 1.1.3.2 b) of the PPS requires that land use patterns accommodate a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in PPS Policy 1.1.3.3. Policy 1.1.3.3 states that planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated (emphasis added), taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. Section 2 contains policies related to the conservation of heritage resources.

Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification redevelopment, and compact form; and Policy 1.1.3.5 requires that planning authorities establish and implement minimum targets for intensification and redevelopment within built-up areas. These requirements are met through the built form and land use policies of the Official Plan, the King-Spadina Secondary Plan and the Zoning By-law.

Section 1.7 of the PPS contains policies related to long term economic prosperity. Policy 1.7.1 b) states that long term economic prosperity should be supported by, among other things, maintaining, and where possible, enhancing the vitality and viability of downtowns and mainstreets. The Restaurant Row section of King Street West (along with the Theatre Row section to the east) has been identified by the planning framework as a unique area with a character, scale and mix of uses that provide a draw for the King-Spadina and Entertainment District areas. The proposal could fundamentally alter the character of this mainstreet area, and could affect the qualities that make it a destination for residents and tourists to the City, particularly if it creates poor pedestrian conditions through its streetscape and wind impacts. Only a preliminary (desktop) wind study has been submitted by the applicant. Further, this scale and intensity of development may create an economic incentive to replace other buildings within Restaurant Row and other heritage areas with tall development.

Section 2.6 of the PPS contains policies related to cultural heritage and archaeology. Policy 2.6.1 states that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Inventory of Heritage Properties are considered to be "significant" in this context. In the PPS 2005, *conserved* means "the identification, protection, use and/or management of cultural

heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment". The definition for *built heritage resource* includes both designated and listed buildings. *Significant* resources are those that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people. A *cultural heritage landscape* is a place of heritage significance containing a grouping(s) of individual heritage features including structures that together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include mainstreets and neighbourhoods. The proposed development threatens a distinctive heritage streetscape by overwhelming the existing built form and altering its character, particularly when viewed from the north side of King Street West.

Policy 2.6.3 states that "Development and site alteration may be permitted on adjacent lands to a protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved." A *protected heritage property* is one that is designated, subject to a heritage easement agreement, or other agreement related to conserving the heritage attributes of the property. In this particular case, the property at 287 King Street West at the east end of Restaurant Row adjacent John Street is a designated heritage property and the majority of the properties between the subject site and this property are listed properties. See Attachment 5 - King-Spadina Heritage Built Form.

The proposal, by affecting the heritage attributes of the block, must also affect the heritage attributes of the individual buildings it is contiguous to. By virtue of its anomalous height relative to the heritage buildings on restaurant row, it creates a new and visually incongruent focal point, particularly as seen from the north side of King Street that diminishes the significance of the predominantly listed heritage properties which constitute restaurant row.

For the reasons outlined above, the proposed development is not consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe

The proposal does not conform with the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan for the Greater Golden Horseshoe identifies the *Downtown* as an Urban Growth Area, to which intensification should be directed. Policy 2.2.3.6 requires Official Plans to provide a strategy and policies to achieve intensification targets identified in the Growth Plan. Policy 2.2.3.6 g) requires the Official Plan to identify the appropriate type and scale of development in intensification areas. Policy 2.2.3.7 f) requires intensification areas to be planned to achieve an appropriate transition of built form to adjacent areas.

While intensification in itself is consistent with the Growth Plan, the proposed development of this site does not conform with the Growth Plan. The proposed built form does not conform with the built form and other policies contained within the

Official Plan or King-Spadina Secondary Plan, which identify that the scale of development must be compatible with the existing or planned context, including heritage context. There are opportunities throughout the King-Spadina area, the larger *Downtown and Central Waterfront* area, the four *Centres*, and the *Avenues*, for intensification to meet the growth targets of the Growth Plan. On this site, intensification to a height of 30 m (plus 5 m for mechanical elements), which is taller than the height of the adjacent heritage buildings, is permitted as-of-right. In the larger East Precinct area of King-Spadina, with the exception of significant heritage areas, significant intensification and redevelopment can be accommodated. It is not necessary or desirable to over-intensify individual development sites in order to accommodate growth projections.

Policy 4.2.4.e) of the Growth Plan requires municipalities, through Official Plan policies and other strategies, to conserve cultural heritage as built up areas are intensified. The proposed development does not meet the policies of the Official Plan or Secondary Plan with respect to the compatibility of infill development with existing heritage built form. The proposed development is out of scale with the adjacent heritage buildings and will alter the character of the distinctive heritage streetscape. If approved, other landowners within heritage contexts may seek to develop their sites in a similarly incompatible form, thus threatening the built form and integrity of other similar groupings of heritage buildings.

Land Use

The proposed mix of residential and commercial uses is consistent with the land use provisions of the Official Plan, Secondary Plan and Zoning By-law.

Height and Massing

Height

The proposed building height of approximately 118 metres with a total height of 129.2 metres including mechanical elements exceeds the permitted height of 30 m plus 5 m for mechanical, by approximately 99 metres. The site is located within a unique heritage streetscape and is not within a Second Tier height area as identified in the King Spadina Built Form Study. Official Plan Policy 3.1.3.2 requires new tall development to address key urban design considerations, including demonstrating how the proposed building and site design relate to the existing and/or planned context. The tall building as proposed for this site would overwhelm the two to three storey buildings on restaurant row.

The site does not have any locational attributes that would warrant significant height. It is located in the middle of the block and the King Spadina planning framework does not identify it as a prominent location. Approving the proposed height and massing on this particular site would undermine the planning and policy framework that seeks to protect the East Precinct's heritage streetscapes. Its approval could set a precedent for similar built form on similar sites with similar locational and contextual attributes, which can be found throughout the general area. This could encourage the erosion of the unique built form of this portion of King Street by permitting an incompatible tall building that could

then encourage similar over-intensification in other areas where tall development has been deemed inappropriate.

The recommended height provisions in the King-Spadina East Precinct Built Form Study recognize the unique urban structure of Restaurant Row and its low-scale heritage character. The Study determined that this stretch of King Street West is not appropriate for a tall building, particularly one located mid-block. The proposal does not meet built form objectives that were identified for achieving additional height

Comments provided on behalf of the Entertainment District BIA in support of the BIA Entertainment District Master Plan support the position that the subject site is not an appropriate location for a tall building. The comments provided on behalf of the BIA support the notion that a mid-rise building with a more substantial setback from the façades of the heritage buildings on the site would be more appropriate than the proposed tower.

Massing

The subject site is approximately 31.5 metres wide, approximately 30.0 metres deep and has an area of 949.5 square metres. It is similar in size to two detached house lots in many parts of the City. The small size of the lot creates a challenge for achieving the proposed density of 19.6 times the lot area. The proposed design, a tall square tower covering most of the site and with limited setback along the front, side and rear lot lines, represents an inappropriate response to the constraints of the site.

The distance between the applicants proposed tower and the westerly 47-storey tower which has been approved on the site immediately to the west of the subject site at 355 King Street West and 119 Blue Jays Way (approved by Council through By-law No. 1041-2010) is 15.1-16.1 metres. The variation in the separation distance between the towers is due to the shifting of the floorplates in the approved tower on the adjacent property. The adjacent tower achieved the required setback of 10 metres on their site through the purchase of an additional property which had not been part of their original application.

The resulting facing distance to the approved tower to the west is well below the minimum separation distance of 25 metres as recommended in the City's Design Criteria for the Review of Tall Buildings Proposals. As that study indicated, there are several consequences to constructing buildings too close together, "...resulting wind conditions, distortion and sense of pedestrian scale, lack of access to sunlight and blockage of sky views creates an uncomfortable pedestrian environment".

In addition to the impacts on pedestrians, the 2006 King-Spadina Urban Design Guidelines noted that in a high density neighbourhood such as the East Precinct of King-Spadina, access to natural light and reasonable views will particularly important for quality of life. This is particularly true given the small size of many of the units proposed in King-Spadina. The units in the proposed development range in size from 31.6 m² square metres (340 ft²) to 122.6 m² (1,320 ft²).

The tall buildings downtown study notes that "when buildings are constructed very close to the side property lines, the result is a 'first to the post' development scenario whereby the development of one site restricts or prohibits adjacent sites in a similar manner". If the proposed development were deemed to be acceptable, the facing distances between towers on the west side of the property is at approximately 15-16 metres largely because the property owner to the west met the required facing distance of 10 metres through the acquisition of an additional property. If side yard setbacks of 5.0 to 6.0 metres are deemed acceptable, a precedent may be set for towers to be constructed with facing distances of 10.0 to 12.0 metres. Alternatively, the proposed lack of setbacks impacts the as-of-right development potential of other sites on the block by exporting facing distance constraints to adjacent properties and compromising adjacent property rights. Approval of the inadequate setbacks could set a precedent whereby the development rights of adjacent landowners are compromised.

The King-Spadina Urban Design Guidelines and the tall building guidelines mentioned above contain provisions related to the importance of protecting privacy in a high density neighbourhood. Light, view and privacy are described as "quality of life" issues, which must be evaluated based on the existing and potential development.

This approach of over-developing one site at the expense of others on the block raises important area-wide and City-wide planning issues. If this proposal were approved and the approach replicated on similarly small sites, there could be significant impacts on the City's urban structure and streetscapes, including protecting the character and quality of the public realm, and on the pedestrian experience, particularly if tower forms create additional wind impacts. This approach can compromise the redevelopment potential of adjacent landowners, and raises issues related to preventing unnecessary demolition of buildings in a low scale context to free up a site for one tall building. This approach has the potential to threaten the stability of areas whose built form attributes the planning policies seek to conserve.

Comments provided on behalf of the Entertainment District BIA in support of the BIA Entertainment District Master Plan also focused on the issue of tower separation distances, the absence of meaningful setbacks and the resulting impacts on privacy, light and shadows.

Sun, Shadow, Wind

Shadow studies submitted by the applicant showed a slim shadow that moved quickly throughout the day. The shadow did not impact any public parks. The major potential shadow impact associated with the development is the precedent created by the approval of a tall building on a site which is too small to comfortably accommodate it.

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 makes assumptions regarding wind impacts without conducting any actually wind tunnel testing. The study noted that there is the potential

for wind conditions at grade on King Street West to be uncomfortable (except during the summer months), with "the potential for sever wind speeds occurring around the building corners on windy days". This is of particular concern given the concentration of entertainment and restaurant uses in the area, including many outdoor patios.

As is outlined in the Design Criteria for Review of Tall Buildings Proposals (June 2006) there is the opportunity to reduce the impact of wind created by a tower building (referred to a "downwashing flow") by providing a larger step back between the face of the tower and the podium. The minimal setback of 3.0 metres between the tower and the facades of the retained heritage building on this site will not reduce the winds which flow down the face the proposed building as much as a larger setback. The submitted wind study recommended that the setback between the tower and the heritage be increased to 5.0 metres at a minimum to reduce wind impacts on King Street West.

In addition to wind conditions on King Street West, the preliminary wind study also concluded that proposed development will result in higher wind activity in the public laneway south of the site due to the "Chanelling Effect" of prevailing westerly winds.

Staff have significant concerns with the potential wind impacts of this proposal as the height and massing of the building could create effects on King Street.

Heritage

The cultural heritage value of Hughes Terrace and the Gardiner Boyd Buildings lie in their design as significant representative examples of mid-19th century early residential and late-19th century commercial buildings, respectively. Their exterior form, massing and scale are identified as important heritage attributes. Further, Hughes Terrace is one of the oldest remaining residential buildings in the city.

The cultural heritage value of the properties on this site, including the adjacent property at 319-321 King Street West, also lies contextually in their link to the evolution of King Street West in the King-Spadina Neighbourhood as it changed from institutional and residential uses to a commercial and industrial area.

The south side of King Street between John Street and Blue Jays Way is one of the most intact heritage streetscapes in the King-Spadina Plan area. The block face is consistently characteristic with the scale, height, design and use of exterior surface materials associated with the district's development. The applicable design guidelines of the King-Spadina Secondary Plan seek not only to preserve individual buildings, but also to reinforce the patterns of buildings that create distinct streetscapes. This streetscape approach is meant to ensure that new development respects the historic pattern that is characteristic along the street and within the plan area.

A tower set back at 3 meters as proposed would result in the loss of the majority of the heritage buildings on the site and their important exterior form as two- and three-storey historic buildings. Their three-dimensional qualities would be diminished leaving only façades. Further, the proposal does not respect the distinct historic patterns and

streetscape of this block. The introduction of a 39-storey tower would interrupt the historic low-scale heights along the entire eastern portion of the block affecting the historic context and relationships between all listed and designated properties on this portion of King Street West.

One of the fundamental goals of the Official Plan and Secondary Plan for this area is to reinforce and maintain the special heritage character of *Regeneration Areas* in general, and the King-Spadina area in particular. The 2006 King-Spadina Secondary Plan Review identified the King Street corridor as an area that merited study as a Heritage Conservation District. This heritage streetscape has also been identified in the King-Spadina Urban Design Guidelines (2006) as providing a distinct urban character to the area. The more recent East Precinct Built Form Study explicitly recognizes the unique heritage character of Restaurant Row.

The PPS policies 2.6.1 and 2.6.3, as well as Official Plan policies 3.1.5.1 and 3.5.1.2 require significant heritage resources to be conserved. Official Plan Policy 3.1.5.1b) intends for areas with a concentration of heritage resources to be conserved by designating them as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character. Limited staff resources have prevented a Heritage Conservation District study from being undertaken for King Street West. However, the need for such a study was identified by the 2006 King-Spadina Secondary Plan review, in Policy 3.2(c) of By-law 921-2006. Further, Policy 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. Official Plan policy 4.7.2 delegates specific development criteria for *Regenerations Areas* to the Secondary Plan, while stating that the Secondary Plan should guide matters such as heritage conservation and ensuring new buildings are compatible with adjacent heritage resources, among other matters. The policies in section 3.6 and 4.3 of the King-Spadina Secondary Plan reinforce the requirement that new buildings respect the scale of their adjacent built context.

As proposed, this development does not conform with PPS, Official Plan and Secondary Plan policies that seek to conserve heritage resources and ensure that new development achieves a compatible relationship with existing built heritage. Applicable preservation standards and guidelines that mandate treatment of historic properties, as adopted by Toronto City Council, provide that where a building's exterior form has been identified as a character-defining element, interventions should have minimal impact. The exterior form of a building is not limited to its facade but includes elements such as scale, massing, surroundings, spatial relationships with adjacent buildings and views.

The proposal does not does not respect the scale of its heritage context. It does not contribute to conserving heritage attributes such as the integrity and cohesiveness of the heritage mainstreet form provided by the buildings currently identified as Restaurant Row. The discordance of the proposed building mass in relation to its immediate heritage context would create an adverse visual impact on King Street and would not maintain and improve the character of Restaurant Row.

Further, if approved, the proposal can encourage the demolition or substantial alteration of existing buildings in order to achieve tall development within a low-scale context, thus eroding the groupings of buildings that currently lend the Theatre Row, Restaurant Row, and Warehouse District areas of King-Spadina their distinctive sense of place. The 'first to the post' race anticipated in the Tall Buildings Downtown consultants report will be encouraged with the development of tall buildings on undersized lots.

There is substantial pressure to redevelop heritage properties. Part of this pressure is the result of the costs of maintaining and utilizing heritage properties, but the approval of tall buildings on smaller and smaller sites has the potential to exacerbate this trend.

Attachment 5 illustrates the location of heritage buildings surrounding the site and within the larger King Spadina East Precinct area.

Traffic Impact, Access, Parking, Servicing

The Urban Transportation Considerations report provided with the submission concluded that the traffic associated with the development proposal could be accommodated by the area road system. Transportation Services staff are satisfied with the report and its conclusions regarding traffic impact.

A total of 114 parking spaces are proposed in a six (6) level underground parking garage with an additional 18 tandem parking spaces provided for the use of the family (three-bedroom) unit owners. One hundred and fifty eight (158) bicycle parking spaces are proposed. No vehicular or bicycle spaces are provided for visitors or the proposed commercial uses. Vehicular access to parking and loading is proposed to the rear of the site from an existing public laneway off John Street. Additional information on the proposed retail gfa is required to confirm the assumptions of Transportation Services staff regarding parking requirements are correct. Transportation Services staff have indicated that the required parking for the site as per the Zoning By-law is 132 resident parking spaces, 12 spaces for residential visitors and 2 spaces for retail use. Transportation Services staff have stated that the submitted Urban Transportation Consideration report did not provide sufficient information to justify the proposed reduction in the parking supply.

Access to the parking and servicing is proposed from the public laneway at the rear of the property. Access to the below grade parking is proposed to be accommodated via two vehicle elevators. Two queuing spaces are also provided within the site. Transportation Services staff have accepted the proposed arrangement for servicing and vehicular access as satisfactory.

The public lane also serves as the servicing area for the adjacent restaurants to the east of the property. The approved 33-storey development at 60 John Street and 12 Mercer Street ("The Mercer") will take its servicing from this laneway and the approved development at 355 King Street West and 119 Blue Jays Way (47 and 42-storey towers) will use this laneway for servicing and vehicular access. Restaurant operators have expressed concern that the laneway is often blocked by delivery trucks. The issue of the

capacity of the laneway should be improved somewhat with the proposed laneway widening and reconfiguration associated with the development at 355 King Street West and 119 Blue Jays Way.

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 application proposes 201 residential units on a total site area of 0.09495 hectares (949.5 sq. m). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would have been 0.268 hectares or 282.25% 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 91 sq. m.

The applicant proposed to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 91 sq. m. 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, should the development proceed in some form.

Toronto Green Standard

The application was submitted in May 2010 and is subject to the new mandatory Green Development Standard. The applicant has indicated that the building would comply with the mandatory Green Standards. Transportation Planning staff, however, have noted that the proposal does not meet the Tier 1 (mandatory) requirements with regard to bicycle parking.

Section 37

Section 37 benefits were not discussed in the absence of an agreement on height and massing, beyond an indication that the City intended to use this tool should the aforementioned issues be resolved. It is recommended that staff be authorized to negotiate an appropriate package of Section 37 benefits, in consultation with the Ward Councillor, should this proposal be approved in some form by the Ontario Municipal Board. Staff would request that the Ontario Municipal Board withhold its order until Section 37 benefits has been agreed to and appropriately incorporated into a Zoning by-law amendment, and a Section 37 agreement has been entered into between the applicant and the City and registered to the City Solicitor's satisfaction, should the OMB approve the proposed development in some form.

Development Charges

It is estimated that the development charges for this project would be approximately \$1,305,612. This is an estimate. The actual charge is typically assessed and collected upon issuance of a building permit.

CONCLUSION

The proposal represents an inappropriate development for reasons including:

- The proposal does not have adequate regard to certain matters of Provincial interest as outlined in the *Planning Act* for reasons discussed in this report;
- The proposal is not consistent with the PPS and does not conform with the Growth Plan for reasons discussed in this report;
- The proposal does not conform with nor maintain the intent of Official Plan policies, including policies related to heritage, built form, or tall buildings, with respect to an appropriate relationship with its context;
- The proposal could create a negative precedent with respect to the King-Spadina East Precinct Built Form Study by, among other things, proposing significant height in an area that was not identified as appropriate for tall buildings;
- The height and massing of the proposal, if approved, has the potential to set a negative precedent for other applications within heritage blocks in King-Spadina, and could undermine the goals of preserving the remaining heritage character and ensuring that new development is compatible in scale with heritage buildings;
- The proposal could set a negative precedent that could encourage demolition or significant changes to heritage buildings within King-Spadina to achieve significant height increases and/or high densities that bear no resemblance to the in-force planning regime;
- The tower portion of the proposal does not provide appropriate separation from adjacent sites, does not provide a transition to adjacent low scale development, and does not demonstrate the preservation or enhancement of the setting of heritage buildings, as required by the Tall Buildings Guidelines. The approval of this proposal could compromise the application of the Tall Buildings Guidelines to other sites where significant height may be appropriate;
- The proposal provides insufficient setback from the side lot lines, which can compromise quality of life for future residents, and the development rights of adjacent landowners; and
- The lack of side setbacks compromises Council-approved OPA 2 by exporting facing distance constraints onto adjacent sites;
- The proposal would result in unacceptable wind conditions, incremental shadowing of streets and negative effects on the public realm;

- The proposed façade retention of two listed heritage buildings which form part of a unique and heritage character streetscape and the development of a 39 storey tower in a form which would overwhelm the remaining buildings on restaurant row is not supported by the in-force and Council-approved planning framework for this area of King Street West, the Design Criteria for the Review of Tall Buildings Proposals or the Tall Buildings Downtown Study.

There is no question that appropriate intensification and development are planning goals in King-Spadina. City Planning staff are prepared to consider development on the site but only in a manner that is respectful of the existing planning policy framework, including heritage context and scale. The conservation of heritage character and buildings is a fundamental goal of the King-Spadina planning framework, and its importance has been reinforced by all subsequent studies. Sensitive infill, complementary to the heritage character and the existing scale of the heritage streetwall, is supported by the King-Spadina Secondary Plan, the 2006 King-Spadina Urban Design Guidelines, and OPA 2. In particular, King Street's "Restaurant Row" on the south side west of John Street as well as "Theatre Row" on the north side between Simcoe and John Streets, should be protected in terms of visual character and scale. The proposed height and massing overwhelm the streetscape and are detrimental to the character of this portion of King Street West. The proposal is inappropriate and unsupportable and does not represent good planning.

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SIGNATURE

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Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: King-Spadina Secondary Plan Review – Urban Structure Plan

Attachment 2: King-Spadina Secondary Plan Review – Areas of Importance

Attachment 3: King-Spadina East Precinct Character Areas

Attachment 4: King-Spadina East Precinct Height Areas

Attachment 5: King-Spadina Heritage Built Form

Attachment 6: Site Plan

Attachment 7: Elevations

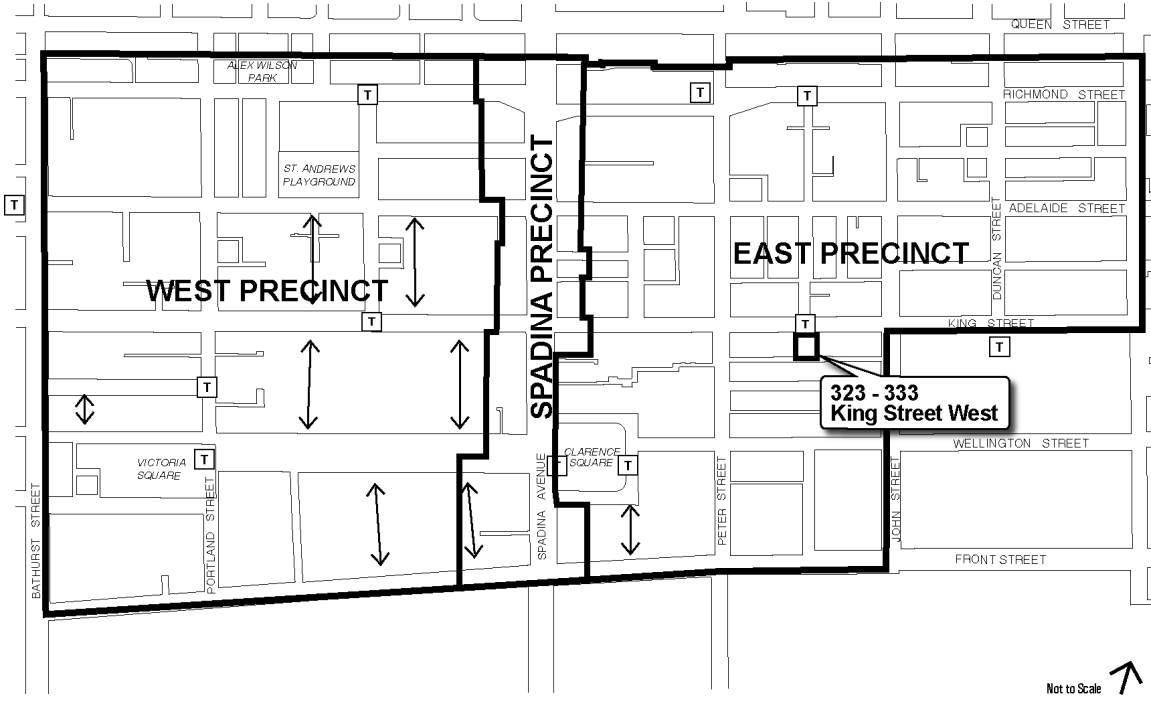
Attachment 8: Zoning

Attachment 9: Official Plan

Attachment 10: King-Spadina Secondary Plan




Attachment 11: Application Data Sheet

Attachment 1: King-Spadina Secondary Plan Review – Urban Structure Plan



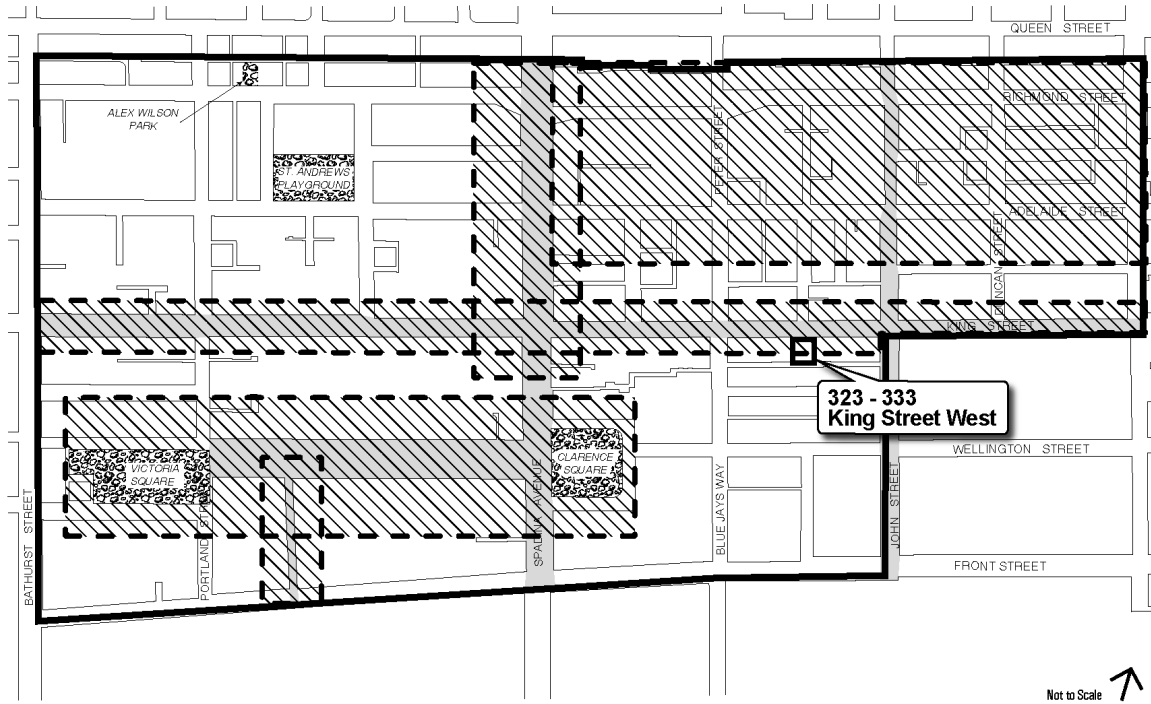
Official Plan Amendment No. 2 for King-Spadina Secondary Plan

MAP 16-1 Urban Structure Plan

-  Secondary Plan Boundary
-  View Terminus
-  Potential Mid-block Connections

July 2006

Attachment 2: King-Spadina Secondary Plan Review – Areas of Importance



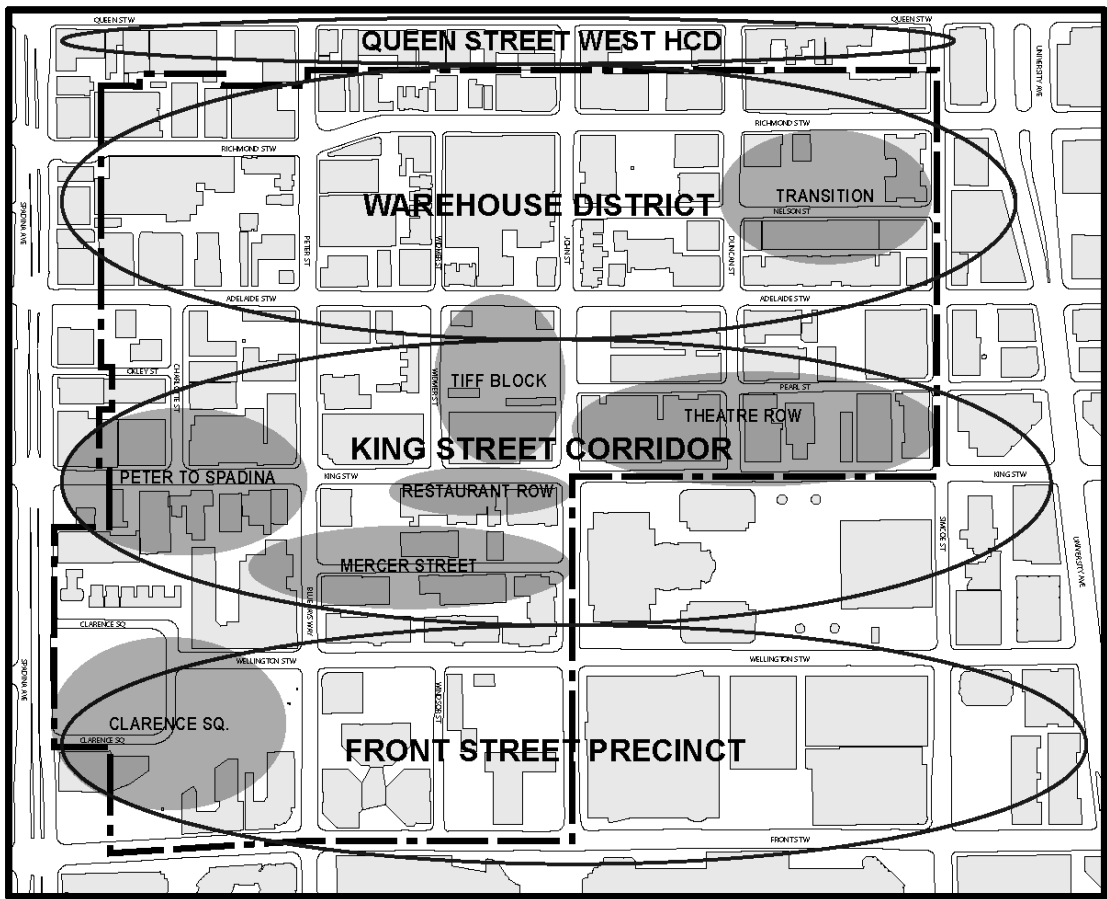
Official Plan Amendment No. 2 for King-Spadina Secondary Plan

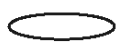


MAP 16-2 Areas of Importance

-  Secondary Plan Boundary
-  Special Character Street
-  Public Parks
-  Heritage Areas

July 2006


Attachment 3: King-Spadina East Precinct Character Areas



-  Character Areas
-  Sub-Character Areas
-  East Precinct Boundary

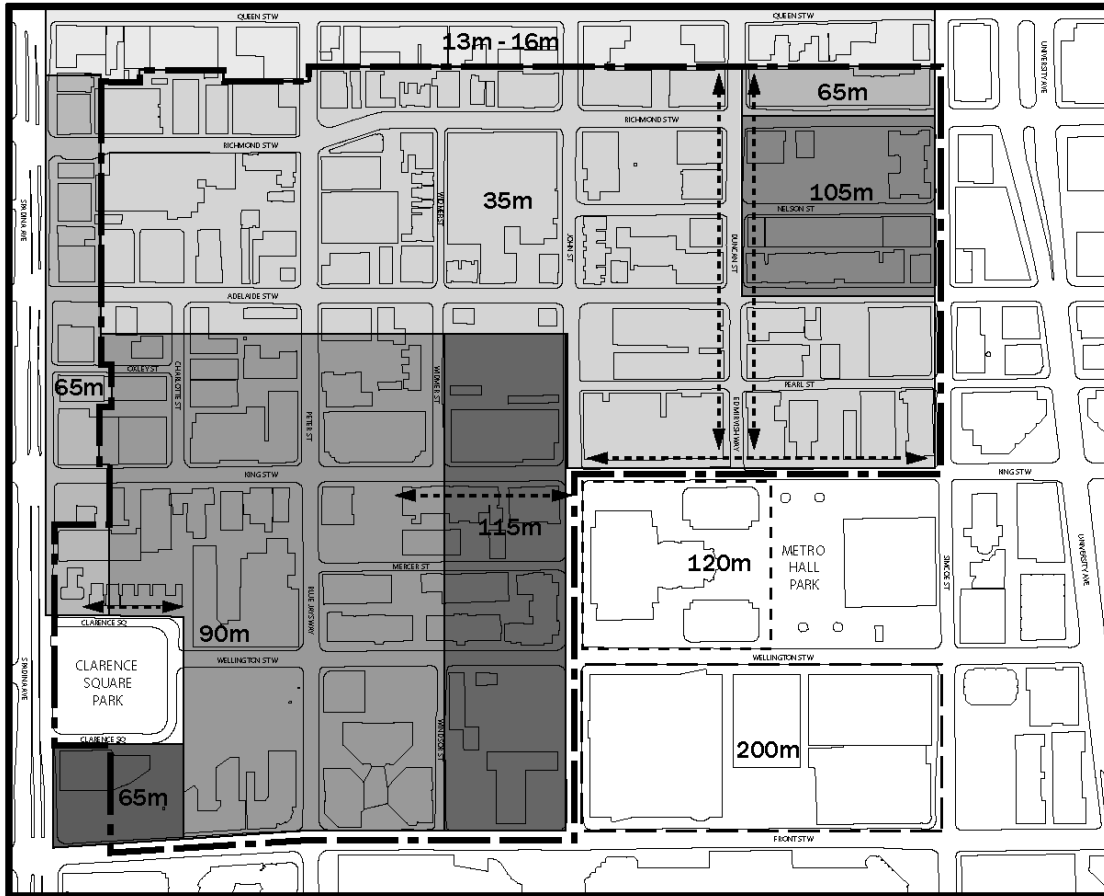
Character Areas

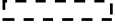



323 - 333 King Street West

Not to Scale 
08/05/11

File # 10_182677_02

Attachment 4: King-Spadina East Precinct Height Areas



-  Existing Heights in Metro Hall
-  Existing / Approved Heights in Financial District
-  Properties Contributing to Heritage Character
-  East Precinct Boundary

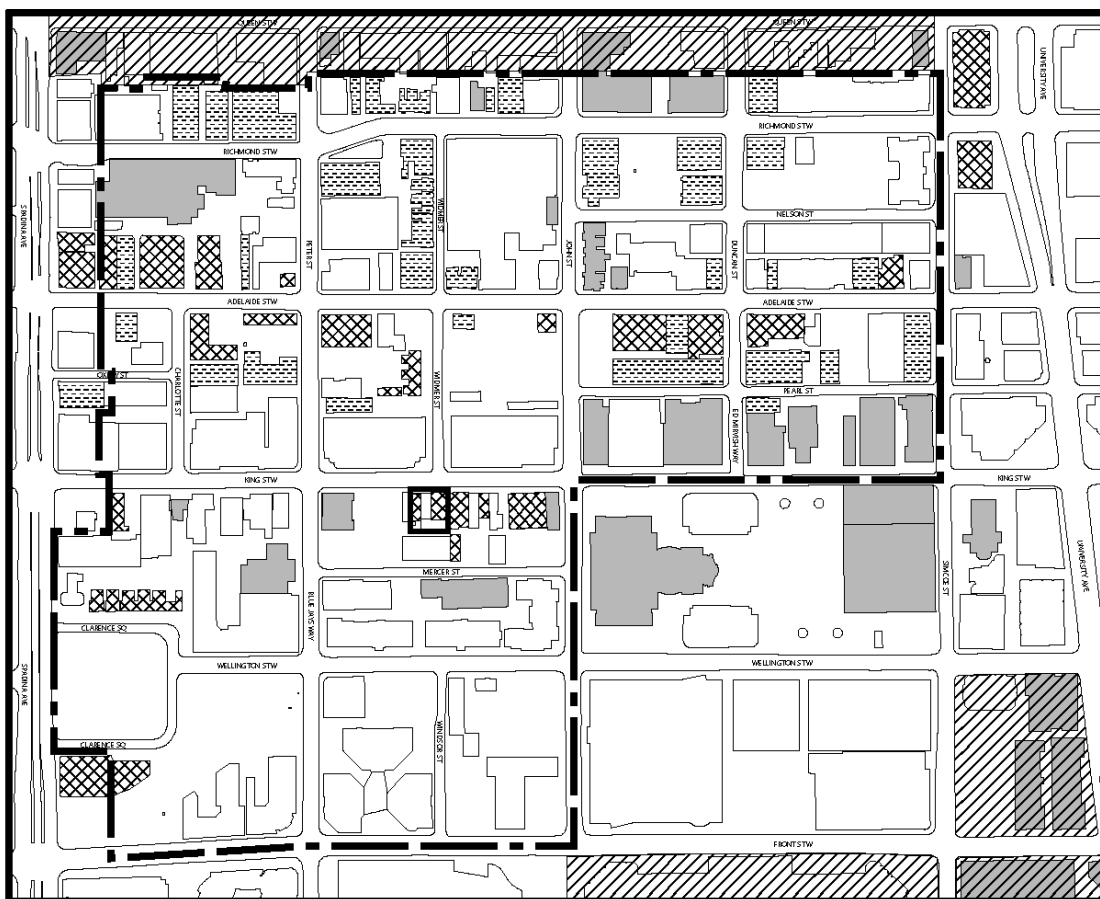
Height Areas





323 - 333 King Street West

Not to Scale
08/05/11

File # 10_182677_02

Attachment 5: King-Spadina Heritage Built Form



- | | |
|---|---|
| <ul style="list-style-type: none">  Designated Heritage Properties  Listed Heritage Properties  Properties Contributing to Heritage Character | <ul style="list-style-type: none">  Heritage Conservation Districts (HCD)  Existing Buildings  East Precinct Boundary |
|---|---|

Heritage Context

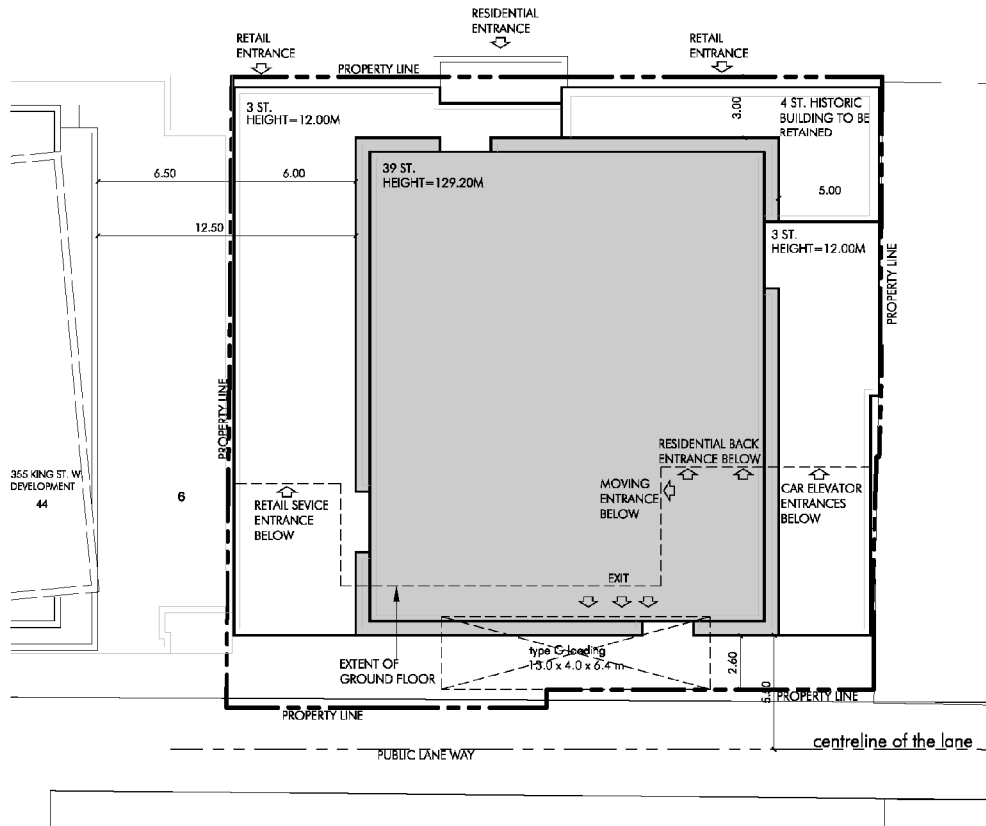
323 -333 King Street West

Not to Scale
08/05/11

File # 10_182677_02

Attachment 6: Site Plan


KING STREET WEST



Site Plan

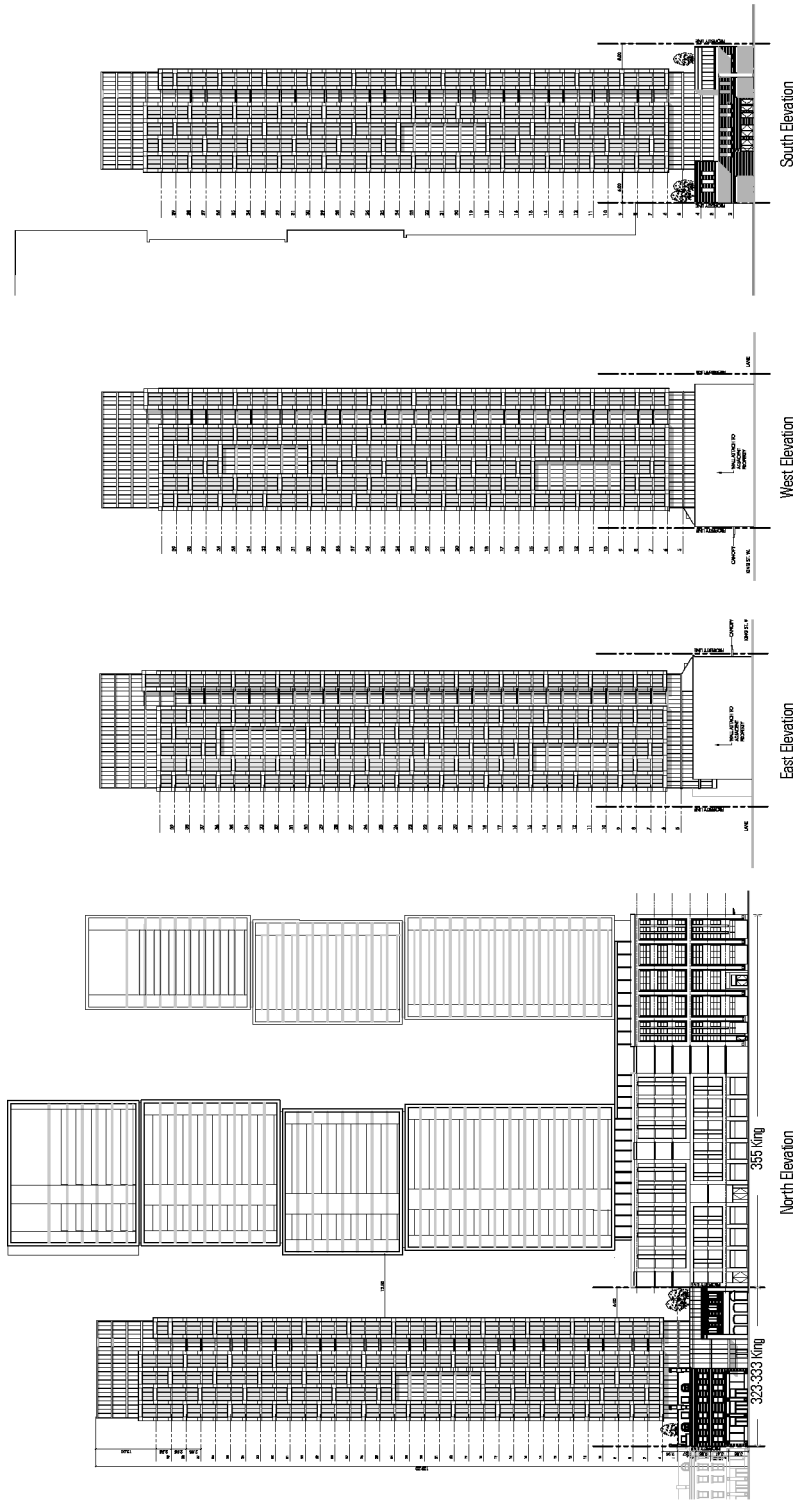
327 King Street West

Applicant's Submitted Drawing

Not to Scale 
10/26/2010

File # 10_182677 OZ

Attachment 7: Elevations



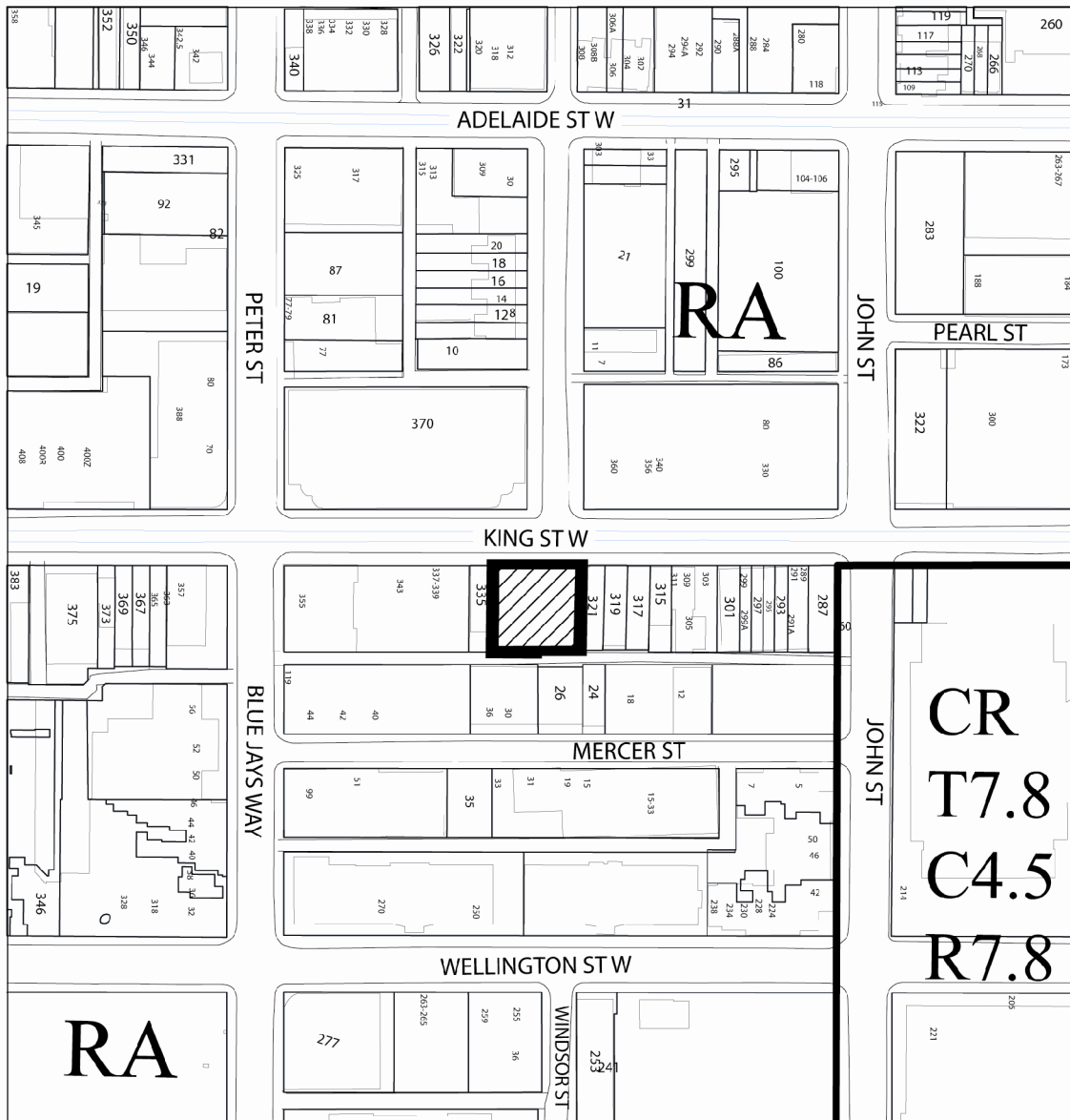
327 King Street West

Elevations
Applicant's Submitted Drawing

Not to Scale
10/26/2010

File # 10_182677 0Z

Attachment 8: Zoning (By-law No. 483-86)



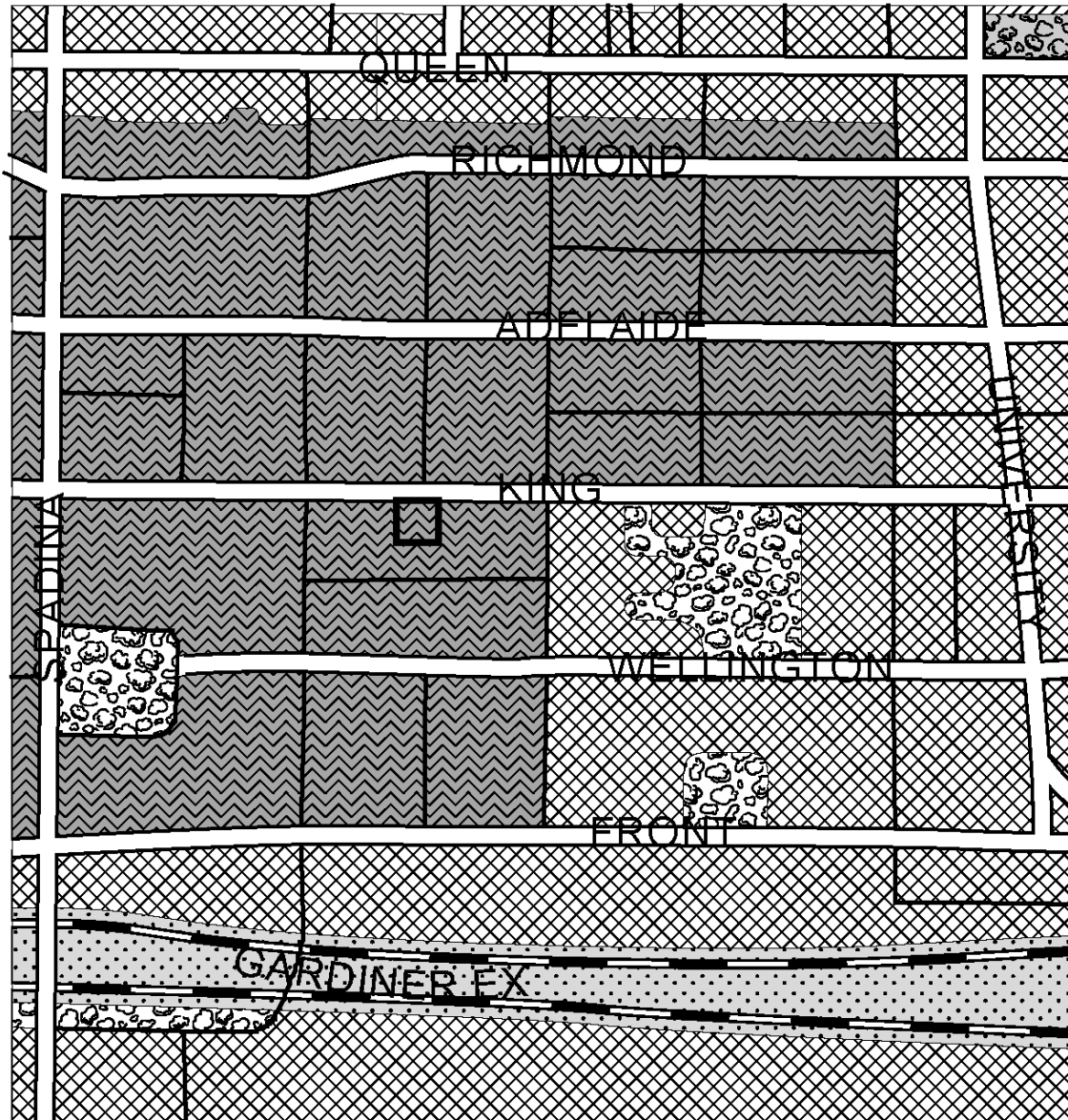
327 King Street West

File # 10_182677

-  Site Location
- CR** Mixed-Use District
- RA** Mixed-Use District

Not to Scale
Zoning By-law 438-86 as amended
10/27/10 - MH

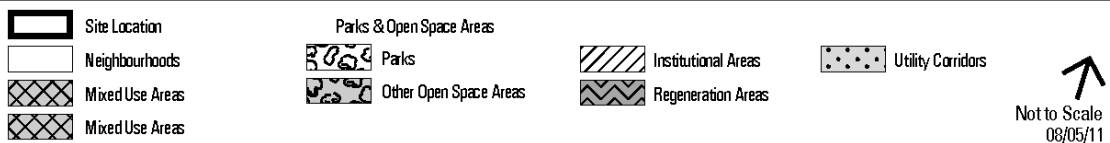
Attachment 9: Official Plan



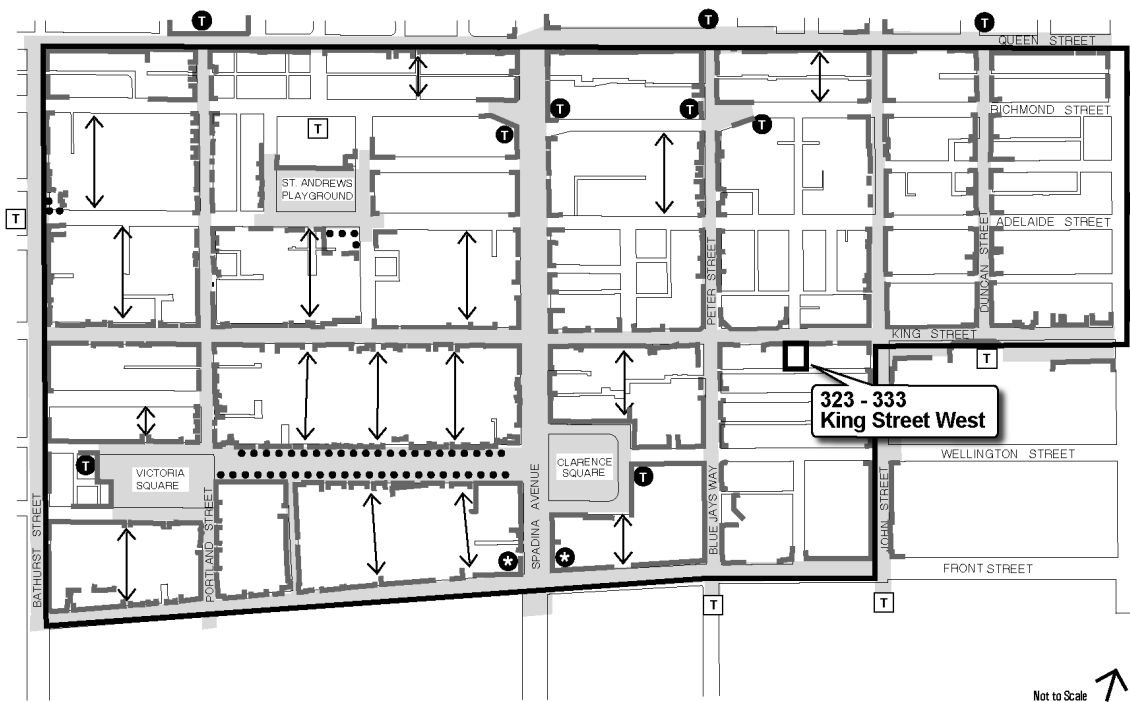
Toronto City Planning
Official Plan

323 - 333 King Street West

File # 10_182677_OZ



Attachment 10: King-Spadina Secondary Plan



Not to Scale



King-Spadina Secondary Plan MAP 16-1 Urban Structure Plan

- Secondary Plan Boundary
- Potential Gateway
- Potential View Terminus
- Existing View Terminus
- Existing and Potential Building Edge
- Potential Mid-block Connections
- Significant Street & Open Space
- Landscape Edge

June 2006

Attachment 11: Application Data Sheet

Application Type	Rezoning	Application Number:	10 182677 STE 20 OZ
Details	Rezoning, Standard	Application Date:	May 26, 2010
Municipal Address:	327 KING ST W		
Location Description:	PLAN 57 LOT 11 PT LOT 10 **GRID S2015		
Project Description:	The applicant proposes the redevelopment of the subject property with a 39-storey. 201 unit condominium building comprises of a 3-storey podium, a 36-storey tower, and a six (6) level underground parking garage. The parking garage is accessible by two car elevators and the existing heritage buildings will be conserved and integrated into the podium.		

Applicant:	Agent:	Architect:	Owner:
Aird and Berlis LLP		Page and Steele / IBI Group Architects	Dani Cohen

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	RA	Historical Status:
Height Limit (m):	61	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	949.52	Height:	Storeys:	39
Frontage (m):	31.5		Metres:	129.2
Depth (m):	30.7			
Total Ground Floor Area (sq. m):	657			Total
Total Residential GFA (sq. m):	17647		Parking Spaces:	114
Total Non-Residential GFA (sq. m):	950		Loading Docks	1
Total GFA (sq. m):	18597			
Lot Coverage Ratio (%):	69.2			
Floor Space Index:	19.59			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	17647	0
Bachelor:	4	Retail GFA (sq. m):	950	0
1 Bedroom:	105	Office GFA (sq. m):	0	0
2 Bedroom:	72	Industrial GFA (sq. m):	0	0
3 + Bedroom:	20	Institutional/Other GFA (sq. m):	0	0
Total Units:	201			

CONTACT: PLANNER NAME: Dan Nicholson, Community Planner
TELEPHONE: (416) 397-4077