

305-319 King Street West – Rezoning Application - Preliminary Report

Date:	May 30, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	13-144733 STE 20 SA

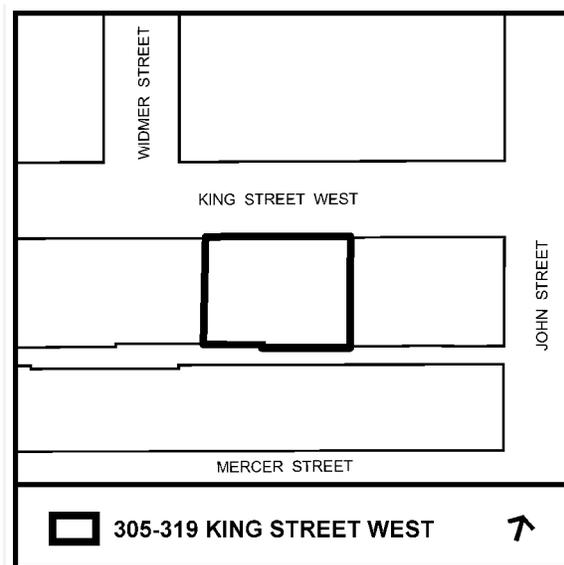
SUMMARY

This application proposes to amend the former City of Toronto Zoning By-law 438-86 and comprehensive Zoning By-law No. 569-2013 to permit the development of a 42-storey commercial building (174.6 metres in height including the mechanical penthouse). The proposed building would include office, hotel and restaurant uses. Four levels of underground parking are proposed with 103 vehicular parking spaces.

Portions of the listed heritage buildings on the site are proposed to be retained and integrated into the podium.

The current proposal to locate a tower on the east property line with no tower separation to the adjacent property is not supportable by planning staff. This issue, among others, will have to be addressed to proceed to a positive staff report.

This report provides preliminary information on the above-noted application and seeks Community Council’s directions on further processing of the application and on the community consultation process.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 305-319 King Street West together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations under the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There have been no recent development applications filed on the subject properties.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant in May 2, 2012 to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The applicant proposes the development of a 42-storey commercial building with a height of 165.5 metres, with an additional 9.1 metres for mechanical elements for an overall height of 174.6 metres. The proposed building would include office, hotel and retail uses.

The five-storey podium building, including portions of the listed heritage buildings on the site (which are proposed to be integrated into the podium) is 24.6 metres in height. The proposed podium building would include restaurant uses as well as entrances for the proposed hotel and office uses. Gallery space is also proposed at the ground floor and on the 6th floor (first floor of the proposed tower). The roof of the podium is proposed to be used as an outdoor sculpture garden which would function as amenity space. The 2nd and 3rd floors of the podium would be used for hotel uses, a restaurant and amenity space associated with the hotel. The 4th and 5th floors would be used for amenity space which would be shared between the hotel guests and office users. The 42-storey tower will include a hotel which will occupy floors 7 to 23 and office uses from the 24th floor to the 41st floor. A restaurant is proposed for the 42nd floor.

The proposed gross floor area of the development is 38,343 square metres. The proposed office gross floor area is 17,813 square metres and the proposed hotel gfa is 16,928

square metres. An additional 2,656 square metres is proposed for restaurant uses and 946 square metres for galleries. The proposed floor space index is 31.5, and the proposed tower has a floor plate of 900 square metres.

The proposed podium building is a typical street wall building extending across the site from east to west. The podium and tower are proposed to be set back from the south property line by 0.87 metres, to accommodate a lane widening on the north side of the adjacent public lane. The 3rd, 4th and 5th floors are set back approximately 4.5 metres from the front property line to create a small terrace which will serve as outdoor amenity space on the 3rd floor. The tower cantilevers over the outdoor terrace to extend to the property line adjacent King Street West. The proposed 42-storey tower is set back 10 metres from the property lot line to the west, but is located on the adjacent property line to the east.

Four levels of underground parking are proposed with 103 vehicular parking spaces. One-hundred and fifty-four bicycle parking spaces are proposed. All of the bicycle parking spaces are proposed to be provided in the underground garage. Two Type-B and two Type-C loading spaces are proposed with three loading spaces at grade adjacent to the public lane at the rear of the property and one loading space. Vehicular access to the underground parking will also be from the adjacent public lane.

See Attachment 7 – Application Data Sheet.

Site and Surrounding Area

The site is located on the south side of King Street West to the east of the terminus of Widmer Street, between John Street and Blue Jays Way. The site has a frontage of approximately 40.0 metres on King Street West, a depth of approximately 30.0 metres and has an overall site area of 1,218 square metres. There is a public lane which runs along the south edge of the site that will be used for servicing.

The property at 305-307 King Street West which comprises the eastern most part of the property is predominantly vacant with a small 2-storey building on the corner of the lot. The property is used as an outdoor patio for the adjacent restaurant. The property at 309 King Street west is occupied by a two-storey commercial building. This building is not listed on the City's Inventory of Heritage Properties.

The three-storey commercial building at 315 King Street West is known as The Joseph Devlin Building. The building was listed on the City of Toronto Inventory of Heritage Properties in 2009 and was described as a representative of late 19th century commercial buildings. The building was recommended for designation under Part IV of the *Ontario Heritage Act*. The City has issued Notice of Intention to Designate this property under Part IV of the *Ontario Heritage Act*.

The building to the west of this property at 317 King Street West is a two-storey infill building which has no heritage value.

The building at 319 King Street West is the most easterly of four properties which comprises 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 various properties which comprise Hughes Terrace were listed on the City's Inventory of Heritage Properties in the inaugural Inventory in 1973. The City has issued its notice of Intention to Designate all four bays of Hughes Terrace, including the easternmost bay at 319 King Street West, which comprises part of the subject site.

The owner of the subject site has appealed the proposed designation under Part IV of the *Ontario Heritage Act* of the buildings at 315 King Street West (The Joseph Devlin Building) and the 319 King Street West (the easternmost bay of Hughes Terrace) to the Conservation Review Board. A pre-hearing has been scheduled for September 16, 2013.

Adjacent to the proposal site and contiguous with the side lot line of the project is 321 and 323-325 King Street West (the remaining bays of Hughes Terrace), which are listed on the City's Inventory of Heritage Properties and is subject to a Notice of Intention to Designate under the Ontario Heritage Act. The designation of these properties is part of the settlement of the development proposal on the adjacent site (321-333 King Street West). The remainder of the block to the east of the subject site consists of designated properties at 301-303, 299, 297, 293, 291 and 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. The 42 storey Festival Tower and Bell Lightbox (TIFF) is located between Widmer Street and John Street.

South: To the south of the subject site is a public laneway, opposite which is the site of a 33-storey tower and a 5-storey podium building which is currently under construction at 60 John Street. To the west of that site is a 3-storey commercial building at 24 Mercer Street, listed in the City's Inventory of Heritage Properties and currently proposed to be designated under the *Ontario Heritage Act*. There is an application for a 21-storey building on this property (File No. 11 262965 STE 20 OZ). This application has been appealed to the Ontario Municipal Board. To the west of 24 Mercer is the Hotel Le Germain, a ten storey contemporary building fronting on Mercer Street.

West: To the west of the subject site fronting King Street West is a property at 321-333 King Street West which is the subject of a development application for a 47-storey tower at 154.5 metre in height (File No. 11 261965 STE 20 OZ). That application is currently before the Ontario Municipal Board and is awaiting a decision from the Board. To the west of the Hotel Le Germain on the north side

of Mercer Street and to the west of the site at 321-333 King Street West are commercial parking lots and the six storey Westinghouse Building, which is designated under Part IV of the *Ontario Heritage Act*. 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 subject site are two to three-storey commercial buildings at 301-303, 299, 297, 293, 291 and 287-289 King Street West. These buildings are designated under the *Ontario Heritage Act*.

Provincial Policy Statement and Provincial Plans

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

The Provincial Policy Statement 2.6.1 (PPS) indicates that "Significant built heritage resources and cultural heritage landscapes shall be conserved". Properties included in 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 value, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

City Council's planning decisions are required to be consistent with the PPS.

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

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

Official Plan

The site is designated Regeneration Area in the City of Toronto Official Plan which permits the proposed residential and commercial uses. Chapter 6.16 of the new Official Plan contains the King-Spadina Secondary Plan. The King-Spadina Secondary Plan emphasizes the reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. In particular the policies of Section 3 – Built Form specify that new buildings will achieve a compatible relationship with their built form context through consideration of such matters as building height, massing,

scale, setbacks, setbacks, roof line and profile and architectural character and expression.

In the City's Official Plan, policy 3.1.5.2 states that "heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved" and that "development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes."

Ontario Heritage Act

The properties at 315 and 319 King Street West, which comprise part of the subject site, are listed on the City's Inventory of Heritage Properties and are effectively designated under the *Ontario Heritage Act* as an application for Designation is in progress. The owner of the property has appealed the designation to the Conservation Review Board and a pre-hearing has been scheduled for September 16, 2013.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

The Tall Building Guidelines provide direction on matters related to the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate light and privacy, minimum side and rear yard tower setbacks of 12.5 m, and articulation of tower floor plates that are larger than 743 sq. m. to break down the massing of the building.

King-Spadina East Precinct Built Form Study

The subject site falls within the East Precinct as identified within the King-Spadina East Precinct Built Form Study, considered by Council at its meeting on October 1, 2009. The Study included 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 with different localized conditions.

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. It should be noted that there have been several tall buildings approved in this area since the Built Form Study was presented to Council in 2009.

The King-Spadina East Precinct Built Form Study identified areas where additional height beyond the "First Tier" or as-of-right heights as provided in By-law 483-86 are to

be considered. Applications for buildings with “Second Tier” height permissions are to be considered in light of the policy objectives in the King-Spadina planning framework as well as the built form standards that apply to any tall building development in the City, including but not limited to: respect for heritage in the immediate context; preservation of sunlight on important pedestrian streets (including King Street West); conformity with the King-Spadina Built Form Guidelines; and achieving a 25 metre tower separation and a maximum 750 square metre floor plate to address light, view and privacy.

Although the work on the East Precinct Built Form Study was delayed to reconsider the approach based on a new direction being taken in the area, staff have recently re-started the process and public meetings are scheduled for June to obtain public input as part of the study.

Heritage Conservation District Study

The King-Spadina Secondary Plan area contains many listed and designated heritage buildings. At its meeting on August 16, 2012 Toronto City Council directed Heritage Preservation Services staff to undertake Heritage Conservation District studies in five priority areas. One of these areas is the King-Spadina Secondary Plan area. The Request for Proposals for the King-Spadina Heritage Conservation District Study was issued and a team lead by Taylor-Hazell Architects has been chosen to undertake the study. It is anticipated that the initial study will be completed by April of 2014. The development of a Heritage Conservation District Plan and the recommendations regarding designation under Part V of the *Ontario Heritage Act* of one or more identified Heritage Conservation Districts will follow as the second part of the study.

Zoning By-law 438-86

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 6 - 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 setback above 20 metres on all street frontages is also required.

Zoning By-law 569-2013

At its meeting on May 9, 2013, City Council enacted a new City-wide comprehensive Zoning By-law (By-law No. 569-2013). This By-law was enacted to reflect the City's Official Plan as required by the *Planning Act*. The subject site is zoned as Commercial Residential Employment Zone (CRE) in By-law No. 569-2013. The purpose of the CRE (Commercial Residential Employment) Zone is to provide a range of retail, service commercial, office, residential and limited industrial uses in single use buildings and mixed use buildings.

Exception 80 (x80) indicates that certain site-specific zoning by-laws will prevail on individual sites within the exception area. The site is not subject to any prevailing site specific Zoning By-laws.

Site Plan Control

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

Reasons for the Application

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 35 metres by approximately 140 metres, resulting in a proposed building height of 174.6 metres inclusive of the mechanical penthouse. In addition, the proposed building does not comply with other restrictions that are in effect on the lands.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale;
- Shadow Study; Boundary Plan of Survey;
- Architectural Plans;
- 3D Massing Model
- Context Plan; Concept Site Plan;
- Underground Garage Plan;
- Tree Declaration;
- Traffic Impact, Parking and Loading Study;
- Storm Water Management Report;
- Functional Servicing Report;
- Heritage Impact Assessment;
- Stage 1 Archaeological Assessment;
- Green Standards Checklist; and
- Pedestrian Wind Study.

A Notification of Incomplete Application letter was issued on May 23, 2013 as the following information was missing:

- The submitted boundary plan of survey has no reference to the Ontario Land Survey who prepared the original survey;
- There was no information submitted regarding whether or not there are any residential rental units (occupied or unoccupied) on the site. This information is required to determine if there is a requirement for a Section 111 permit under Chapter 667 of the Municipal Code for demolition of rental units;

- The proposed floor plans for the hotel and office spaces show no partitions, corridors or garbage sorting, storage areas or garbage chutes; and
- A draft zoning by-law amendment is required.

Issues to be Resolved

The proposed building at 305-319 King Street West is located in an area identified as "Restaurant Row" in City Planning's Built Form Review. This area is characterized by a row of intact 19th Century main street commercial buildings occupied primarily by restaurants and rental housing units. The current review needs to consider recent Council approvals for tall buildings in the surrounding area and the recent OMB settlement in support of a 47-storey residential tower (154.5 metres including mechanical elements) on the adjacent property at 321-333 King Street West.

The Toronto Entertainment District BIA has completed a Master Plan for their boundaries, which includes this area. The applicants plans have been provided to the BIA for their review.

Issues to be addressed include, but are not necessarily limited to:

- Conformity with the existing Urban Structure and Built Form policies of the King-Spadina Secondary Plan;
- The proposal for a tower on this site will have to be reviewed in the context of the Tall Building Guidelines, specifically the requirement that tall buildings be located a minimum of 12.5 metres from a lot line in order to allow for a minimum separation between tall buildings. Staff are concerned that the proposal for a tower with no setback whatsoever to the eastern boundary of the property would set a precedent leading to inadequate separation distances between towers and exporting constraints to adjacent sites;
- overall height and massing of the project including set-backs of the tower from King Street West, the south lot line and the size of the tower floorplate;
- The preservation of built heritage resources in a manner that conserves their values and attributes and complies with the Standards and Guidelines for the Conservation of Historic Places in Canada, Parks Canada;
- consideration of tower placement on the block as a whole to determine optimum living conditions, reduce impacts and achieve compliance with policy and guidelines;
- Traffic, parking, site servicing, and impacts on the pedestrian realm that may result from the intensity and scale of the proposed development; and

- Identification and securing of community benefits under Section 37 of the *Planning Act*, should the proposed development, or some version thereof advance, will be assessed in accordance with Sections 5.1 and 7.2 of the King-Spadina Secondary Plan.

Additional issues may be identified through the further review, circulation to City Divisions and the community consultation process.

The application, as currently proposed, is not supportable by staff, particularly with regard to the City's Tall Buildings Design Guidelines. Modifications to the proposal will be necessary to move forward to a positive final report.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

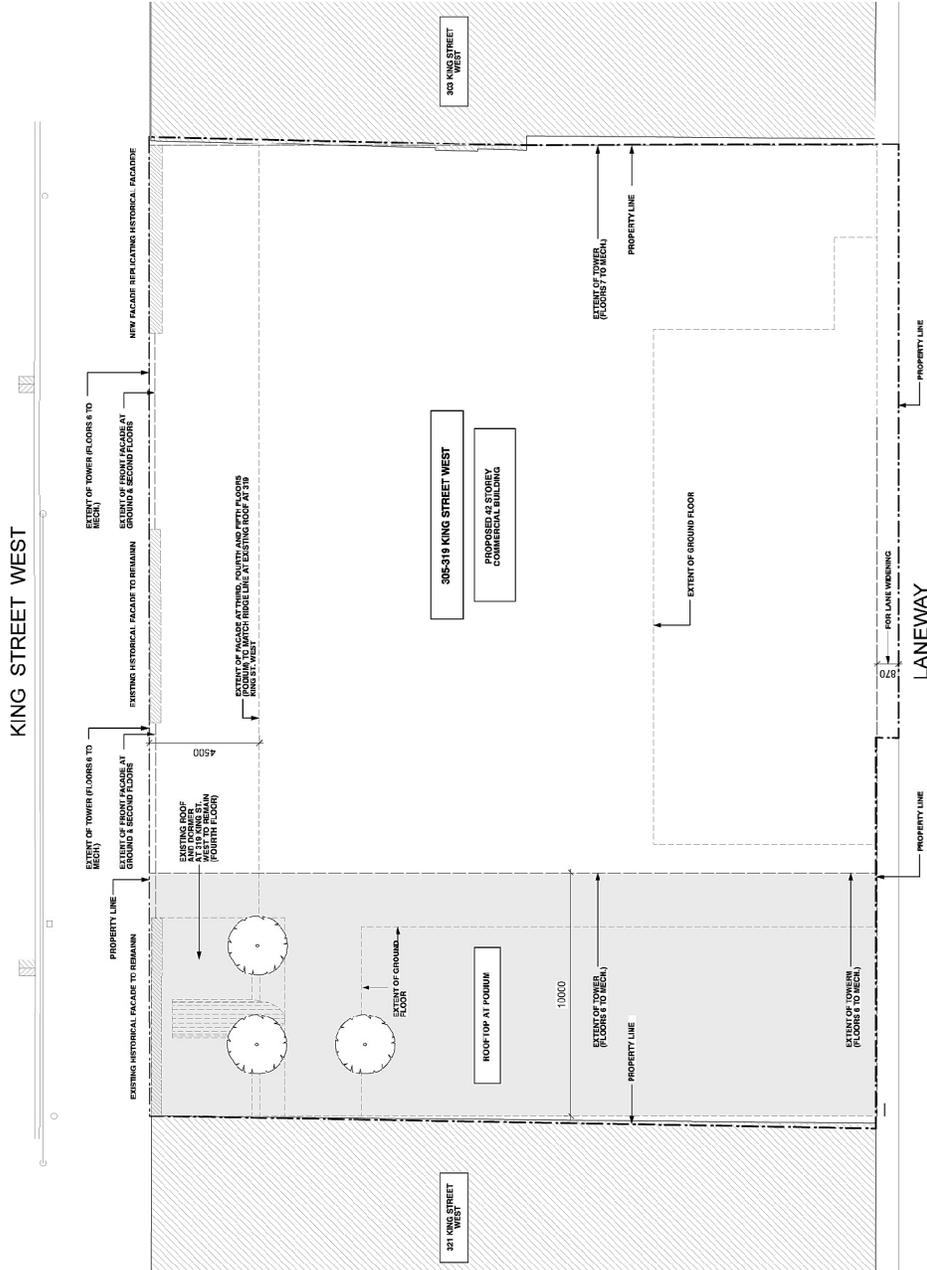
Attachment 4: East Elevation

Attachment 5: West Elevation

Attachment 6: Zoning (By-law 438-86)

Attachment 7: Application Data Sheet

Attachment 1: Site Plan



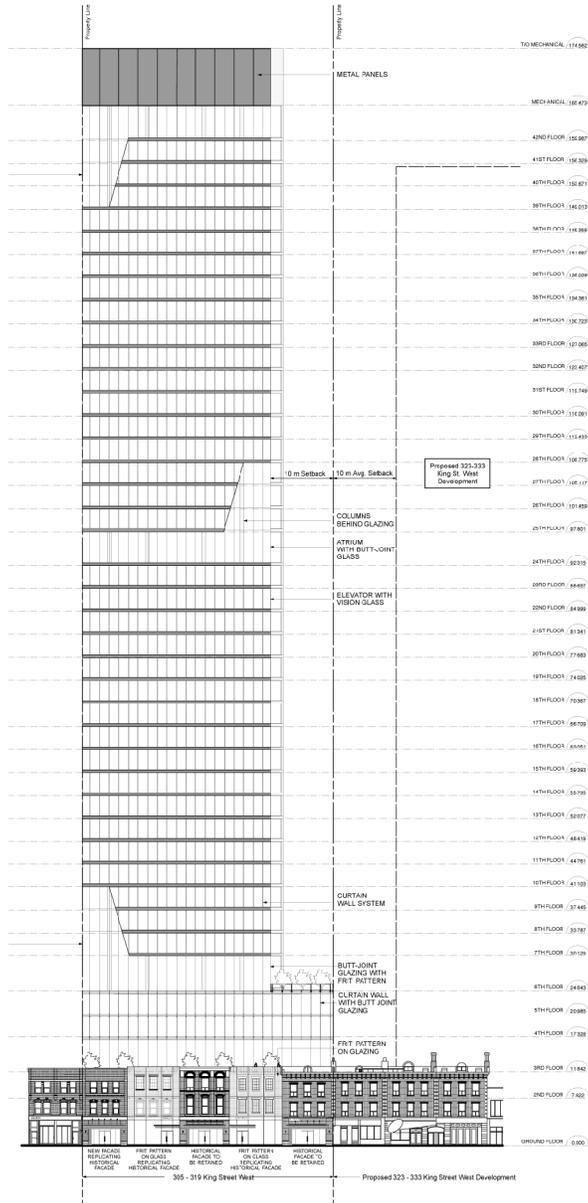
305-319 King Street West

Site Plan
Applicant's Submitted Drawing

File # 13 144733 0Z

Not to Scale
05/14/2013

Attachment 2: North Elevation



North Elevation

Elevations

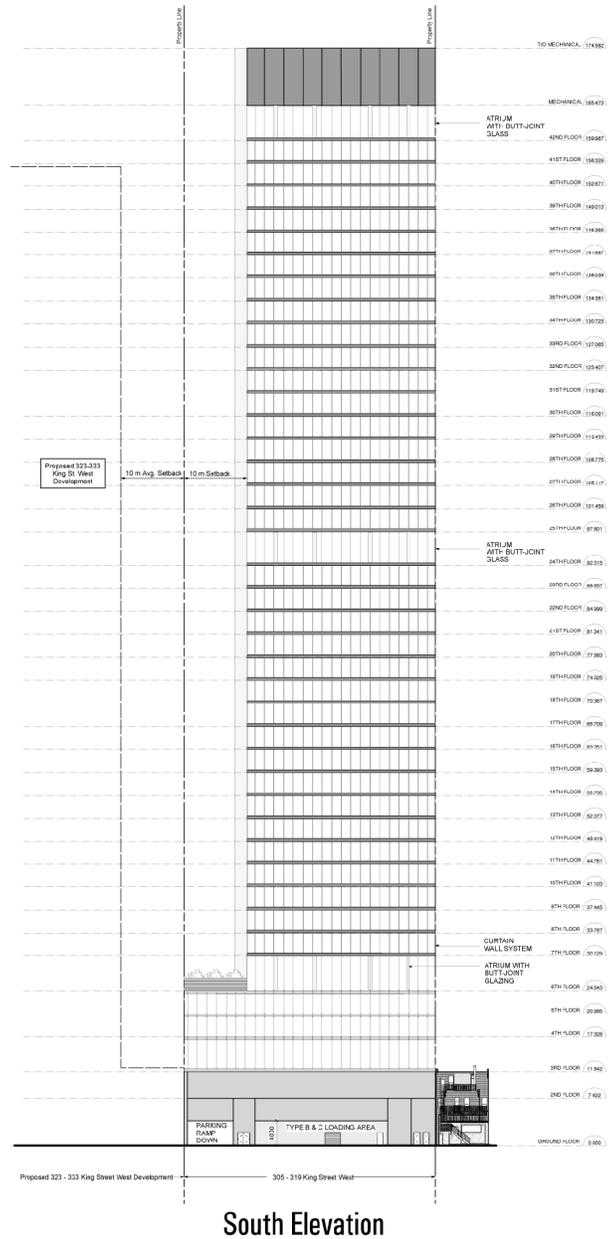
Applicant's Submitted Drawing

Not to Scale
05/14/2013

305-319 King Street West

File # 13 144733 0Z

Attachment 3: South Elevation



Elevations

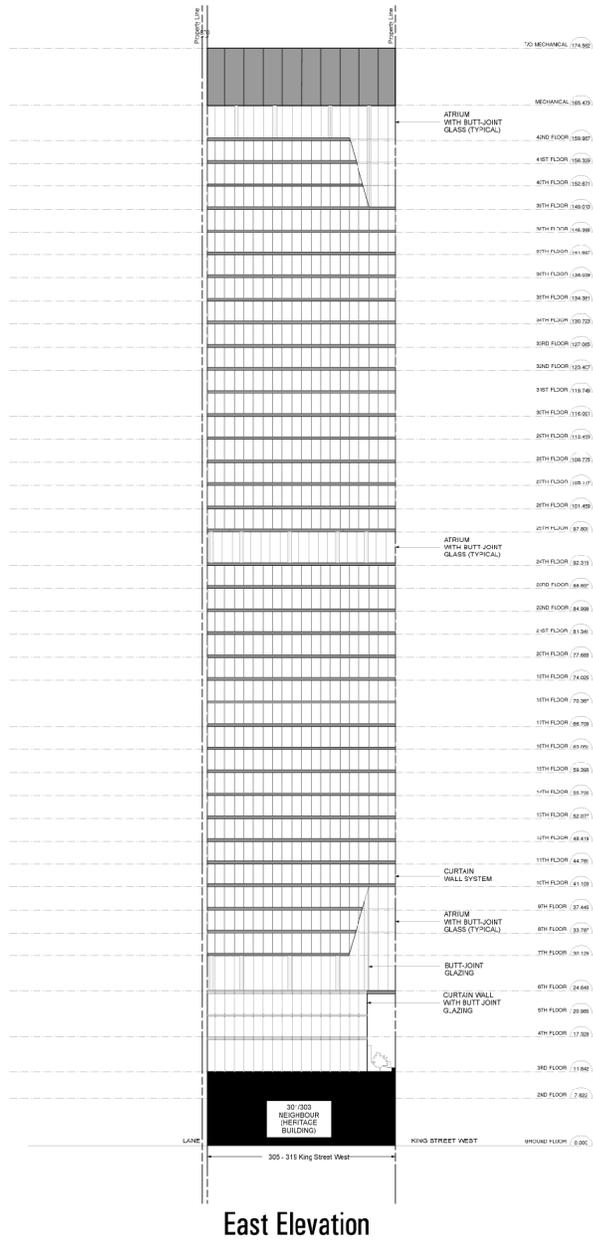
Applicant's Submitted Drawing

Not to Scale
05/14/2013

305-319 King Street West

File # 13 144733 0Z

Attachment 4: East Elevation



Elevations

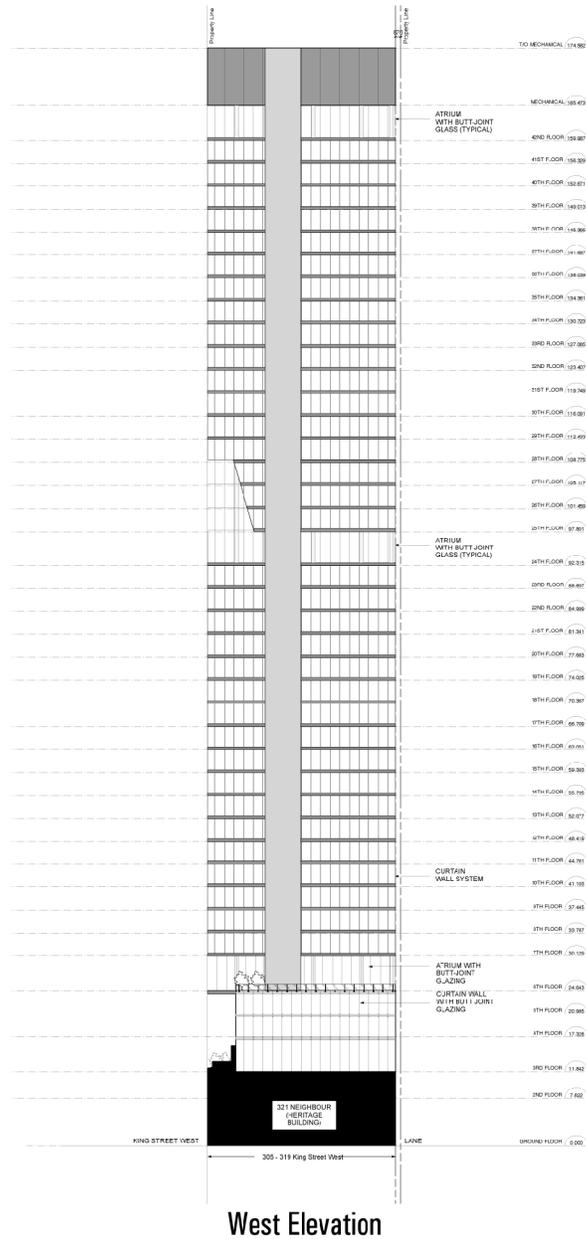
Applicant's Submitted Drawing

Not to Scale
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305-319 King Street West

File # 13 144733 0Z

Attachment 5: West Elevation



Elevations

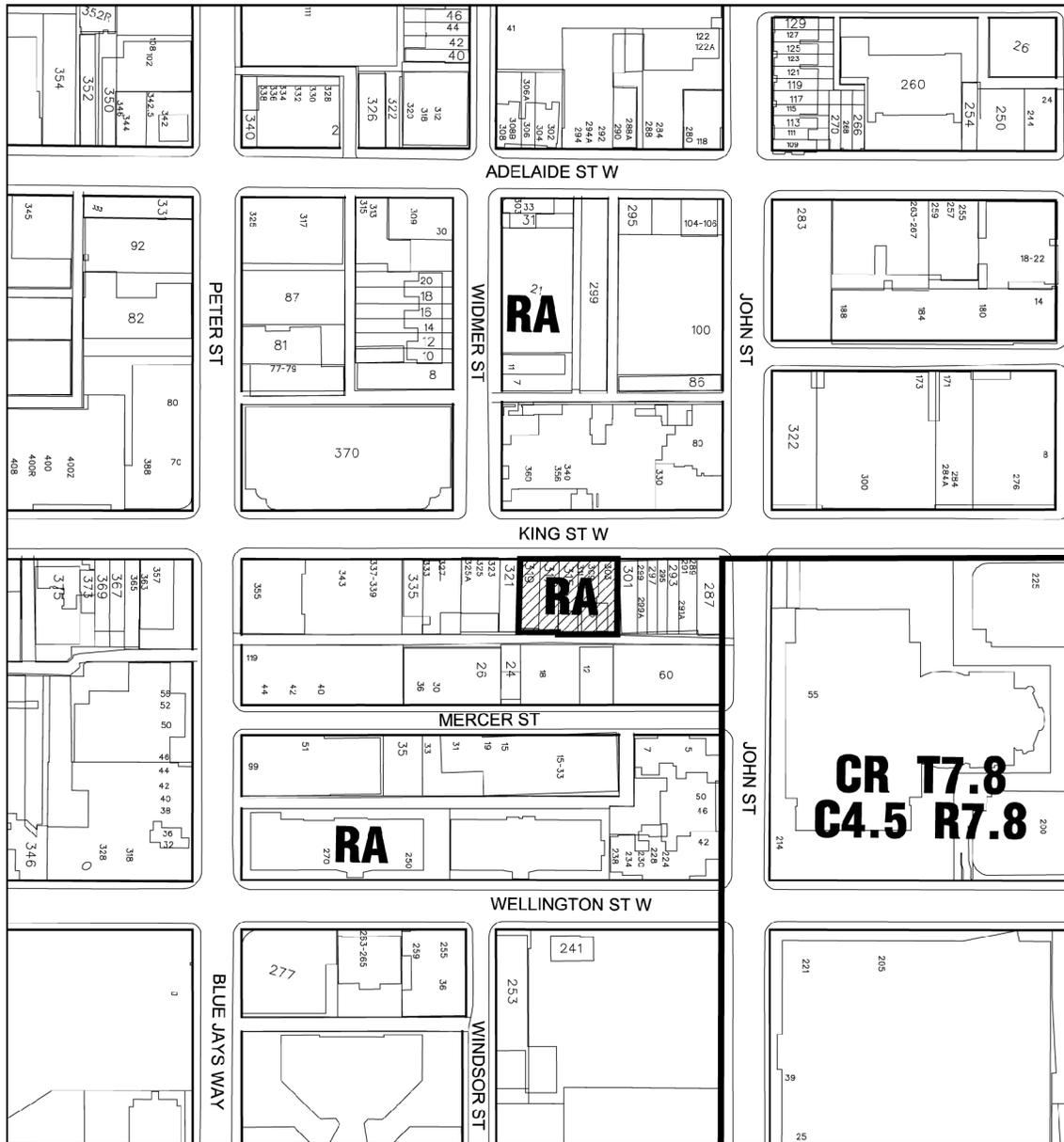
Applicant's Submitted Drawing

Not to Scale
05/14/2013

305-319 King Street West

File # 13 144733 0Z

Attachment 6: Zoning (By-law No. 483-86)



305-319 King Street West

File # 13 144733 0Z

RA Mixed-Use District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 05/14/2013

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	13 144733 STE 20 OZ
Details	Rezoning, Standard	Application Date:	April 4, 2013

Municipal Address: 305 KING ST W
 Location Description: PLAN 537 LOTS 3 TO 6 **GRID S2015
 Project Description: Proposed 43 storey commercial building that includes office, hotel, gallery, and restaurant uses to replace the 2 and 3 storey commercial buildings.

Applicant:	Agent:	Architect:	Owner:
SCOTT MORRIS ARCHITECTS INC.		SCOTT MORRIS ARCHITECTS INC.	1579661 ONTARIO INC.

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	RA	Historical Status:	Y
Height Limit (m):	30	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	1218.4	Height:	Storeys:	42
Frontage (m):	40.2		Metres:	174.6
Depth (m):	30.7			
Total Ground Floor Area (sq. m):	828.1			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	103
Total Non-Residential GFA (sq. m):	38343.3		Loading Docks	4
Total GFA (sq. m):	38343.3			
Lot Coverage Ratio (%):	68			
Floor Space Index:	31.5			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	17813.4	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	20529.8	0
Total Units:	0			

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