

**266-270 King Street West and 274-322 King Street West,  
Zoning Amendment Application - Request for Direction  
Report**

<b>Date:</b>	November 8, 2013
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	12-276890 STE 20 OZ

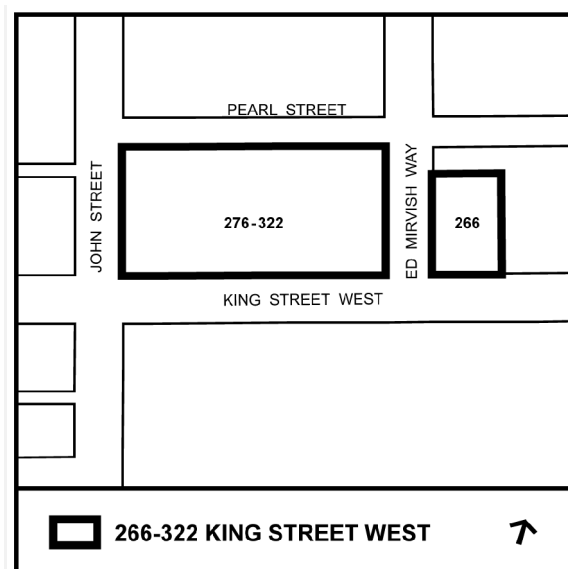
**SUMMARY**

On June 18, 2013 the applicant appealed the Zoning By-law Amendment application for 266- 270 and 274-322 King Street West to the Ontario Municipal Board (OMB) due to City Council’s failure to make a decision within the time period prescribed by the *Planning Act*. A pre-hearing conference has been scheduled for January 6, 2014.

The application has not been formally modified since its submission on November 9, 2012. Much of the background and detailed information in this report is identical to the Preliminary Report considered by the Toronto and East York Community Council on February 26, 2013, which can be viewed through the item link at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE22.41>

The application proposes to redevelop two separate parcels, municipally known as 266-270 King Street West (east parcel) and 274-322 King Street West (west parcel) with a mixed use development on each.



The East Parcel would be developed with an 82-storey mixed use building complete with a six storey base. The West Parcel would be developed with two tower elements having total heights of 84 and 86 storeys from John Street to Ed Mirvish Way respectively, atop a six-storey base.

A total of approximately 22,220 m<sup>2</sup> of non-residential gross floor area, 2,709 dwelling units and 311 parking spaces are proposed.

The development as proposed would result in the complete demolition of four (4) properties designated under Part IV of the Ontario Heritage Act.

This application does not represent an appropriate redevelopment of these sites and does not conform to the goals and objectives of the Official Plan. The proposed density; tower height(s), base building height; tower floorplate ranges and tower separation distances result in a built form that is out of scale with the existing and planned context of the area. Further, the loss of four heritage designated building, with the lack of heritage conservation also does not represent an appropriate form of redevelopment or good planning.

The purpose of this report is to seek Council's direction on the appeal of these applications to the OMB. Staff has offered to work with the applicant towards a more appropriate proposal which addresses the major issues of scale and heritage. In the absence of any revisions, it is staff's opinion that the proposed development is inappropriate and constitutes an over-intensification of these sites.

## **RECOMMENDATIONS**

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### **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 266-270 and 274-322 King Street West and attend the Ontario Municipal Board hearing in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate in support of the position recommended in the report dated November 4, 2013 from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to also advise the OMB that City Council's position is that any redevelopment of the sites, if approved by the OMB, should secure such services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be recommended by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
3. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

## **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

### **King-Spadina Secondary Plan Review**

City Council initiated a review of the King-Spadina Secondary Plan in 2005 to evaluate specific matters related to entertainment uses in the plan area, community infrastructure, heritage, built form policies and the policies related to the public realm. In addition, a number of properties were added to the City's heritage inventory and recommendations were made that a Heritage Conservation District study be completed for the area.

In September 2006, amendments to the King-Spadina Secondary Plan were enacted and the Reinvestment Area (RA) Zoning regulations were updated by By-law 921-2006 and By-law 922-2006 respectively.

The Official Plan Amendment (OPA No. 2) to the King-Spadina Secondary Plan introduced new policies to reinforce the major objectives of the planning framework for King-Spadina that encouraged reinvestment for a wide range of land uses in a manner that would serve to protect, reinforce and enhance the unique physical attributes, character and historic built form of the area.

The Secondary Plan Maps for OPA No. 2 are appended to this report as Attachments 7 and 8. The applicant's proposal is located within the East Precinct as illustrated on Attachment 7, across the street from the Metro Hall Block (Metro Hall Square and David Pecaut Square further east). The sites also abut a Special Character Street (King Street West) and are within an identified Heritage Area as illustrated in Attachment 8.

The amendments to the Secondary Plan and Zoning By-law 438-86 were appealed to the Ontario Municipal Board. A hearing on the appeal has yet to be scheduled, however, as the context for the area has deviated from the direction set out in the 2006 policy framework, the work that is currently underway in the studies referred to later in this report will form the basis for further recommended changes related to the Secondary Plan.

### **King-Spadina Urban Design Guidelines**

Along with the Official Plan and Zoning By-law amendments, in September 2006, Council adopted revised Urban Design Guidelines for King-Spadina. These guidelines sought to reinforce the physical character and identity of King-Spadina. The guidelines provide direction on how to assess development proposals to ensure that new buildings and public realm improvements preserve and reinforce the area's heritage character and maintain an appropriate relationship between new and historic buildings. The guidelines also address "height, massing, setbacks, stepbacks, materials and architectural design details." Further, the guidelines place importance on the protection of sun access to the

public realm and ensuring that there is adequate sunlight on both sides of the street at street level particularly east of Spadina Avenue where tall buildings have been approved. 'Urban Scale' guidelines within the document provide further direction on mitigating potential adverse impacts of tall buildings on adjacent and nearby properties, the public realm and on the quality of life of existing and future residents in King-Spadina. They provide direction on matters related to shadow impacts, angular planes, setbacks and light, view and privacy. The guidelines propose angular planes and, 25 metre facing distances for tall building elements, along with height limitations and stepbacks as measures to minimize shadow impacts, ensure adequate sunlight, and strengthen the existing street wall scale to maintain a comfortable pedestrian experience. Consistent with these guidelines, good planning requires that buildings should be positioned and located in such a way that limits their impacts on the public realm and adjacent buildings.

To meet these objectives of good planning, development proposals should be assessed in relation to the possible impacts on other potential developments. Care should be taken to ensure that appropriate facing distances and setbacks will be maintained between the proposed development and potential adjacent developments and that each site provides their required separation and stepbacks on their own property without exporting these obligations to adjacent properties.

### **King-Spadina East Precinct Built Form Study**

Following the King-Spadina Secondary Plan review, a significant number of development applications were made in the East Precinct of the Secondary Plan area. In terms of building heights and built form policies, these applications continued to challenge the planning framework for the area by successively requesting more height and density.

As a result of the development pressures in the East Precinct, in April 2008, the Toronto and East York Community Council directed planning staff to again study the existing built form policies in the East Precinct.

The new study was to address:

- the public policy goals and objectives of the Official Plan;
- the goals and objectives of the King-Spadina Secondary Plan;
- the emerging "Living Downtown Study" principles;
- the heritage character of the area including enhancements to the area's heritage policy framework; maintaining and enhancing employment opportunities in the area; and,
- impacts on pedestrian safety and the public realm.

This study was intended to evaluate the character of the East Precinct and provide more specific direction on where and how additional development can be accommodated successfully, given the physical character of the area and recent development approvals.

The study was also intended to evaluate the character of the East Precinct and provide more specific direction on where and how additional development can be accommodated successfully, given the physical character of the area and recent development approvals. The study identified character areas in the East Precinct, as illustrated on Attachment 5. The two parcels that comprise this application form part of the King Street Corridor, as well as the Sub-Character area named Theatre Row.

Among other matters, the Built Form Study established a height zone regime that identified height variations within the Precinct. The two parcels that comprise this application are located in a height area that did not anticipate building heights greater than 35 metres as illustrated in Attachment 6 – Built Form Review Height Areas.

The recommendations of the Built Form Review were referred back to staff for further consultation. Since that time, a significant number of developments have been approved, including King Street West properties west of John Street.

Staff have initiated an update to the study, with a goal to prepare detailed design guidelines, development principles and performance criteria to guide future development in the East Precinct of the King-Spadina Secondary Plan Area. This initiative is nearing completion, with a status report being submitted to the same Toronto and East York Community Council November 19, 2013 agenda.

A summary of the preliminary policy directions identified in the status report is cited later in this report.

### **Toronto Entertainment District BIA Master Plan**

In 2008, the Toronto Entertainment District Business Improvement Association (BIA) initiated a Master Plan Study of the BIA area that was completed in May 2009. The Master Plan was intended to articulate the long-term vision of the BIA for their area and provide guidance for change. Although the boundaries of the BIA are different than those of the King-Spadina Secondary Plan, the subject sites do fall within the BIA's Master Plan, which complemented the evolving planning framework for King-Spadina Secondary Plan area (East Precinct).

In order to coordinate the vision and implementation of developments in the overlap area between the BIA and the King-Spadina Secondary Plan area, development applications are circulated to the BIA for comment. These comments are summarized in the discussion section of this report.

### **Ontario Heritage Act**

The proposed demolition of each of these properties is subject to Section 34 of the Ontario Heritage Act. Section 34 sets out a process by which the demolition or removal of a Part IV designated building or structure can be considered by a municipality.

## **Demolition or removal of structure**

34. (1) No owner of property designated under section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal. 2002, c.18, Sched. F, s. 2 (18); 2005, c. 6, s. 22 (1).

The related Zoning By-law Amendment contemplates demolition of the four designated buildings and redevelopment permissions. A report regarding the demolition of the four designated buildings on the subject parcels was deferred at the Toronto Preservation Board on November 5, 2013. The report recommended the following:

1. City Council refuse the proposed demolition of the designated heritage properties at 266, 276, 284 and 322 King Street West under Section 34 of the Ontario Heritage Act.
2. If the owner appeals City Council's decision to refuse the application for demolition under Section 34 of the Ontario Heritage Act, City Council authorize the City Solicitor and appropriate City staff to attend any hearing held by the Ontario Municipal Board in support of the Council position opposing such appeal.

## **Heritage Conservation District Study**

At its meeting of October 2, 3 and 4, 2012, City Council considered item PG17.12, being a report entitled Toronto Heritage Conservation District (HCD) Study Prioritization Report, from the Chief Planner and Executive Director, City Planning Division. This report identified the King-Spadina area as a high priority HCD study area.

The City Council decision was as follows:

"City Council on October 2, 3 and 4, 2012, adopted the following:

1. City Council adopt the prioritization system and criteria included in the report (August 16, 2012) from the Acting Chief Planner and Executive Director, City Planning.
2. City Council direct the Chief Planner and Executive Director, City Planning to initiate the study of the St. Lawrence; King/Spadina; Garden District; Historic Yonge Street and Queen Street East districts, as a result of the application of the prioritization criteria."

As a result of the decision, an HCD study has been initiated for the King-Spadina area, the boundaries of which include the two application parcels, which have four heritage

designated buildings, and abut another to the east of the east parcel (Royal Alexandra Theatre).

The decision item can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.12>

The King-Spadina area includes a number of listed and designated heritage properties. The heritage properties in the East Precinct are illustrated on attachment 9.

The HCD study is scheduled to be completed in the second quarter of 2014.

### **Pre-Application Consultation**

On August 2, 2012, an initial meeting with the proponent and City staff was held.

A pre-application letter and partial submission was received by the City on October 1, 2012. A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements on October 17, 2012. The application was submitted on November 9, 2012. A Notice of Complete Application was issued on December 21, 2012.

## **ISSUE BACKGROUND**

### **Proposal**

As previously noted in this report, the application has not been formally modified from the original submission. A revised Heritage Impact Statement did illustrate an alternative architectural expression for the proposal, however, no plans to reflect the modifications were submitted.

The proposal would redevelop two separate parcels of land, municipally known as 266-270 King Street West (east parcel) and 274-322 King Street West (west parcel) for the purpose of a mixed use development on each. The parcels are separated by Ed Mirvish Way.

The East Parcel is a Heritage Designated property, currently occupied by the Reid Building. The proposed development would result in the complete demolition of this building, making way for a stepped 82-storey building. The building base is proposed to be a six-storey stepped and articulated mixed-use element, which will be oriented to King Street West. The building base is proposed to include retail, office, residential and institutional (OCAD University) uses.

The tower element of the building would be residential and have an overall building height of 82-storeys (271.5 m), with floor plate areas ranging from 693 to 803 square metres. The development would have an approximate Floor Space Index of 41.7, which is comprised of floor areas of approximately 1,090 square metres for retail use, 1,020

square metres of commercial use, 2,070 square metres of institutional (OCAD) use, and 51,800 square metres of residential use. Access to the proposed 59 underground parking spaces and the servicing area is proposed off of Ed Mirvish Way, on the western limit of the parcel.

The West Parcel development would result in the complete demolition of three (3) Heritage Designated properties and the Princess of Wales Theatre, which is not listed or designated on the City's heritage inventory. The proposed development consists of two tower elements atop a six-storey base. The base of the building would accommodate retail, office and residential uses, as well as a gallery space containing the private collection of Mr. David Mirvish.

The tower element on the western portion of the parcel, near John Street, would have an overall height of 84 storeys (278.1 m), with floor plate areas ranging from 641 square metres to 1,041 square metres. The eastern tower element, near Ed Mirvish Way, would have an overall height of 86 storeys (284 m), with floor plate areas ranging from 1,055 square metres to 1,341 square metres.

The development of the west parcel would have an approximate Floor Space Index of 24.8, which is comprised of an approximate floor area of 9,370 square metres for retail use, 3,490 square metres of commercial use, 6,720 square metres of gallery and educational floor area, and 142,740 square metres of residential use (see Attachment 4 – Application Data Sheet). Vehicular access to the proposed 252 underground parking spaces and servicing is proposed via Pearl Street.

## **Site and Surrounding Area**

There are two parcels of land that are the subject of this application. The parcels are separated by Ed Mirvish Way.

The first, is the eastern parcel municipally known as 266-270 King Street West, located at the north-east corner of Ed Mirvish Way and King Street West. The parcel is rectangular in shape, having an approximate frontage of 30.4 metres along King Street West and approximately 43.6 metres of lot depth along Ed Mirvish Way, with a site area of approximately 1,344 square metres. The abutting property to the north, municipally known as 11 Ed Mirvish Way does not form part of the subject lands. Abutting the site to the east, is the Royal Alexandra Theatre at 260 King Street West, which was designated a heritage property by By-law 1238-2012.

The eastern parcel contains a five-storey building, known as the Reid Building built in 1913. City Council designated this property under the Heritage Act by By-law 1148-2011.

The western parcel, municipally known as 276-322 King Street West, encompasses the entire street block bounded by John Street, King Street West, Ed Mirvish Way and Pearl Street. The parcel is rectangular in shape having approximate dimensions of 115.4



metres along King Street West, a depth of 56.4 metres, and an approximate lot area of 6,527 square metres.

The western parcel contains four buildings, of which three are designated heritage buildings, while the fourth is the Princess of Wales Theatre.

The E.W. Gillett Building is a four-storey building, municipally known as 274-276 King Street West, which is located at the eastern limit of the western parcel at the North-west corner of Ed Mirvish Way and King Street West. Built in 1901 and added onto in 1942, this building was designated a heritage property by By-law 1149-2011.

To the west of the Gillett building, is the 1915 built Anderson Building, located at 284 King Street West. This is a four-storey heritage property designated under By-law 1150-2011. West of the Anderson building is the Princess of Wales Theatre, located at 300 King Street West. This building has a four-storey appearance from King Street West.

The final building on the western parcel is the Eclipse Whitewear Company building, located at the north-east corner of John Street and King Street West, municipally known as 322 King Street West. Built in 1903, this is a designated heritage property by By-law 1151-2011, having a height of five-storeys.

All four designated buildings are examples of the warehouse character buildings that the King-Spadina Secondary Plan was developed to reinforce. The buildings are in good condition and house some of the creative and cultural cluster businesses that compliment the Entertainment District.

The sites are surrounded by the following:

North: Pearl Street, followed by three to four-storey buildings with restaurant and office uses on both sides of Ed Mirvish Way.

South: King Street West, followed by Metro Hall, David Pecaut Square, as well as the Metro Hall office complex with building heights up to 27-storeys and Roy Thomson Hall. These properties are located outside of the King-Spadina Secondary Plan area.

West: John Street, followed by the recently constructed 47-storey Festival Tower and Toronto International Film Festival (TIFF) headquarters.

East: The Royal Alexandra Theatre property (3-4 storeys) abuts the subject site to the east at 260 King Street West. It is designated under Part IV of the Ontario Heritage Act. Immediately east of the Royal Alexandra Theatre is 224 King Street West, which has recently approved development rights for a 47-storey building, followed by three heritage warehouse buildings of 5-6 storeys east to Simcoe Street.

Attachment 3 illustrates the two parcels in relation to the street patterns and municipal addresses, as well as building footprints in the area. The locations of heritage properties within the immediate and surrounding area are illustrated on Attachment 9.

## **Provincial Policy Statement and Provincial Plans**

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

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

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

## **Official Plan**

The properties are located within the Downtown and Central Waterfront area outlined in Map 2 – Urban Structure as well as Map 6 – Downtown and Central Waterfront Boundaries, and are designated *Regeneration Areas* on Map 18 – Land Use Plan of the City of Toronto Official Plan.

Chapter Two of the Official Plan, acknowledges 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.

Growth is anticipated in the *Regeneration Areas* designation. The *Regeneration Areas* designation permits a wide range of uses, including the proposed residential and commercial uses. In order to achieve a broad mix of commercial, residential, light industrial and live/work uses, the Official Plan contains policies related to *Regeneration Areas* encouraging the restoration, re-use and retention of existing buildings that are economically adaptable for re-use as well as the revitalization of areas of the City that are vacant or underused.

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

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

Chapter Three of the Official Plan, 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 impacts on streets, open spaces and parks. The Official Plan also provides guidance with respect to Tall Buildings policies cited in Section 3.1.3, and Community Services and Facilities policies in Section 3.2.2.

The Plan states that "Tall Buildings come with larger civic responsibilities and obligations than other buildings." The built form policies of Section 3.1 provide additional direction on how they fit into the existing and planned context and how they are designed.

Section 3.1.3.2 requires that tall buildings proposals address key 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 planned context;
- providing high quality, comfortable and usable publicly accessible open spaces; and
- meeting the other goals and objectives of the Official Plan.

Section 3.1.5 of the Official Plan provides guidance and policy direction with respect to 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.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

### **King-Spadina Secondary Plan**

The two parcels are also located within the King-Spadina Secondary Plan area, found in Chapter 6.16 of the Official Plan. The Secondary Plan emphasizes the reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm.

The Plan also seeks to achieve a compatible relationship with heritage buildings. 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, stepbacks, roof line and profile, and architectural character and expression.

The policies of Section 3 - Built Form and 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 and lower levels are to provide public uses accessed from the street;
- servicing and parking are encouraged to be accessed from lanes rather than streets and minimize pedestrian/vehicular conflicts;

- new buildings will be sited for adequate light, view and privacy; compatibility with the built form context;
- new buildings will achieve a compatible relationship with their built form context through consideration of such matters of building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression;
- appropriate proportional relationships to streets and open spaces will be provided; and wind and shadow impacts will be minimized on streets and open spaces;
- streetscape and open space improvements will be coordinated in new development; and
- high quality open spaces will be provided.

### **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/tallbuildingsdesign.htm>.

A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. The Tall Building Design Guidelines provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, massing of base buildings, tower floor plate sizes, tower setbacks and separation distances, pedestrian realm considerations and sustainable design. This document has been used to assist in the evaluation of the proposed development.

### **Zoning**

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 3- Zoning Map), which regulates the use of land and establishes certain development performance standards, including on-site parking.

The RA zone permits a wide range of land uses and a maximum building height of 30 metres for this site. An additional 5 metres is permitted for rooftop mechanical elements.

The Zoning By-law permits development to the front lot line and to the side lot lines to a depth of 25 metres. Beyond a depth of 25 metres, a 7.5 metre setback is required. A 7.5 metre setback to the rear lot line is also required. Section 12(2)246 of the Zoning By-law requires a 3-metre setback above 20 metres on all street frontages.

By-law 922-2006, implementing the zoning by-law amendments arising from the 2006 King-Spadina Secondary Plan review, added provisions that included requirements for windows of dwelling units to maintain a minimum separation of 15 m, and 7.5 m to a lot line that is not a public street, depending on the height of the building. By-law 922-2006 is under appeal to the Ontario Municipal Board.

## **Site Plan Control**

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

## **Reason for the Application**

The application to amend the Zoning By-law has been made to permit buildings with building heights of 271.5 metres to 284 metres, whereas the permitted maximum building height is 30 metres. Other areas of non-compliance include but are not limited to, a deficiency in on-site parking spaces and shortfall in both indoor and outdoor amenity space.

## **Ontario Municipal Board Appeal**

On June 18, 2013, the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the OMB, citing City Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. A hearing date has yet to be scheduled, but a prehearing date has been set for January 6, 2014.

## **Community Consultation**

There were two community consultation meetings to discuss the broader area and the specific proposal by the Ward Councillor respectively.

The first community consultation meeting was held on December 11, 2012. Although a general overview of the proposed development was presented by staff, the primary purpose of the meeting was to initiate a discussion around contextual considerations and related to community needs in the area, given the significant amount of development and intensification that has occurred in the area and the associated pressures that may be perceived related to this proposal.

The second was held on February 19, 2013 to discuss the proposed development in light of the issues and concerns raised at the first meeting related to the ability of the area to absorb the proposal.

The City Planning community consultation meeting was held on April 29, 2013 as directed by the Toronto and East York Community Council, to obtain feedback on the proposed development. In attendance were business owners, area residents, people who work in the area and people who enjoy the areas many entertainment and culinary establishments.

Comments received were consistent with those previously raised at the two initial consultation meetings and were as follows:

- too much density for an area already experiencing significant growth pressures
- lack of community facilities to accommodate the growth
- lack of heritage preservation in the development

- 311 parking spaces is not sufficient for the scale of development
- concerns about lack of infrastructure and hydro
- concern about building heights as nothing comparable in the area, and may establish a precedent for other developments
- lack of green space for a sustainable and liveable community, too many units/people
- too much redevelopment pressure placed on existing building stock (warehouses) as a result of approved densities in the area, making redevelopment more financially beneficial than repurposing the buildings
- new building height dwarf everything around, which lessens the appeal of the existing physical form

Staff was also advised of concerns by a property owner, who abuts the East Parcel. The abutting property is located at the south east corner of Ed Mirvish Way and Pearl Street (11 Ed Mirvish Way). The concerns raised were related to construction activity and potential impacts on development opportunities for the property. With respect to future development opportunities, staff is of the opinion that the site is too small to accommodate a tall building or significant density.

## **COMMENTS**

The King-Spadina East Precinct was, and continues to be a significant location for employment within the City. Since the "Kings" initiative in 1996, the King Spadina East Precinct has experienced a significant amount of growth, reinvestment and development in residential, employment and commercial uses. The significant Secondary Plan policy objectives were aimed to encourage reinvestment in the area for a diverse range of employment and residential uses while preserving and reinforcing the historic scale and character of the area and enhancing the public realm. This growth has been accommodated in many forms including renovations, repurposed buildings, and new redevelopments.

The East Precinct has experienced a high concentration of new developments and uses in different building typologies including Tall Buildings, which have become increasingly more prevalent since 2006. These developments are creating a tower neighbourhood east of Spadina which was not contemplated by the in-force Plan.

A summary of the level of intensification identified through the 2013 King-Spadina East Precinct Built Form Study follows:

- In 2012 there were 21,900 employees in the King Spadina East Precinct, which is an increase of 9,300 employees, or a 74% increase, from 1996. Over the same time period, employment in the City as a whole increased by only 15% (City of Toronto Annual Toronto Employment Survey, 2012).
- Approximately 9,000 to 10,000 additional employees will be working in the East Precinct if all of the current development applications are constructed. This forecast is based on an analysis of planning applications submitted between

January 1, 2008 and October 28, 2013 and is calculated based on 1 employee per 20m<sup>2</sup> of office use and for all other non-residential uses is calculated at 1 employee per 30-35m<sup>2</sup>.

- There is more employment in the East Precinct than 3 of the 4 Centres in the Official Plan (excluding the Downtown):

<b>Centre</b>	<b>2012 Employment</b>
Etobicoke	8,700 employees
Scarborough	15,400 employees
Yonge-Eglinton	17,700 employees
North York	36,100 employees
Downtown	446,800 employees

Source: City of Toronto Annual Toronto Employment Survey, 2012

Office space comprises the majority of employment uses in the East Precinct (66%, or a total of approximately 308,000m<sup>2</sup>). Most of this office space is located in mid-rise brick and beam character warehouse buildings, which are increasingly the location of tall building development applications.

Population in the East Precinct is also increasing:

- In 1996 Canada Census reported there were approximately 148 people living in the East Precinct. According to the last Census, population in the King Spadina East Precinct was approximately 3,600 people in 2011. This is an increase of 167% from the previous census in 2006.

Population and Occupied Dwellings in the East Precinct by Census Year

	<b>1996</b>	<b>2001</b>	<b>2006</b>	<b>2011</b>
Population	148	231	1,353	3,616
Occupied Dwellings	101	178	901	2,495

Source: Statistics Canada, 1996, 2001, 2006 and 2011 Census.

- Even accounting for illegal lofts and potential under counting by the Canada Census in 1996 and 2001, the most rapid population growth has been since 2006 as new buildings have been approved, constructed and occupied.
- Approximately 18,000 additional people will be living in the East Precinct if all of the current development applications are constructed. This forecast is based on an analysis of planning applications submitted between January 1, 2008 and October 28, 2013 and is calculated based on 1.5 people per unit (source for development applications: IBMS/LUISII, October 2013; source for people per unit: Statistics Canada, 2011 Census, Census Tract 11).



- The majority of new development in the East Precinct is for residential gross floor area rather than employment use. According to City records, in May 2013 residential units made up approximately 82% of the gross floor area in new development applications.

The area also forms part of the broader Entertainment District, with this particular segment of King Street West known as the Theatre Row. The Royal Alexandra Theatre and the Princess of Wales Theatre are located in this area, as well as a number of historic buildings that have been designated as Heritage Buildings.

There are also numerous cultural, educational and creative establishments, either in, or in close proximity to the Precinct.

The overall result of aforementioned community mix is a neighbourhood that has a high concentration of live, work, learn and play activities which have made it a desirable place to locate.

The challenge is to maintain an appropriate balance of land uses, where these activities can be supported and fostered with hard and soft services, in order to balance the growth pressures, maintain employment opportunities, and provide for a sustainable, balanced and liveable neighbourhood, as envisioned in the City's Official Plan, while not compromising what has made the area unique and successful.

A key component in the success of the King-Spadina area being a desirable place to locate is the balance between the residential and employment uses. Opportunities to live close to where you work are a significant factor in attracting people to live downtown. This balance has been shifting to the residential uses with the more recent, larger developments in the East Precinct. More residential units and less employment floor area have become more apparent within the past 5 to 8 years. In the King-Spadina Area, employment opportunities in the cultural industries are considered an essential ingredient, in this balance, as the area has a large concentration of jobs in this sector, which in part also relates to the vitality and viability of the Entertainment District.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement promotes new development primarily through intensification and requires that new development create efficiencies in land use. The Provincial Policy Statement also states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. Section 1.1.3.3 of the Provincial Policy Statement also requires: "planning authorities to identify and promote opportunities for intensification redevelopment".

This application constitutes a significant redevelopment of a property and does comply generally with the Provincial Policy Statement in regard to efficiencies of land use and intensification. However, the proposal is not consistent with all applicable policies of the City of Toronto Official Plan, and therefore, as per Section 4.5, it cannot be said the application is fully consistent with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe designates Toronto as a growth area. The growth is primarily intended to occur through infill development and intensification. While the applicant's proposal represents a significant intensification of property, the proposed residential development is not necessary to meet the growth targets forecast by the Province of Ontario for the City of Toronto. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Further, it is the opinion of staff that the proposed development is not consistent the Planning Act or with the Provincial Policy Statement (PPS), and does not conform to the Growth Plan for the Greater Golden Horseshoe with respect to Heritage Policies.

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

The Planning Act and associated Provincial Policy Statement guide development in the Province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

Provincial Policy Statement 2.6.1 states that "Significant built heritage resources and cultural heritage landscapes shall be conserved". Properties designated under Part IV of the Act or included on the City's Inventory of Heritage Properties comprise "significant built heritage resources".

In the PPS 2005, "conserved" is defined as "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."

266, 276, 284 and 322 King Street West have all been identified through municipal listing and provincial designation and their accepted heritage values and attributes are contained in the Reasons for Designation adopted by City Council.

The Growth Plan for the Greater Golden Horseshoe references in Part 4 "irreplaceable cultural heritage sites...that are essential for the long-term economic prosperity, quality of life....These valuable assets must be wisely protected and managed as part of planning for future growth...A balanced approach to the wise use and management of all resources... will be implemented."

Section 4.2.4 of the Growth Plan reads:

"Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:

...e) Cultural heritage conservation, including conservation of cultural heritage and archaeological resources where feasible, as *built-up* areas are intensified"

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Toronto Entertainment District BIA Comments**

The BIA key recommendations regarding the proposed development were as follows:

"Given their impact on the public realm and other key Master Plan objectives, the recommended priority issues to be addressed in this current proposal are as follows:

- Retain and integrate the defining and significant features of the designated heritage buildings currently on site.
- Retain or increase the amount of displaced cultural and employment uses.
- Provide continuous, active at-grade commercial uses along the John Street frontage.
- Reduce the massing of the towers.
- Provide adequate tower separation distances.
- Retain the existing public parking capacity on site.
- Ensure significant contributions for the revitalization of John and King Streets."

The complete key recommendations received from the BIA are appended to this report as Attachment 10.

### **Official Plan**

The proposed development consists of significant building heights and densities, which are inconsistent with the planned and existing physical context in the East Precinct of the King-Spadina Secondary Plan area, and significantly taller than previous approvals.

Both the Official Plan and the Secondary Plan for the area do not envision landmark building heights and the proposed level of density being developed on the subject parcels. On the contrary, for new developments, the Secondary Plan seeks to achieve a compatible relationship to the warehouse character and heritage buildings within their context and reinforce the physical context.

The Official Plan does provide guidance for landmark buildings that shape the skyline by directing them to be focused on the Financial District, as outlined in Policy 2.2.1.1 (c). The proposed landmark development of a trinity of towers is within the King-Spadina Secondary Plan area, outside and west of the Financial District. There have been a limited number of buildings approved outside the Financial District that can be considered landmark buildings, but at a lesser heights, scale and density than that proposed, and in a variety of different physical and policy contexts.

The Built Form Policies of the Plan also seek to have new developments massed to fit harmoniously into their existing and/or planned context, and will limit their impacts on neighbouring streets, parks, open spaces and properties through a number of methods, which are not being satisfied by the proposed development. The base of the building is 33.5m, which is inconsistent with the existing and planned street proportion, including the heritage context, while the overall scale of the development fails to create an appropriate transition in scale to neighbouring existing and/or planned buildings. The proposal would therefore not fit harmoniously into the existing and/or planned context.

As previously stated in this report, tall buildings come with larger civic responsibilities and obligations. The proposed development includes three towers which have been described as "Super Tall", with their related scale and densities. This development does not contribute and reinforce the overall City structure, or the existing and/or planned context as cited in Policy 3.1.3.2.

The proposed development may establish an undesirable example for future Super Tall buildings elsewhere in the City, relying on minimal performance standards, developed for much shorter tall buildings, being utilized on standard size block fabric, and contributing to a resulting overdevelopment. This proposal may serve to compromise the Official Plan and potentially be used to justify other inappropriate developments.

The King-Spadina Secondary Plan identifies "Important Sites", as cited in Policies 3.4 and 3.5 and indicated on Map 16-1, which does not include the subject parcels. The Plan does identify King Street as a significant east-west street that links the Financial District to western parts of the City. The streets identified as by the Plan as significant were to be enhanced through zoning, design guidelines and streetscape improvements. The subject parcels were identified as a character area (Theatre Row), with four of the existing buildings being designated for heritage purposes in 2011. Further, the parcels front onto a segment of Canada's Walk of Fame, which provides a unique form of streetscaping and place in the City.

Policy 3.6 of the Secondary Plan states that new buildings for any use will be sited and massed to provide adequate light, view and privacy for neighbouring properties and new buildings will achieve a compatible relationship with their built form context through consideration of such matters as, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression. The proposed development does not meet these objectives.

The proposed development is excessive in scale, massing, building heights, base building heights are not consistent or compatible with existing/planned built form. It represents a significant deviation from the evolving physical context of the area over the past 5 to 8 years. A detailed comparison of heights and densities is provided in the Density/Height section of this report below.

With respect to the heritage policies of the Secondary Plan Policy 2.5 states that "Heritage buildings and other important buildings within the King-Spadina Area, will be retained, restored and re-used", the Plan goes further to explain in Policy 4.1 that "heritage buildings in the King-Spadina Area are essential elements of the physical character" and provides guidance for new development by stating "New buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression." The proposal would not retain, restore or re-use the four designated buildings, nor has it conformed to the policy related to compatibility.

Official Plan policy 3.1.5 states that significant heritage resources will be conserved by listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties; designating properties; entering into conservation agreements with owners of heritage properties; and designating areas with a concentration of heritage resources as heritage conservation districts. The Plan directs the adoption of guidelines to maintain and improve the character of such districts.

Further, Policy 3.1.5.2 of the Plan states that "Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved." The interpretation policies of the Plan provide that use of the term "will" is prescriptive, to be interpreted as equivalent to "shall". The proposed development does not provide for any conservation of heritage resources.

It is the opinion of staff that the proposed development does not conform to the Official Plan policies related to Built Form and Heritage.

### **Tall Buildings Design Guidelines**

A tall building is generally defined as a building that is taller than the road right-of-way which is adjacent to the site. The Tall Buildings Design Guidelines provide recommendations to assist staff in their review of tall buildings. The Guidelines are a tool to implement Official Plan policies (particularly those policies in Section 3.2.1 – Built Form) regarding issues of: transition in scale; massing of the base building; tower floorplates and tower setbacks and separation between towers or to potential tower sites.

Section 3.2.3 of The Tall Building Guidelines refers to separation distances and calls for a minimum separation of 25 m between towers or 12.5 m from an abutting property line. This section also states that where taller buildings or larger tower floor plates are proposed, greater setbacks and separation distances proportionate to increases in building size and heights should be provided.

The Guidelines further state that on sites that cannot provide the minimum tower setbacks and stepbacks, as required, that the site may not be appropriate for tall buildings. The proposed application has towers that vary in their floor plate size and floor plate placements on the site. Towers on the western portion of the west parcel have a separation of approximately 21m and also a similar distance from a proposed application for a tall building on the north side of Pearl Street.

The towers on either side of Ed Mirvish Way are approximately 22.5 m apart. It should also be noted that the tower on the eastern block is in close proximity to its north lot line which it shares with 11 Ed Mirvish Way.

In all cases, the proposed separation distances are less than the minimum standards required by the guidelines despite the excess floor plate sizes and extreme heights being contemplated as part of this proposal.

The separation distances proposed by the applicant are a concern. Adequate tower separation distances from property lines and from other towers is a critical aspect of tall building design. The placement of towers should minimize negative impacts on the public realm and neighbouring properties, such as adverse shadowing, pedestrian-level wind, and blockage of sky view, and should maximize the environmental quality of building interiors, including day-lighting, natural ventilation, and privacy for building occupants.

Separation distances greater than the 25 metres are often necessary to ensure a tall building fits harmoniously within an existing or planned context, given the larger proportions and scale. In this case, the proposed application does not meet the minimum standards.

The intent of the Guidelines with respect to the scale of the building base and tower floor plate has not been met with this application

This proposal is showing a base condition of 5 and 6 storey at an approximate height of 33.5 metres fronting onto King Street West, which has a right-of-way width of 20 metres. The existing street wall condition is approximately two thirds of the proposed base. The base condition of the development on the west side of John Street (TIFF) has a lower base condition than that proposed.

Planning staff consider that a base building height that is more within the range of the existing heights of the existing building on the sites and that of the development west of John Street would be more appropriate at this location given the character of the area and to create a lower scale context for pedestrians.

The Design Guidelines recommend more slender towers to lessen shadow impact, allow for greater sunlight penetration, greater view opportunities through proposed developments, and allows sky views from the proposed development and from existing

adjacent buildings. A maximum tower floorplate size of 750 square metres is recommended to achieve these objectives.

The proposed three tower elements from east to west range in floorplate areas from approximately 693 to 803 square metres, 1,055 square metres to 1,341 square metres, and 641 square metres to 1,041 square metres, respectively. There are floorplates that are significantly larger than those recommended by the Guidelines, which result in an inappropriate built form that does not satisfy Official Plan objectives related to scale, context, light and views.

Staff recognize that there is a correlation between floorplate areas and overall building heights. In this instance, the two parcels do not provide sufficient area for three towers, with the heights and floorplates proposed.

### **Density, Height and Scale in a Surrounding Context**

In order to assess the proposed development's scale, in terms of building height, floor space index, and dwelling unit density, a comparison with the block bounded by King Street West, Widmer Street, John Street and Adelaide Street West (TIFF Block) was undertaken. The TIFF Block is comprised of three towers, and uses that complement the John Street Cultural Corridor, including the TIFF offices and theatres. A comparative summary is provided below:

	Area (m <sup>2</sup> )	GFA (m <sup>2</sup> )	FSI	Units	Units/hectare	Max. height (m)
TIFF Block	9,770	137,100	14.03	1,297	1,328	157
Proposed Development (Both Parcels)	7,876	216,760	27.52	2,709	3,440	284

The comparison identifies that although the two subject parcels land area is only 80.6% of the TIFF Block, the two parcels have 1.58 times the amount of gross floor area and more than 2 times the amount of dwelling units of the TIFF Block. The proposed maximum building height of the two parcels is also 1.81 times higher than the approved maximum building height of the TIFF Block. This comparison serves to illustrate the order of magnitude increase in height and density that is being proposed, in relation to new developments in the Precinct.

Staff have also compared the proposed development to other recent approvals in the King-Spadina East Precinct, and concluded there are no approved developments with similar heights or densities. A comparison of both parcels combined and as individual parcels to recent approvals in the East Precinct is provided below:

	Area (m <sup>2</sup> )	GFA (m <sup>2</sup> )	FSI	Units	Units/hectare	Max. height (m)
Both Parcels	7,876	216,760	27.5	2,709	3,440	284
West Parcel	6,532	160,780	24.6	1,963	3,005	284
East Parcel	1,344	55,980	41.7	746	5,551	272
224 King St W	1,034	21,390	20.7	234	2,263	151
327 King St W	1,183	23,620	20	304	2,570	154
355 King St W	3,869	67,432	17.4	661	1,709	156
300 Front St W	4,170	55,659	13.4	684	1,640	156
306 Richmond St W	1,472	30,350	20.6	402	2,731	124

The comparison above serves to illustrate the significant increase in building height and density being proposed, in relation to several recent Tall Building approvals in the East Precinct. The high mark for building heights is in the mid-150 metres range, which is approximately 130 m less than the maximum building height being proposed. Similarly, the proposed density in terms of floor space index and overall units per hectare are in excess of those approved in the Precinct.

A further comparison of the proposed development was undertaken. Staff tested another recent development in the East Precinct, which had a large site area and two tall tower elements. In order to fully assess the metrics, the proposal was assessed as two separate parcels and as one project. Staff also compared the proposal to other developments outside of the King-Spadina area, including one located where the City's Yonge/University/Spadina Subway line connects with the Bloor/Danforth line, municipally known as 1 Bloor Street East.



	Area (m <sup>2</sup> )	GFA (m2)	FSI	Dwelling units	Dwelling Units/hectare	Max. height (m)
181 Richmond	5, 275	60,626	11.49	742	1,407	130
West Parcel	6,532	160,780	24.61	1,963	3,005	284
East Parcel	1,344	55,980	41.65	746	5,551	272
Both Parcels	7,876	216,760	27.52	2,706	3,440	284
1 Bloor East	4,690	77, 546	16.53	789	1,682	240

The comparison table above further illustrates that the proposed development is inconsistent and significantly in excess of others recent developments in terms of building heights, densities and scale in the East Precinct and in the downtown.

Staff is of the opinion that these comparisons demonstrate that the scale and density of the proposal is excessive, out of keeping with the evolving pattern of development and that this intensity of development may adversely impact the liveability of the area. This inappropriate result would be compounded if it were to be replicated or become the new standard for development expectations.

### **Non-Residential Floor Area**

The Official Plan seeks to build on the strengths of the Downtown as the premier employment centre in the GTA as cited in Policy 2.2.1.1 (a). The Entertainment District is considered to have the highest concentrations of cultural jobs in Toronto, as identified in a report entitled "From the Ground Up: Growing Toronto's Cultural Sector".

The subject lands currently have approximately 24,054 m<sup>2</sup> of non-residential gross floor area, with another 13,839 m<sup>2</sup> of below grade floor area. According to the City's 2012 Employment Survey data, there are an approximate total of 938 people currently employed in the subject buildings (822 FTEs and 116 PTEs). It is important to note that of the 938 employees, approximately 727 are categorized as office employment (700 FTEs and 27 PTEs).

The proposed development would provide a total of 23,760 m<sup>2</sup> of non-residential floor area, which is comprised of 10,460 m<sup>2</sup> for retail uses, 4,510 m<sup>2</sup> for office uses, and 8,790 m<sup>2</sup> for institutional uses. The applicant anticipates that the floor area and use breakdown will accommodate approximately 983 employees in the new development.

Redevelopment is encouraged to take advantage of the opportunities provided in this area to enhance cultural and innovation-driven sectors, as well as creative and technology based industries, to achieve the goal of building an integrated and sustainable economic growth and job creation system.

There has been much work and research conducted into establishing an economic development strategy for the City, including: "Creative Capital Gains – An Action Plan for Toronto (2011)" and "Collaborating for Competitiveness – A Strategic Plan for Accelerating Economic Growth and Job Creation in Toronto (January 2013)". The redevelopment of these parcels have the opportunity to enhance this goal, by taking advantage of the location attributes present in this District.

As Policy 2.3 of the King-Spadina Secondary Plan states "The King-Spadina Area is an important employment area. Accordingly, the retention and promotion of commercial and light industrial uses including media, design and fashion businesses within the area is a priority."

Key concerns within the East Precinct include overdevelopment of residential uses that may further threaten the non-residential side of the scale, especially the cultural industries. The balance and proportionality is necessary to ensure that the area is maintained as viable for employment purposes, and a place where residents can live, work, play and learn.

The balance encourages reinvestment and a diverse range of employment opportunities, while reinforcing the historic scale and character of the area, recognizing the cultural industries that call the area home. By tilting the scales to the residential use side, the balance may compromise the mixed-use dynamic of the area.

## **Transportation, Traffic and Parking**

The applicant submitted a Transportation Impact, Site Circulation, and Parking Study, as well as a Functional Servicing Report, in support of the application.

With respect to traffic impacts and parking, additional information was requested from the applicant's Consulting Engineer. The details and information were submitted and are currently under review.

The applicant is proposing a total of 311 parking spaces for the project (219 resident spaces and 92 non-resident spaces operated as a commercial parking facility). The amount of proposed parking spaces is significantly lower than either Zoning By-law 438-86 or Zoning By-law 569-2013. The parking study submission estimated the required parking to be approximately 2,072 parking spaces in Zoning By-law 569-2013. The shortfall is 1,761 parking spaces.

With respect to bicycle parking, the development would provide 1,824 bicycle parking spaces, whereas the proponent identified 2,813 bicycle parking spaces would be required. There would be a shortfall of 989 spaces.

There are currently two studies underway that will help to provide a greater understanding of movement capacities in the area, being the Downtown Transportation Operations Study (DTOS) and the Richmond-Adelaide Track Study (Cycling). Both

studies are initiatives to identify opportunities to making travel downtown more efficient for all users.

The proposed shortfall in parking spaces has been identified as a significant concern by staff and area residents.

## **Public Realm**

The pedestrian realm is a key component to the movement of people and overall liveability in the area. Concerns regarding the sidewalk widths and their ability to accommodate more pedestrians have been raised.

The proposed development incorporates building setbacks that provide for a wider pedestrian realm. Calculations to illustrate the level of intensity of additional sidewalk use generated by this development were requested, and are being assessed by City Staff along with justification for the parking deficiency and traffic impacts.

The proponent has framed the sidewalk width issue as one that overrides the conservation of the four existing heritage designated buildings. Staff are of the opinion that a careful balance that addresses site and streetscape opportunities, without unduly compromising heritage conservation is more appropriate.

In the downtown, where public open space opportunities are scarce, streetscape opportunities are essential to supplement the shortfall of open spaces. Animated sidewalks, street trees, street furniture serve to provide linkages and activities to address liveability elements.

These elements include places to congregate such as cafes and outdoor patios, interesting walking opportunities for physical activity, or street furniture for passive activity. Opportunities for these elements along John Street, Ed Mirvish Way and King Street West can be achieved.

Sidewalks also provide linkages to traditional public open spaces that may be programmed, or to privately owned publicly accessible spaces (POPS) like plazas. Opportunities for on-site pops in this proposal would be an appropriate means to address enhance the pedestrian realm quality and size. POPS can also serve as an appropriate technique to respond to adjacent heritage resources.

There are various elements to the public realm that can foster and achieve liveability, without having to compromise the character or heritage of the area.

## **Proposed Amenity Space**

New development is required to provide indoor and outdoor amenity space for its future residents at a rate of 2 m<sup>2</sup> per dwelling unit. The proposed development would require 5,418 m<sup>2</sup> of both indoor and outdoor amenity spaces, whereas 4,100 m<sup>2</sup> of indoor and

2,300 m<sup>2</sup> of outdoor amenity space is proposed. The shortfall is 1,318 m<sup>2</sup> of indoor and 3,118 m<sup>2</sup> of outdoor amenity space.

Amenity space provides future residents access to facilities that make their environment more liveable, especially in densely populated areas and developments. In an area where community services and facilities are not readily available in the immediate area, private amenities are necessary to supplement neighbourhood deficiencies.

In an OMB decision released on October 28, 2013 (PL 130098) pertaining to a development in the King-Spadina area where no amenity space was proposed, the Board found that "the provision of adequate indoor amenity space is important to the quality of life and the well-being of the future residents." It is the opinion of staff the equally important is the provision of outdoor amenity space, especially in an area that is deficient in parkland. Staff cannot support the significant shortfalls in indoor and outdoor amenity space proposed.

### **Shadows/Wind**

A Sun/Shadow analysis was submitted in support of the proposed development in accordance with the City's Terms of Reference for Sun/Shadow Studies as described in the Bosselman/Dunker study.

The evaluation of the shadow impacts will focus on March 21<sup>st</sup> and September 21, being the equinoxes. The purpose of the studies is to address Official Plan Policies 3.1.2.3 and 3.1.2.4.

The analysis illustrates shadows from the proposed development extending beyond Bulwer Street at 9:18 a.m. Bulwer Street is the right-of-way connecting Spadina Avenue to Soho Street, north of Queen Street West. John Street also experiences shadows from south of Pearl Street to south of Nelson Street.

At 10:18 a.m. the shadows are cast over the properties on the north side of Queen Street West from Beverley Street to west of Soho Street. John Street remains mostly in shadow from Pearl Street to Richmond Street West.

On March 21<sup>st</sup> at 11:18 the shadows are still present on the properties fronting the north side of Queen Street West, while on September 21<sup>st</sup> at the same time of day, the shadow are cast onto the properties fronting the south side of Queen Street West. John Street remains mostly in shadow from Pearl Street to Queen Street West.

By 12:18 on both days, the shadows are off Queen Street West, still present over a portion of the Bell Media (former City TV) parking square at 299 Queen Street West on March 21<sup>st</sup>. Also in March, the proposed west building is casting a shadow over John Street from Adelaide Street West to south of Queen Street West.

The shadows that result from the three proposed towers, with the significant floor plates that average over 750 m<sup>2</sup>, together with the heights and separation distances proposed,

have the visual effect of a solid wall of shadows in the early morning due to the sun's angle on the area to the north-west of the sites. As the morning progresses, there is a slight improvement, with slight shadow gaps emerging. The length and width of the shadows cast will have an effect on both Queen Street West and John Street in the morning.

Queen Street West in this area is a Heritage Conservation District. The City of Toronto has enacted legislation and zoning regulations to address the physical character of the street. A guiding principle in those initiatives was to maintain sunlight on the north side of the street.

John Street has been identified as the City's Cultural Corridor a significant linear connection to many of the City's cultural institutions. There are plans to enhance the public realm to recognize this significant street identified as the "Cultural Corridor". The John Street Improvements Environmental Assessment study was concluded on March 5, 2012. The segment from Pearl Street to south of Richmond Street West will experience a significant amount of shadows cast in the morning hours. On June 21<sup>st</sup>, the shadows impact John Street from Pearl Street to Adelaide Street West in the morning hours as well.

The Wind Assessment predicts year round, reasonably comfortable wind conditions under normal to high ambient wind conditions. However, under strong or gusty wind conditions, higher than average ground level wind will be encountered. A detailed assessment would be required as the design of the buildings is finalized, with quantitative microclimate analysis undertaken to identify mitigation alternatives or building design modifications, if required.

However, a cumulative assessment of wind conditions is required to fully evaluate pedestrian level wind conditions. With the development activity occurring along King Street West and John Street, it is necessary to understand the impacts that all the developments would have on wind conditions.

## **Architecture/Design**

Excellence in building design, material choices and architecture is an expectation in all forms of development, especially tall buildings which carry greater civic responsibilities.

The role of the Official Plan is to guide and manage the City's growth and change. In our desire to achieve great architecture in a specific location, good planning principles including compatibility of scale and density must also be achieved. Creating new and sometimes iconic places in the City should not be a cause for setting aside general alignment with other planning objectives which are collectively aimed at building great neighbourhoods.

## **Community Services and Facilities**

A Community Services and Facilities report (November 2012) was submitted in support of the application. The boundaries used for the study area were Dundas Street West to the north, University Avenue to the east, Lake Ontario to the south and Bathurst Street to the west. It concludes that there may be a deficiency in childcare spaces, but that the area is well served by a variety of parks and recreational facilities.

While the area has a variety of community services and facilities, there has been no new significant parks and recreation facilities built in the area since the introduction of the Secondary Plan. Adding density beyond the levels anticipated and beyond the evolving level of density in recent projects puts added pressure on any of the existing services and amenities.

As part of the Built Form Review Study, the City has initiated a Community Services and Facilities Update study for the King-Spadina Secondary Plan area. The findings of this study will be more specific to the surrounding community, which has experienced significant population growth without a corresponding increase in community services or facilities to make the new community more liveable. It would be premature to permit the proposed development in the absence of the results of this study. An area without the essential services and facilities to accommodate growth will be less liveable and complete. It would establish a negative precedent for how a City should manage its growth.

## **Population and Growth Management**

The City's Official Plan directs growth to Centres, Avenues and the Downtown. Growth is anticipated and encouraged in the King-Spadina East Precinct, subject to the policies of the Plan and the ability of the growth to be accommodated. As noted previously in this report, the area has experienced a significant amount of growth in the last decade. There are many studies currently underway to determine how much more growth can be accommodated, without compromising the balance that make a community liveable and functional. Development and associated population growth in the area has been intensifying, but the level of density being proposed for these two parcels is significantly higher than the density levels already realized. This higher density level may affect the balanced growth for the Precinct and beyond, and is not required to satisfy population targets for the City.

## **Open Space/Parkland**

Parks, Forestry and Recreation staff have concluded that there is no location on either the West Parcel or the East Parcel for on-site parkland dedication and that both sites would be entirely encumbered by an underground parking garage and heritage buildings. As noted, there could be an opportunity for on-site open space and conservation of heritage with a different development arrangement that also addresses the issue of scale.

The applicant will be requested to satisfy the total parkland dedication of 717m<sup>2</sup> (the combined requirement for both the West Site and the East Site) through acquiring off site

parkland that will contribute positively to existing parks within Ward 20. The size and location of the parkland would be subject to the approval of the General Manager, Parks, Forestry and Recreation.

If an appropriate off-site parcel cannot be secured, the applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

### **Toronto Green Standard**

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

Should a proposed development be approved by the Ontario Municipal Board, the applicant would be required to meet Tier 1 of the TGS.

### **Section 37**

Section 37 of the *Planning Act* allows the City to authorize increased density and/or height in return for the provision of services, facilities or matters. The Official Plan contains provisions authorizing these Section 37 matters, provided the density and/or height increase are consistent with the objectives of the Official Plan regarding building form and physical environment.

Given the increase in proposed height, the Official Plan would require the provision of Section 37 matters. The applicant has suggested that they will provide space for OCAD University and build a gallery (which would be open to the public) to house the private collection of the owner of the site. Although staff see value in adding these amenities to support the creative cluster in the area, these proposals have to be evaluated against the range of services necessary to serve the new community. Should the applicant be willing to discuss modifications to the proposal, an appropriate Section 37 would be negotiated that could well include those elements.

Staff did not advance discussions regarding Section 37 benefits between the applicant as there was no agreement on appropriate development for the site. However, as this matter has been appealed to the OMB, the City Solicitor would need to address Section 37 matters in the event the OMB approves the development. This report therefore recommends that the City Solicitor advise the OMB that City Council's position is that any redevelopment of the Site, if approved by the OMB, should secure such services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be recommended by the Chief Planner and Executive Director, in consultation with the Ward Councillor.

## **King-Spadina East Precinct Built Form Study Preliminary Policy Directions**

In the November 4, 2013 Status Update Report, staff noted the following:

A number of preliminary policy directions are emerging based on community consultation, population and employment statistics, early findings of the community facilities and services work, and block-by-block urban design analysis, including:

- Create three separate sets of policies in King-Spadina for the East Precinct, West Precinct, and Spadina Precinct;
- Require tall building applications to improve the public realm, to provide for community services and facilities, and to create diversity in architecture;
- Amend the Zoning By-law to add key elements of the new Tall Building Design Guidelines in the zoning permissions in terms of massing; tower placement on the site; a minimum 25 metre tower separation; and increased tower separation distances beyond 25 meters to correspond with increasing tower height;
- Require new development to be of a scale and form that complements the historic building stock and structure of the public realm, taking into consideration the immediate context, podium scale, materiality, proportion and architectural rhythm;
- Reduce heights from east to west to create a transition down from the Financial District using the Shangri-La (214m) adjacent to the East Precinct as the elevation mark for the highest elevation, followed by the TIFF building at King and John (157m) as the next elevation mark, and transitioning down to the Charlie building (123m) (Attachment 2) as a means to moderate scale and density, thereby managing population growth;
- Reduce heights towards the Queen Street West Heritage Conservation District to prevent shadows on the north sidewalk past the noon spring and fall equinox;
- Create a transition downwards in scale and heights to respect the Queen Street West Heritage Conservation District;
- Incorporate results of the King-Spadina Heritage Conservation District Study into the East Precinct final recommendations;
- Limit or prohibit net new shadows on parks (including Clarence Square Park) and limit new shadows on important pedestrian streets (King Street, John Street) with time-of-day standards;
- Re-state and reinforce existing Secondary Plan policy to retain, conserve, restore and re-use heritage buildings;



- Conserve the heritage character of the Richmond, Adelaide and Duncan Street “Warehouse District” through listing or designation of heritage buildings and design new development to respect and contribute to the warehouse character of the area;
- Protect key views through the precinct, such as views of the CN Tower; and
- Improve the public realm including planting of street trees; improvements to the pedestrian, transit and cycling infrastructure; and improving laneways;
- Create a strategy to acquire new park land and open spaces, as well as expanded community facilities and services;
- Require new development to result in a net gain of employment gross floor area in the East Precinct, to protect the existing employment mix of light industrial, arts, culture, entertainment and office;
- Identify transportation and servicing infrastructure required to be secured prior to the approval of any increase in development density in order to keep pace with population and employment projections.

## **CONCLUSION**

Managing growth in tandem with the provision of necessary hard and soft community infrastructure is required to provide for quality of life and to ensure the development of complete communities and support economic growth. Density considerations cannot be dismissed in deference to built form objectives as overall density allows us to measure impacts on infrastructure and services on an ongoing basis.

The King Spadina Secondary Plan was based on a built form vision. Density was to be managed inherently by the built form character. As that built form character has evolved, the character, density, and the land use pattern has changed. Accepting that some of this change is inevitable, the degree of change needs to be managed and development expectations need to be shaped in a revised policy context that is clear and calibrated to achieve a future vision.

Approving density on a game-changing scale on two sites ahead of this revised policy context will frustrate the ability of the City to manage the evolving physical character of King Spadina and address liveability.

Among the concerns expressed in this report are the lack of heritage conservation, the inconsistency with built form policy, the extreme scale and density of the proposal, the shortfall in proposed parking, the shortfall in amenity space, the shadow and wind impacts and the lack of open spaces provided, notwithstanding the cash in lieu option, as there is more evidence that the population is growing faster than the provision of infrastructure.

Understanding the premise of the proposal as an architectural landmark for important cultural institutions on King Street West, staff believe the place making goals can be achieved while more closely respecting the planning objectives for the area. Meaningful revisions to the proposal that moderated the scale and density of the proposal through a combination of massing and height changes, conserved heritage buildings through a potential integrated approach and addressed the functional concerns expressed in this report would go some way to addressing the issues of overdevelopment inherent in the proposal.

This application does not represent an appropriate redevelopment of these sites and does not conform to the goals and objectives of the Official Plan. The proposed density; tower height(s), base building height; tower floorplate ranges and tower separation distances result in a built form that is out of scale with the existing and planned context of the area. Further, the loss of four heritage designated building, with the lack of heritage conservation also does not represent an appropriate form of redevelopment or good planning.

The building heights and densities proposed, as well as the treatment of heritage recourses will establish an undesirable example of redevelopment that may be recreated elsewhere in the Precinct and potentially in other parts of the City.

## **CONTACT**

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Tel. No. 416-394-8233  
Fax No. 416-394-6063  
E-mail: pcarval@toronto.ca

## **SIGNATURE**

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

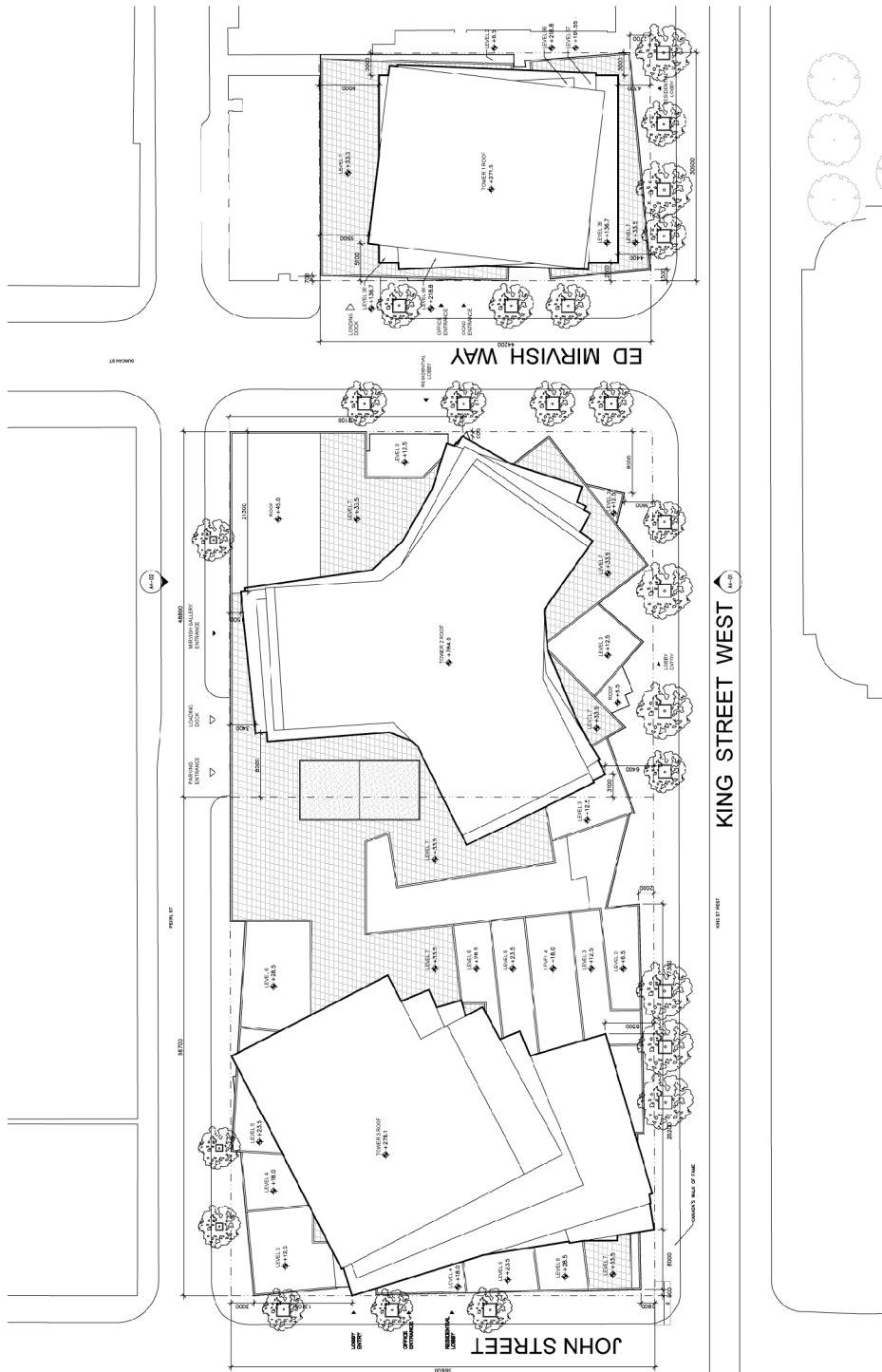
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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Application Data Sheet

- Attachment 5: Character Areas
- Attachment 6: Built Form Review Height Areas
- Attachment 7: King-Spadina Official Plan Amendment 2 Map 16-1
- Attachment 8: King-Spadina Official Plan Amendment 2 Map 16-2
- Attachment 9: Heritage Properties Map
- Attachment 10: BIA Key Recommendations

# Attachment 1: Site Plan



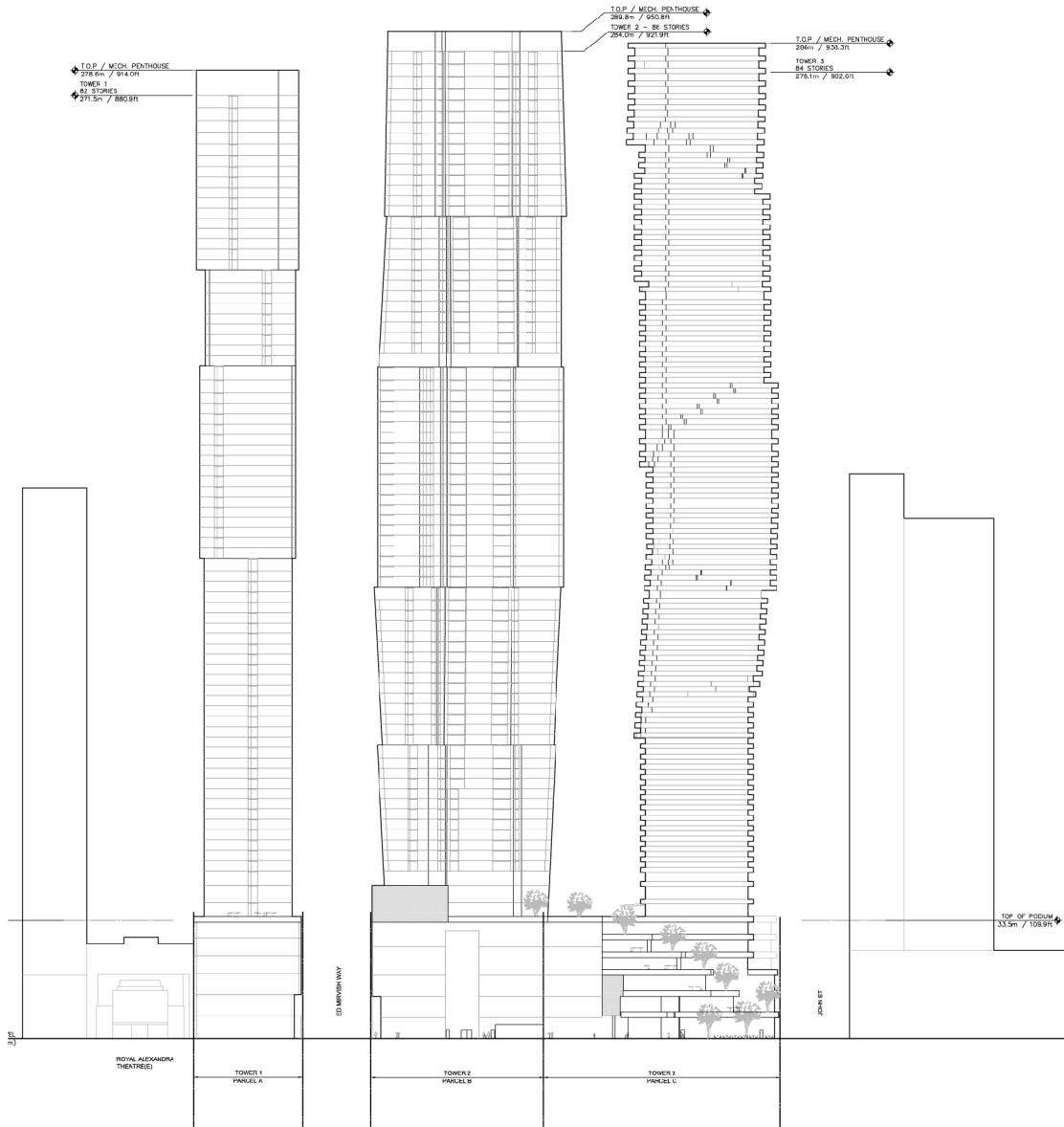
**Site Plan**  
**266 - 322 King Street East**

Applicant's Submitted Drawing

Not to Scale  
 12/07/2012

File # 12 276890 02

## Attachment 2: Elevations



North Elevation

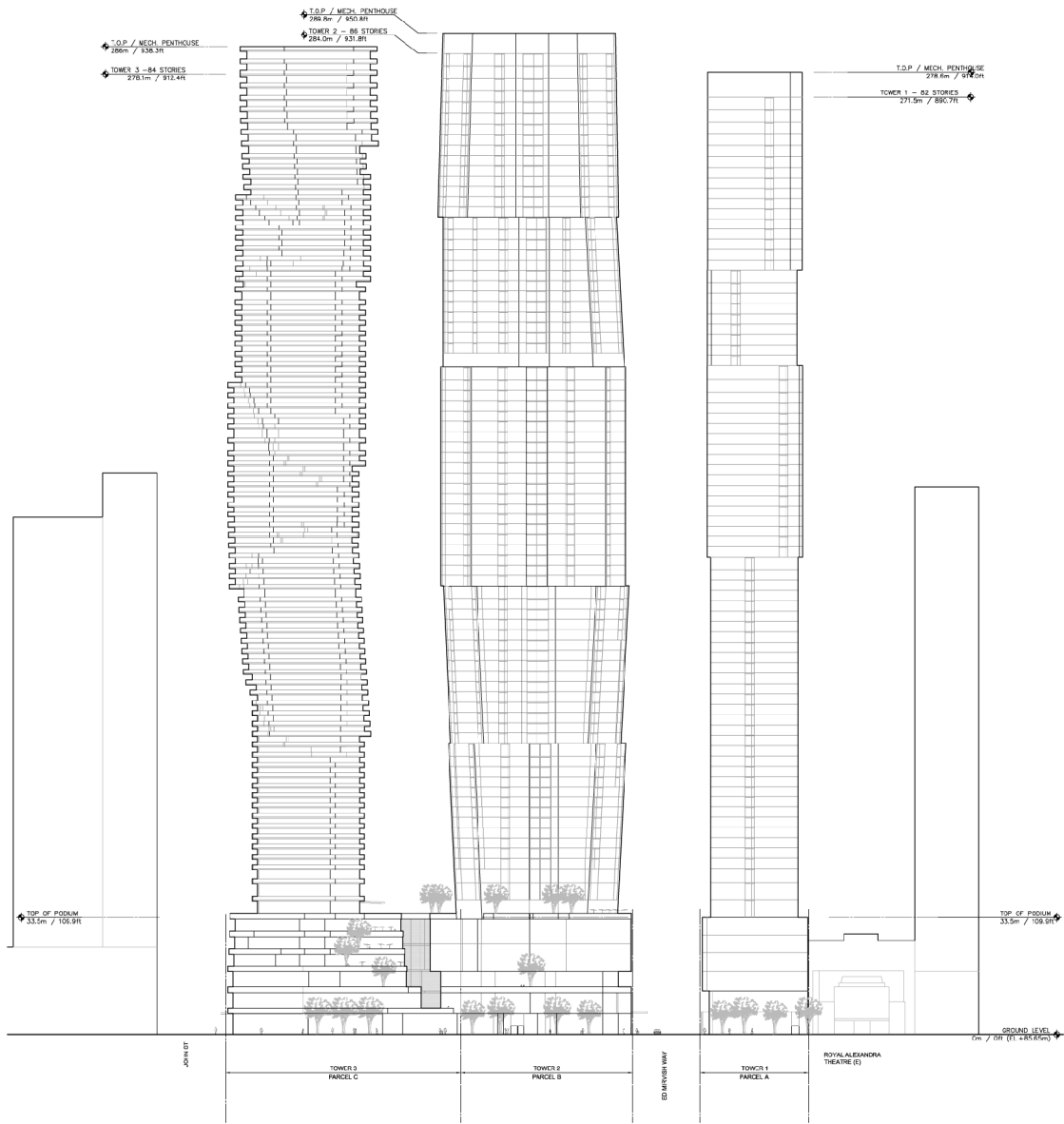
### Elevations

Applicant's Submitted Drawing

Not to Scale  
12/07/2012

266 - 322 King Street East

File # 12 276890 02



South Elevation

## Elevations

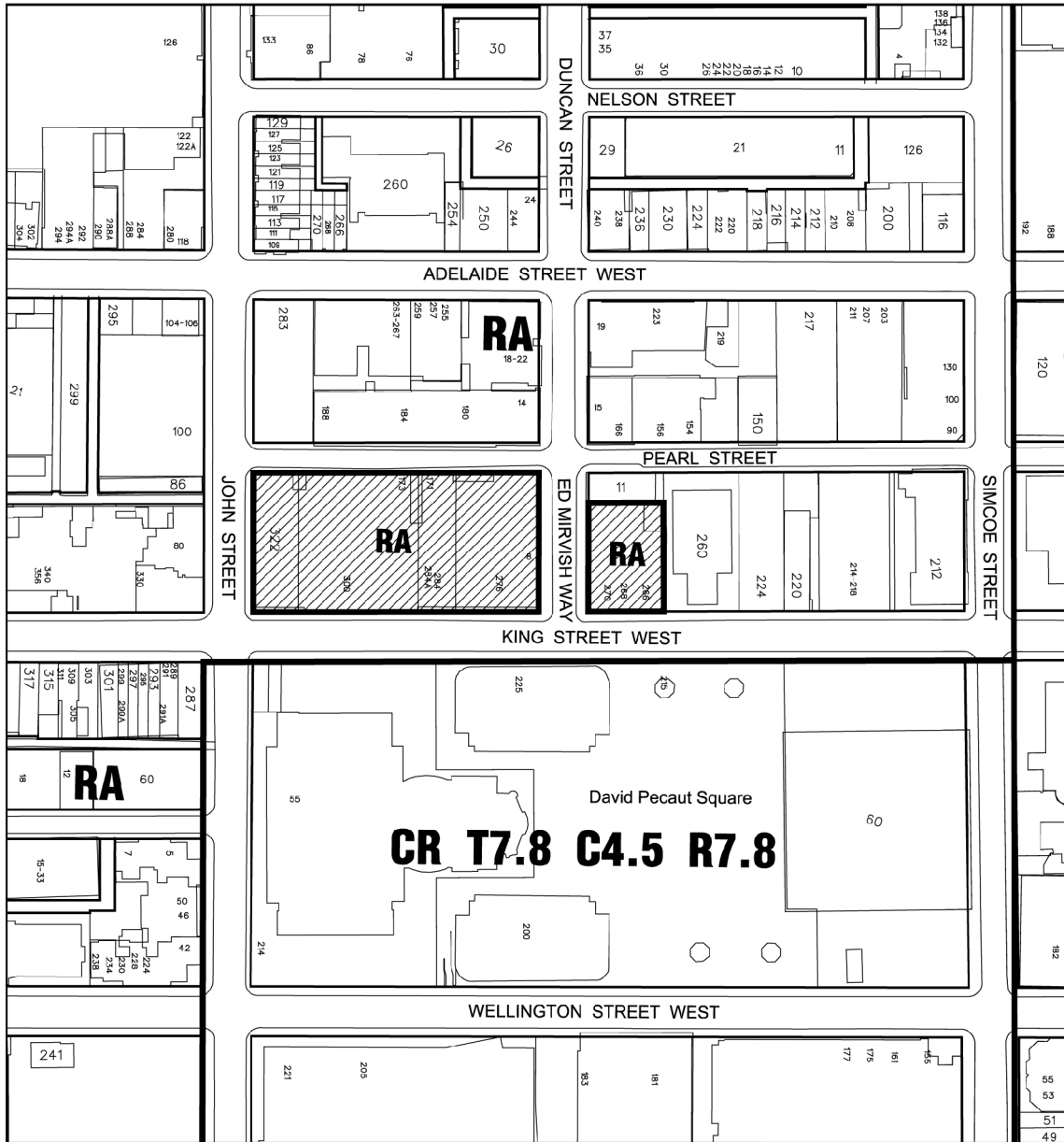
Applicant's Submitted Drawing

Not to Scale  
12/07/2012

266 - 322 King Street East

File # 12 276890 OZ

### Attachment 3: Zoning



266-322 King Street West

File # 12 276890 0Z

RA Mixed-Use District  
CR Mixed-Use District



Not to Scale  
Zoning By-law 438-86 (as amended)  
Extracted 12/07/2012

### Attachment 4: Application Data Sheet

Application Type: Rezoning Application Number: 12 276890 STE 20 OZ  
 Details: Rezoning, Standard Application Date: November 9, 2012  
 Municipal Address: 266-270 KING ST W  
 Location Description: PL E223 PT BLK D \*\*GRID S2015

Project Description: Rezoning application to permit the redevelopment of the lands municipally known as 266 - 322 King Street west for the purposes of a new mixed use development on three parcels. Parcel A would be developed with a 82 storey mixed use building complete with a six storey podium. Parcel B would be developed with a 86 storey mixed use building complete with a five storey podium and parcel C would be developed with a 84 storey mixed use building complete with a six storey podium. Parcels B and C would be connected by a below grade parking facility. A total of 2,709 dwelling units are proposed including the provision of 311 parking spaces to serve the development.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Patrick Devine	Peter Kofman c/o Projectcore	Frank Gehry	Ed Mirvish Enterprises Limited

#### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	RA	Historical Status:
Height Limit (m):	30, 0, 0	Site Plan Control Area:

#### PROJECT INFORMATION

Site Area (sq. m):	7876	Height:	Storeys:	86
Frontage (m):	56		Metres:	284
Depth (m):	115			
Total Ground Floor Area (sq. m):	6635			<b>Total</b>
Total Residential GFA (sq. m):	194500		Parking Spaces:	311
Total Non-Residential GFA (sq. m):	23760		Loading Docks	8
Total GFA (sq. m):	218260			
Lot Coverage Ratio (%):	84.2			
Floor Space Index:	27.7			

#### DWELLING UNITS

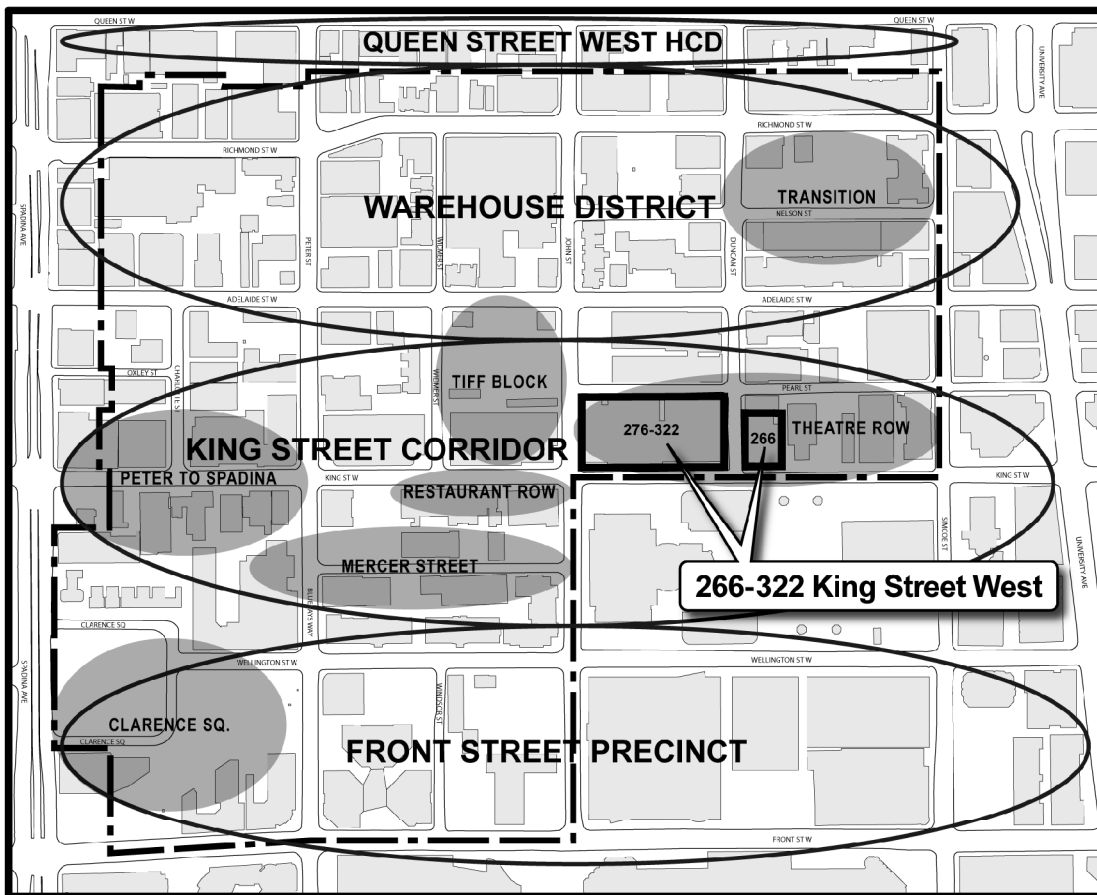
#### FLOOR AREA BREAKDOWN (upon project completion)




			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	194500	0
Bachelor:	334	Retail GFA (sq. m):	10460	0
1 Bedroom:	1383	Office GFA (sq. m):	4510	0
2 Bedroom:	688	Industrial GFA (sq. m):	0	0
3 + Bedroom:	304	Institutional/Other GFA (sq. m):	8790	0
Total Units:	2709			

**CONTACT:**      **PLANNER NAME:**      **Philip Carvalino, Senior Planner**  
**TELEPHONE:**      416-394-8233



## Attachment 5: Character Areas



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

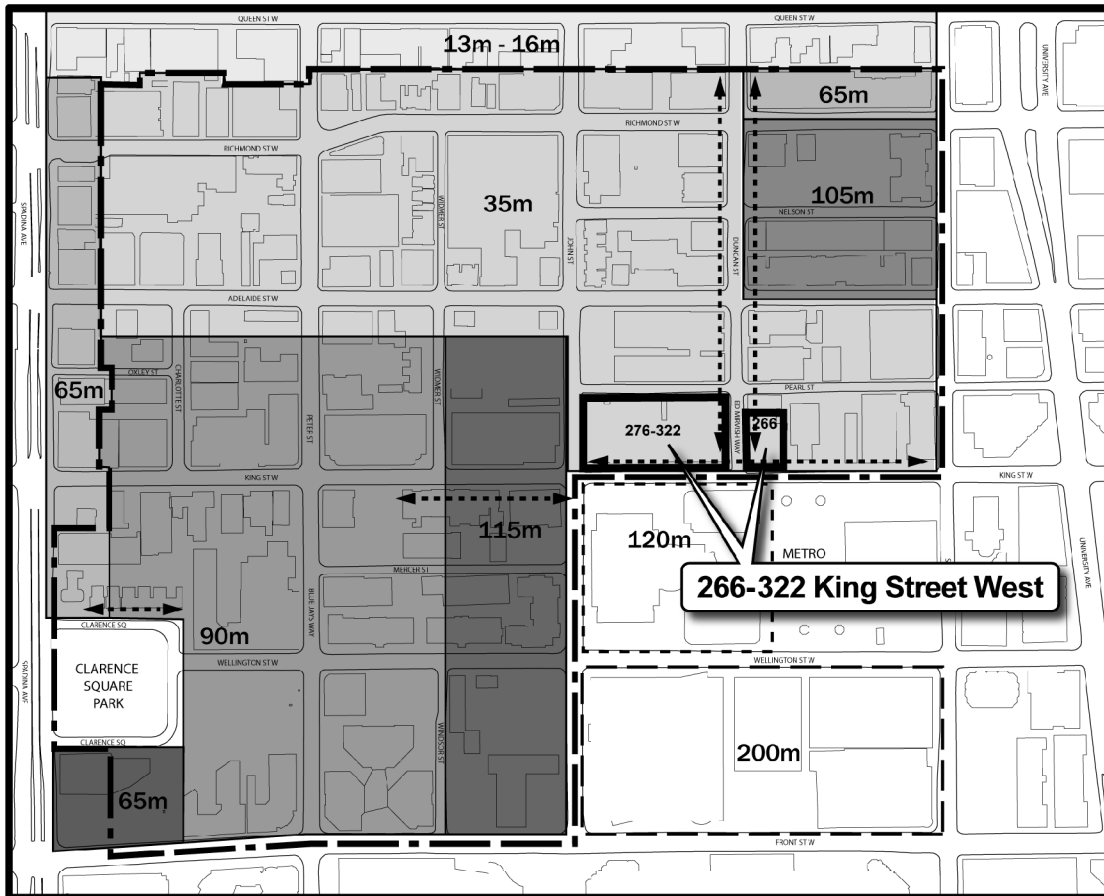
### Character Areas

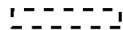
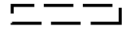
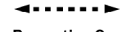
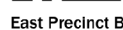
### 266-322 King Street West

Not to Scale   
12/07/2012

File # 12 276890

## Attachment 6: Built Form Review Height Areas



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

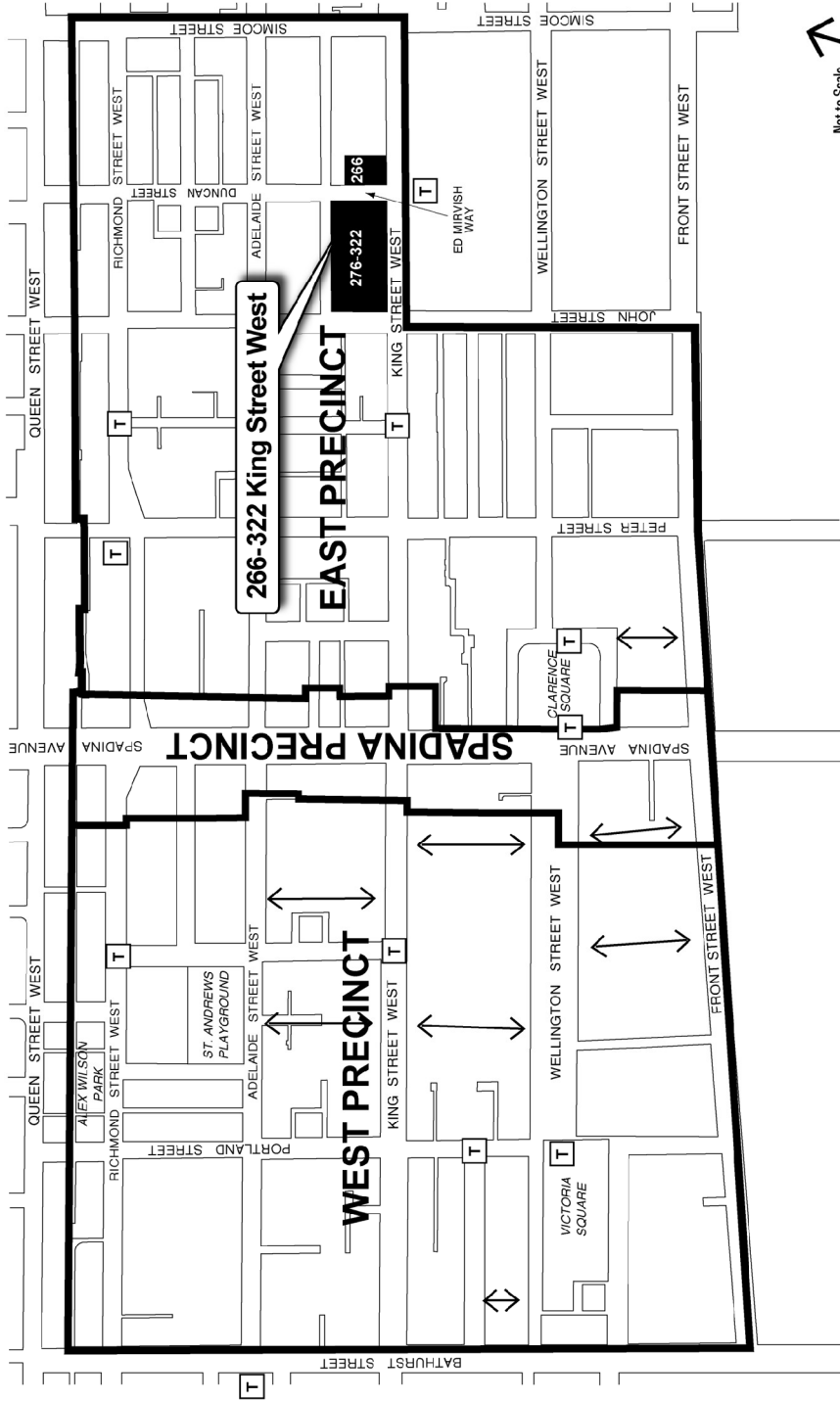
### Height Areas

### 266-322 King Street West

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12/07/2012

File # 12 276890

Attachment 7: King-Spadina Official Plan Amendment 2 Map 16-1



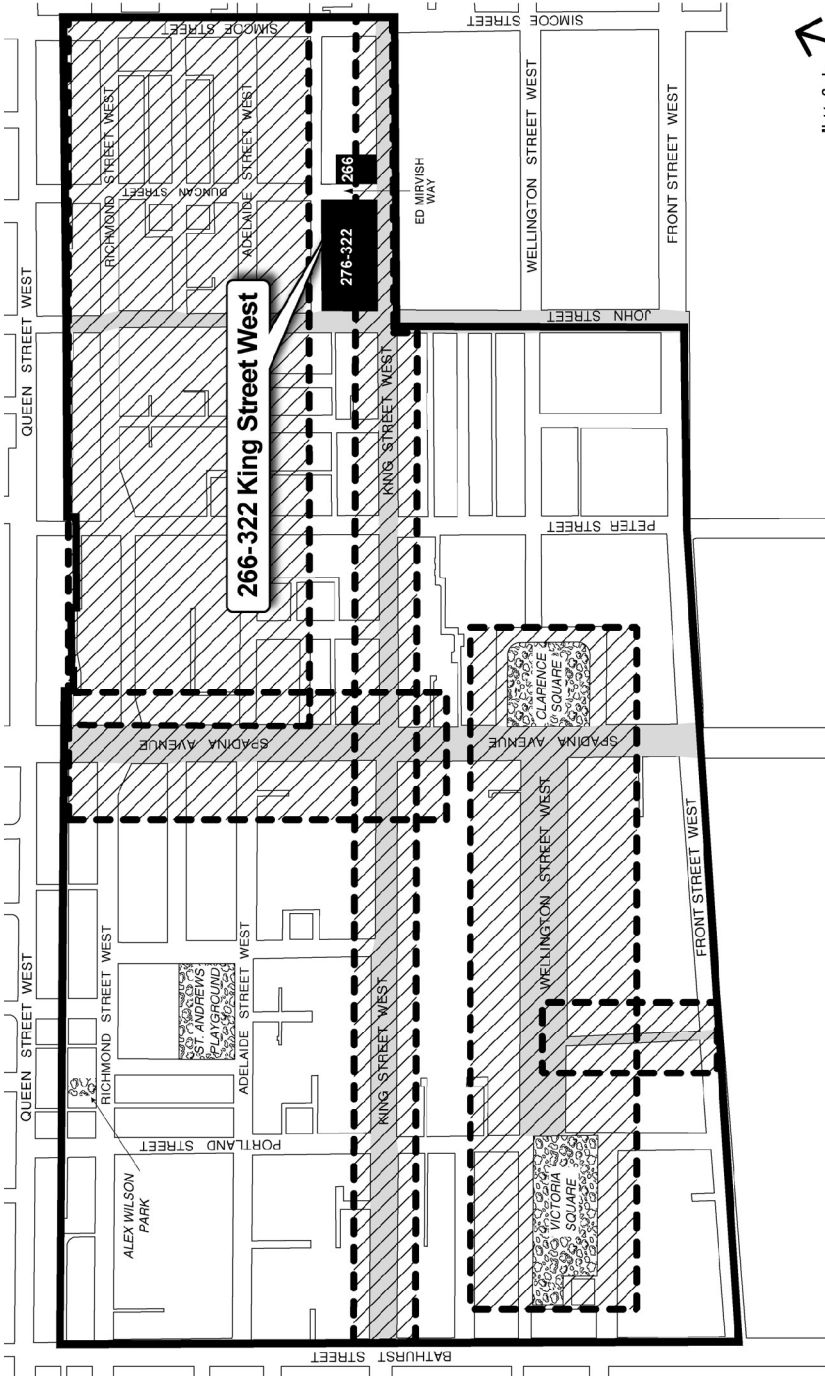
Official Plan Amendment No. 2 for King-Spadina Secondary Plan  
MAP 16-1 Urban Structure Plan



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

July 2006

# Attachment 8: King-Spadina Official Plan Amendment 2 Map 16-2



## 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 9: Heritage Properties Map



**TORONTO** City Planning  
**Heritage Properties**

**266-322 King Street West**

File # 12 276890

- King-Spadina Secondary Plan - East Precinct Boundary
- Heritage Property



Not to Scale

02/01/2013

**Attachment 10:**  
**Toronto Entertainment District BIA**  
**Development Proposal Review**  
**266-322 King Street West**  
Dated: February 6, 2013

ii. Key Recommendations:

This proposal in its current form is fundamentally at odds with a number of key enduring principles and objectives of the Master Plan, which are also consistent with best practices in planning and urban design across this city and elsewhere. While the merits of this proposal, of which there are several, can be compelling from a cultural and architectural perspective, they come with equally compelling costs/losses that are also of cultural and architectural significance.

It is our opinion that the enormous magnitude of this development requires that there be a greater degree of attention, effort and creativity paid to balancing the development potential and bold architectural expression with a sensibility for good urbanism and existing cultural assets. In other words, an option that meaningfully salvages the site's existing assets without significantly compromising the proposed scale, functions and landmark architectural qualities does not appear to have been explored. In doing so, this development can become more about an exercise in great city-building that reinforces and adds to an already successful and authentic part of Toronto, rather than an irrational elimination of one for the other.

The key objectives relevant to this proposal focus on ensuring the following:

- Enabling and complementing the vision for King Street and the John Street Cultural Corridor
- The preservation and appropriate integration of key heritage assets
- The reinforcement and enhancement of distinct streetscapes and character areas
- The retention and growth of the District's employment and cultural uses
- Minimizing adverse shadow, wind and visual impacts associated with the positioning, scale and massing of tall buildings

The qualities and benefits of the project as they pertain to key Master Plan objectives include:

- Creating an iconic architectural landmark that exhibits a high degree of articulation and definition and will undoubtedly reshape Toronto's skyline.
- Providing a free art gallery showcasing a world-class collection of contemporary art.
- Providing studio space for the Ontario College of Art and Design (OCAD).
- Introducing multi-storey retail uses and spill out spaces that will further activate the adjacent streets.

Given their impact on the public realm and other key Master Plan objectives, the recommended priority issues to be addressed in this current proposal are as follows:

- Retain and integrate the defining and significant features of the designated heritage buildings currently on site.

The development proposes to demolish all the designated structures and nearly all of what the Master Plan defines as the Theatre Row Distinct Character Area. Heritage retention should not focus on facades alone, but attempt to preserve the depth of the structures, stepping back new construction no less than 6.0m above the facades.

- Retain or increase the amount of displaced cultural and employment uses.

Our initial high-level calculations indicate that this proposal would result in a net decrease in the amount of GFA that currently exists on the site for cultural as well as employment uses. This is at odds with a key objective of the Master Plan for retaining cultural amenities and a balance of mixed-uses. It should be noted that the demolition of the relatively new Princess of Wales Theatre would be a great loss for Theatre Row, local businesses and Toronto's arts and culture in general. Failing its protection, a replacement of a similar function, prominence and draw beyond the proposed gallery should be considered.

- Provide continuous, active at-grade commercial uses along the John Street frontage.

The proposal squanders a significant amount of the John Street frontage for the entry and lobby associated with the residential tower, and ought to be redirected to the lesser important street frontage - Pearl Street.

- Reduce the massing of the towers.

The floor plate sizes of building 3 and especially building 2 are excessive in their visual and physical impacts and would set a dangerous precedent. They should be reduced to be consistent with current standards and other recent residential towers in the area - within the range of 750 m<sup>2</sup>.

- Provide adequate tower separation distances.

Consistent with current standards, increase the tower separation distances between all three buildings and to adjacent existing or proposed towers to a minimum of 25 meters. In combination with reduced massing of the towers, this will help to mitigate the impacts of these skyscrapers with respect to skyview, shadow, view and privacy.

- Retain the existing public parking capacity on site.

The proposal should at a minimum replace the 227 public parking spaces being displaced by the development to be consistent with the Master Plan objective for maintaining the overall capacity of public parking in the BIA.

- Ensure significant contributions for the revitalization of John and King Streets.

The scale and magnitude of this development ought to result in significant improvements to the surrounding public realm and in particular contributions for bringing to fruition the vision for the John Street Cultural Corridor and for implementing the capital improvements proposed for the segment of King Street between John and Simcoe Streets.