

**401, 407-409 and 415 King Street West - Zoning
Amendment Application - Preliminary Report**

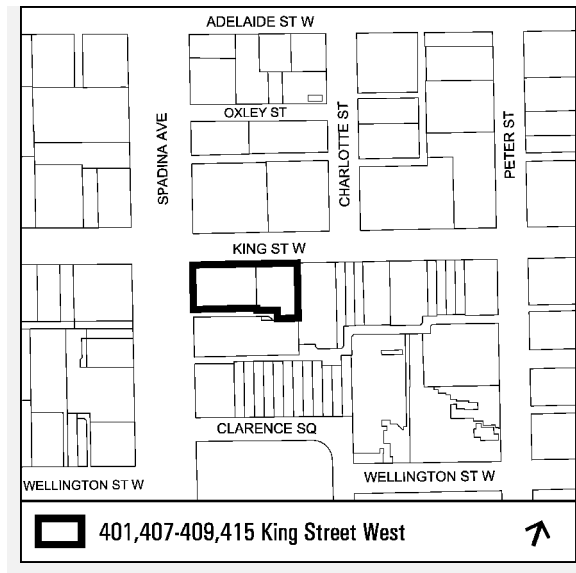
Date:	January 27, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	10 197695 STE 20 OZ

SUMMARY

This application was made after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to amend the former City of Toronto Zoning By-law 438-86 and comprehensive Zoning By-law No. 1156-2010 to permit the development of a 39-storey mixed-use building containing 443 residential units. Approximately 3,945 square metres of retail area is proposed at grade and on the 2nd floor. At grade retail access would be provided to both King Street West and Spadina Avenue. On-site parking is to be provided in a five (5) level underground parking garage.

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 401, 407-409 and 415 King Street West together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations under the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The property at 415 King Street West was the subject of a Site Plan Control application and a minor variance application in 2008 to allow for the construction of a one-storey LCBO store. The LCBO store was constructed in 2009.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The applicant proposes the development of a 39-storey mixed-use building (126.5 metres, excluding mechanical) containing 443 residential units. The building will be composed of an eight-storey base building which steps up to eleven storeys at the Spadina Avenue frontage. The base building floor plates are between approximately 1,850 square metres and 1,660 square metres up to the 8th storey (30 metres in height) and between 1,090 square metres and 1,050 square metres up to the 11th storey (41 metres in height). The proposed base building would incorporate the four to six- storey façade of the heritage building on the eastern portion of the property. The 31- storey tower has a floor plate of approximately 680 square metres. The mechanical elements of the building would add another 5 metres in height for an overall height of 131.5 metres.

The proposed gross floor area of the development is 36,336 square metres. The proposed residential gross floor area is 32,632 square metres and the non-residential gfa is 3,704 square metres, resulting a floor space index of 16.8. The proposed unit mix consists of 116 studio units, 118 one-bedroom plus den units, 164 two-bedroom plus den units and

45 three bedroom units for a total of 443 units. A total of 311 parking spaces are proposed in a five (5) level underground parking garage. Four hundred and forty-three bicycle parking spaces are proposed. Vehicular access to parking and loading is proposed at the south side of the site from an existing public laneway off Spadina Avenue, (see Attachment 6 – Application Data Sheet).

Site and Surrounding Area

The site is located at the southeast corner of King Street West and Spadina Avenue. It has a frontage of approximately 61 metres on King Street West and approximately 30 metres on Spadina Avenue and an area of approximately 2,157 square metres. There is a public lane which runs along the south edge of the site that will be used for vehicular access for parking and loading.

The site is currently occupied by a one storey LCBO store located at 415 King Street West at the corner of King Street West and Spadina Avenue. The three properties which comprise the eastern portion of the site municipally known as 401, 407-409 King Street West are occupied by a four to six-storey commercial-office building.

The site is surrounded by the following uses:

North: The northern edge of the site is defined by King Street West. On the north side of King Street West opposite the subject site on the east side of Spadina Avenue is a 21-storey mixed-use building (the Hudson). To the east of the Hudson, the site at 430 King Street West has been approved for a 36-storey residential condominium tower (Charlie). This building is under construction. To the east on the north side of King Street West are one to two-storey commercial buildings occupied by a Shoppers Drug Mart, Mountain Equipment Coop and a coffee shop. On the northeast corner of Peter Street and King Street West is the 20-storey Hyatt Regency Hotel/office building.

South: To the immediate south of the subject site is a public laneway, opposite which is a two-storey brick building fronting on Spadina Avenue with a Winners store on the ground floor. Further south is a Petro Canada Station and Clarence Square Park.

West: To the west of the site on the opposite side of Spadina Avenue and fronting on King Street West are commercial-office buildings ranging in height from two to six storeys. On the north side of King Street West, just west of Spadina Avenue at 478 King Street West a 12-storey mixed-use building (Victory) is under construction.

East: To the east of the site is a 12-storey mixed-use building with a three-storey podium and a nine-storey tower. The tower features a blank wall facing west toward the subject site. To the east of this building are several three storey commercial buildings, including the Europe Bound store at 383 King Street West and a 34 storey mixed-use building under construction at 371-379 King Street West (M5V).

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

Official Plan

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

Zoning By-law 438-86

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 4 - Zoning Map, By-law No. 438-86). As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks.

The By-law provides for maximum heights of 30 metres for the properties at 401 and 407-409 King Street West and 39 metres for the property at 415 King Street West. The By-law requires a maximum height of 16 metres at the lot line and a 44 degree angular plane applies to additional height. Specific provisions regarding lots with heritage buildings, including provisions for increases in permitted height and resulting densities in exchange for the historic conservation of any heritage building located on the lot are also cited.

The site at 401 King Street West is subject to a prevailing site specific Zoning By-law amendment (By-law No. 454-86) which established permissions for commercial and

institutional uses subject to a maximum non-residential gross floor area of 1,038 square metres.

Zoning By-law 1156-2010

At its meeting on August 25-27, 2010, City Council enacted a new City-wide comprehensive Zoning By-law (By-law No. 1156-2010). This By-law was enacted to reflect the City's Official Plan as required by the *Planning Act*. The subject site is zoned as Commercial Residential Employment Zone (CRE) in By-law No. 1156-2010 (see Attachment 5 - Zoning Map, By-law No. 1156-2010). The purpose of the CRE (Commercial Residential Employment) Zone is to provide a range of retail, service commercial, office, residential and limited industrial uses in single use buildings and mixed use buildings. Permissions for maximum building height, building height at the lot line and requirements for an angular plane are identical to those required in By-law 438-86 as described above.

Exception 80 (x80) indicates that certain site-specific zoning by-laws will prevail on individual sites within the exception area. The site at 401 King Street West is subject to a prevailing site specific Zoning By-law amendment as noted above.

City of Toronto Tall Building Guidelines

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

King-Spadina Secondary Plan Review and King-Spadina East Precinct Built Form Study (2009)

The subject site falls within both the Spadina District and the East Precinct as identified within the King-Spadina East Precinct Built Form Study, which was considered by Council in 2009. The Study included the principle that heights decrease generally from east to west (University Avenue to Spadina Avenue), and from south to north (Front Street to Queen Street). Within this general height trend are areas of localized conditions.

The four to six storey listed heritage building at 401 and 407-409 King Street West is located within the East Precinct in an area where buildings with additional height beyond the "First Tier" or as-of-right heights as provided in By-law 483-86 are to be considered. The portion of the property occupied by the LCBO store within the Spadina District was identified as having a lower height permission than properties to the east. Applications for buildings with "Second Tier" height permissions are to be considered in light of the policy objectives in the King-Spadina planning framework as well as the built form standards that apply to any tall building development in the City, including but not limited to: respect for heritage in the immediate context; preservation of sunlight on important pedestrian streets (including King Street West); conformity with the King-

Spadina Built Form Guidelines; and achieving a 25 metre tower separation and a maximum 750 square metre floor plate to address light, view and privacy.

Reasons for the Application

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 30 metres and 39 metres by approximately 101.5 metres and 92.5 metres respectively, resulting in a proposed building height of 131.5 metres inclusive of the mechanical penthouse. In addition, the proposed building does not comply with other restrictions that are in effect on the lands.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning and Urban Design Rationale;
- Shadow Study;
- Boundary Plan of Survey;
- Architectural Plans;
- Context Plan;
- Concept Site Plan;
- Underground Garage Plans;
- Heritage Impact Assessment;
- Functional Servicing Report;
- Stormwater Management Report;
- Transportation Impact Study;
- Preliminary Pedestrian Level Wind Assessment; and
- Green Standards Checklist.

A Notification of Complete Application letter was issued on October 20, 2010.

Issues to be Resolved

The subject property is partially located within the King-Spadina Secondary Plan, East Precinct area. The Toronto Entertainment District BIA has completed a Master Plan for their boundaries, which includes this area.

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

1. Conformity with the existing Urban Structure and Built Form policies of the King-Spadina Secondary Plan;
2. Compliance with the Design Criteria for Review of Tall Building Proposals;
3. Height and massing relationships with the immediate area and resulting shadow impacts on the King Street West and Spadina Avenue public realm and properties in the vicinity;
4. Traffic, parking, site servicing, and impacts on the pedestrian realm that may result from the intensity and scale of the proposed development;

5. Compliance with the applicable Official Plan and Zoning By-law requirements regarding the preservation of built heritage resources;
6. Identification and securing of community benefits under Section 37 of the *Planning Act*, should the proposed development, or some version thereof advance, will be assessed in accordance with Sections 5.1 and 7.2 of the King-Spadina Secondary Plan.

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

Toronto Green Standard

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

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

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North and West Elevations

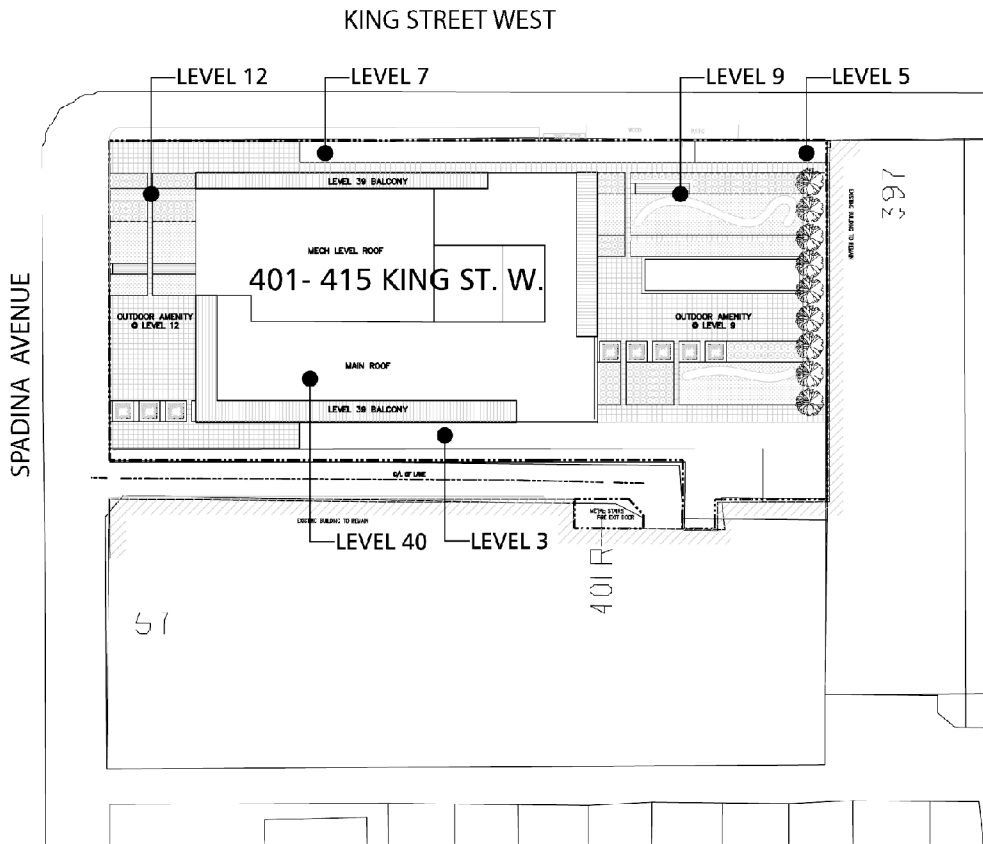
Attachment 3: South and East Elevations

Attachment 4: Zoning (By-law No. 438-86)

Attachment 5: Zoning (By-law No. 1156-2010)

Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

401, 407-409, 415 King Street West

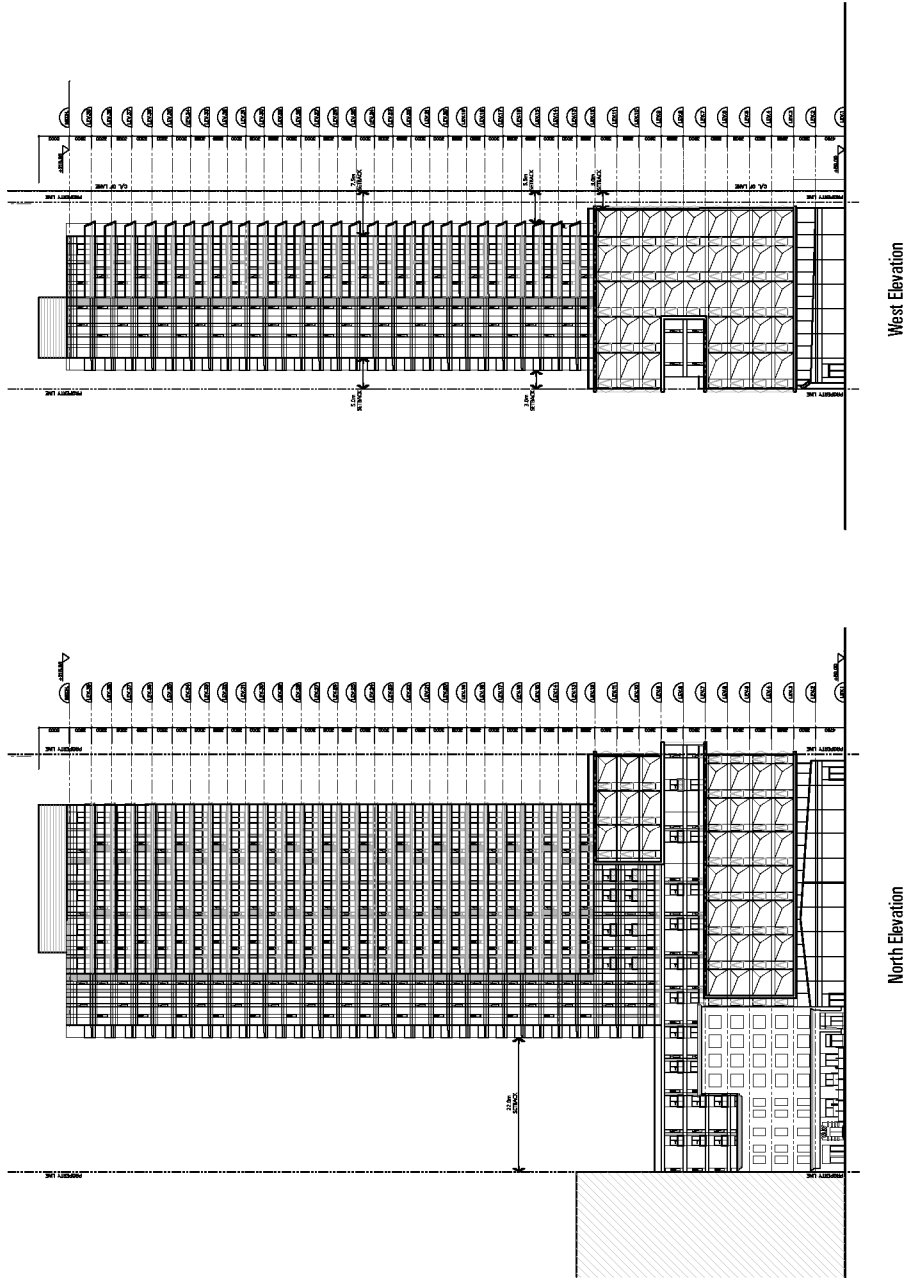
Applicant's Submitted Drawing

Not to Scale
10/26/2010



File # 10_197695 02

Attachment 2: North and West Elevations



West Elevation

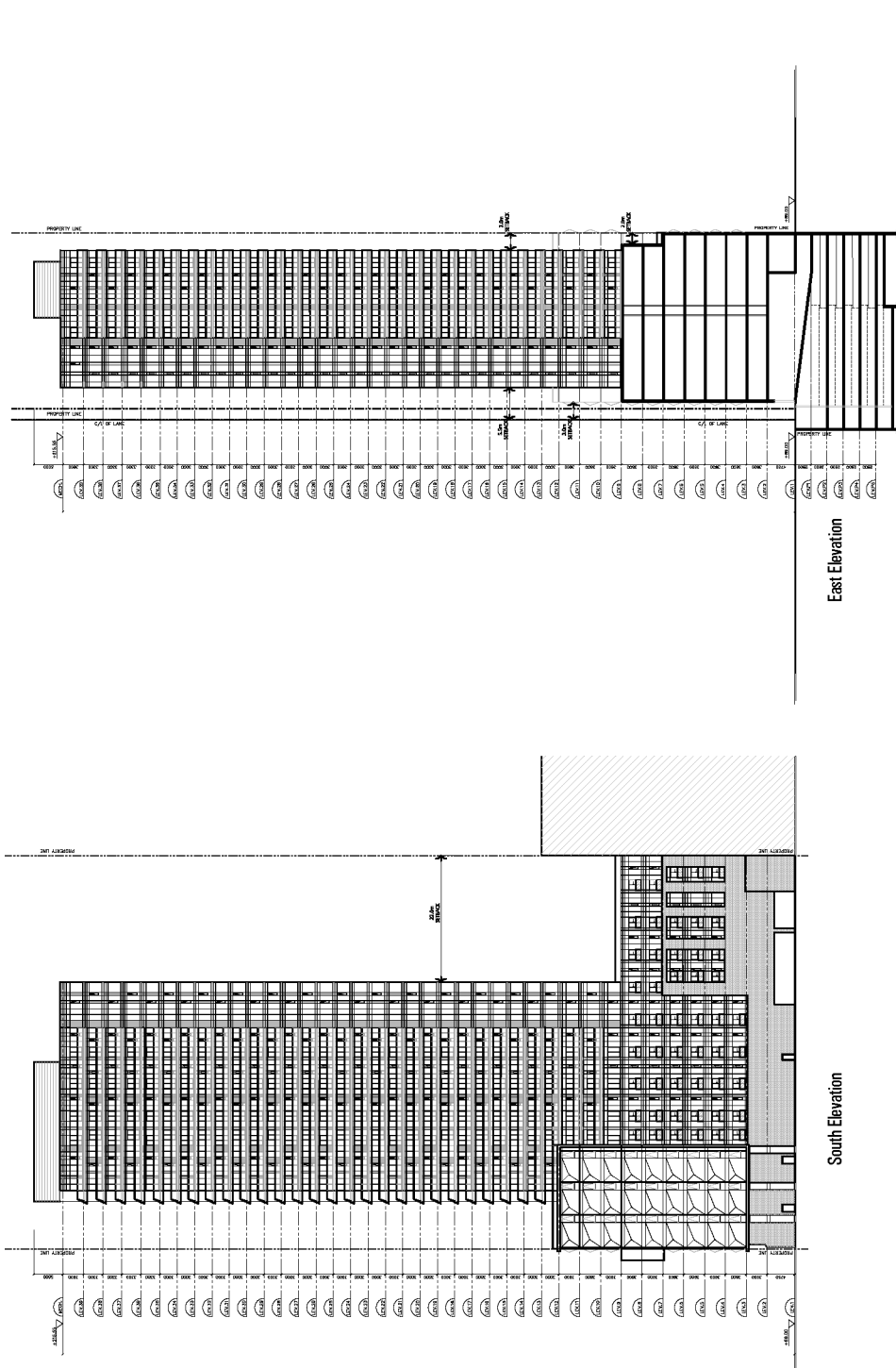
North Elevation

Elevations
Applicant's Submitted Drawing

Not to Scale
10/26/2010

401, 407-409, 415 King Street West
File # 10_197695 0Z

Attachment 3: South and East Elevations



Elevations

Applicant's Submitted Drawing

Not to Scale
10/27/2010

401, 407-409, 415 King Street West

File # 10_197695 0Z

Attachment 4: Zoning (By-law No. 438-86)



TORONTO City Planning
Zoning

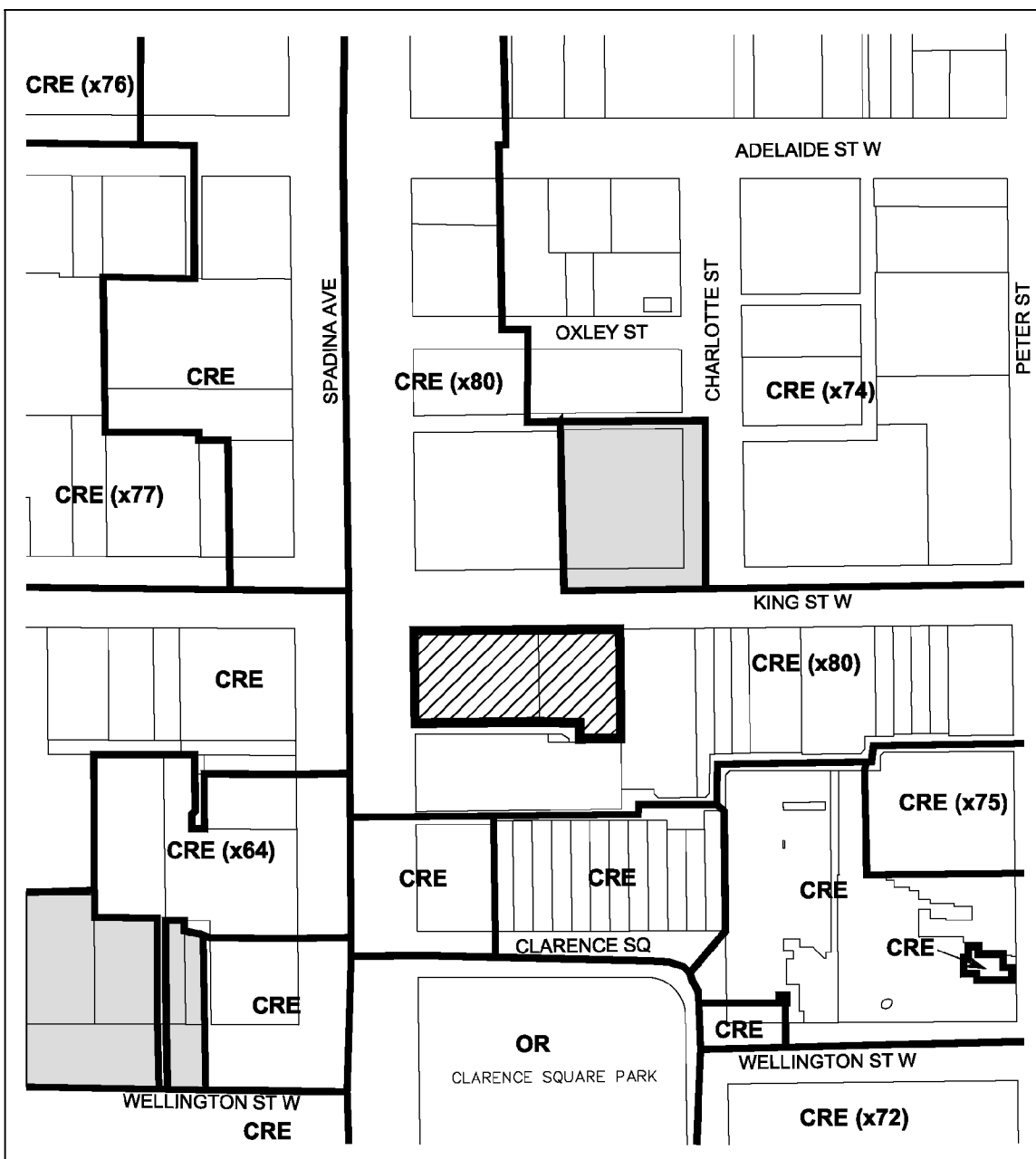
401, 407 - 409 and 415 King Street

File # 10_197695

-  Site Location
- RA** Mixed-Use District
- G** Parks District

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

Attachment 5: Zoning (By-law No. 1156-2010)



Toronto City Planning
Zoning

401, 407-409, 415 King Street West
File # 10 268121

Not Part of By-Law 1156-2010
R Residential
OR Open Space Recreation
CR Commercial Residential

City of Toronto By-Law 1156-2010
Not to Scale
11/18/10

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	10 197695 STE 20 OZ
Details	Rezoning, Standard	Application Date:	June 16, 2010

Municipal Address: 401, 407-409 and 415 KING STREET WEST

Location Description: **GRID S2015

Project Description: Standard rezoning application for construction of new mixed use building containing commercial on ground and second floor with residential above - 442 residential suites - 311 Parking spaces below grade - 5 levels below grade parking - 39 storey building. Lands are 401-415 King West Inclusive

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC		CORE ARCHITECTS INC.	TERRACAP MANAGEMENT INC

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	2157	Height:	Storeys:	39	
Frontage (m):	29.4		Metres:	126.5	
Depth (m):	66				
Total Ground Floor Area (sq. m):	1846				Total
Total Residential GFA (sq. m):	30860		Parking Spaces:	311	
Total Non-Residential GFA (sq. m):	3704		Loading Docks	3	
Total GFA (sq. m):	34564				
Lot Coverage Ratio (%):	85.6				
Floor Space Index:	14.31				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	116
1 Bedroom:	118
2 Bedroom:	164
3 + Bedroom:	45
Total Units:	443

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	30860	30860	0
Retail GFA (sq. m):	3704	3704	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	Dan Nicholson, Community Planner
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