STAFF REPORT
ACTION REQUIRED

489 – 499 King Street West - Zoning Amendment Application - Preliminary Report

<table>
<thead>
<tr>
<th>Date:</th>
<th>August 8, 2013</th>
</tr>
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<tbody>
<tr>
<td>To:</td>
<td>Toronto and East York Community Council</td>
</tr>
<tr>
<td>From:</td>
<td>Director, Community Planning, Toronto and East York District</td>
</tr>
<tr>
<td>Wards:</td>
<td>Ward 20 – Trinity-Spadina</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>12-203376 STE 20 OZ</td>
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SUMMARY

This application proposes to redevelop the lands at 489-499 King Street West with a 12-storey office building containing ground level retail. A total of 168 parking spaces will be provided below grade.

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.

A community consultation meeting is anticipated the fourth quarter of 2013. The final report is targeted for the first quarter of 2014, subject to any required information being provided by the applicant in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 489 – 499 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.

Pre-Application Consultation
A pre-application community consultation meeting was hosted by the Ward Councillor on November 16, 2011. At the time, the proposal was for a 22-storey office building.

A pre-application consultation meeting was held with the applicant on June 15, 2012 to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The original application submitted on June 29, 2012 proposed a 22-storey office building and included an Official Plan Amendment which would also apply to the lands to the south of the subject site fronting Wellington Street West. The Official Plan Amendment was submitted to support the proposed height and built form of the proposed building, which did not meet the intent of the Official Plan. Based on comments received during this consultation meeting, feedback from the local Councillor and comments made by Planning staff, the applicant requested that the review of the file be placed on hold to allow the owner to re-evaluate the proposal. Revised plans were received on June 5, 2013 and staff are now proceeding with the review of the revised proposal. Significant changes have been made to the proposal; the height has been reduced to twelve storeys; there is no longer a request for an amendment to the Official Plan; and the adjacent property to the south fronting Wellington Street has been acknowledged as no longer being part of the proposal.

The revised proposal is for a 12-storey office building containing retail uses at grade and parking in a below-grade garage. The building will have a height of 51 metres (57 metres to the top of the mechanical penthouse). A three metre stepback will be provided above a height of 27 metres and a further 12 metre stepback will be provided above a height of 35 metres along the King Street Facade.

The building will contain 2,408 square metres (25,925 square feet) of retail space and 23,298 square metres (250,767 square feet) of office space, for a total of 25,706 square metres (279,069 square feet).

A total of 168 parking spaces will be provided, 87 of which will be available to the general public and 81 will be provided exclusively for the office users of the building.
Additionally, the development will include 107 bicycle parking, with 52 of these for visitors and the remaining 55 for occupants of the building. The visitor spaces will be provided at grade along the western edge of the site and occupant spaces will be in an access-controlled room on the P1 level of the parking garage.

For further statistical information, refer to the Application Data Sheet found as Attachment 7 of this report.

**Site and Surrounding Area**

The subject site, composed of three municipal properties 489, 495 and 499 King Street West, is located on the south side of King Street, just west of Spadina Avenue. The site is "L-shaped" with a 48 metre frontage on King Street and a depth of 65.5 metres for a total lot area of 3,378 square metres. A five-storey brick building is situated at 489 King Street West which has a partially sunken ground floor containing a restaurant use and office uses above. The property at 495 King Street West is actually located at the rear of 489 King Street West and does not have direct King Street frontage. This site contains a three-storey office building and some surface parking. Finally, a one-storey restaurant building is found at 499 King Street West. The space between the buildings at 489 and 499 King Street West is used for patio purposes by both properties. There is an easement between 489 and 495 King Street west over all three properties for loading and parking. Additionally, an easement at the west side of the 489 King Street West provides pedestrian access for 495 King Street West. A publically accessible open space is also being proposed at the rear of the property.

Land uses surrounding the site are as follows:

**North:** The properties on the north side of King Street West directly across from the subject site contain three and four-storey commercial buildings. Like the buildings on the south side of King Street West, many of these buildings were constructed in the 20th century and date back to the use of this part of the City as a commercial and manufacturing centre. The north-west corner of King Street West and Brant Street contains a small plaza with a Grand and Toy retail store, Pizza Pizza restaurant and surface parking between the buildings and the street. A recently approved 12-storey residential building is under construction at 560-570 King Street West (Fashion house). The existing three-storey heritage building which forms part of the frontage of the property, is being preserved as part of the development.

**East:** To the east of the subject site are primarily three to six-storey former industrial brick buildings constructed in the early 1900s. All of these buildings between the subject site and Spadina Avenue, with the exception of the immediately adjacent building at 485 King Street West, are listed under the City’s Inventory of Heritage Properties. These buildings form a continuous streetwall with few breaks in between and typically have retail uses at grade. The basement of these buildings is often half a storey above grade, creating the opportunity for grade related uses within both the basement level and the first storey above grade.
**South:** To the south of the subject site, fronting Wellington Street, are one to six-storey residential and industrial buildings with some surface parking located at the side and rear of the buildings. There is no lane system along this part of King Street separating the King Street properties from the Wellington Street properties. Immediately adjacent to the site on the south is a listed heritage building at 422 Wellington Street West and a building at 436 Wellington West designated under Part IV of the *Ontario Heritage Act* (By-law No. 1248-2007). A new 12-storey mixed use development is located at 400 Wellington Street.

**West:** Immediately to the west of the subject site is a four-storey building at 511 King Street West designated under Part IV of the *Ontario Heritage Act*. Further to the west between the subject site and Portland Street are two to four-storey brick buildings.

**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 Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

Within the *Downtown*, the site is designated *Regeneration Area* in the Official Plan which is one of the key areas expected to accommodate growth. The *Regeneration Area* designation permits a wide range of uses, including the proposed 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.

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

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

King-Spadina Secondary Plan
The subject site is situated within the King-Spadina Secondary Plan found in Chapter
6.16 of the Official Plan. The King-Spadina Secondary Plan emphasizes reinforcement
of the characteristics and qualities of the area through special attention to built form and
the public realm. 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.

A primary objective of this plan is to use the historic fabric of the area to assess new development. The particular scale, massing and street relationships of the existing heritage buildings along King Street form the basis for all new development in the King-Spadina Secondary Plan area. Moreover, applicable plan area guidelines articulate that new development should maintain and reinforce the existing building heights of the area in conjunction with the relationships of buildings to one another along the street and the design of buildings at the street level.

**Zoning**

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 6). As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks.

The By-law permits a maximum height of 23 metres for the properties at 489, 495 and 499 King Street West. A 3 metre stepback must be provided from the main wall of the building for any portion of the building above a height of 20 metres. In addition, a 44 degree angular plane is required above this height. The By-law also contains a number of requirements related to building setbacks from the side and rear lot lines.

The RA zone allows a range of uses including commercial, office, retail and residential. The requested uses are permitted under the By-law.

This site is exempted from Harmonized By-law 569-2013.

**King-Spadina Heritage Conservation District Study**

The King-Spadina area is identified as a Potential Heritage Conservation District (HCD) in Map 39 – Site and Area Specific Policy 305 in the Official Plan. On August 16, 2012, City Council authorized the King-Spadina HCD Study, encompassing an area generally bounded by Queen Street West to the north, Bathurst Street to the west, Wellington Street and King Street West to the south, and University Avenue to the east. The subject site is within the boundary of the study area. The study process will result in the preparation of an HCD plan(s) and an HCD by-law to protect the historical and cultural significance of the study area. Details on the King-Spadina HCD study is available here: [http://www.toronto.ca/heritage-preservation/heritage_districts.htm](http://www.toronto.ca/heritage-preservation/heritage_districts.htm)

**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

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Staff report for action – Preliminary Report – 489 - 499 King Street West

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ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at http://www.toronto.ca/planning/tallbuildingdesign.htm.

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

**Site Plan Control**
The subject site and development is subject to Site Plan Control. A site plan application has not been submitted at this time.

**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 23 metres by approximately 28 metres (34 metres to the top of the mechanical penthouse), resulting in a proposed building height of 51 metres (57 metres including 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
- Heritage Impact Assessment
- Pedestrian Wind Assessment
- Transportation Impact Study
- Functional Servicing and Stormwater Management Report
- Toronto Green Standard Checklist
- Tree Inventory and Preservation Plan
- Architectural Plans and Drawings
- Concept Landscape Plan
- Underground Parking Drawings

A Notification of Complete Application was issued on September 12, 2012.

**Issues to be Resolved**
The following are identified as potential issues with the current development proposal:

- Conformity with the existing Urban Structure and Built form policies of the King-Spadina Secondary Plan;
- Height and massing relationships with the immediate area and with abutting properties;
- Building setbacks and stepbacks;
- The appropriate identification, retention and preservation of built heritage resources on the site and relationship with adjacent heritage properties and physical heritage character of the area. Heritage Preservation Services staff have indicated that they intend to seek the designation of the building at 489 King Street West under Part IV of the *Ontario Heritage Act*,
- Traffic, site servicing and impacts on the pedestrian realm; and
- Vehicular site access and provision of parking.

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.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

**Section 37**

Should the project proceed to approval, City Planning, in consultation with the Ward Councillor, will identify and secure community benefits under Section 37 of the *Planning Act*, in accordance with Sections 5.1 and 7.2 of the King Spadina Secondary Plan.

**CONTACT**

Dan Nicholson, Senior Planner  
Tel. No.   (416) 397-4077  
Fax No.   (416) 392-1330  
E-mail:   dnichol2@toronto.ca

**SIGNATURE**

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

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ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: South Elevation
Attachment 3: West Elevation
Attachment 4: North Elevation
Attachment 5: East Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 1: Site Plan
Attachment 2: South Elevation
Attachment 3: West Elevation

Elevations
489-499 King Street West

Applicant’s Submitted Drawing
Not to Scale
07/15/2013

File # 12 203376 OZ
Attachment 4: North Elevation

North Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
07/15/2013

489-499 King Street West

File # 12 203376 OZ
Attachment 5: East Elevation

Elevations
489-499 King Street West

Applicant’s Submitted Drawing

File #: 12 203376 0Z

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V.02/12
### Attachment 7: Application Data Sheet

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<th>Official Plan Amendment &amp; Rezoning</th>
<th>Application Number: 12 203376 STE 20 OZ</th>
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<td>OPA &amp; Rezoning, Standard</td>
<td>Application Date: June 29, 2012</td>
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<td>Location Description:</td>
<td>Plan Military Reserve Pt Lot 3 Sec F with &amp; Subj to row **Grid S2014</td>
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<td>Project Description:</td>
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<tr>
<td>SWEENY STERLING</td>
<td>SWEENY STERLING</td>
<td>FINLAYSON &amp; CO ARCHITECTS INC (&amp;CO)</td>
<td>489 KING ST WEST INC.</td>
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#### PLANNING CONTROLS

- **Official Plan Designation:** Regeneration Areas
- **Zoning:** RA H23.0
- **Site Specific Provision:**
- **Height Limit (m):**
- **Site Plan Control Area:**

#### PROJECT INFORMATION

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#### DWELLING UNITS

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

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**CONTACT:**

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