

**260-270 King Street West and 274-322 King Street West,
Working Group Outcomes and Zoning Amendment
Application – Supplemental Request for Direction
regarding the Ontario Municipal Board Hearing**

Date:	July 7, 2014
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	P:\2014\Cluster B\PLN\City Council\CC14116 (12-276890 STE 20 OZ)

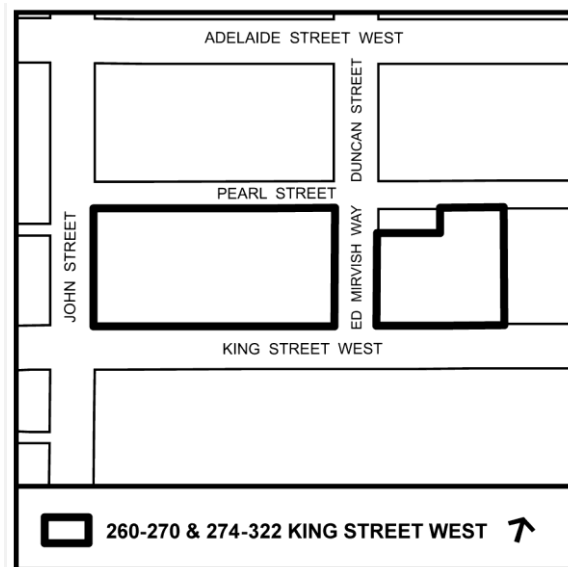
SUMMARY

At its meeting of December 16, 17 and 18, 2013, City Council considered a Request for Direction Report dated December 17, 2013 from the Chief Planner and Executive Director, City Planning Division, recommending opposing the Zoning Amendment application that was appealed to the Ontario Municipal Board (OMB) for the lands municipally known as 266-322 King Street West, among other recommendations. A more detailed Request for Direction Report dated November 8, 2013 was also on the agenda, with similar recommendations.

City Council's decision was to oppose the appeal and direct that a working group be appointed by the Chief Planner and Executive Director, City Planning Division, the local Ward Councillor and the applicant, and to report the outcomes back to City Council.

City Council's full decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.2>



The Working Group and its work program were established, in accordance with Council's direction. As the Working Group process evolved and discussions with the applicant continued, the proponent redesigned the proposed development to address many of the concerns raised by staff.

With the new proposal, planning staff required an amendment to the Official Plan to permit a scale of development beyond the scale currently envisioned by the existing Official Plan policies, but less than the Zoning By-law Amendment currently under appeal at the Ontario Municipal Board. The City-initiated Official Plan Amendment is also on this City Council agenda as Item TE 38.8 and has been recommended to be considered concurrently with the recommendations of this report.

The process that Council directed staff to initiate resulted in positive changes to the proposal that addressed many significant issues and concerns that are the basis for the recommendations of this report to support the revised proposal, subject to the conditions outlined in the report. The purpose of this report is to seek Council's direction on the Zoning Amendment application at the OMB and to provide Council with a brief summary of the Working Group process outcomes.

RECOMMENDATIONS

The City Planning Division recommends that:

1. the City Solicitor, the Chief Planner and Executive Director, City Planning, and any other appropriate City staff to attend the Ontario Municipal Board hearing to defend against any appeal of the City-initiated Official Plan Amendment.
2. City Council instruct the City Solicitor, the Chief Planner and Executive Director, City Planning, and any other appropriate City staff to attend the Ontario Municipal Board hearing scheduled for this matter,
 - (a) in support of a revised zoning by-law amendment application incorporating,
 - i. the built-form, uses, and densities each as set out in this Report,
 - ii. a holding designation as set out in this Report, which would require the owner to enter into a Site Plan Agreement to secure the details, design and materials of the development, generally as proposed by plans submitted by Gehry International Inc. dated June 11, 2014 and illustrated in Attachment 5 – Model Images
 - iii. the Section 37 matters as set out in this report,

- (b) to request the Ontario Municipal Board to determine the following outstanding matters either as may be agreed upon by the owner and the Chief Planner prior to the OMB hearing, or in the event of no agreement being reached, then as determined by the Ontario Municipal Board,
 - i. a requirement that the zoning by-law amendment include the parking spaces and loading spaces as required by the City's new uniform zoning by-law (By-law No. 569-2013) or as may be otherwise acceptable to the Chief Planner, and
 - ii. a requirement in the Section 37 Agreement that a Traffic Impact Study be submitted to the satisfaction of the Director, Engineering and Construction Services and the owner agree to make any necessary upgrades to the transportation network to accommodate the proposed development at the sole cost of the owner.
3. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold its order approving the zoning by-law amendment until the Board is advised by City Solicitor that,
 - (a) the final form of the zoning by-law is acceptable to the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning, and
 - (b) the owner has entered into the associated Section 37 Agreement, a Heritage Easement Agreement for 260 King Street West (Royal Alexandra Theatre), a Heritage Easement Agreement for 322 King Street West (Eclipse Whitewear), and a Heritage Easement Agreement for the façade of the building on 284 King Street West (Anderson Building), and has agreed in the Section 37 Agreement to not oppose the designation of 300 King Street West (Princess of Wales Theatre) under Part IV of the Ontario Heritage Act.
 4. City Council authorize the City Solicitor, the Chief Planner and other City staff to take any necessary steps to implement the foregoing.
 5. The City and the owner enter into an Agreement with the City pursuant to Section 37 of the Planning Act, to be registered on title to the lands at 260-270 King Street West and 274-322 King Street West, in a form satisfactory to the City Solicitor to secure the following facilities, services and matters at the owner's sole expense:
 - (a) A cash contribution of \$2,500,000.00, pro-rated over each phase, to be paid to the City prior to the issuance of the first above grade building permit for each phase, to be allocated in Ward 20 Trinity-Spadina, to the satisfaction of the Chief Planner and Executive Director in consultation with the Ward Councillor, generally as follows:

- i. Capital improvements to social housing properties in Ward 20;
- ii. Community Services and Facilities in the King-Spadina Secondary Plan and surrounding area;
- iii. John Street Revitalization Project streetscape improvements beyond the area that abuts the subject lands; and
- iv. a Public Art Contribution to be used in the immediate area, of which no more than \$250,000.00 may be considered part of the total cash contribution even if the total value of the public art exceeds \$250,000.00.

Such payment shall be indexed to the non-residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law to the date of payment.

- (b) The owner also agree to pay for Streetscape enhancements to King Street West, Ed Mirvish Way, John Street, Pearl Street and Festival Square at John Street and King Street West, over and above the City's base streetscape standards, to be provided in a comprehensive public realm plan prepared by the owner utilizing the services of, among others, a landscape architect and an artist. The enhancements will be calculated as the difference between the City's standards and the streetscape treatment approved through the site plan approval process. The owner will be required to make this payment either by cash payment or by way of a securing letter of credit, at the owner's option, prior to the issuance of the first above grade building permit for the associated phase.
6. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development, all to the satisfaction of the Chief Planner and Executive Director of Planning:
- (a) At least 10% of the total number of dwelling units to be constructed on the lots shall contain family sized units of three or more bedrooms in compliance with the provisions of the Ontario Building Code;
 - (b) The owner shall enter into and register Heritage Easement Agreements over the buildings located on 260 King Street West (Royal Alexandra Theatre) and 322 King Street West (Eclipse Whitewear) as well as exterior elements including the front wall of the building at 284 King Street West (Anderson Building);
 - (c) The owner shall not object to the designation of the Building on 300 King Street West (Princess of Wales Theatre) under Part IV of the Ontario Heritage Act;

- (d) The owner shall provide at no cost, a minimum of 2,340 m² of space to the Ontario College of Art and Design University (with the terms of the Agreement of Purchase and Sale or Lease to be satisfactory to the Chief Planner in consultation with the City Solicitor, including an alternate use);
- (e) A minimum of 870 m² of Art Gallery space shall be provided and maintained atop the building municipally known as 322 King Street West, with such gallery being operated by a recognized non-profit organization, allowing for the admittance of the general public at no cost. The gallery shall house and display the art collection commonly referred to as the “Mirvish Art Collection” (with the terms of the Agreement of Purchase and Sale or Lease to be satisfactory to the Chief Planner in consultation with the City Solicitor, including an alternate use);
- (f) Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the owner shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director (“Approved Exterior Development Details”) to secure the details, design and materials of the development, generally as proposed by plans submitted by Gehry International Inc. dated June 11, 2014 and illustrated in Attachment 5 – Model Images;
- (g) The owner shall incorporate in the construction of the building and thereafter maintain the Approved Exterior Development Details to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (h) Prior to Site Plan approval, the owner shall provide a detailed Conservation Plan prepared by a qualified heritage consultant for any alterations of the designated heritage buildings located at 260 King Street West (Royal Alexandra Theatre), 322 King Street West (Eclipse Whitewear), 284 King Street West (Anderson Building) and 300 King Street West, satisfactory to the Manager, Heritage Preservation Services substantially in accordance with the Heritage Impact Assessment, dated May 5, 2014 prepared by ERA Architects Inc.;
- (i) Prior to Site Plan approval, the owner shall complete all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control to the satisfaction of the Manager, Heritage Preservation Services;
- (j) Prior to Site Plan approval provide Final Site Plan drawings including drawings related to the approved Conservation Plan and the Landscape Plan for on and off site improvements to the satisfaction of the Manager, Heritage Preservation Services;

- (k) Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act 2006*, the owner shall provide a Construction Management Plan at its expense to the satisfaction of City Council, and thereafter the owner shall implement such plan;
- (l) The owner shall satisfy the requirements of the Toronto Catholic District school Board and the Toronto District School Board regarding warning clauses and signage;
- (m) The owner shall undertake a technical review of the proposed development and satisfy the requirements of the Toronto Transit Commission (“TTC”), and provide any necessary warning clauses in future agreements of purchase and sale related to the TTC operations;
- (n) The owner shall agree to any provisions regarding environmental sustainability, wind and ice mitigation and municipal services, to the satisfaction of the Chief Planner and Executive Director.

Financial Impact

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

DECISION HISTORY

At its meeting of December 16, 17 and 18, 2013, City Council considered a Request for Direction Report related to the June 18, 2013 appeal of the Zoning By-law Amendment application for 266-322 King Street West, which recommended opposition to the appeal.

The Request for Direction Report can be viewed at:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-63687.pdf>

City Council's decision directed that a working group be appointed by the Chief Planner and Executive Director, City Planning, the local Ward Councillor and the applicant. The working group process was defined and a work plan directed by City Council. Matters to be secured were also noted in the City Council decision.

City Council's full decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.2>

As the Working Group process evolved, positive progress related to the issues raised by City staff was made. A report on the process was to be made to the Toronto and East York Community Council on March 20, 2014, but discussions and negotiations were ongoing.

To summarize, as discussions and negotiations continued and the proposed development was changed to address concerns raised by City staff, planning staff expressed the

opinion that an amendment to the Official Plan was warranted. The amendment would permit an appropriate scale of development beyond the scale currently envisioned by the existing Official Plan policies, but less than the Zoning By-law Amendment currently under appeal at the Ontario Municipal Board.

The full City Council decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE30.98>

The Official Plan Amendment (OPA) statutory public meeting was held on June 17, 2014. The final report associated with the OPA is being recommended to be considered concurrently with the recommendations of this report. The report which contains the full decision history is item TE 38.8 on this agenda.

ISSUE BACKGROUND

The matters noted in the issue background section including the Provincial Policy Statement and Provincial Plans, the Official Plan, the King-Spadina Secondary Plan, and Zoning, have been cited in a series of staff reports related to this development. The most recent report noting these matters was a Request for Direction Report dated November 8, 2013, which was considered by City Council on December 16, 17 and 18, 2013.

Site Plan Control

The proposed development is subject to site plan approval, which has yet to be submitted. The Recommendations of this report propose to use a holding “H” symbol on the site-specific Zoning By-law to ensure that the owner enters into a Site Plan Agreement under Section 114 of the *City of Toronto Act, 2006*, to secure the details, design and materials of the development, as proposed by plans submitted by Gehry International Inc.

Community Consultation

In accordance with the City Council decision on May 6, 7 and 8, 2014, which required that a statutory Public Meeting related to the City-initiated Official Plan Amendment be held on June 17, 2014, a Community Consultation Meeting was held on May 27, 2014 at Metro Hall. Approximately 120 people participated in the meeting, which also included an Open House meeting to display, present and discuss the outcomes of the Working Group process.

At this meeting, staff informed the public that the outcome of the Working Group resulted in substantive agreement between City staff and applicant around the major issues related to the development of the lands. Staff identified that the purpose of the City-initiated Official Plan Amendment was to permit the revised proposal, while limiting the height and density to a level that addresses staff concerns, and limits the opportunity for future developments of a similar scale and height in the area, by relating the height and density to site-specific attributes.

The proposed amendment recognizes the historic and cultural elements that distinguish these lands from others, as well as the size and location of the lands that can accommodate the maximum amount of density cited in this report.

The lands are uniquely situated fronting on the King Street West Corridor (Theatre Row Character area), which can provide an opportunity to complement and associate with the John Street Cultural Corridor. Given the land area of the development parcels that has resulted from many years of land assembly, and the reduction in proposed density, the density is now within a range of recently approved developments in the East Precinct of the King-Spadina Secondary Plan area.

The public were informed of the heritage and cultural conservation proposed, and the enhanced streetscape opportunities that would further support and reinforce the historic commitment and dedication to the performing arts and the cultural evolution of this King Street West segment and the broader area.

Concerns from the public included:

- Evolving details of the development and the design
- Overall parking proposed and traffic congestion in the area
- TTC capacity
- Lack of facilities for pets
- Potential precedent for future developments in the area

Specifically from the agent representing 11 Ed Mirvish Way, was a concern that the proposed development may compromise the future as-of-right development of their site. Staff also identified outstanding issues, which were still under review and evaluation including:

- Evolving details of the development and design
- Traffic impacts and parking
- Site Servicing (water, wastewater, stormwater)
- Community benefits under Section 37 of the Planning Act

Agency Circulation

The application was revised a third time by plans dated June 11, 2014, prepared by Gehry International Inc. The plans have been circulated to all appropriate agencies and City divisions. Responses received to date have been used to assist in evaluating the application and to formulate appropriate recommendations for City Council to consider when making its decision.

COMMENTS

The revised proposal retains the boldness and impressive place making qualities of the earlier scheme while integrating the best qualities of this prominent King Spadina location on King Street West – conservation of heritage fabric, inclusion of the two live theatre buildings, a full mixed use program that includes office, retail, institutional,

cultural and residential space and a commitment to an enhanced public realm with expanded plaza and sidewalks and seamless design that includes a new public square opportunity at the foot of Ed Mirvish Way.

Importantly, the "placemaking" factors that deliver transformative city building and positive economic attraction are revealed through the new design which takes on a character that no other tall building ensemble does to date in Toronto, changing architectural appearance in form and materiality in a highly variable manner as one views the project from every vantage point surrounding the site.

The Zoning By-law Amendment application that is currently under appeal at the OMB has been formally amended to include additional lands and to reflect a revised proposal, which resulted from the positive discussions in the Working Group process and with City staff.

The revised proposal addresses all the substantive issues related to scale, density and heritage conservation expressed during the evaluation of the application, while creating an opportunity for an iconic landmark building to establish a place marker in the skyline to recognize this cultural and creative segment of King Street West, in the heart of the Entertainment District. A significant amount of heritage conservation is being integrated into the Gehry International Inc. design, including the retention of aspects of the buildings containing the two existing performing arts theatres.

The architecture and design by Gehry will be a positive addition to the King Street West and King-Spadina East Precinct. The design process is iterative and the details will continue to evolve based on the conceptual design direction endorsed by this report. The use of a holding "H" provision recommended in this report would permit the creative process to continue, while allowing for the final detailed design to be secured through the site plan process.

Working Group Outcomes

At its meeting of December 16, 17 and 18, 2013, City Council directed that a working group be appointed to assist in the resolution of outstanding issues related to the proposed development of the 266-322 King Street West lands. The working group process was defined and a work plan established to meet the timing constraints associated with the scheduled OMB Hearing.

The Working Group had a total of five (5) sessions, where the focus was primarily on:

1. Heritage resources and opportunities for their integration into the development.
2. Opportunities for public realm enhancements.
3. Pedestrian connectivity to the broader area to and from the lands.
4. Cultural opportunities, connectivity to the John Street Cultural Corridor and the King Street Corridor character area (Theatre Row).

5. Neighbourhood issues such as infrastructure, open space and the pace of change and scale of development.

The Working Group process was positive and thought-provoking, allowing discussions with the applicant to continue in advance of the OMB Hearing. The process resulted in the applicant changing the proposal to one that is more sensitive to cultural and physical context, scale and to heritage conservation. Importantly, the members also recognized the need to allow the architecture and design to be cornerstones of the revised approach.

With the changes made to the proposal, planning staff expressed the opinion that an amendment to the Official Plan was warranted to permit an appropriate scale of development beyond the scale currently envisioned by the existing Official Plan policies, but less than the Zoning By-law Amendment application that was appealed.

The Official Plan Amendment recognizes the unique site sizes, location and attributes that differentiate it from others. This recognition is intended to establish an exception to the policy framework which guides growth, and not to establish a “new normal”, thereby restricting opportunities for similar applications.

The Official Plan Amendment also serves to permit an appropriate scale of development that would provide an opportunity to strengthen and enhance the unique role of King Street West as an area of cultural importance and significance.

Managing growth, built form and heritage conservation were the three main areas of concern with the original proposal. As a result of a positive Working Group process, a revised proposal that addressed these issues, as well as other outstanding concerns raised by staff in the December 17, 2014 Request for Direction report, staff have concluded that the substantive issues associated with the proposed development have been resolved.

Those matters and issues are as follows:

1. Infrastructure Capacity, Growth Management and Scale

The revised proposal has been significantly reduced in the overall gross floor area and the number of towers from 3 to 2, while the floor space index is now comparable to other recent developments in the King-Spadina East Precinct. With a floor space index of 18.1, the proposal is now less than recent approvals at 224 King Street West, 327 King Street West, 306 Richmond Street West, and is slightly in excess of the development at 355 King Street West as noted in the chart below:

	Area (m2)	GFA (m2)	FSI	Units	Units/hectare
Revised Proposal	9,598	173,723	18.1	1949	2,031
224 King St W	1,034	21,390	20.7	234	2,263
327 King St W	1,183	23,620	20	304	2,570
306 Richmond St W	1,472	30,350	20.6	402	2,731
355 King St W	3,869	67,432	17.4	661	1,709

It should be noted that the revised proposal includes a approximately 35, 000 m2 of non-residential floor area, which is a significant proportion of the overall development, unlike the other recent developments noted above.

Overall, the proportional reduction in density to a level that is more typical of the tower development in the area helps manage growth and development expectations. Notwithstanding this reduction, the local King Spadina policy review underway and the Comprehensive to the Core downtown infrastructure and growth study both establish that there is an ongoing need for infrastructure upgrades in this rapidly growing area.

At a technical level, the proposed revised development can be accommodated with the existing infrastructure services, however, additional testing of hydrant water pressure is required and addressed through the recommendations of this report.

2. Parking and Loading Standards – Traffic Impacts

A Traffic Impact Study was submitted in support of the proposed parking supply, loading facilities and traffic impacts. The proposed 670 parking spaces and 8 loading facilities do not meet the Zoning By-law standards, with an approximate parking shortfall of 860 spaces. Although the required number of loading facilities is proposed, it is the type of facilities that varies from the required standard.

The applicant has identified several extenuating factors that affect the ability to provide the required on-site parking including:

- a. excavation beyond the proposed 6 floor below-grade parking garage;
- b. existing buildings to be retained and the existing below-grade parking garage as constraints to excavation;
- c. recent parking ratios approved for developments in the area;
- d. proximity to rapid transit; and
- e. compliance with the bicycle parking requirements.

City staff identified additional material required to complete the evaluation of the study, which has not been submitted in time to conclude the assessment. This will also include reviewing opportunity for car share spaces. City staff are therefore not in a position to support the proposed parking, loading or comment further on traffic impacts.

As a result, this report recommends that the City Solicitor be instructed to request the Ontario Municipal Board to determine the following outstanding matters either: as may be agreed upon by the owner and the Chief Planner prior to the OMB hearing, or in the event of no agreement being reached, then as determined by the Ontario Municipal Board. This report recommends the following:

- a. a requirement that the zoning by-law amendment include the parking spaces and loading spaces as required by the City's new uniform zoning by-law (By-

law No. 569-2013) or as may be otherwise acceptable to the Chief Planner, and

- b. a requirement in the Section 37 Agreement that a Traffic Impact Study be submitted to the satisfaction of the Director, Engineering and Construction Services and the owner agree to make any necessary upgrades to the transportation network to accommodate the proposed development at the sole cost of the owner.

3. Heritage

The original application that is currently under appeal proposed the demolition of all four existing designated buildings on the lands. There was no heritage conservation associated with the proposal.

The current proposal now includes a satisfactory Conservation Strategy within the context of the City-initiated Official Plan Amendment. The Royal Alexandra Theatre building at 260 King Street West has been added to the application lands, which will be subject to a Heritage Easement Agreement, as well as the Eclipse Whitewear Building (322 King Street West) and the Anderson Building façade (284 King Street West), as outlined in the recommendations of this report.

The Princess of Wales Theatre (300 King Street West) building exterior is also proposed to be designated under Part IV of the Ontario Heritage Act. If designated, it will be conserved within the revised proposal.

All of the heritage properties noted above will be conserved with integrity within the proposed development, including their sensitive integration, adaptive re-use (and continued use) and the development of a base building design that responds to the scale of the surrounding heritage context. The retained heritage resources will maintain their individual significance within the next evolution of the block's history.

4. Public Realm Enhancements

The revised proposal provides for enhanced streetscape along King Street West, John Street, Pearl Street and Ed Mirvish Way, to further improve the public realm and the pedestrian experience. The proposed Section 37 Agreement secures these streetscape enhancements and also includes a contribution towards the John Street streetscape improvements.

An opportunity for a new functional and programmable “public square” is proposed for a segment of Ed Mirvish Way, north of King Street, with an additional opportunity for open space in the southeast quadrant of John Street and King Street West, referred to as “Festival Square” by the Toronto Entertainment District BIA.

These open space opportunities would also be candidates for other Section 37 streetscape contributions from other developments in the area.

5. Employment and Cultural Industry Opportunities

The original proposal had a significant amount of retail floor area in lieu of the significant amount of existing office use floor area. The decrease in office area, together with the proposed demolition of the Princess of Wales Theatre, raised significant concerns regarding the future of creative and cultural industries in the area.

The revised proposal would support the continuation of the two Performing Arts Theatres and replace a significant amount of office space to allow greater opportunities for creative industries to locate and thrive in the Entertainment District. Further, the two new cultural uses (Art Gallery and OCAD space) are proposed and will enhance the John Street Cultural Corridor and the revitalization project.

The revised development includes more non-residential floor area than the previous proposal, with 35,623 m² now proposed, which is consistent with emerging Official Plan employment policies and is also consistent with the City’s economic development and culture initiatives.

Revised Proposal

The application has been formally amended to include the 260 King Street West lands (Royal Alexandra Theatre), a reduction to the overall scale and density of the proposed development, conservation of certain heritage buildings and the retention of aspects of the building containing the Princess of Wales Theatre. The application data for the current proposal is outlined in “Attachment 4 – Application Data Sheet”.

A comparison of the original and the revised proposals is as follows:

	Proposal under appeal	Current Proposal	Change (+ or -)
Total Site Area (m ²)	7,876	9,598	+ 1,722
Total Gross Floor Area (m ²)	216,760	173,723	- 43,037
Total Residential Gross Floor Area (m ²)	194,500	138,100	- 56,400
Total Non-Residential Gross Floor Area	23,760	35,623	+ 11,863
Floor Space Index	27.5	18.1	- 9.4 times the area of the lands
Dwelling Units	2,709	1,949	- 760
Dwelling Unit Mix	334 Bachelor 1,383 1-Bedroom 688 2-Bedroom 304 3+-Bedroom	215 Bachelor 935 1-Bedroom 566 2-Bedroom 233 3+-Bedroom	- 119 - 448 - 122 - 71

Building Height (m)	272 – 284	275 – 305	+ 3 and 21 m
Total Parking Spaces	317	670	+ 353
Indoor Amenity Area (m ²)	4,100 (1.5 m ² per unit)	3,440 (1.77 m ² per unit)	+ 0.27 m ² per unit
Outdoor Amenity Area (m ²)	2,300 (0.85 m ² per unit)	1,452 (0.75 m ² per unit)	- 0.1 m ² per unit
Total Loading Spaces	8	8	
Bicycle Parking spaces (required)	1,844	2,145 (2,145)	+ 301
No. Towers	3	2	- 1
No. Theatres Retained	1	2	+ 1
Heritage Conservation	none	Eclipse Whitewear Building, Royal Alexandra Theatre Building and the Anderson Building facade will be subject to Heritage Easement Agreements, while aspects of the Princess of Wales Theatre building are proposed to be designated under Part IV of the Ontario Heritage Act.	

The proponent has expressed the intention to phase the development commencing with the tower west of Ed Mirvish Way, followed by the east tower, which would accommodate the proposed OCAD University space. However, the proposed Zoning will not restrict the phasing order of the development.

As the table above indicates, there has been a significant decrease in the number of proposed dwelling units as well as the overall density of the proposal. Coupled with the decrease in scale, the increase in certain Zoning performance standards have resulted in a more sustainable and supportable development.

The increase in the amount of bicycle parking spaces and indoor amenity area are positive ways to meet the needs of the future residents of these building. The bicycle parking supply will meet the City's requirements, while the indoor amenity area is proposed at a rate of 1.77 m² per units.

The proposed amount of parking has been increase by 353 to 670 parking spaces in 6 levels of underground parking. Of the total number of parking spaces, 227 are existing parking spaces below the Eclipse Whitewear building and the Princess of Wales Theatre.

Although the balance between the parking supply and the scale of the new development has improved, there is still a significant differential between the proposed and the required amount of parking spaces as noted earlier in this report.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). The proposed Official Plan Amendment provides a framework for consistency with the PPS and Provincial Plans.

With respect to the efficient use of infrastructure and transportation systems; the PPS promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes. The redevelopment promotes the efficient use of land, resources, infrastructure, with appropriate densities. The proposed intensification can also serve to support public transit, as the lands are located within 500 metres of the St. Andrew's subway station on Line 2 and served by the TTC 504 streetcar line.

This proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan provides a framework for managing future growth in order to build strong prosperous communities. The Growth Plan directs a significant portion of new growth to built-up areas of the community through intensification to ensure and maximize the viability of existing and planned infrastructure.

King-Spadina Secondary Plan Review

City staff are undertaking both a heritage conservation district study and a secondary plan review, which will establish a clear and current policy direction in the area to guide built form matters including building height, the emergence of towers in the East Precinct of King Spadina, and measures that will assist with the growth management concerns raised by area residents. The plan review is considering revised policies that reflect the physical context which has evolved in the area over the past decade, including the transition in building heights commonly referred to as the “clothesline”, generally with lower heights from east to west and south to north.

This application and the related City-initiated Official Plan amendment will not compromise the current direction of the Plan review. The lands are unique in their overall size and location, as well as being unique for their accommodation of existing and proposed creative and cultural land uses. The overall floor space index of the proposed development is within the range of recent approvals in the King-Spadina East Precinct.

Land Use

The proposed development would provide a diverse range of residential, office, retail, institutional and cultural uses that will serve to enhance and activate the King Street West Corridor and link to the evolving John Street Cultural Corridor.

The proposed uses would continue existing cultural and performing arts activities in the area, while reinforcing these uses with two new complementary uses, an art gallery and

educational space for OCAD University. The significant amount of retained and new office area will also provide opportunities for academic, cultural and creative uses to thrive in the Entertainment District.

Density, Height, Massing

The lands would be limited to the parameters of the proposed City-initiated Official Plan Amendment.

The development would be limited to a maximum density of 18.1 times the area of the lands, with a maximum floor area for residential use of 138,100 m² and a minimum floor area of 35,300 m² of non-residential uses. As previously noted above, the proposed floor space index is within the range of recently approved developments in the King-Spadina East Precinct area.

The minimum amount of non-residential floor area results in an overall net gain from the existing condition for these uses.

The building on the east side of Ed Mirvish Way would be limited to a maximum height of 275 metres (82 storeys), inclusive of mechanical penthouse, while to building west of Ed Mirvish Way would be limited to 305 metres (92 storeys), inclusive of mechanical penthouse.

The building heights and masses would not result in shadows being cast onto the north sidewalk of Queen Street West in the spring and fall equinoxes, after 11:18 a.m.

Built form

Both the west and east towers are proposed to have six storey podiums at heights of 33.5m. The ground floors of both podiums having floor to ceiling heights of 6.5 m, have been pulled back to provide a widened public realm along King Street West and Ed Mirvish Way. The podiums will reference the scale of heritage buildings on the block in a contemporary way.

The west building would provide a setback generally up to 5.0 metres from the streetline of King Street West to the ground floor, and generally up to 2.5 metres setback from the streetline of Ed Mirvish Way. Above the ground floor, the balance of the podium is cantilevered providing some weather protection along the streetscape. Similarly to the west building, the east building would provide a setback of generally up to 5.0 metres from King Street West and generally up to 2.0 metres from the streetline of Ed Mirvish Way. Both buildings will have the same ground floor ceiling height for continuity along King Street West

Both buildings have a variety of elements to create visual interest. These include articulated sculpted floor plates which reduce in size as the buildings rise. The specific geometries of the exteriors are evolving consistent with the design process noted. The conceptual design however that has been agreed upon shows the east tower floor plates

averaging 900 square metres, with the average upper floor plates at 600 square metres. For the west tower, which is a much larger site with portions of the tower cantilevering over the Princess of Wales Theatre in some of the upper stories, the average plates are 1260 square metres with the upper floors averaging 840 square metres and the uppermost floor plates averaging 795 square metres. Some of the very tall residential buildings in Toronto (Aura, Shangri la) have had larger floor plates for site and building specific reasons.

Each tower includes articulated tower elements, which the architect calls "sentinel's". These sentinels reference the heights of the neighboring buildings in the area reflecting the physical context which has evolved in the area over the past decade, including the transition in building heights commonly referred to as the "clothesline", generally with lower heights from east to west and south to north.

Other elements of the building serve to animate and provide additional architectural and design interest to the towers. The use of a variety of different cladding materials is proposed to create a composition of buildings which appear differently from different vantage points.

The towers maintain a minimum separation distance of 25m between them in accordance with the tall building guidelines and have adequate separation to the east and west, due to their large sites. The west tower is also set back 16m from the centre line of Pearl Street which would exceed the 12.5m as required in the guidelines. The east tower is adjacent to a small lot which staff conclude is not a tall building site due to its size.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.42 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The applicant is proposing to build new buildings and retain some of the existing buildings on the site. For sites such as this that are less than 1 hectare in size, a cap of 10% is applied to the residential gfa while the non-residential gfa is subject to a 2% parkland dedication.

Parks, Forestry and Recreation staff have concluded that there is no location on either the West Site or the East Site for an on-site parkland dedication and both sites would be entirely encumbered by an underground parking garage. The applicant is therefore requested to satisfy the parkland dedication 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 and would be subject to this Department's conditions for conveyance of parkland. If an appropriate offsite 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.

The applicant is required to meet Tier 1 of the TGS. Should the application be approved, the applicant will be required to submit a site plan that brings their proposal into compliance with these standards.

Section 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning by-law would otherwise permit in return for community benefits.

Details of a Section 37 Agreement between the applicant and the City have been established in accordance with the City policies and protocols.

Community benefits can include (among other capital facilities): parkland, non-profit arts and cultural, community or child care facilities, streetscape improvements on the public boulevard not abutting the site; and other works detailed in policy 5.1.1.6 of the Official Plan.

The community benefits must bear a reasonable relationship to the proposed development, including at a minimum, an appropriate geographic relationship and the addressing of the planning issues associated with the development.

The Section 37 benefits negotiated between staff and the applicant are in keeping with City Council's December direction and reflect both elements of the project proposed by the applicant and ongoing local community priorities that support growth and liveability. The provision of the OCAD University and the Mirvish Art Gallery space are significant contributions that support and expand the arts and cultural focus of the local area. The security of the heritage buildings, including the two theatre buildings, support local heritage objectives. The provision of a comprehensive enhanced public realm supports the need to grow and optimize the dimensions and design quality of public space. Finally, cash contributions to be attributed toward community services and facilities, social housing, public art and the John Street revitalization project all support the provision of infrastructure for this rapidly growing neighbourhood.

As outlined in the recommendations 5 and 6 of this report, the Section 37 community benefits are proposed to be secured to include the following matters:

- "5. The The City and the owner enter into an Agreement with the City pursuant to Section 37 of the Planning Act, to be registered on title to the lands at 260-270 King Street West and 274-322 King Street West, in a form satisfactory to the City Solicitor to secure the following facilities, services and matters at the owner's sole expense:
- (a) A cash contribution of \$2,500,000.00, pro-rated over each phase, to be paid to the City prior to the issuance of the first above grade building permit for each phase, to be allocated in Ward 20 Trinity-Spadina, to the satisfaction of the Chief Planner and Executive Director in consultation with the Ward Councillor, generally as follows:
 - i. Capital improvements to social housing properties in Ward 20;
 - ii. Community Services and Facilities in the King-Spadina Secondary Plan and surrounding area;
 - iii. John Street Revitalization Project streetscape improvements beyond the area that abuts the subject lands; and
 - iv. a Public Art Contribution to be used in the immediate area, of which no more than \$250,000,00 may be considered part of the total cash contribution even if the total value of the public art exceeds \$250,000.00.

Such payment shall be indexed to the non-residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law to the date of payment.

- (c) The owner also agree to pay for Streetscape enhancements to King Street West, Ed Mirvish Way, John Street, Pearl Street and Festival Square at John Street and King Street West, over and above the City's base streetscape standards, to be provided in a comprehensive public realm plan prepared by the owner utilizing the services of, among others, a landscape architect and an artist.. The enhancements will be calculated as the difference between the City's standards and the streetscape treatment approved through the site plan approval process. The owner will be required to make this payment either by cash payment or by way of a securing letter of credit, at the owner's option, prior to the issuance of the first above grade building permit for the associated phase.

6. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development, all to the satisfaction of the Chief Planner and Executive Director of Planning:
- (a) At least 10% of the total number of dwelling units to be constructed on the lots shall contain family sized units of three or more bedrooms in compliance with the provisions of the Ontario Building Code;
 - (b) The owner shall enter into and register Heritage Easement Agreements over the buildings located on 260 King Street West (Royal Alexandra Theatre) and 322 King Street West (Eclipse Whitewear) as well as exterior elements including the front wall of the building at 284 King Street West (Anderson Building);
 - (c) The owner shall not object to the designation of the Building on 300 King Street West (Princess of Wales Theatre) under Part IV of the Ontario Heritage Act;
 - (d) The owner shall provide at no cost, a minimum of 2,340 m² of space to the Ontario College of Art and Design University (with the terms of the Agreement of Purchase and Sale or Lease to be satisfactory to the Chief Planner in consultation with the City Solicitor, including an alternate use);
 - (e) A minimum of 870 m² of Art Gallery space shall be provided and maintained atop the building municipally know as 322 King Street West, with such gallery being operated by a recognized non-profit organization, allowing for the admittance of the general public at no cost. The gallery shall house and display the art collection commonly referred to as the “Mirvish Art Collection” (with the terms of the Agreement of Purchase and Sale or Lease to be satisfactory to the Chief Planner in consultation with the City Solicitor, including an alternate use);
 - (f) Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the owner shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director (“Approved Exterior Development Details”) to secure the details, design and materials of the development, generally as proposed by plans submitted by Gehry International Inc. dated June 11, 2014 and illustrated in Attachment 5 – Model Images;
 - (g) The owner shall incorporate in the construction of the building and thereafter maintain the Approved Exterior Development Details to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (h) Prior to Site Plan approval, the owner shall provide a detailed Conservation Plan prepared by a qualified heritage consultant for any alterations of the

designated heritage buildings located at 260 King Street West (Royal Alexandra Theatre), 322 King Street West (Eclipse Whitewear), 284 King Street West (Anderson Building) and 300 King Street West, satisfactory to the Manager, Heritage Preservation Services substantially in accordance with the Heritage Impact Assessment, dated May 5, 2014 prepared by ERA Architects Inc.;

- (i) Prior to Site Plan approval, the owner shall complete all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control to the satisfaction of the Manager, Heritage Preservation Services;
- (j) Prior to Site Plan approval provide Final Site Plan drawings including drawings related to the approved Conservation Plan and the Landscape Plan to the satisfaction of the Manager, Heritage Preservation Services;
- (k) Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act 2006*, the owner shall provide a Construction Management Plan at its expense to the satisfaction of City Council, and thereafter the owner shall implement such plan;
- (l) The owner shall satisfy the requirements of the Toronto Catholic District school Board and the Toronto District School Board regarding warning clauses and signage;
- (m) The owner shall undertake a technical review of the proposed development and satisfy the requirements of the Toronto Transit Commission (“TTC”), and provide any necessary warning clauses in future agreements of purchase and sale related to the TTC operations;
- (n) The owner shall agree to any provisions regarding environmental sustainability, wind and ice mitigation and municipal services, to the satisfaction of the Chief Planner and Executive Director.

Conclusion

This report provides the planning rationale to City Council to authorize the City Solicitor, City Planning staff and any other City staff to support resolution of the built-form, uses, and densities each as set out in this Report, at the OMB appeal of the Zoning By-law Amendment application, subject to the recommendations of this report.

CONTACT

Philip Carvalino, Senior Planner

Tel. No. 416-394-8233

Fax No. 416-394-6063

E-mail: pcarval@toronto.ca

SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plan

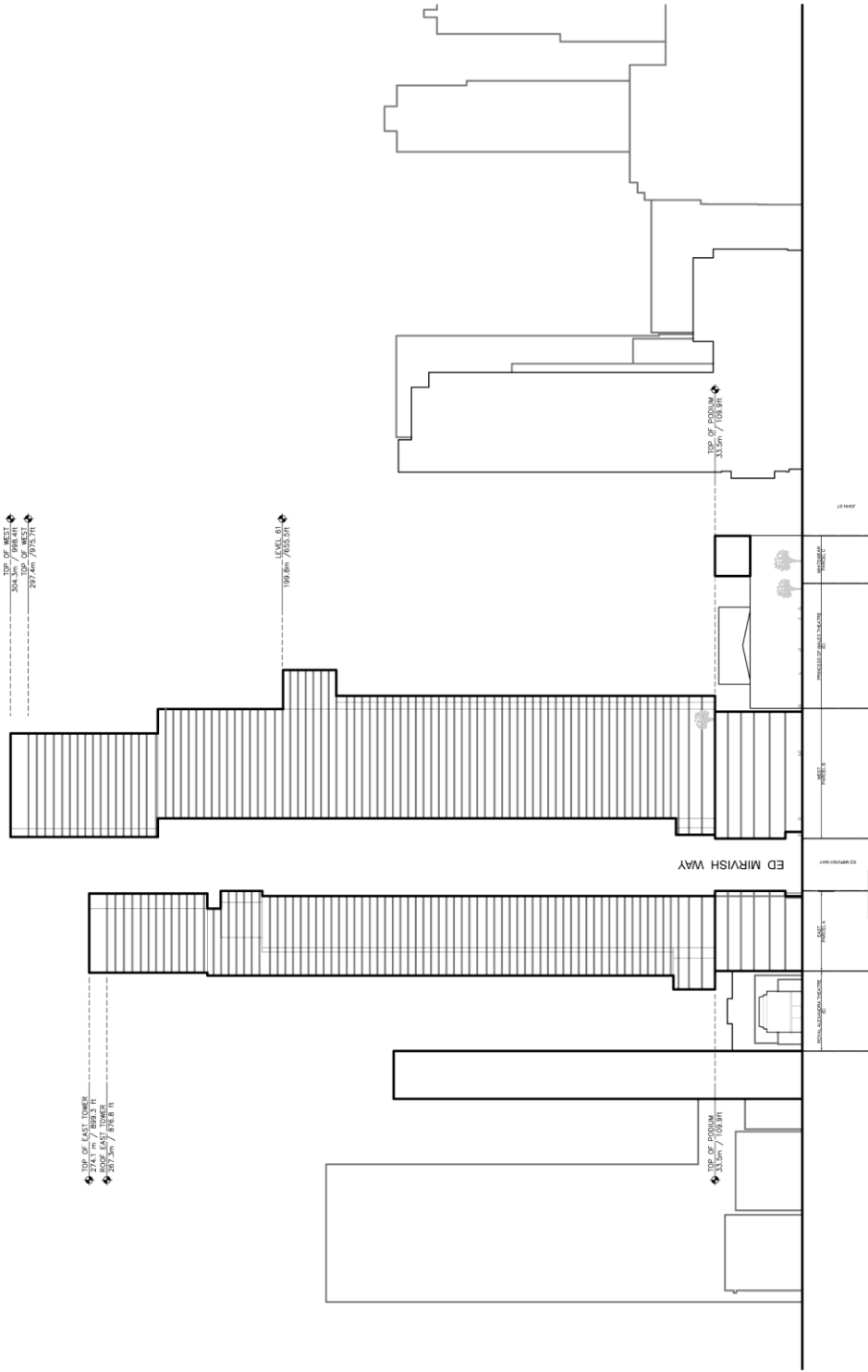
Attachments 2a-d: North, South, West and East Elevations

Attachment 3: Zoning Map

Attachment 4: Application Data Sheet

Attachment 5a-b: Model Images

Attachment 2a: North Elevation



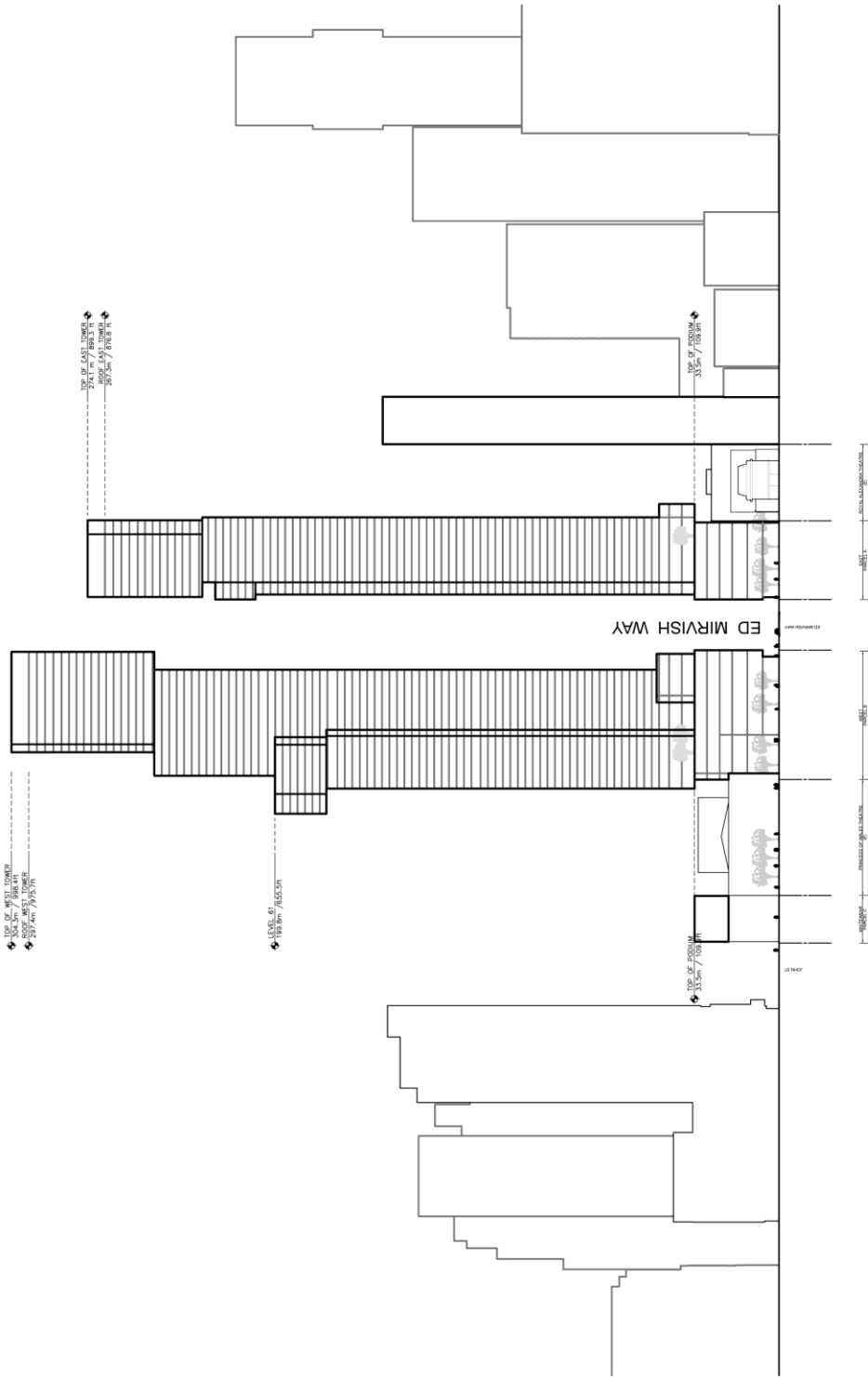
266 - 322 King Street East

File # 12 276890 02

North Elevation
 Applicant's Submitted Drawing

Not to Scale
 06/25/2014

Attachment 2b: South Elevation



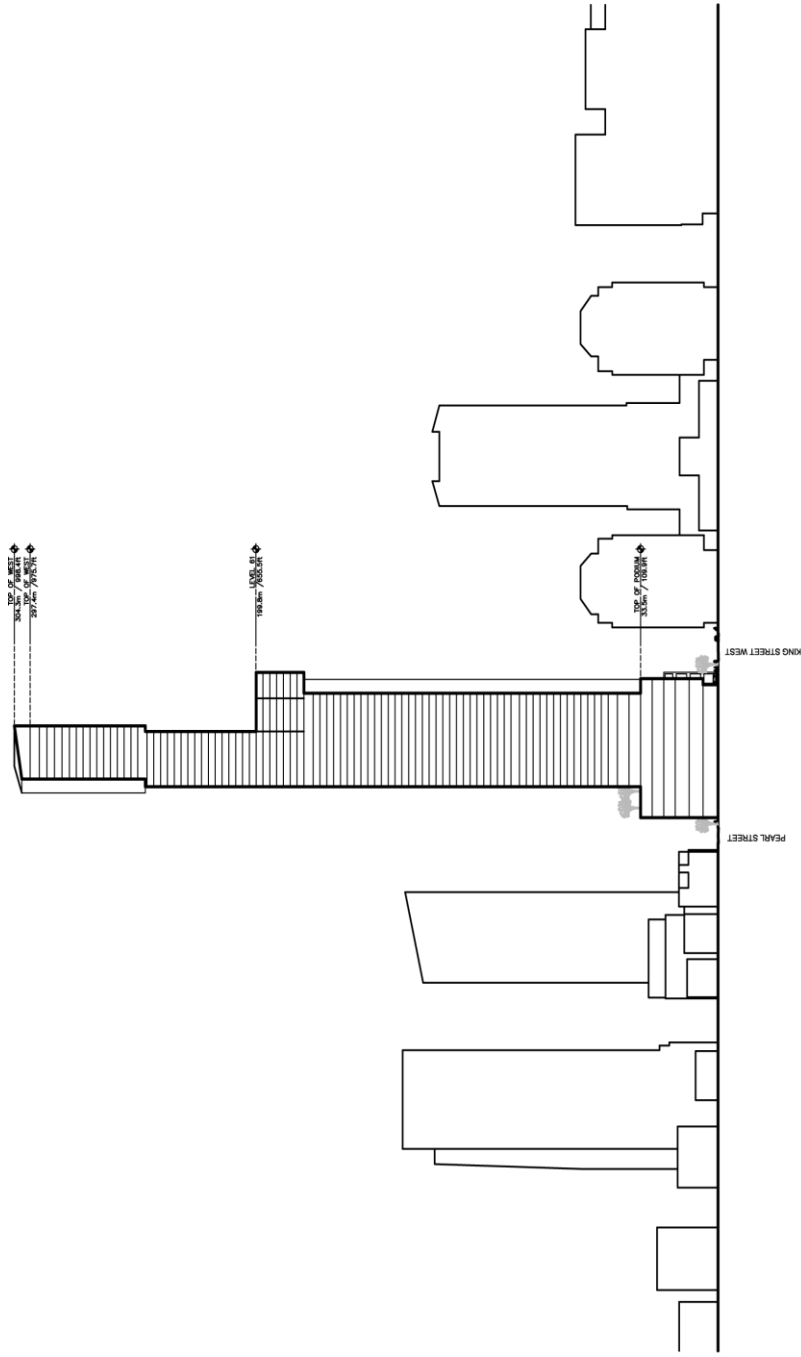
266 - 322 King Street East

South Elevation
 Applicant's Submitted Drawing

Not to Scale
 06/25/2014

File # 12 276890 0Z

Attachment 2c: West Elevation



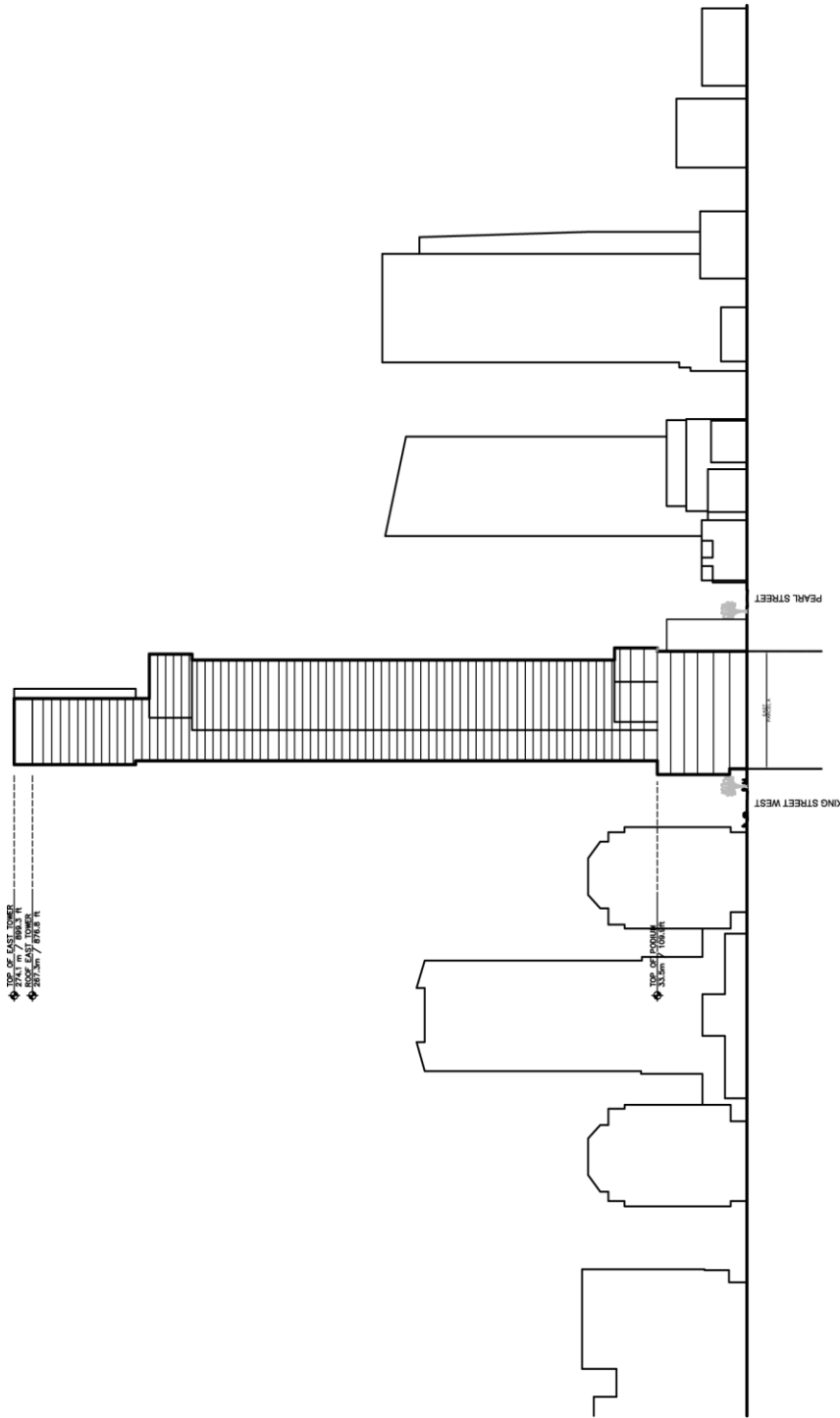
266 - 322 King Street East

West Elevation
Applicant's Submitted Drawing

Not to Scale
06/25/2014

File # 12 276890 02

Attachment 2d: East Elevation



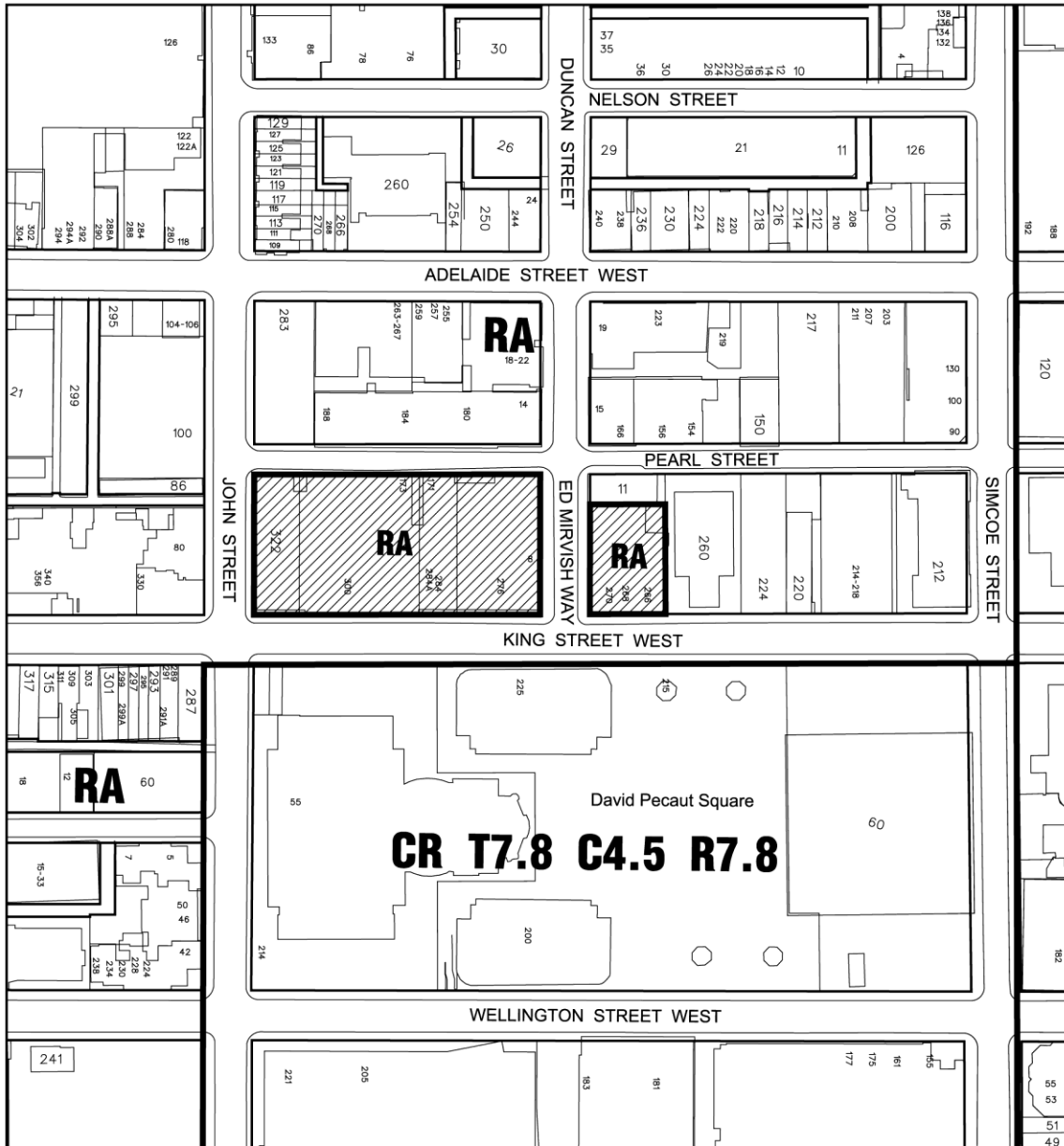
266 - 322 King Street East

East Elevation
Applicant's Submitted Drawing

Not to Scale
06/25/2014

File # 12 276890 0Z

Attachment 3: Zoning Map



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:	260-322 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 260 -322 King Street west to permit two new mixed use buildings on two parcels. The East Parcel would be developed with an 82 storey mixed use building. The West Parcel would be developed with a 92 storey mixed use building. A total of 1,949 dwelling units are proposed.		

Applicant:	Agent:	Architect:	Owner:
Patrick Devine			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):	9598	Height:	Storeys:	92 & 82
Frontage (m):	176		Metres:	305
Depth (m):	56 and 44			
Total Ground Floor Area (sq. m):	7830			Total
Total Residential GFA (sq. m):	138100		Parking Spaces:	670
Total Non-Residential GFA (sq. m):	35623		Loading Docks	8
Total GFA (sq. m):	173723			
Lot Coverage Ratio (%):	82			
Floor Space Index:	18.1			

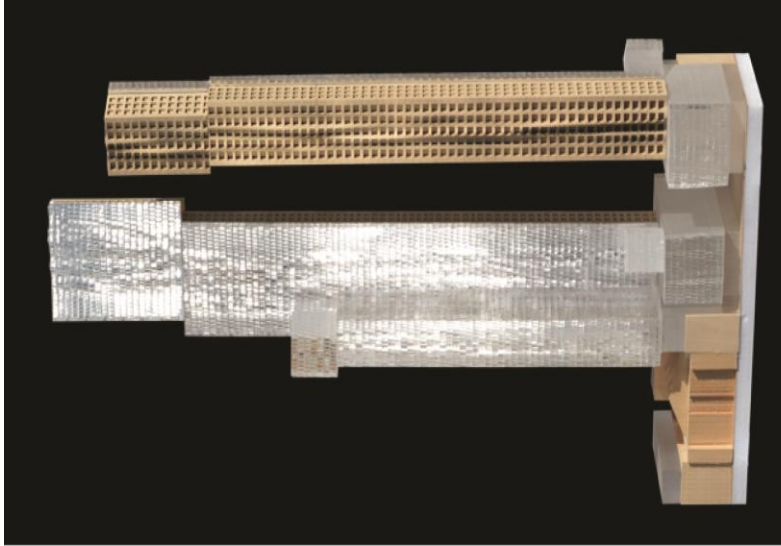
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

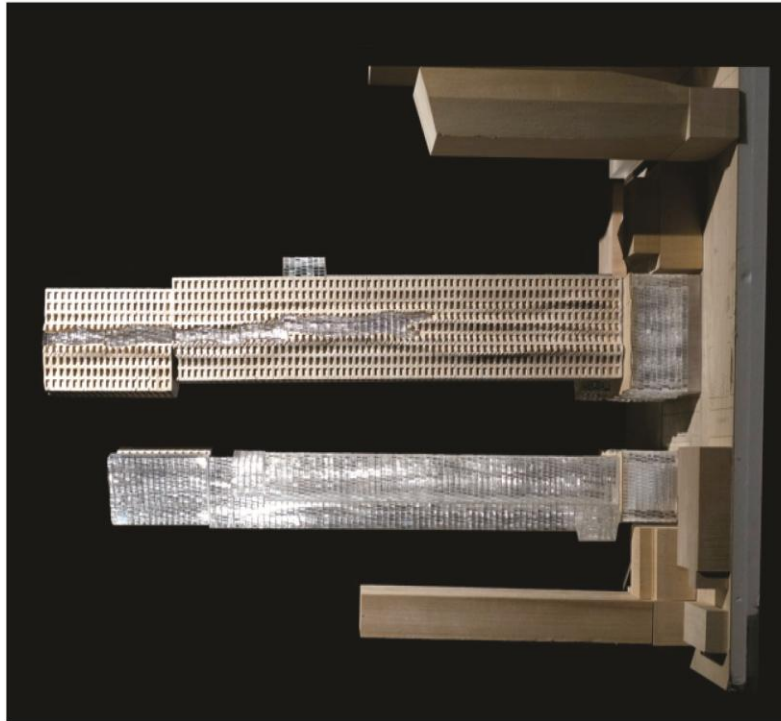
Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	138100	0
Bachelor:	215	Retail GFA (sq. m):	9957	0
1 Bedroom:	935	Office GFA (sq. m):	23326	0
2 Bedroom:	566	Industrial GFA (sq. m):		0
3 + Bedroom:	233	Institutional/Other GFA (sq. m):	2340	0
Total Units:	1949			

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

Attachment 5a: Model Images



View From South



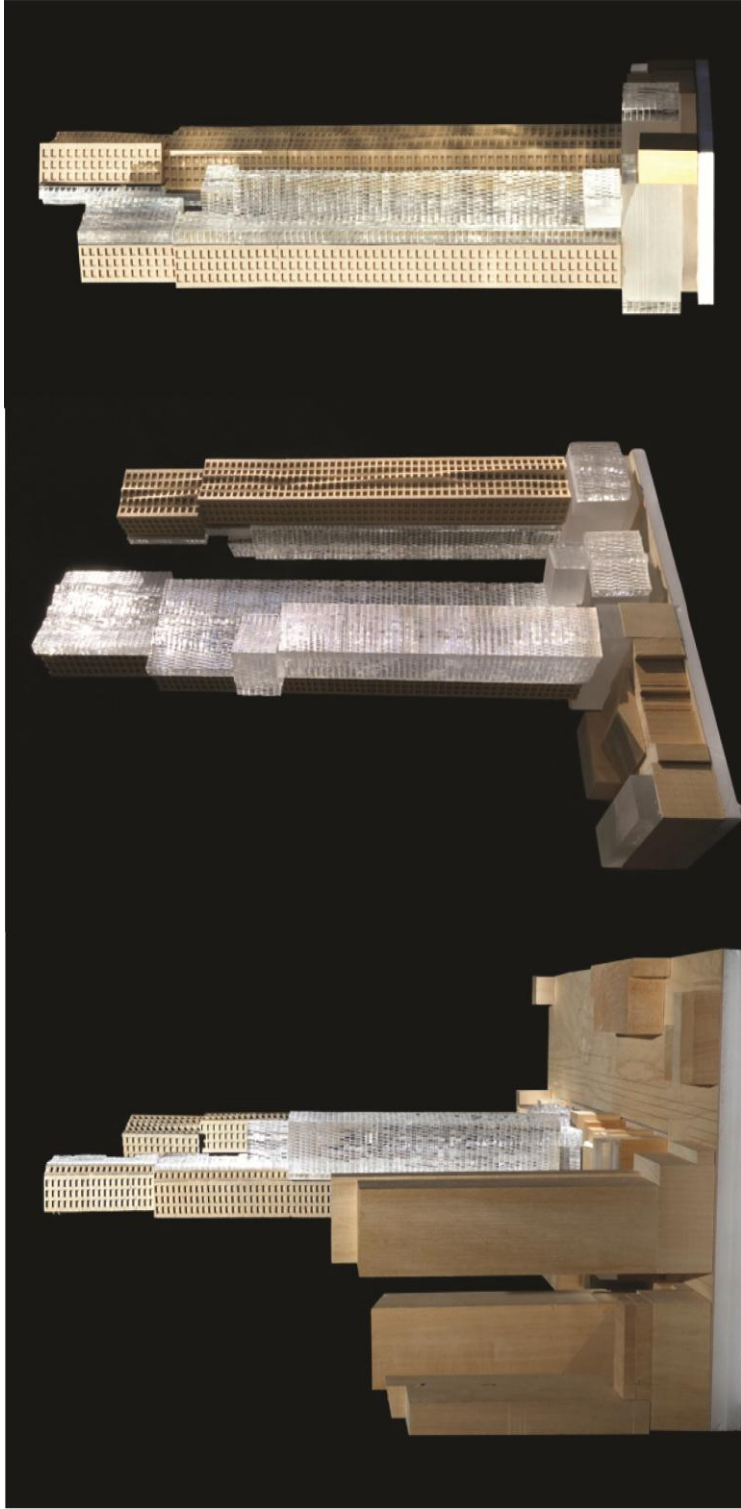
View From North

Model Views 1
Applicant's Submitted Drawing

Not to Scale
06/25/2014

File # 12 276890 0Z

Attachment 5b: Model Images



View From East

View From Southwest

View From West

266 - 322 King Street East

Model Views 2

Applicant's Submitted Drawing

Not to Scale
06/25/2014

File # 12 276890 02