

**489 – 499 King Street West Zoning Amendment
Application – Final Report**

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| Date: | July 21, 2014 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 20 – Trinity-Spadina |
| Reference Number: | 12 203376 STE 20 OZ |

SUMMARY

This application proposes to construct a 12-storey office building containing retail uses at grade at 489-499 King Street West. The proposed development would include a total of 24,476 square metres of gross floor area (gfa), including 1,173 square metres of retail use on the ground floor. Four levels of below-grade parking are proposed with 159 parking space and 107 bicycle parking spaces. Vehicular access will be provided from a private driveway off King Street West at the east side of the site.

The proposed development will add employment uses to a mixed-use community which has seen significant residential growth since the approval of the King-Spadina Part II Plan in 1996. The proposed development will also retain portions of the heritage building at 489 King Street West and provide a publicly accessible open space at the rear of the property and the potential for a mid-block connection between King Street West and Wellington Street West.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 438-86 for the property at 489-499 King Street West, substantially in accordance with the draft Zoning By-law Amendment to be provided prior to the Toronto and East York Community Council meeting of August 12, 2014.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Prior to the introduction of the necessary Bills for enactment, City Council shall require the owner of the lands at 489-499 King Street West to:
 - a. Provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for the property at 489 King Street West prepared by ERA Architects dated June 16, 2014 to the satisfaction of the Manager, Heritage Preservation Services.
 - b. Enter into a Heritage Easement Agreement for the property at 489 King Street West substantially in accordance with the plans and drawings referenced in the Heritage Impact Assessment (dated June 14, 2014), and subject to and in accordance with the required Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services, including registration of such agreement to the satisfaction of the City Solicitor.
 - c. Enter into a secured Agreement with the City to ensure the provision of all necessary improvements to the existing municipal infrastructure in connection with the Functional Servicing Report, to the satisfaction of the Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.
 - d. Supply detailed loading surveys from other office developments within the area for review by Transportation Services staff as part of the site plan control application and increase the proposed loading facilities as required by Transportation Services staff if necessary.
 - e. Enter into an easement agreement with the owners of the adjacent property at 485 King Street West adjacent to provide for mutual access over the proposed driveway.
 - f. Provide a public pedestrian easement for the life of the building for access to the publicly accessible open space at the rear of the property to the

satisfaction of the Chief Planner and Executive Director, City Planning Division.

4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed cash contribution, of \$300,000 toward streetscape improvements on King Street West between Portland Street and Spadina Avenue to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, payable at the first above grade building permit.
 - ii. An indexed cash contribution of \$50,000.00 for the maintenance of or the provision of new affordable housing in Ward 20, payable at the first above grade building permit.
 - iii. In the event the cash contributions referred to in Section (i) and (ii) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

The above noted cash contribution of \$350,000 is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. Prior to the issuance of Final Site Plan Approval, the owner shall have:
 - Completed 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.

- Provided Final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
 - The related Zoning By-law amendments giving rise to the proposed alterations shall be in full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services.
- ii. Prior to the issuance of a Heritage Permit, the owner shall have:
- Provided full building permit drawings, including notes and specifications for the protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.
 - Provided a Letter of Credit, indexed annually, in a form and amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan.
- iii. Prior to the release of the Letter of Credit, the owner shall have:
- Provided a letter of substantial completion prepared and signed by the heritage consultant confirming that the conservation work has been completed in accordance with the Conservation Plan and has maintained an appropriate standard of conservation, to the satisfaction of the Manager, Heritage Preservation Services.
 - Provided replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services
- iv. Prior to site plan approval, the applicant shall address all outstanding requirements for a Stage 2 Archaeological Assessment as well as the provisions for any additional Stage 3-4 archaeological assessment as outlined in the letter from City Planning dated July 21, 2014.
- v. Prior to site plan approval, the applicant shall address the requirements for the removal of private trees on the site and adjacent the property as required by the City of Toronto Private Tree By-law as outlined in the memorandum from Urban Forestry Services staff dated August 30, 2012.

- vi. The applicant shall undertake best efforts to minimize the extent and height of the mechanical penthouse.
- vii. The applicant shall provide appropriate screening between the at-grade commercial uses and associated uses of the open space at the rear of the building and the residents to the south.
- viii. A lighting plan will be submitted and approved through the site plan control application to address the issue of light impacts on the residential units south of the subject site.
- ix. The applicant is required to enter into a construction management agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, prior to site plan approval.

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 a consultation meeting held by the local Councillor, 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 plan were received on June 5, 2013 which proposed a 12-storey building with a height of 51.0 metres (57.0 metres including the mechanical penthouse). Based upon this revised submission, a Preliminary Report was presented to Toronto and East York Community Council on September 10, 2013. At that time it was noted that the applicant had withdrawn the request for an amendment to the Official Plan and the adjacent property to the south fronting Wellington Street was acknowledged as no longer being part of the proposal.

A revised submission received on March 14, 2014 proposed a 13-storey building at the same height as the previous June 2012 submission, with the north façade of the heritage building at 489 King Street West being reconstructed and 'stretched' to accommodate the new office building. The façade of the heritage building was also proposed to be shifted to the west to allow for the private driveway to be constructed on the applicants land at the east end of the site. The revised design for the new portion of the building fronting King Street West proposed an articulated façade to animate this part of the building and contrast with the retained heritage façade on the east side of the property.

The proposal was further revised to the one recommended in this report and described in the attached Zoning By-law as Attachment 7 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 48.0 metres (53.3 metres including a mechanical penthouse).

The portion of the proposed building behind the retained façade at 489 King Street West (Hart Building) is set back 10 metres above this four storey building. The contemporary design of the building west of the retained heritage façade features a base building comprised of two curved walls which step back from King Street West. The foremost wall curves up and away from the retained heritage façade toward the west side of the property and has a maximum height of 25 metres. The rear wall is set back 5.5 metres from King Street West and has a maximum height of 33.7 metres. The taller portion of the building is set back 10 metres from King Street West across the entire frontage of the property and rises to a height of 11-storeys (43.65 metres in height). The 12th floor at a height of 48 metres is set back a further three metres from King Street West. The mechanical penthouse at a height of 53.3 metres is set back 20.8 metres from King Street West.

The setbacks on the west, south and east sides of the proposed building (as modified) are as described later in the report.

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 parking for 107 bicycles, 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.

With regard to the heritage building at 489 King Street West, the applicant proposes to partially retain the building and incorporate it as part of the new base building. The north (front) and east elevations would be retained in situ, accomplished by constructing a temporary shoring structure to hold the walls in place during construction. The northernmost bay of the west elevation is proposed to be disassembled, stored off site and reconstructed at a later stage of construction.

A publically accessible open space is also being proposed at the rear of the property. The applicant has been negotiating with the condominium development to the south (436 Wellington Street) to provide a pedestrian access through that property which would allow pedestrians to pass through the properties to access either Wellington Street West or King Street West.

For further statistical information, refer to the Application Data Sheet found as Attachment 6 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 gfa of this building is 2,690 square metres. 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. The gross floor area of this building is 1,120 square metres. Finally, a one-storey restaurant building is located at 499 King Street West. The gross floor area of this building is 696 square metres. 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.

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 retail and restaurant uses 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 below 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 (American Watch Case Company Building) designated under Part IV of the *Ontario Heritage Act* (By-law 678-2001) 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), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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.

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.

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 new development in this part of 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 5). 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 Secondary Plan area contains many listed and designated heritage buildings. At its meeting on August 16, 2012 Toronto City Council directed Heritage Preservation Services staff to undertake Heritage Conservation District studies in five priority areas. One of these areas is the King-Spadina Secondary Plan area. The Request for Proposals for the King-Spadina Heritage Conservation District Study was issued and a team lead by Taylor Hazell Architects was chosen to undertake the study. The property at 489-499 King Street West is located within the King-Spadina Heritage Conservation District (HCD) study area.

The first phase of the study involves the identification of potential heritage conservation districts. The interim recommendations of the Heritage Conservation District Study were released at a public meeting held on March 18, 2014. The draft study findings

were presented at the May 23, 2014 meeting of the Toronto Preservation Board. The development of a Heritage Conservation District Plan and the designation under Part V of the *Ontario Heritage Act* of one or more identified Heritage Conservation Districts will follow as the second part of the study.

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

Tall Building Design Guidelines

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

The Tall Building Guidelines provide direction on matters related to the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate light and privacy, minimum side and rear yard tower setbacks of 12.5 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 25 metres (48 metres to the top of the roof slab of the 12th floor). In addition, the proposed building does not comply with other applicable performance standards.

Community Consultation

A Community Consultation meeting was held on October 21, 2013 subsequent to the presentation of the Preliminary Report at the September 10, 2013 meeting of Toronto and East York Community Council. Input provided at that meeting included the following comments from the public:

- The absence of any attempt to preserve the building at 489 King Street West is not acceptable.
- The proposed building has no façade design or articulation which would allow it to fit in with the existing buildings on King Street West.

- The current proposal doesn't contribute enough to justify the proposed increase in height and density being requested.
- How will the rear of the property address the relationship with the property to the south?
- Is a pedestrian connection through the property of the condominium building to the south achievable?
- There was a discussion of the challenges associated with trying to maintain the existing heritage buildings and the more affordable office space they provide for a range of users who can't afford higher rents. The practice of the Municipal Property Assessment Corporation (MPAC) of valuing heritage properties based upon perceived development potential and upward pressure on property taxes was raised as one of the challenges.

The local Councillor held a subsequent community meeting on February 26, 2014 to discuss the revised proposal which included the incorporation of the heritage façade at 489 King Street West. In that version of the proposal, the north façade of the heritage building at 489 King Street West was proposed to be altered (stretched) and shifted west to allow for a private driveway wholly on the subject property and the east façade was not proposed to be retained. The following issues were raised at the meeting:

- There may not be a value associated with the public access unless the connection can be made to the south.
- Traffic is a problem here with taxis backing up along King Street West.
- Could the new part of the proposed building use brick to match the retained heritage façade at 489 King Street West?
- Will there be an impact on TTC operations given the operation of the driveway?
- Will the proposed commercial uses at the rear of the property impact negatively on the residents to the south. If there are patios on these properties will they be able to be open late (past 11 PM)?
- Will lighting from the proposed building or the property negatively impact the residents to the south of the site? This is a particular concern as some businesses operate 24 hours a day, 7 days a week.
- Again, the issue of MPAC assessment and pressure for the redevelopment of heritage properties was discussed both with regard to the proposal and as a broader issue impacting the City.

Changes to the Proposal

Significant changes have been made to the proposed building since the submission of the revised proposal in March of 2014:

- The height of the building has been reduced from 13-storeys (51.0 metres with a mechanical penthouse at 57.0 metres) to 12-storeys (48.0 metres and 53.3 metres respectively).
- The proposal to 'stretch' the retained heritage façade at 489 King Street West and shift the building to the west has been replaced with a building which would retain the north façade in place (requiring that the floor to ceiling heights of first four floors of the new building be reduced to match the existing heritage façade). The east façade of the building at 495 King Street West and a small return of the west façade of the building will also be retained, which will require the applicant to enter into an easement agreement with the adjacent owner at 485 King Street East to allow for the operation of a driveway with a minimum width of 6.0 metres.
- The taller portion of the building was shifted away from the base building at 489 King Street West. This will allow the portion of the building with the retained heritage façade to be perceived as a separate structure.
- The upper part of the building (above the retained east heritage façade) had been proposed to be constructed to within 1.2 metres of the property line projecting over the private driveway at the east side of the site. This part of the building is now proposed to step back 2.4 metres from the retained east façade of the heritage building and will be set back approximately 3 metres from the property line and 5.5 metres from the centreline of the mutual driveway at the east side of the property.
- The 2nd to 6th floors on the west side of the building had been proposed to be constructed to the property line to a depth of 25 metres, with the building stepping back 5.5 metres beyond 25 metres. The revised proposal would result in floors 2 to 6 being set back approximately 1.0 metre from the property line to a depth of 11 metres to match the depth of the wall of the designated heritage building to the west at 511 King Street West (American Watch Case Company Building). In the event of a proposal to redevelop the property at 511 King Street West, staff would require the retention of the east façade of that designated building (the east wall is referenced in the Reasons for Designation). As the east wall of the American Watch Case Company building is located 10.0 metres from the property line, the result would be an 11.0 metres separation distance between the proposed building and the east wall of the designated heritage building. A 5.5 metre setback remains in place for the west side of the subject site beyond 11 metres in depth from King Street West.

- The proposed rear yard setback has been reduced from 7.5 metres to 5.5 metres above the ground floor. The resulting separation distance between the proposed office building and the condominium building to the south (436 Wellington Street West) is reduced from approximately 23.5 metres to approximately 21.5 metres.
- The height of the articulated facade for the new portion of the proposed building has been reduced to provide a better relationship with the retained heritage façade on the site and adjacent buildings on King Street West.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards and conditions.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

This application supports the Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application also complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth through municipal official plans.

Policy 1.3 requires provision to be made for an appropriate mix and range of employment opportunities to provide a diversified economic base. This policy also encourages compact, mixed-use development which incorporates compatible employment uses to support liveable and resilient communities.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Provincial Policy Statement policy 2.6.1 directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Inventory of Heritage Properties are considered to be significant in this context.

In the PPS 2014, *conserved* is defined as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

The proposed development complies with the above policies and other relevant policies of the Provincial Policy Statement and Plans by: making efficient use of the existing infrastructure; providing a mix of residential unit sizes and by being located on King Street West which has a streetcar line and is in proximity to streetcar routes on Spadina Avenue and Bathurst Street.

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up area with a focus on areas of the City such as major transit station areas. The site is well served by higher-order transit, as King Street West, Spadina Avenue to the east and Bathurst Street to the west are all served by streetcar lines.

Section 2.2.5.1 of the Growth Plan requires that the planning of higher order transit corridor areas strive to achieve:

- increased residential and employment densities that support and ensure the viability of existing and planned transit service levels; and
- a mix of residential, office, institutional and commercial development wherever appropriate.

The proposed development will provide additional long-term employment opportunities in the King-Spadina Secondary Plan area and contribute to the mixed-use nature of this rapidly growing part of downtown Toronto.

Land Use

The proposed development is an office building with retail uses at grade. The proposed uses comply with the policies of the Official Plan for development in the Downtown and Central Waterfront, with the King-Spadina Secondary Plan and with the provisions of the RA Zoning which is in place for the property. The proposed development will replace three buildings with a total of 3,810 square metres of office space and 696 square metres of retail space with 23,303 square metres of office space and 1,173 square metres of retail space. The development will result in a net increase of 19, 906 square metres in employment uses on the site.

The applicant has agreed to the removal of residential permissions on the site through the site specific By-law which permits the development. Staff requested that residential permissions be removed to ensure that the property could not be converted to a residential development, given the different massing implications for office versus residential uses.

Additional office development in the King-Spadina Secondary Plan area will have a positive impact by adding employment uses in a neighbourhood which has seen a significant amount of residential growth, but relatively little additional gross floor area added for employment uses. Employment uses are critical to ensuring that the King-

Spadina area continues to be able to function as a mixed-use community where residents can both live and work.

Heritage Resources

The subject site includes a building at 489 King Street West (known as the Hart Building) which has been identified by Heritage Preservation Services staff as being worthy of designation under the *Ontario Heritage Act*. The building, constructed in 1918, is valued as one of a series of warehouse buildings on King Street West.

At its meeting of February 19, 2014 City Council approved the inclusion of the property at 489 King Street West on the Inventory of Heritage Properties.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE29.5>

Heritage Preservation Services (HPS) staff presented a report at the July 17, 2014 meeting of the Toronto Preservation Board recommending that City Council endorse the conservation strategy described in the report for the heritage property at 489 King Street West (the Hart Building) in conjunction with the application to amend the Zoning By-law, which is the subject of this report.

<http://www.toronto.ca/legdocs/mmis/2014/pb/bgrd/backgroundfile-71109.pdf>

The HPS report recommends that the Hart Building be retained, conserved, designated under Section 29 of the *Ontario Heritage Act* and subject to a Heritage Easement Agreement. The report describes the proposed alterations to the building, as described above in this report. Staff recommendations presented in the report were supported by the Preservation Board. The HPS report will be presented at the August 2014 meeting of Toronto and East York Community Council, allowing both the Zoning Amendment Application and the proposed designation and conservation strategy to be dealt with concurrently.

Should City Council endorse the conservation strategy, HPS staff will recommend that Council state its intention to designate 489 King Street West under Section 29 of the *Ontario Heritage Act*, and require the owner to enter into and register a Heritage Easement Agreement with the City and authorize staff to take the necessary steps to enter into such Heritage Easement Agreement to ensure the long-term protection of 489 King Street West.

City staff have recommended in this report that the bills for the proposed Zoning By-law amendment not be introduced until such time as an acceptable conservation strategy has been submitted and a Heritage Easement Agreement has been executed. This recommendation reflects the recommendation in the June 20, 2014 report from Heritage Preservation Services staff regarding the treatment of heritage resources on the site.

With regard to archaeological resources, the applicant was unable to excavate a trench on the property as recommended in the Stage 1 Archaeological Assessment as the trench is in the location of the patio for the restaurant building operating on the site. Heritage Preservation Services staff have recommended that the applicant be required

to submit a Stage 2 Archaeological Assessment and carry out such works as may be required (including Stage 3 and 4 Archaeological Assessments) prior to site plan approval.

Density, Height, Massing

Staff have reviewed the proposed development in the context of efforts to maintain a mid-rise character in the West Precinct of the King-Spadina Secondary Plan area (those lands west of Spadina Avenue, most of which are subject to a 23 metre height limit). Since the approval of the King-Spadina Part II Plan in 1996, most of the approvals within this part of the King-Spadina Secondary Plans area have been for buildings with heights of less than 35 metres, or up to 10 to 12 residential storeys. Generally taller buildings in this area have been recommended for approval by staff based in part upon the heritage density bonus provisions as provided for in the King-Spadina Secondary Plan and in By-law 438-86. This is in contrast to the emerging character of the East Precinct, (those lands within the King-Spadina Secondary Plan area east of Spadina Avenue) which are developing as a tower neighbourhood. The objective of keeping building heights lower in the West Precinct is to protect the character and scale of the existing heritage fabric of the area and to minimize impacts associated with tall buildings such as shadows on sidewalks and the loss of privacy and sky views associated with inadequate tower separation distances.

Recent approvals at the western edge of the West Precinct have resulted in somewhat taller buildings being approved. In January of 2013 the Ontario Municipal Board approved a 16-storey mixed-use building at 621 King Street West at a height of 52.8 metres and a small mechanical penthouse at a height of 53.5 metres (file no. 2011 242716 STE 20 OZ). A 17-storey mixed-use building (file no. 2011 289519 20 OZ) was approved as a settlement at the OMB at 103-111 Bathurst Street at a height of 55.6 metres (including mechanical elements). To the east of that site is a property at 523, 525 and 252A Adelaide Street West where in October of 2013 Council directed staff to prepare a By-law for a 17-storey mixed-use building 50.5 metres in height with the mechanical penthouse at a height of 55.6 metres (file no. 11 289519 STE 20 OZ).

The approval of the development at 621 King Street West in particular has created pressure for taller buildings in the interior portions of the West Precinct which are subject to the 23 metre height limit. The applicants proposal for a building at a height of 48.0 metres is taller than any building previously recommended by staff within the 23 metre height limit zone. Staff have taken into consideration the value of the proposed development as an office building which adds employment uses in an area intended to be developed as a mixed-use community and the integration of the heritage façades at 489 King Street West. The King-Spadina Secondary Plan Area has seen substantial residential (condominium) development in the past 20 years. Additional employment uses are important in maintaining a mix of residential and employment uses and contributing to the ability of residents of the King-Spadina neighbourhood to live and work in a downtown environment.

As was mentioned above, staff considered the height of a 10-12-storey residential building at approximately 35 metres in height as being the maximum that would be acceptable for a residential building within the 23 metre height limit, subject to other factors such as appropriate stepbacks and setbacks, shadow impacts and other built form criteria. The 12-storey office building as proposed at 48 metres in height is effectively recognizing the additional height associated with an office building. Removing the permissions for residential development through the site-specific zoning By-law amendment (as agreed to by the applicant) will help to ensure that the proposed building is constructed as an office building.

With regard to overall massing of the building, the building incorporates significant stepbacks adjacent King Street West. The tallest part of the building is set back 10 metres for the 9th to 11th floors and 13 metres for the 12th floor. Side and rear yard setbacks are 5.5 metres to the property line or the mid-point of the mutually-owned driveway on the east side of the property. The exception to the side yard setback are floors 2 to 6 on the west side of the proposed building which are proposed to be set back approximately 1.0 metre from the property line to a depth of 11 metres to match the depth of the wall of the designated heritage building to the west at 511 King Street West (American Watch Case Company Building). The 5.5 metre setback is applied to the balance of the west side of the proposed building beyond 11 metres in depth measured from King Street West. The side yard setbacks as proposed will ensure an 11 metre separation distance between the proposed building and any existing or future redevelopment on adjacent properties.

Sun, Shadow, Wind

The applicant was required to submit a sun/shadow study for March 21st and June 21st for City staff to review. The study shows that there will be additional shadow impacts associated with the taller rear portion of the proposed building, but that the shadows do not have a greater impact on the public realm on King Street West than a building built at a height of 35 metres (the upper end of the prevailing heights associated with residential condominium proposals in the West Precinct of the King-Spadina Secondary Plan area).

The taller rear portion of the proposed building will add additional shadows on the properties to the east and the west of the subject site along King Street West, particularly during the early morning and late afternoon and evening hours. However, the shadows on adjacent properties are acceptable.

A wind impact study has also been completed and it has been concluded that existing wind conditions along King Street West should be suitable for the intended usage throughout the year. There will be increased wind activity along King Street West but the podium structure on the north portion of the site adjacent King Street West will reduce the downwashing flows which are generated by the taller 12-storey portion of the building. Wind levels on the small terraces proposed for the 7th and 9th floors adjacent King Street West are expected to be higher than is desirable for the passive use

of these areas. Staff will review with the applicant necessary measures to reduce wind impacts in these locations at the site plan stage.

Traffic Impact, Access, and Parking

In support of the proposed development the applicant submitted a revised Traffic Impact Study dated March 2014. Based upon this report, Transportation services staff determined that the traffic impacts of the proposed development are acceptable.

The vehicular access and servicing for the site is provided by a private driveway on the east side of the subject site. The applicant will require an access easement over a portion of the adjacent property at 485 King Street West to provide the required minimum 6 metre wide driveway. The easement will be required to be provided prior to the introduction of bills. Peak hour turning restrictions (right-in/right-out movement) will be required to be provided on the access driveway. Subject to the easement being provided and the turning restrictions, the proposed vehicular access is acceptable.

The required minimum number of parking spaces for the proposed development is 81 parking spaces. No retail parking spaces are required to be provided. The applicant is proposing to provide 73 spaces for tenants of the building and 86 spaces for visitors to the building in a four-level underground parking garage. The visitor spaces will be provided in a commercial parking garage. The proposed parking supply is acceptable to Transportation Services staff. The applicant has been requested to submit a Transportation Demand Management Plan as part of the site plan control application to encourage alternative means of transportation.

The applicant has proposed two Type B and three Type C loading spaces to serve the project located at the south-east corner of the proposed building adjacent the private driveway. Transportation Services staff have expressed concern that these loading facilities may not be adequate to serve the proposed project. The applicant has been directed to supply detailed loading surveys from other office developments within the area for review by Transportation Services staff as part of the site plan control application. The draft Zoning By-law will require a minimum standard for loading facilities which may be increased based upon the recommendations of Transportation Services staff. This report recommends that the Bills to enact the Zoning By-law Amendment not be forwarded to Council till such time as Transportation Services staff are satisfied with the proposed loading facilities.

Bicycle Parking

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City.

The applicant has proposed to provide 107 bicycle parking spaces in compliance with the requirements of By-law 569-2013. The proposed bicycle parking is satisfactory to

the City and will be secured as a performance standard within the Zoning By-law Amendment.

Site Servicing

Engineering and Construction Services staff have expressed concerns regarding the Functional Servicing and Storm Water Management Report submitted in support of the proposed development. This report recommends that the applicant be required to enter into a secured Agreement with the City to ensure the provision of all necessary improvements to the existing municipal infrastructure in connection with the Functional Servicing Report, to the satisfaction of the Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development. At this point, the nature and cost of such improvements is not known. The Bills to enact the required Zoning By-law Amendment will not be forwarded to Council for enactment until such time as the Executive Director of Engineering and Construction Services is confident that the proposed building can be serviced and that the applicant will pay for the required improvements to municipal infrastructure.

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the 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 applicants June 2013 submission for a 12-storey office building proposed 25,706m² of non-residential gfa on a site with a net area of 3,380m². The Non-residential use is subject to a 2% parkland dedication as per City-Wide Parkland Dedication By-law 1020-2010. In total the parkland dedication requirement is 68m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate, as an on-site parkland dedication requirement would not be a useable size.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The applicant has not submitted detailed landscape and streetscape plans at this time. Detailed landscape and composite utility plans will be required at the time of the submission of a site plan control application. The distance from the curb to the building face is about 5.3 metres which leaves enough room for the minimum 2.1 metre pedestrian clearway and tree planting zone. Staff have requested that the applicant provide a detailed cross section for the streetscape design along King Street West to ensure that all the required zones can be easily accommodated within the public ROW

as part of the site plan control application. A cross section from the rear sides of the building (mid-block access) has been requested as well.

With regard to street trees, the current proposal is for the removal of one of the three street trees adjacent the property and the retention of the other trees. Urban Forestry staff have requested that the proposed redevelopment include the planting of new street trees. The comments dated April 4, 2014 provide detailed directions regarding plans to be submitted at the site plan stage

Publicly Accessible Open Space

The applicant has proposed as part of the development to provide a publicly assessable open space at the rear of the property and an easement for pedestrian access. The proposed open space and 5.5 metre wide walkway are part of a larger network of mid-block pedestrian connections which have been used to animate the laneways and alleys adjacent various buildings along King Street West. The applicant has proposed retail space at the rear of the proposed building to animate the proposed rear yard open space. There is also the potential to create a mid-block pedestrian connection through the site to Wellington Street West, subject to the applicant being able to successfully negotiate an agreement with the condominium to the south at 436 Wellington Street West.

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.

Applicable performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, the Storage and Collection of Recycling and Organic Waste and the Bird Friendly Design, will be secured through the Site Plan Approval process.

Section 37

Section 37 of the *Planning Act* allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits recommended to be provided and secured in the Section 37 Agreement are as follows:

- i. An indexed cash contribution, of \$300,000 toward streetscape improvements on King Street West between Portland Street and Spadina Avenue to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, payable at the first above grade building permit.
- ii. An indexed cash contribution of \$50,000.00 for the maintenance of or the provision of new affordable housing in Ward 20, payable at the first above grade building permit.
- iii. In the event the cash contributions referred to in Section (i) and (ii) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

The above noted cash contribution of \$350,000 is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- i. Prior to the issuance of Final Site Plan Approval, the owner shall have:
 - a) Completed all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control approval to the satisfaction of the Manager, Heritage Preservation Services.
 - b) Provided Final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
 - c) The related Zoning By-law amendments giving rise to the proposed alterations shall be in full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services.
- ii. Prior to the issuance of a Heritage Permit, the owner shall have:
 - a) Provided full building permit drawings, including notes and specifications for the protective measures keyed to the approved

Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.

- b) Provided a Letter of Credit, indexed annually, in a form and amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan.
- iii. Prior to the release of the Letter of Credit, the owner shall have:
- a) Provided a letter of substantial completion prepared and signed by the heritage consultant confirming that the conservation work has been completed in accordance with the Conservation Plan and has maintained an appropriate standard of conservation, to the satisfaction of the Manager, Heritage Preservation Services.
 - b) Provided replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services.
- iv. Prior to site plan approval, the applicant shall address all outstanding requirements for a Stage 2 Archaeological Assessment as well as the provisions for any additional Stage 3-4 archaeological assessment as outlined in the letter from City Planning dated July 21, 2014.
- v. Prior to site plan approval, the applicant shall address the requirements for the removal of private trees on the site and adjacent the property as required by the City of Toronto Private Tree By-law as outlined in the memorandum from Urban Forestry Services staff dated August 30, 2012.
- vi. The applicant will supply detailed loading surveys from other office developments within the area for review by Transportation Services staff as part of the site plan control application and increase the proposed loading facilities as required by Transportation Services staff if necessary.
- vii. The applicant shall undertake best efforts to minimize the extent and height of the mechanical penthouse.
- viii. The applicant shall provide appropriate screening between the at-grade commercial uses and associated uses of the open space at the rear of the building and the residents to the south.
- ix. A lighting plan will be submitted and approved through the site plan control application to address the issue of light impacts on the residential units south of the subject site.

- x. The applicant be required to enter into a construction management agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

Conclusion

Staff recommend that this proposal for 12-storey office building containing retail uses at grade at 489-499 King Street West be approved. The proposed development is an appropriate intensification of the currently underutilized site. The proposal conforms with Official Plan goals of revitalizing *Regeneration Areas* of the city and will make a significant addition to employment space in this part of the downtown. The applicant has made a number of amendments to the massing of the building in response to comments from City staff. The retention of the north and east façade of the heritage building at 489 King Street West will contribute to the character of the building and make an ongoing contribution to the character of the King Street West streetscape.

CONTACT

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SIGNATURE

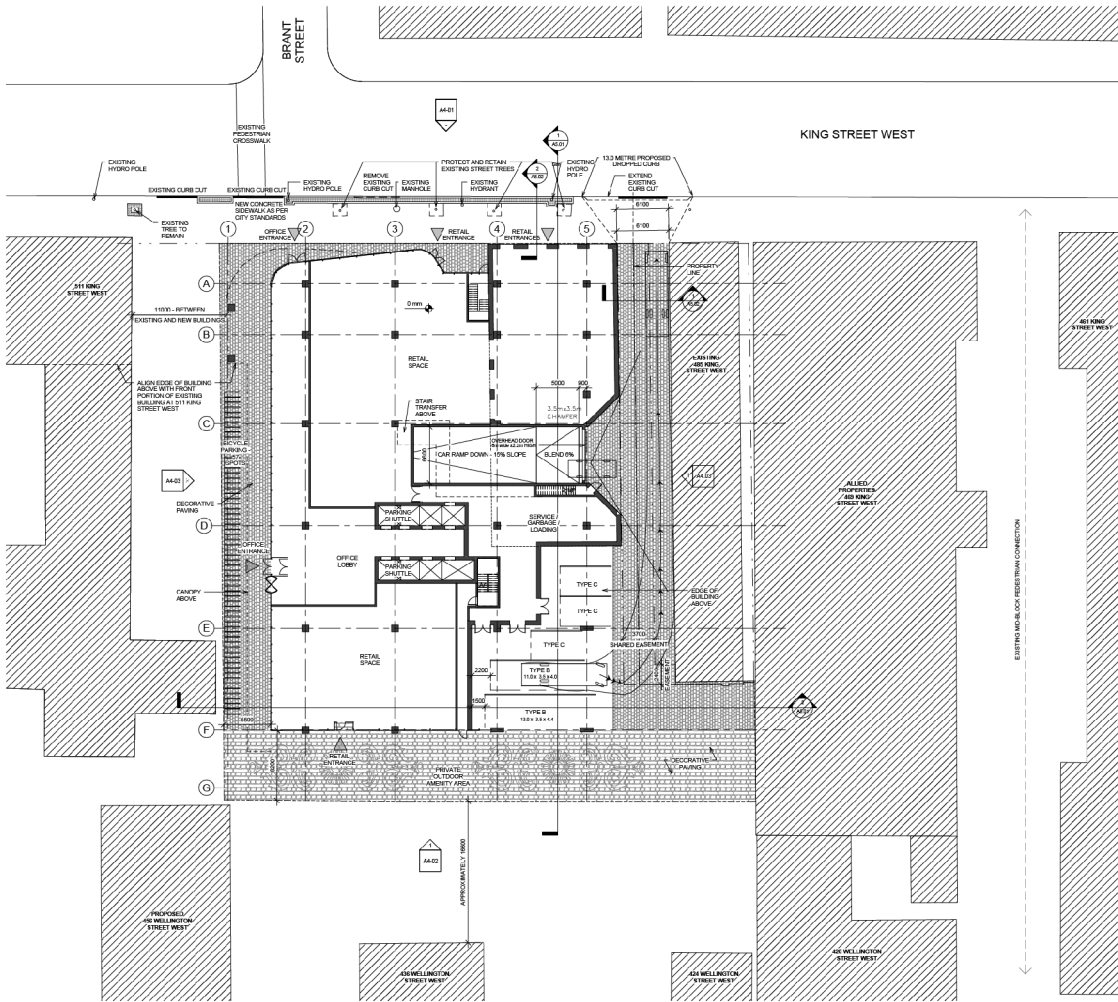
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: South Elevation
Attachment 4: East and West Elevations
Attachment 5: Zoning
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

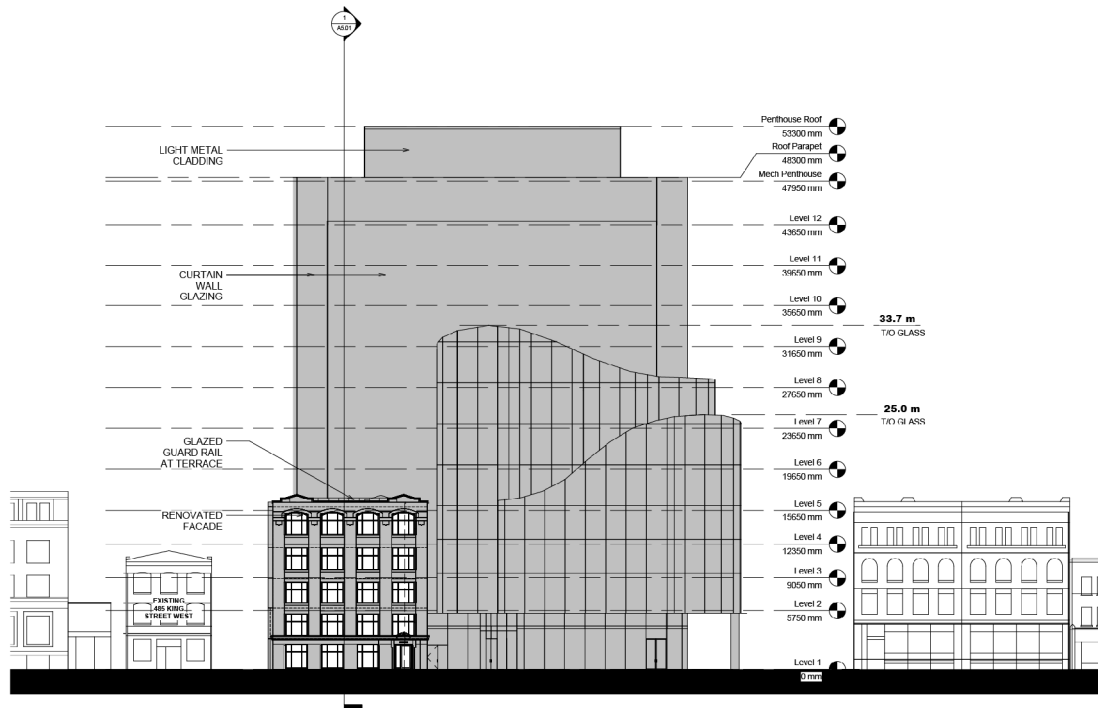
489-499 King Street West

Applicant's Submitted Drawing

Not to Scale 
07/08/2014

File # 12_203 376 STE 20 0Z

Attachment 2: North Elevation



NORTH ELEVATIONS

Elevations

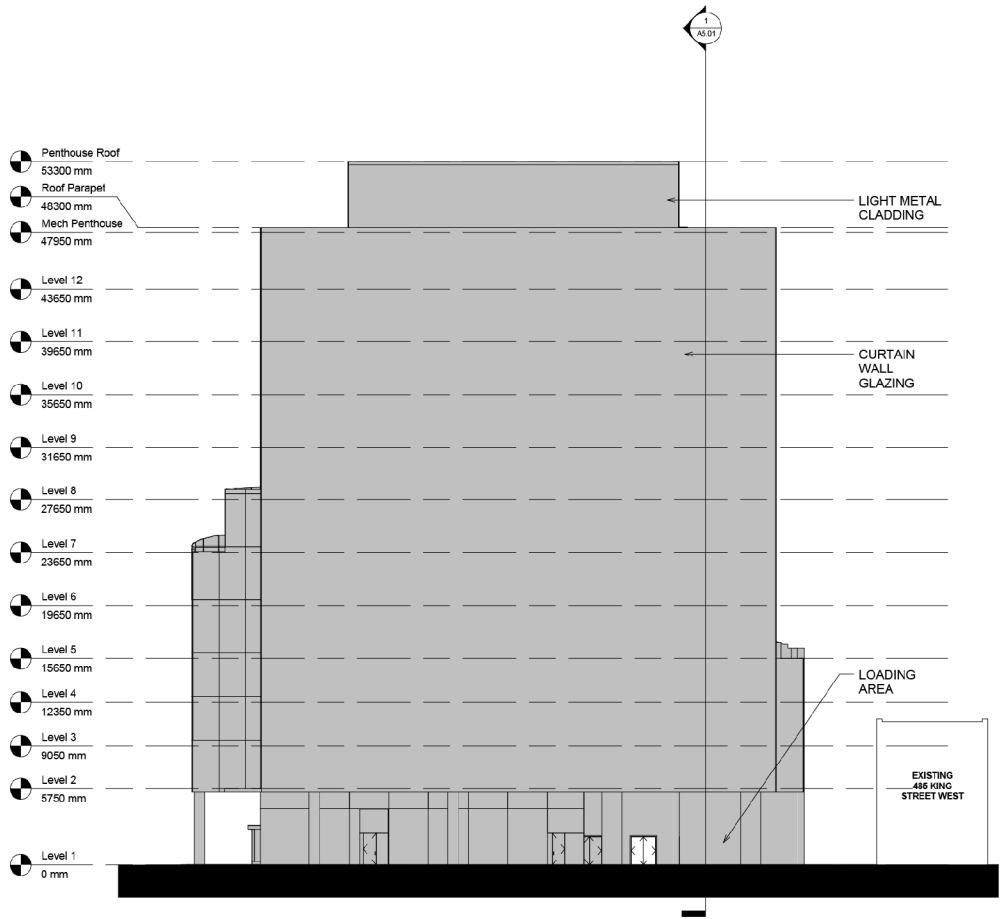
489-499 King Street West

Applicant's Submitted Drawing

Not to Scale
07/08/2014

File # 12_203 376 STE 20 0Z

Attachment 3: South Elevation



SOUTH ELEVATIONS

Elevations

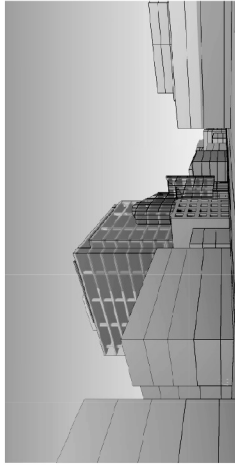
Applicant's Submitted Drawing

Not to Scale
07/08/2014

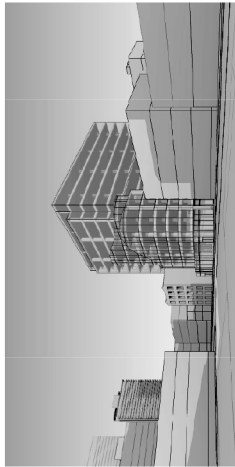
489-499 King Street West

File # 12_203 376 STE 20 0Z

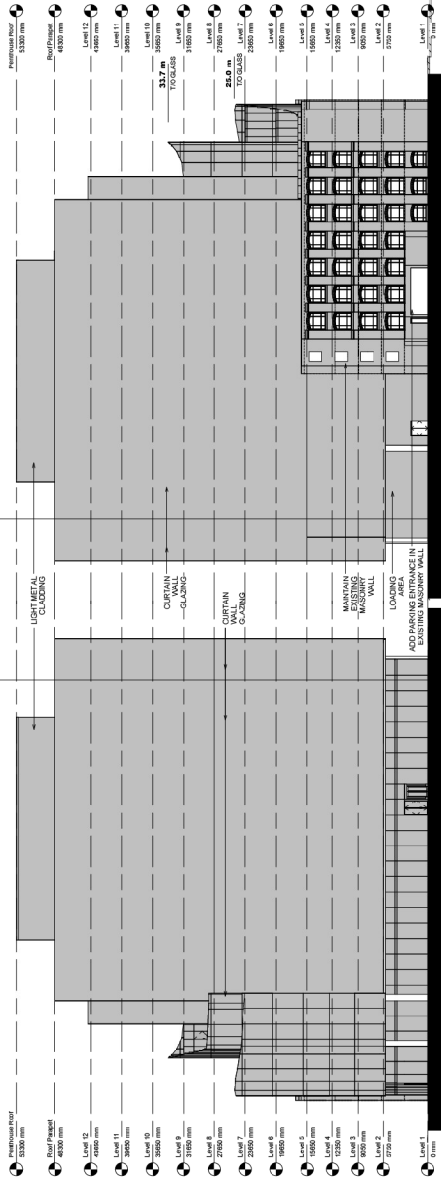
Attachment 4: East and West Elevations



King St View Looking West



King St View Looking East



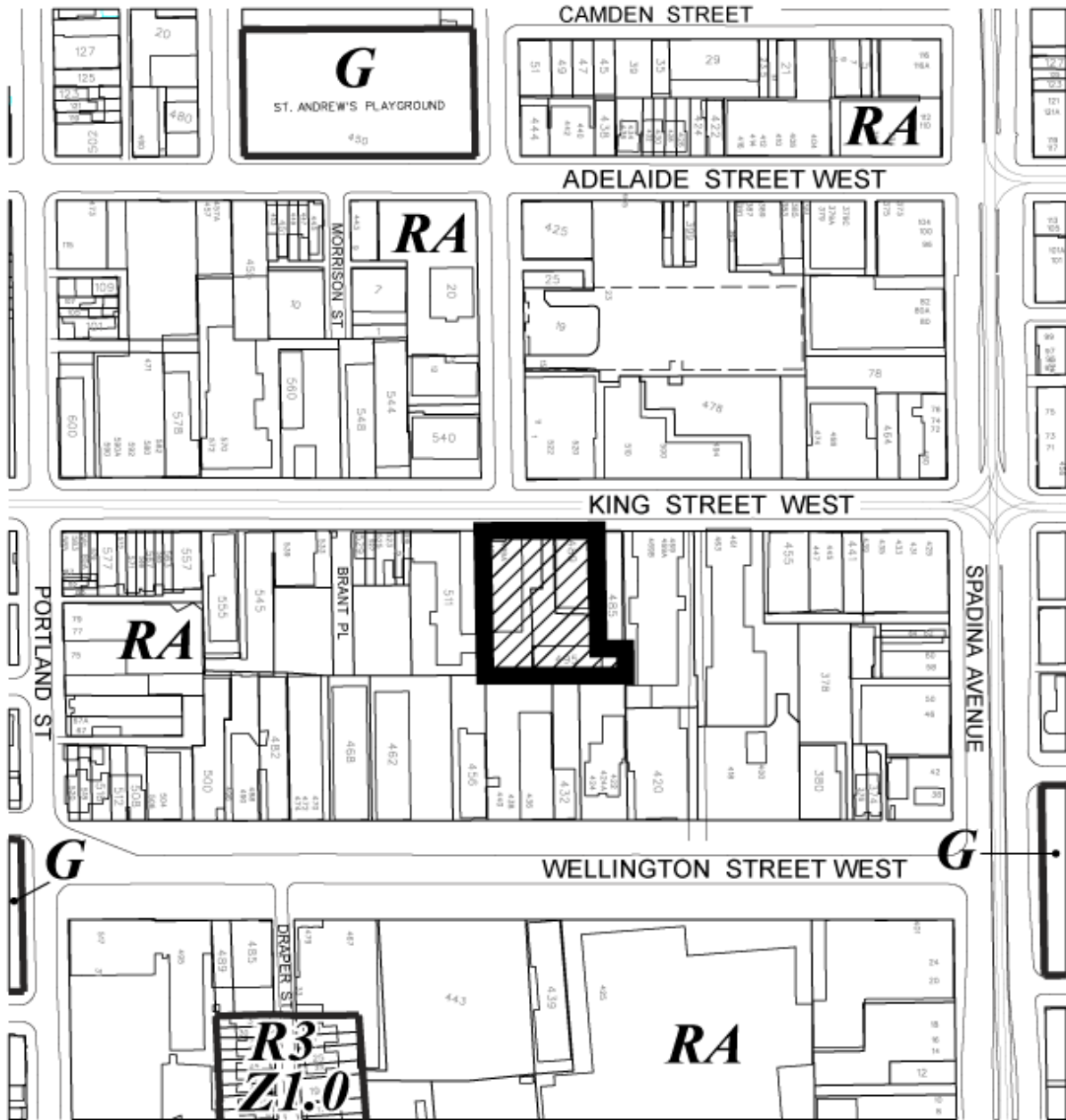
489 - 499 King Street West

Elevations
 Applicant's Submitted Drawing

Not to Scale
 07/08/2014

File # 12_203376 STE 20 0Z

Attachment 5: Zoning



Zoning City of Toronto By-law 438-86

489-499 King Street West

File # 12_203376_0Z

- G Parks District
- RA Mixed Use District
- R3 Residential District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 09/12/2012

Attachment 7: Draft Zoning By-law Amendment

(To be available August 12, 2014 at Toronto and East York Community Council)