

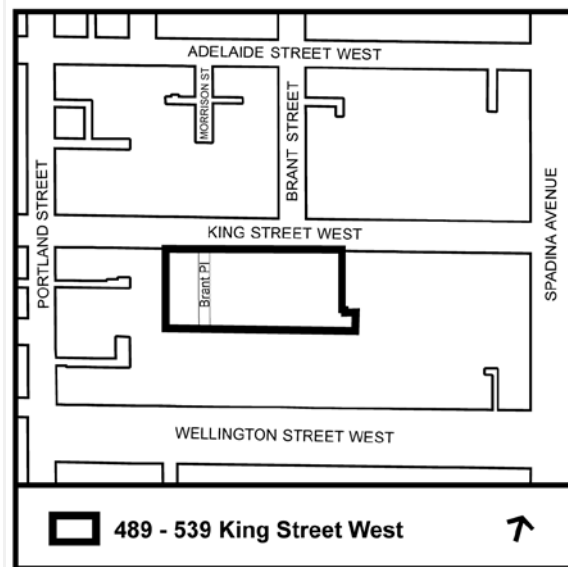
**489-539 King Street West - Zoning Amendment  
Application - Request for Direction Report**

<b>Date:</b>	July 3, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	16 159483 STE 20 OZ

**SUMMARY**

The application proposes a large rectangular building that would cover the site and include an east-west courtyard in the centre of the property. The proposed design of the building would feature units that face the street at a 45 degree angle. This 'pixilated' design with undulating heights is the defining feature of the building. Above the streetwall, the building would step back from the street with pixilated units forming a series of four 'peaks', with each successive floor stepped back from the outside units of the floor below. The three tallest peaks are proposed to be located at the southern portion of the building closer to Wellington Street West. The two peaks on either end of the building, at the southeast and southwest corners of the site, would have a maximum height of 16 storeys (56.5 metres) to the top of the parapet. The middle peak would have maximum height of 15-storeys (50.0 metres). The peak on the northern side of the site, closest to King Street West, would be 14-storeys (45.0 metres) to the top of the parapet.

The designated heritage building at 489 King Street West and the listed heritage building at 495 King Street West are proposed to be retained as whole buildings and integrated into the new development. The front of the designated heritage building at 511 King Street West and the listed heritage buildings at 519-529 King Street West are proposed to be integrated



into the base of the proposed building. The building at 539 King Street West is proposed to be demolished.

The building would contain office uses on the second, mezzanine and third floors, and retail uses on the first and second floors and on underground first and mezzanine-level floors. The building would include 496 residential units, and two levels of underground parking accommodating 256 parking spaces.

City Planning staff recommend that the City support a settlement to be presented at the Local Planning Appeal Tribunal (LPAT). The terms of the settlement being recommended, all to be to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, are described in the body and recommendations of this report, and to be finalized with the applicant.

The report identifies a limited number of issues to be subject to further discussions between City staff and the applicant, specifically:

- Shadow impacts from the proposed structure beyond the north curb of King Street West, past 12:00 PM (noon) on Sept. 21<sup>st</sup> be reduced.
- Confirmation that a clear 5.0 metre step-back be provided above the majority of the new base-building height along the King Street West frontage.
- Confirmation of an agreement regarding the required easements and/or agreement required on the adjacent property at 485 King Street West.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City staff, to support a settlement on the approved form of the development and the conditions to be attached for the approval at the LPAT, pending the resolution of the above-noted issues.

The terms of the settlement will include the request that the Tribunal withhold its Order on the Zoning By-law amendment until a number of outstanding issues as described in this report are addressed.

A LPAT pre-hearing conference has been scheduled for August 7, 2018.

## **RECOMMENDATIONS**

### **The City Planning Division recommends that:**

1. City Council direct City staff to continue discussions with the applicant, and authorize the City Solicitor, in consultation with the Chief Planner and Executive

Director, City Planning, and the Ward Councillor, to accept a revised proposal, subject to resolution of the outstanding issues, including the agreement with the applicant based on the direction below, including a satisfactory resolution of the following:

- a. Shadow impacts from the proposed structure be reduced beyond the north curb of King Street West, past 12:00 PM (noon) on Sept. 21<sup>st</sup>.
  - b. Confirmation that a clear 5.0 metre step-back be provided above the majority of the new base-building height along the King Street West frontage.
  - c. Confirmation of an agreement regarding the required easements and/or agreement(s) required on the adjacent property at 485 King Street West.
  - d. Replacement of 100% of the office space currently existing on-site, with a maximum of 20% of the total replacement office space that may be provided off-site.
2. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning Division to continue to work with the owner on the final form of the By-law to be presented as part of the settlement at the Local Planning Appeal Tribunal (LPAT).
  3. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning to prepare and present a settlement, to be presented to the LPAT jointly with the owner, based on the following:
    - a. The Parties agree to request the LPAT to withhold its final Order until the following events occur:
      - i. The owner shall submit revised plans, drawings and perspectives to reflect the settlement outlined in the report dated July 3, 2018, from the Acting Director, Community Planning, Toronto and East York District.
      - ii. The owner shall provide on-site parkland dedication pursuant to Section 42 of the *Planning Act* or the securement of an equivalent off-site parkland dedication in proximity to the owner's property, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
      - iii. The owner shall provide revised plans, drawings and studies to reflect the outstanding requirements outlined in the Engineering and Construction Services memo of November 27, 2017, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services.

- iv. The owner agrees to provide parking and loading facilities based upon the standards as set out in the memo from Engineering and Construction Services dated November 27, 2017, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services.
- v. The owner agrees to pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.
- vi. Heritage Easement Agreement(s) with the City for the properties at 485, 489, 495, 511, 519, 521, 523, 527 and 529 King Street West are registered to the satisfaction of the Senior Manager, Heritage Preservation Services and the City Solicitor;
- vii. A Limiting Distance Agreement or Restrictive covenant will be registered to prevent construction on the property at 485 King Street West, to secure a setback on the east side of the site to the satisfaction of the City Solicitor;
- ix. The owner provides a detailed Conservation Plan, prepared by a qualified heritage consultant, to the satisfaction of the Senior Manager, Heritage Preservation Services;
- x. The owner shall retain a consultant archaeologist, licensed by the Ministry of Culture, Tourism and Sport under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 2 archaeological resource assessment of the subject property in accordance with the Stage 1 assessment, and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. (ie. Stage 3-4);
- xi. The archaeological assessment shall be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Culture, Tourism and Sport. Should the archaeological assessment process continue beyond a Stage 2 assessment, any recommendations for Stages 3-4 mitigation strategies must be reviewed and approved by the Senior Manager, Heritage Preservation Services, prior to commencement of the site mitigation; and
- xii. The owner shall submit a copy of the relevant assessment report(s) to City Planning's Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.

4. The owner shall enter into and register on the properties at 489, 495, 511, 519, 521, 523, 527 and 529 King Street West one or more agreements with the City pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning, and the Senior Manager, Heritage Preservation Services with such facilities, services and matters to be set forth in the related site specific Zoning By-law Amendments giving rise to the proposed alterations.
  - a. Before the Local Planning Appeal Tribunal issues any Order approving a site-specific by-law for the lands, the owner shall enter into and register an agreement pursuant to Section 37 of the *Planning Act*. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. The owner shall provide a minimum contribution of \$900,000.00 toward the commission of public art in a process in accordance with the City Planning Public Art Program.
    - ii. The owner shall provide a cash contribution of \$3,000,000.00 for above-base streetscape improvements on the north side of Wellington Street West between Spadina Avenue and Portland Street and/or public realm and streetscape improvements around St. Andrews Playground and/or Brant Street. Of this total contribution, a maximum of \$1,000,000.00 may also be used for the John Street Cultural Corridor, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
    - iii. The owner shall provide a cash contribution of \$1,100,000.00 for the provision of new affordable housing in Alexandra Park.
    - iv. In the event the cash contributions referred to in Sections (ii) and (iii) above have 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, City Planning Division, 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.
    - v. The \$4,100,000.00 cash contribution referred to in Sections (ii) and (iii) above is to be indexed upwardly in accordance with Statistics Canada's Construction Price Index for the Toronto Census Metropolitan Area, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment. All cash contributions will be payable prior to issuance of the first above-grade building permit.

- vi. The owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms.
  - vii. The owner shall convey to the City a minimum 3.0 metre wide public pedestrian easement for the life of the building over the north-south mid-block pedestrian connection through the site between King Street West and the future public park at 456 Wellington Street West, to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning.
  - viii. The owner shall implement any wind mitigation measures required as identified by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning, to be submitted as part of an application for Site Plan Approval.
  - ix. Materials for the new building will be secured through Site Plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - x. A construction management plan shall be provided and thereafter implemented by the owner of 489-539 King Street West, to address such matters as wind, noise, dust, street closures, parking and laneway uses and access. Such plan to be to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the local Councillor and shall be completed prior to Site Plan approval.
5. The owner shall withdraw its appeal(s) of the King-Spadina Heritage Conservation District Plan with respect to 489, 495, 511, 519, 521, 523, 527 and 529 King Street West upon the Local Planning Appeal Tribunal Order allowing the appeal in part of the Zoning Amendments, bringing such By-laws into force, and if not an appellant, but rather a party to such appeals, the owner shall withdraw as a party and not seek any party or participant status on the appeals.
  6. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

## **DECISION HISTORY**

### **King-Spadina Heritage Conservation District**

On October 2, 2017, City Council adopted Item TE26.14, and in accordance with Section 41 of the *Ontario Heritage Act*, designated by by-law the King-Spadina Heritage Conservation District (HCD) and King-Spadina Heritage Conservation District Plan under Part V of the *Ontario Heritage Act*. The boundaries of the HCD include the subject properties. The Council-approved HCD is currently under appeal to the LPAT. The City Council decisions and HCD are available at:

### **Previous Approval**

On June 29, 2012 an application was submitted to permit a 22-storey office building on the lands at 489-499 King Street West. The application proposed an Official Plan Amendment which would apply to the lands at 489-499 King Street West and 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.

At its meeting on August 28, 2014, City Council adopted a Zoning By-law amendment to permit a 12-storey office building containing retail uses at grade at 489-499 King Street West. The development permitted in the By-law amendment included 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 were proposed with 159 parking space and 107 bicycle parking spaces. Vehicular access was to be provided from a private driveway off King Street West at the east side of the site. The proposed development would 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.

The applicant chose not to pursue the approval, and the final form of the By-law was not brought forward for adoption.

### **Pre-Application Consultation**

The partnership group (Westbank Project Corp. and Allied Properties REIT) engaged with City staff and the community prior to filing a Zoning Amendment application with the City on May 20, 2016. The following is a list of the various meetings held with the community and City staff.

Pre-application meetings were held with City staff on October 7, 2015 and February 9, 2016. The purpose of the meetings was to discuss complete application submission requirements, and to identify preliminary issues with the proposal. Staff identified a number of issues including, the proposed height and massing of the proposal, the treatment of the heritage buildings on the site, requirements for an on-site parkland dedication, and consistency with the policies of the King-Spadina Secondary Plan and the Official Plan.

#### Pre-Application Community Meeting

A pre-application Community Consultation meeting hosted by the Ward Councillor was held on April 12, 2016.

The following comments were provided and issues identified at the community meeting:

- The south side of the building is not articulated in the same manner as the north side.

- The proposed height of the building is greater than what would be expected in the West Precinct of King-Spadina.
- The very long length of the site will result in the architecture looking relentless.
- The architecture is good but too dense.
- The heritage buildings look like they are being swallowed.
- Is the idea of an interior courtyard realistic given the amount of foot traffic and resulting noise.
- Terraces often don't work in Toronto and the terraces shown in the plans don't have much sun exposure.
- The amount of vegetation looks promising.
- Maintenance of green space is an issue, particularly as it relates to drainage.

## **ISSUE BACKGROUND**

### **Discussions with the Applicant**

The application for a Zoning By-law amendment was filed on May 20, 2016. The application was generally consistent with the proposal discussed at the pre-application meetings.

Several meetings were held with the applicant to discuss possible changes to the development. Numerous iterations of the proposal were sent back and forth between the applicant and City staff to attempt to arrive at an agreement as to an acceptable form of the development.

A revised proposal, as described in this report, was submitted on October 10, 2017. On November 7, 2017, the applicant appealed the application to the former Ontario Municipal Board (OMB) now the Local Planning Appeal Tribunal (LPAT).

### **Design Review Panel**

The proposal was presented to the City's Design Review Panel on June 16, 2016. City staff presented to the Panel as did the applicant's architect and landscape architects. City staff requested the Panel's advice on the following issues:

1. The appropriateness of the built form concept in the context of the West Precinct of King-Spadina.
2. The compatibility of new built form with the existing heritage character of the King-Spadina Heritage Conservation District study area.



3. The appropriate conservation of on-site and adjacent heritage properties.
4. The impact of the built form on the public realm.

The Panel recognized the high caliber of the consultants working on the proposal and the developers' track record of innovative projects. The Panel also recognized the mixed-use nature of the proposal, the provision of larger units, the generous outdoor amenity space provided with the opportunities for private balconies, and the north-south pedestrian connection through the site.

The Design Review Panel, however, had '...very serious reservations about the scale and form of the project in this particular urban context.' Specifically, the Panel raised the following concerns:

- Heritage: Panel felt the heritage buildings were subsumed in the pixilated expression. Rather than highlighting the heritage buildings, the heritage buildings were facades engulfed by the proposed heritage structure. Panel expressed the opinion that any new built form should be set back from these facades on King Street and that the possibility of expressing the rear of the heritage buildings in the courtyard be explored.
- King Street: Panel remarked about the scale, character and general high urban quality of King Street as it exists. Panel felt that despite some of the redeeming qualities of the architecture of the proposal, those qualities were better suited to a less intensely urban site than that of King Street. Panel simply felt that this was an inappropriate scale and built form for this site.
- Courtyard: Panel noted the almost complete lack of direct sun into the semi-public space in the courtyard. It was felt that the 20 metre north-south dimension of the courtyard was much too tight notwithstanding the angled windows of the units. Although the basic plan form of this proposal is a traditional perimeter block with courtyard, the tight north-south dimension of the block makes the courtyard a great challenge. Panel suggested substantially lowering or deleting the southern section of the courtyard wall to let in more sunlight from the south. Panel also suggested that the north-south laneways could have higher opening through the north and south building walls.
- Privacy: Notwithstanding the generous outdoor terraces provided for many of the units, panel expressed concerns about overlook and lack of privacy from one terrace to another. Concern was also expressed with unit to unit privacy issues where frosted glass or curtains were seen as an unacceptable solution to this problem.

Pixilated form: While panel recognized the advantages of the pixelated form to increase exposure to light and air for the dwelling units, they were not convinced of the advantages of this form adjacent to the heritage buildings or at ground level either on King Street or in the courtyard.

Subsequent to a question and answer session with the proponents and staff and a discussion among the Panel members, the Panel voted unanimously for redesign.

## **Proposal**

### Proposal Description

The application submitted on May 20, 2016 proposed as a large rectangular building which would cover the site with an east-west courtyard in the centre of the property. Above the streetwall, the building stepped back from the street with the pixilated units forming a series of five 'peaks', with each successive floor stepped back from the outside units of the floor below. The three tallest peaks were proposed to be located at the rear of the property closer to Wellington Street West and would be 16-storeys (57.5 metres) in height to the top of the parapet. The two peaks proposed closest to King Street West would be 14-storeys and 50.0 metres to the top of the parapet. The proposed design of the building features units which face the street at a 45 degree angle. This 'pixilated' design with undulating heights is the defining feature of the building.

The proposed height of the building also varied at the edges of the site. Adjacent King Street West, the proposed streetwall would vary from a low of 5-storeys and 21.5 metres at the west end of the site and over the heritage buildings at the east end and in the centre of the site. The street wall would rise to a height of 14-storeys and 50 metres to match the westerly of the two 'peaks' on King Street West. The proposed building heights would generally rise on the east and west sides of the property from King Street West toward the rear of the property and the adjacent buildings fronting the north side of Wellington Street West. The proposed rear of the property would have building heights of between 7-storeys and 24.5 metres and 16-storeys and 57.5 metres.

The applicant proposed to retain some of the walls of the designated heritage buildings at 489 King Street West and the listed heritage building at 495 King Street West. The front façade of the designated heritage building at 511 King Street West and the listed heritage buildings at 519-529 King Street West are proposed to be integrated into the base of the proposed building.

The proposed gross floor area (GFA) of the building was 67,538 square metres, with 47,021 square metres dedicated to residential uses, 16,922 square metres in retail space and 3,595 square metres in office space. The proposed office uses would be located in the portions of the building which include the retained elements of the heritage buildings is the site. The proposed floor-space index was 6.6 times the area of the lot.

The proposal included 624 residential units. The unit breakdown was as follows: 78 studio units (12%); 318 one- bedroom units (51%); 167 two-bedroom units (27%); 61 three-bedroom units (10%).

Amenity space consisted of 1,147 square metres of indoor amenity space located on levels three and four. The proposal included 56 square metres of outdoor amenity space on the fourth floor adjacent one of the proposed indoor amenity areas.

The proposed vehicular access was off King Street West on the west end of the site. The driveway would be on private property and would provide access for service vehicles and for passenger vehicles accessing the underground parking by way of a ramp. Six loading spaces, three Type B, two Type C and one Type G space were proposed on the first underground parking level. A total of 332 parking spaces would be provided in a two level below-grade parking garage. The proposal was for 212 resident parking spaces, 120 residential visitor and retail parking spaces to be provided in a commercial parking garage. Three car-share spaces were also proposed to be provided.

#### Changes to the Proposal (Oct. 2017)

A revised proposal was submitted on October 10, 2017. The essential form of the building remains the same, with a form which rises and falls and includes four building 'peaks' (reduced from five) of which the tallest are 16-storeys (57.5 metres). 307 Parking spaces are proposed in a two level underground parking garage. There is also a below-grade commercial floor and a partial commercial mezzanine floor and two and a half levels of commercial / office space above grade with 514 residential units above.

- The listed heritage building at 485 King Street West, which had not been proposed to be altered but was included in the original application, was removed from the development site. As a result, the site area was reduced from 10,171 square metres to 9,472 square metres.
- The listed heritage building at 495 King Street West, which had been proposed to be demolished, was proposed to be integrated into the building by retaining the south and east walls and reconstructing the west and north walls. This was proposed to be accomplished by limiting the extent of the excavation of the site.
- The proposed setbacks were increased from the south and west property lines.
- The contemporary (pixilated) portion of the building was stepped back a minimum of 2.7 metres above the base (heritage) building on King Street West.
- Additional setbacks above the heritage buildings (reveals) have been added, above which the contemporary (pixilated) building will be cantilevered. These portions of the building are set back a minimum of 5.0 metres behind

the facades of the heritage buildings on the site and vary in heights between 2.2 and 4.2 metres.

- A larger proportion of the exterior wall of the heritage building at 511/519-529 King Street West was proposed to be retained.
- The number of 'peaks' which constitute the highest portion of the building has been reduced from five to four, with three peaks on the rear portion of the building and one peak on the front portion of the building adjacent King Street West. The height of the proposed 'peak' on King Street West is 50 metres (14-storeys) and the height of the three peaks on the rear portion of the building is 57.5 metres
- The massing of the proposed building has been broken up on the King Street West frontage by removing the building massing over the pedestrian access to the interior courtyard. The proposed pedestrian laneway would have a width of approximately 7.7 metres.
- The south elevation of the proposed building has been altered to provide a taller (3-storey and 13 metre) tall access through the south side of the building.
- The proposed gross floor area (GFA) of the building was reduced from 67,538 square metres to 60,065 square metres. Residential uses were decreased from 47,021 square metres to 39,353 square metres. Retail space was decreased from 16,922 square metres to 12,517 square metres. Office space was increased from 3,595 square metres to 8,195 square metres. The proposed floor-space index was decreased from 6.6 times the area of the lot to 6.3 times the area of the lot
- The proposed unit count was decreased from 624 residential units to 514 units. The unit breakdown was as follows: 66 studio units (12%); 252 one-bedroom units (49%); 144 two-bedroom units (28%); 52 three-bedroom units (10%).
- Indoor amenity space was reduced from 1,147 square metres located on levels three and four to 771 square metres located on level four . The proposed outdoor residential amenity space was increased from 56 square metres of outdoor amenity space on fourth floor to 655 square metres.
- The proposed parking supply was reduced from 332 parking spaces to 307 parking spaces. This total includes 154 resident parking spaces, 33 residential off-site parking spaces and 120 residential visitor and retail parking spaces to be provided in a commercial parking garage. The three car-share spaces proposed in the original submission are maintained in the revised proposal.

The above noted changes were intended to create a better relationship to the listed and designated heritage buildings on the site, to reduce the perception of the massing of the building from King Street West and to improve the legibility of the mid-block connection through the site.

#### Changes to the Proposal: June 2018

Subsequent to the applicant's appeal of the Zoning By-law Amendment to the Ontario Municipal Board (now Local Planning Appeal Tribunal) on November 7, 2017, numerous meetings and discussions were held between the applicants and City staff. As a result of the meetings, a revised 'with prejudice' proposal was submitted on June 15, 2018.

The following changes have been made to the proposal:

- The October 2017 submission showed four peaks with maximum heights of 50 metres for the north peak and 57.5 metres for the three south peaks. The revised massing shows the north peak (closest to King Street West) lowered to 45 metres, the middle south peak lowered to 50 metres and the two south corner peaks lowered to 56.5 metres.
- The October 2017 submission showed the south facing valleys at a maximum height of 35 metres and 38.6 metres at the inflection (lowest) points. The revised massing lowers the south facing valleys to a maximum height of 33.0 metres and 34.6 metres respectively.
- The October 2017 submission showed the south arched entrance to the courtyard having a minimum width of 9.5 metres. The revised massing widens the south arched entrance to a minimum width of 14.5 metres at grade and has an approximate minimum height of 12.5 metres to the underside of the arch at the approximate centre.
- The October 2017 submission contained a total gross floor area of 60,065 square metres (based on the By-law 569-2013 definition), including 39,353 square metres of residential gross floor area and 20,712 square metres of non-residential gross floor area. The proposed gross floor has been reduced to a total of approximately 56,500 square metres, including approximately 36,500 square metres of residential gross floor area and 20,000 square metres of non-residential gross floor area.
- The October 2017 submission showed a 45-degree pixilated façade setback of 2.7 metres from the King Street property line, and a further 2.7 metre setback for new construction above the heritage buildings facing King Street. The revised massing maintains the streetwall on King Street with a minimum two-storey (10.8 metre) flat façade in line with the north property line, while maintaining a 5.0 metre setback from King Street for new construction above heritage buildings.

- The October 2017 submission showed a minimum 7.5 metre setback from the south property line and a minimum 1.5 metre setback from the east facade of the building located at 489 King Street West for new construction above. The revised massing shows a minimum 6.0 metre setback from the south property line and a minimum 2.5 metre setback from the east facade of 489 King Street West for new construction above.

Other aspects of the proposal which have been discussed and agreed to between the owners and City staff are as follows;

- A minimum of 6,000 square metres of office space will be provided in the project, representing 80% of the existing office space area. If in-situ office replacement is less than 100% of the existing office space on the site, the remainder (up to 20% or 1,481square metres) will be replaced off-site. Requirements of off-site office replacement will be secured subject to the approval of the Chief Planner and Executive Director, City Planning.
- The provision of a minimum of 20% of residential units with two bedrooms, and a minimum of 10% of units with three or more bedrooms.
- A minimum of 1.5 square metres of indoor residential amenity space per residential unit and 1.5 square metres of outdoor residential amenity space per residential unit shall be provided.
- Residential parking will be provided at a minimum rate of 0.3 parking spaces per dwelling unit. Non-residential parking will be provided at a minimum rate of 1 space per 300 square metres of non-residential GFA, and may be shared with residential visitors.
- A mid-block connection will be secured with a minimum 3.0 metre-wide easement north-south through the site between King Street West and the future public park on Wellington Street West.
- The conservation, retention and reconstruction of on-site heritage buildings will be undertaken in accordance with the approved HIA. Heritage Easement Agreements will be entered into and the listed properties will be designated under Part IV of the *Ontario Heritage Act*. The City will require a Heritage Easement Agreement and/or a limiting distance (or similar “air rights”) agreement for 485 King Street West (owned by Allied Properties REIT), which would be executed and registered on title if required by the City.

- 489 King Street West  
All building elevations will be conserved in situ with limited removal and reconstruction of portions of the south and west walls to facilitate construction. Minor modifications to existing openings and some new openings are proposed on the west, south and east elevations. Potential alterations to existing openings on the north and east elevations have not been fully realized and are subject to future discussion with staff and incorporation into the required Conservation Plan. New construction above this building will be stepped back a minimum of 5 metres from the King Street West elevation.
- 495 King Street West  
All building elevations will be conserved in situ with limited removal and reconstruction of the west wall and a portion of the north wall to facilitate construction. Limited modifications to existing openings and some new openings are proposed on the north and east elevations.
- 511 King Street West  
The north (primary) elevation of the building on this property will be conserved in situ with approximately 14 metres of the east return wall dismantled and rebuilt. The extension of the westernmost window opening on the north elevation is proposed to be lowered to allow for additional access into the building. Potential new openings at grade on the rear portion of the reconstructed west wall have not been fully realized and are subject to future discussion with staff and incorporation into the required Conservation Plan. New construction above this building will be stepped back a minimum of 5 metres from the King Street West elevation.
- 519-529 King Street West  
The north (primary) elevation of this commercial row of buildings will be retained in situ with approximately 14 metres of the west return wall dismantled and reconstructed. A new opening and a modified opening in the rear portion of the reconstructed west elevation are proposed. New construction above these buildings will be stepped back a minimum of 5 metres from the King Street West elevation

For additional details, see Attachment 1: Site Plan, Attachments 2-7: Elevations, Attachment 8: Axiometric View and Attachment 9: Application Data Sheet.

### **Site and Surrounding Area**

The site has a frontage of approximately 142 metres on King Street West and a depth of approximately 66 metres. The site has an area of 10,171 m<sup>2</sup> (1.02 ha or 2.51 acres). It is currently occupied by seven buildings. Of these buildings, 489 and 511 King Street West are designated under Part IV of the *Ontario Heritage Act*. Buildings at 489, 495, 511 and 519-529 King Street West have been identified as contributing properties within

the proposed King Spadina Heritage Conservation District and have been listed on the City's Register of Heritage Properties.

The buildings on the site are occupied by a variety of uses, including retail uses at grade and commercial office space above.

Surrounding uses include:

North: To the north, the site faces the intersection of Brant Street and King Street West. Brant Street runs north-south and connects to the soon to be expanded St. Andrews Playground / Park and the new YMCA at 505 Richmond Street West. The lands on the west side of Brant Street on King Street West, 540-544 King Street West and 1-7 Morrison Street, are subject to a development proposal for a 12 and 13-storey mixed use building including residential, office and retail uses (file no. 18 125163 STE 20 OZ). The properties on the north side of King Street West are characterized by fine-grained mix of retail, small-scale office and mixed-use buildings. Further to the west of Brant Street is the recently constructed 12-storey residential building (Fashion House) at 570-580 King Street West, which includes the retained three storey heritage building. Further west at 582-590 King Street West and 473 Adelaide Street are two 4-storey heritage buildings connected by a bridge structure over the lane below. These properties are listed on the City's Heritage Register and are subject of a zoning by-law amendment application proposing 6 and 12-storey mixed-use buildings that has been appealed to the Local Planning Appeal Tribunal (File No. 17 215103 STE 20 OZ).

Further east on the northeast corner of Brant Street and King Street West is a 3 and 4-storey commercial building at 500 King Street West (including 1 and 11 Brant Street, 494, 510, 520 and 522 King Street West). This building is listed on the City's Heritage Register and is identified as a contributing property in the King-Spadina HCD.

East: To the east of the site are predominantly three to six storey former industrial buildings constructed in the early 20<sup>th</sup> century. Between the site and Spadina Avenue, all of the buildings are either designated under Part IV of the *Ontario Heritage Act* or listed on the City's Heritage Register. The buildings form a continuous street wall and like many of the commercial/industrial buildings in King-Spadina, the basements of the buildings are typically half a storey below grade, providing visibility and access to retail space both above and below grade.

West: South of the site are buildings fronting on the north side of Wellington Street West, an important street in the King-Spadina neighbourhood and an essential part of the historic Wellington Place that is bookended by two public parks, Clarence Square to the east and Victoria Memorial Square to the west. One of the properties to the south, 456 Wellington Street West, currently occupied



by a single storey commercial building, has been identified as an off-site parkland dedication to be conveyed to the City by Allied Properties REIT, (one of the partners in the development of the subject site) in partial fulfillment of the parkland dedication requirements for the redevelopment of the former Globe and Mail lands, also known as 'The Well'. This site is particularly relevant of the proposed redevelopment as it forms the southern half of the proposed mid-block connection through the site. The north side of Wellington Street is characterised by a series of historic 2 to 6-storey former industrial buildings now used for office purposes along with new residential buildings. A number of applications have been filed for development on the north side of Wellington Street West. The site containing a 3-storey semi-detached house-form building at 422 - 424 Wellington Street West is subject of an application for a 19-storey mixed-use building (File No. 16 213925 STE 20 OZ). A 2-storey office building located at 470 - 474 Wellington Street West is the subject of an application for a 15-storey office building (File No. 16 261191 STE 20 OZ). At 482 - 488 Wellington Street West, an application has been filed for a 16-storey building that would incorporate the front façades of the existing listed heritage buildings on the site. A 3-storey office building at 504 Wellington Street West is subject of an application for a 15-storey office building (File No. 16 270147 STE 20 OZ). All of these applications have been appealed to the Local Planning Appeal Tribunal (LPAT).

West: West of the subject site on the south side of King Street West are a number of one to five storey buildings.

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

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historical interest; the promotion of built form that is well designed and encourages a sense of place; and the appropriate location of growth and development.

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;

- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character; and
- Conserving significant built heritage resources and significant cultural heritage landscapes.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which Toronto forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserving cultural heritage resources, including built heritage resources, in order to foster a sense of place and benefit communities.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017) The outcome of staff analysis and review are summarized in the Comments section of this Report.

### **Official Plan**

The site is situated in the *Downtown* and *Central Waterfront* and is designated *Regeneration Areas* on Map 18 in the Official Plan (Attachment 7).

### **Chapter 2 – Shaping the City**

Chapter 2 sets out a range of policies to guide growth and change, ensuring appropriate measures are taken to maintain Toronto's health, liveability and prosperity.

#### ***Downtown* and *Central Waterfront* Policies**

Section 2.2.1 provides direction on *Downtown* as a growth area that will continue to evolve as a healthy and attractive place to live and work. As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the *Downtown* that: achieves a minimum combined growth target of 400 jobs and residents per hectare, builds on the strength of the area as an employment centre, provides for a range of housing opportunities and focuses on the Financial District as the prime location for the development of prestige commercial office buildings and landmark buildings that shape the skyline.

The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives. Among other matters, it promotes efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, provides increased opportunity for living close to work, to encourage walking and cycling, all in keeping with the vision for a more liveable city.

While *Downtown* is identified as an area offering opportunities for substantial employment and residential growth, this growth is not anticipated to be uniform. Design guidelines specific to districts of historic or distinct character will be implemented to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings.

The Official Plan recognizes that as the population of the *Downtown* increases, ensuring that public amenities and infrastructure are maintained and upgraded, enhancing existing parks and acquiring new parks, and preserving and strengthening the range and quality of social, health, community services and local institutions are essential to improve the quality of life for *Downtown* residents.

### **Chapter 3 – Building a Successful City**

Policy directions on matters that improve quality of life are contained in Chapter 3 of the Official Plan.

## **Built Form and Public Realm**

The Public Realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in architecture, landscape architecture and urban design in public works and private developments to ensure that the public realm is functional, beautiful, comfortable, safe and accessible. The policies provide that new parks and open spaces should connect and extend wherever possible to existing parks, natural areas and other open spaces such as school yards.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the Built Form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1 provide additional design direction to ensure that they fit into the existing and planned context and limit local impacts. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

## **Heritage Resources**

The Official Plan recognizes the importance of the City's heritage resources, as they tell the stories about the forces and events that have shaped Toronto. Section 3.1.5 of the Official Plan addresses the identification and evaluation of properties of cultural heritage value or interest. It also provides for conservation of heritage resources and includes policies that state that Heritage Impact Assessments will evaluate the impact of a proposed alteration to a property on the Heritage Register, and/or to properties adjacent to a property on the Heritage Register, to the satisfaction of the City.

In particular, Policy 3.1.5.4 states that heritage resources on the City's Heritage Register will be conserved and Policy 3.1.5.5 further states that proposed alterations and/or development on or adjacent to a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property. Additionally, Policy 3.1.5.26 identifies that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impact on it. Finally, Policy 3.1.5.27

encourages the conservation of whole or substantial portions of buildings, structures and landscapes on those properties and discourages the retention of façades alone.

This section of the Plan also contains policies related to Heritage Conservation Districts. Policy 3.1.5.32 requires that impacts of site alterations and/or developments within Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes and character are conserved, and Policy 3.1.5.33 adds that Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions and removals in accordance with respective Heritage Conservation District plans.

## **Housing**

Section 3.2.1 provides direction on housing. Strong communities are the foundation of a healthy city and the Official Plan recognizes that opportunities for adequate and affordable housing are essential to the supporting quality of life, economic competitiveness and social cohesion. Policy 3.2.1.1 encourages the provision of a full range of housing in terms of form, tenure and affordability to meet the current and future needs of residents.

## **Parks and Open Space**

The parks and open spaces and other natural and recreation areas that comprise the Green Space System in Toronto are essential elements of complete communities. The Official Plan recognizes that the City's Green Space system is vital to our quality of life, social wellbeing, and to the health of the natural ecosystem. These areas provide opportunities for recreation, relaxation and experiencing nature and offer unique experiences for residents and visitors from across the region and elsewhere.

The Official Plan recognizes that as Toronto grows and changes the parks and open space system will need to expand. The policies of Section 3.2.3 of the Official Plan, seek to ensure that as the city grows our Green Space System is strengthened by actions such as: adding new parks and amenities, particularly in growth areas; maintaining, improving and expanding existing parks; designing high quality parks and their amenities to promote user comfort, safety, accessibility and year round use, and to enhance the experience of place. The Plan seeks to ensure that the effects of development including additional shadows, noise, traffic and wind on existing parks and open space are minimized to preserve their utility.

## **Chapter 4 – Land Use Designations**

### *Regeneration Areas*

A broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses are permitted within *Regeneration Areas* to promote reinvestment and revitalization. The framework for new development within *Regeneration Areas* is set out in a Secondary Plan intended to promote the desired type and form of physical development for an area.

The policies of Section 4.7.1 provide for the restoration, re-use and retention of existing buildings that are economically adaptable for re-use, particularly heritage building and structures in *Regeneration Areas*. Section 4.7.2 sets out the intent of Secondary Plans for *Regeneration Areas* and provides that they will guide the revitalization of the area through among other matters:

- urban design guidelines related to the unique character of the area;
- strategies to promote greening and community improvements; and
- a heritage strategy identifying important heritage resources, conserving them and ensure new buildings are compatible with adjacent heritage resources.

### **Official Plan Amendment No. 231 – Office Replacement Policies**

Official Plan Amendment No. 231 (OPA 231), adopted by City Council December 18, 2013, received approval by the Minister of Municipal Affairs and Housing on July 9, 2014 and is in large part under appeal before the Ontario Municipal Board. As an outcome of the Official Plan and Municipal Comprehensive Reviews, OPA 231 contains new economic policies and designations to stimulate office growth in the *Downtown*, *Central Waterfront* and *Centres*, and all other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas* and also contains new policies with respect to office replacement in transit-rich areas. In particular, Policy 3.5.1(9) requires the provision of office space on any site containing 1,000 square metres or more of office space, where residential development is proposed. Policy 3.5.1 (9) is currently under appeal.

The existing buildings at 489-539 King Street West contain office uses with an overall gross floor area of approximately 7,481 square metres.

### **King-Spadina Secondary Plan (2006)**

The site is situated within the West Precinct of the King-Spadina Secondary Plan Area found in Chapter 6.16 of the Official Plan (Attachment 11). The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form, heritage and public realm. The major objectives of the Plan include the policy that heritage buildings and other important buildings within the King-Spadina Area, including the West Precinct, will be retained, restored and re-used.

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 to minimize pedestrian/vehicular conflicts;

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

Additionally, the policies of Section 4 – Heritage – specify that:

- Heritage buildings in the King Spadina Area are essential elements of physical character. In this regard, the City will seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more appropriate legal agreement.
- New buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

A major objective of the King-Spadina Secondary Plan is to use the historic fabric of the area as the context within which to assess new development. Additionally, achieving a mixture of compatible land uses, and retaining and promoting commercial and light industrial uses is another major objective of the Plan.

The proposed development is south of St. Andrew's Playground, which is identified as an Area of Special Identity and an important park within the King-Spadina area. New development is to respect the integrity and potential for increased use of the park.

The site is also adjacent to two public schools located at 20 Brant Street. The King-Spadina Secondary Plan requires buildings adjacent to streets, parks and open spaces to be massed to provide proportional relationships and will be designed to minimize the wind and shadow impacts on streets, parks and open spaces.

The King Spadina Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.



## King Spadina Secondary Plan Review

The King-Spadina Secondary Plan Review began as the "King-Spadina East Precinct Built Form Study", however, at its meeting on July 7, 2015, City Council expanded the boundary to also include the Spadina Precinct. At its meetings on August 25, 2014 and July 7, 2015, City Council endorsed a number of directions for the King-Spadina East Precinct to be used in reviewing current and future development applications including a downward gradation of tower heights from east to west from University Avenue towards Spadina Avenue, employing the city-wide Tall Buildings Guidelines to evaluate towers, particularly with regard to tower spacing and tower floor plates, and protecting the network of mid-block connections and laneways as a defining feature of the public realm, and expanding these connections to further the pedestrian network.

The geographic boundaries of the study were further expanded to include the West Precinct, thereby including the entire King-Spadina Secondary Plan Area by Toronto and East York Community Council at its September 6, 2017 meeting, through their consideration of the Draft Policy Directions Report. Draft policy direction includes:

- Proposed land use redesignation from *Regeneration Areas* to *Mixed Use Areas*;
- Public realm strategy;
- Urban design guidelines;
- Built form policies; and,
- Provision of infrastructure.

The Community Council decision and staff report, which provides a detailed background of the decision history of studies within this Secondary Plan area can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.60>.

King Spadina is one of the highest growth areas in the City of Toronto. The King-Spadina Secondary Plan Review recognizes that this area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. The updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage and character of the area.

Staff anticipate that the Draft King Spadina Official Plan policies will be posted on the City Planning web site in 2018. A Final Report outlining the proposed Secondary Plan Amendments will be considered at a public meeting of the Toronto and East York Community Council under the *Planning Act*, after a consultation period to allow for public input on the draft policies.

## **King Spadina Urban Design Guidelines (2006)**

Urban Design guidelines, in conjunction with the Official Plan policies, work together to achieve optimal building siting and design that enhances the public realm, while respecting and reinforcing the surrounding built environment and context. Guidelines are crucial planning tools that assist in testing the appropriateness of development applications in the policy context. They are intended to assist in the implementation of the Official Plan policies for built form, and serve as a unified set of directions for the evaluation of development applications.

The Official Plan (Section 5.3.2: Implementation Plans and Strategies for City-Building, Policy 1) states that Guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban Design Guidelines, specifically, are intended "to provide a more detailed framework for built form and public improvements in growth areas."

The King-Spadina Urban Design Guidelines support the implementation of the King-Spadina Secondary Plan. These Guidelines state that new development should be compatible with existing heritage buildings in terms of massing, height, setbacks, stepbacks and materials. New development, within the context of existing adjacent buildings, should define and contribute to a high quality public realm. Development should reinforce the character and scale of the existing street wall in the immediate surrounding area. In addition, the scale of the building brought to the sidewalk should respond proportionally to the width of the right-of-way.

Section 4.3.3 Built Form of the Guidelines recognizes that new development in the West Precinct has a distinguishing character of uniform height, scale and massing, producing an effect of a maturing mid-rise neighbourhood, which is different from Spadina Avenue and the East Precinct.

Section 5 contains the built form guidelines that expand on Section 4. Section 5.2.1 emphasizes that the street wall should be designed to ensure pedestrian comfort and adequate light penetration. This can be achieved through a 1:1 ratio of building height relative to street width. New development should reinforce the continuity of the street wall of a particular street using existing building heights and setbacks as the basis for the design of the street frontage.

Further, Section 5.4.1 Building Heights affirms that the West Precinct is characterized by a homogenous form of low to mid-rise warehouse, office and mixed-use building patterns. The Guidelines state that applications displaying portions of buildings above the height limit set out in the Zoning By-law will be required to demonstrate no undue impacts on light, view, privacy and sunlight access on nearby properties.

Section 5.4.3 Angular Planes and Stepbacks stipulates that where buildings are permitted to be higher than the street wall height, a stepback will be required that is large enough to ensure that the higher portion does not overwhelm and detract from the consistency of the street wall from the perspective of the pedestrian experience. This section also considers that, even in situations where a particular development meets angular plane requirements

and does not cause significant wind or shadow impacts, the height may still not necessarily be acceptable within its context.

Section 5.4.4 Light, View and Privacy states that taller building elements (i.e. above the as-of-right height permissions) should be evaluated on their ability to achieve optimum proximity, light, view and privacy conditions, as well as on their impact on other properties on the same block with similar potentials.

### **TOcore: Planning Downtown**

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to the Downtown Plan Official Plan Amendment.

### **OPA 406 – Downtown Plan**

At its May 1, 2018 meeting, Planning and Growth Management (PGM) Committee held a Special Public Meeting pursuant to Section 26 of the *Planning Act* and adopted a staff report entitled 'TOcore: Downtown Plan Official Plan Amendment', as amended, that recommended adoption of the Downtown Plan Official Plan Amendment (OPA 406). OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

At its May 22-24, 2018 meeting, City Council adopted OPA 406, as amended. The Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Pursuant to Section 26 of the *Planning Act*, the Downtown Plan will be forwarded to the Minister of Municipal Affairs for approval. Council has directed Staff to use the policies contained with the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm and community services and facilities – is the result of a three-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

This OPA brings forward a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan. The OPA is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan and has regard to matters of provincial interest under Section 2 of the *Planning Act*.

### **OPA 352 – Downtown Tall Building Setback Area**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

### **King–Spadina Heritage Conservation District**

The King-Spadina HCD is an evolved historic district, with a concentration of late-19<sup>th</sup> and early 20<sup>th</sup> century residential and commercial buildings, three historic parks, and a network of laneways. These historic resources as a whole reflect the District's evolution from an institutional and residential neighbourhood to a warehouse and manufacturing area over the course of the District's period of significance (1880s-1940s).

On October 2, 2017, Toronto City Council adopted recommendations to designate the King-Spadina Heritage Conservation District under Part V of the *Ontario Heritage Act* and adopted the King-Spadina HCD Plan. The King-Spadina HCD is currently under appeal to the LPAT.

The final report and decision of City Council are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.12>

### **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

### **Growing Up: Planning for Children in New Vertical Communities**

In July 2017, Toronto City Council adopted the Growing-Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The

objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing-Up Draft Urban Design Guidelines were considered in the review of this proposal.

The Council decision and draft guidelines are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>

## **Zoning**

Zoning By-law 438-86 provides for a maximum building height of 23 metres and requires that where building heights exceed 20 metres, the building shall be located within a 44 degree angular plane measures from 20 metres above the street line.

The City adopted By-law 922-2006 on September 27, 2006 as a result of the King-Spadina Secondary Plan review. The By-law is under appeal to the LPAT. By-law 922-2006 would amend By-law 438-86 by including the following provisions:

- An additional five metres is permitted for rooftop mechanical elements, provided that the roof slab of the upper floor does not exceed the permitted height as provided by the By-law; and
- A window of a dwelling unit (other than a kitchen or bathroom window), shall maintain a minimum separation distance of 15 metres to the window of another dwelling unit (other than a kitchen or bathroom window), located on the same lot and 7.5 metres to a wall or a lot line that does not abut a public street, lane or park.

In May 2013, the City passed and enacted City-wide Zoning By-law 569-2013. The zoning that applies to the subject site is substantially the same with regard to use, setbacks and height as Zoning By-law 438-86.

The subject lands at 647, 663-665 King Street West, 69-73 Bathurst Street and 58-60 Stewart Street are zoned CRE (x1) (Commercial Residential Employment). The maximum height permitted remains unchanged at 26.0 metres.

See Attachment 14: Zoning for additional details.

## **Site Plan Control**

The development proposal is subject to Site Plan Control. A Site Plan Approval application has not been submitted at this time.

## **Reasons for the Application**

Zoning By-law 569-2016 permits a height limit of 23 metres which the proposal would exceed by metres which would result in a building height of 56.5 metres (including the mechanical penthouse). The proposal does not comply with various other zoning

standards such as parking requirements, building setbacks and required amenity space for the proposed development.

## **Heritage**

### 485 King Street West

The former Conboy Carriage Company Ltd. building has cultural heritage value as an early example of a factory-warehouse type in this part of the King-Spadina neighbourhood. Contextually, the former Conboy Carriage Company Ltd. building has cultural heritage value as it maintains the consistent factory-warehouse character and scale of this section of King Street West.

### 489 King Street West

Known as the Hart Building, it was constructed in 1918 with an eclectic mix of Classical and Gothic stylistic elements and is valued as a rare example of a warehouse within the significant collection of warehouses along King Street West between Spadina Avenue and Portland Street.

### 495 King Street West

This detached commercial building represents a key building typology in King-Spadina, dating to the early to mid-1900s when the area was the city's main industrial district and filled with large-scale warehouses, factories and office buildings, many of which replaced earlier low-rise structures. The building at 495 King Street West is distinguished by its classical design, particularly the corbelled brickwork.

### 511 King Street West

The American Watch Case Company Building was completed in 1893 with the complementary addition in 1910. It was designed by an architect of national significance and is an excellent example of Romanesque Revival styling and an important building in the King-Spadina neighbourhood.

### 519-529 King Street West

The properties at 519, 521, 523, 527 and 529 King Street West have cultural heritage value for their design as commercial row buildings associated with the first wave of development in the King-Spadina neighbourhood in the 19th century. They represent a key building typology in King-Spadina when they were among the low-rise commercial buildings located on the main thoroughfares (particularly King Street West) and some of the side streets to support the residential and institutional enclave that emerged in the 1800s.

## **Community Consultation**

The proposal was presented at a Community Consultation meeting held on May 16, 2017. Staff from Community Planning, Urban Design and Heritage Preservation Services as well as the Ward Councillor attended to listen to the comments from the public. The proposal presented at this meeting by the applicant showed a 'break' in the south wall of the project as well as the north wall, resulting in a mid-block connection through the site

which was open to the sky for its entire length. Approximately 40 people attended the meeting. The following comments were provided:

- The south side of the building is turning its back on the properties to the south. There should be balconies facing south.
- The proposal is innovative.
- King Street West is becoming less livable and noisier.
- How will a public art program work with the architecture?
- The courtyard is positive. The proposal is a better response to the need for density.
- Improvements have been made from the original submission.
- The degree of heritage preservation is good.
- Will there be 2 and 3-bedroom (family size) units provided in the building?
- The building will feel like it overwhelms/dwarfs the neighbourhood.
- Will there be community space in the building?
- The design / architecture is very positive.

Staff have considered these comments in the review of this application.

### **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 arrive at the conclusion that the proposed development cannot be supported in its current form.

### **COMMENTS**

#### **Provincial Policy Statement, Provincial Plans and Planning Act**

The provision of Sections 2 (r) of the *Planning Act* address the challenges of accommodating development in a manner which adds to livability in a high density neighbourhood.

The scale and massing of the proposal's built form challenges the notion that intensification needs to be sustainable, to be well designed, encourage a sense of place and provide for public spaces that are of high quality, vibrant and attractive. The proponents have made a number of changes to the massing of the proposal which have improved its relationship to King Street West in particular. The built form, however,

remains at odds with much of the contemporary architecture of the West Precinct of King-Spadina.

The PPS contains policies related to managing and directing development. It requires that sufficient land be made available for intensification and redevelopment; that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock and areas; and that they establish and implement minimum targets for intensification and redevelopment within built up areas.

Policies 1.1.1 (g) and 1.1.3.2 (a) state that one of the factors to be considered in developing healthy, liveable and safe communities is ensuring that the necessary infrastructure, including public service facilities, are available to service the needs of residents. Policy 1.5.1 references the provision and the equitable distribution of public parks and open spaces in promoting healthy, active communities. The West Precinct of King-Spadina is challenged by numerous proposals for buildings which challenge the existing typology of mid-rise buildings. The growth of this part of the City of Toronto is outpacing the City's ability to provide the necessary community services and facilities (parks and open spaces, daycare facilities and a range of community services), including the lack of appropriate sites to accommodate these facilities.

The applicant's proposal for approximately 36,500 square metres of residential space and the population which would accompany the proposal, would contribute to the need for parks and open space, as well as services such daycare facilities. City staff will work with the applicant to achieve an on-site or acceptable off-site parkland dedication. The mid-block connection through the site will be an important amenity and will serve the larger goal of achieving a public open-space connection from The Well development to the improved St. Andrews Park.

The height and massing of the proposed buildings would also have impacts on the streetscape and the access to sunlight for residents and visitors on King Street West and Bathurst Street. As noted above, staff will continue to work with the applicant to achieve a greater degree of sunlight on the north side of King Street West east of Brant Street.

Policy 4.7 indicates that the Official Plan is the most important vehicle for implementing the PPS. Further, policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context.

The City's Official Plan, which includes the King-Spadina Secondary Plan, contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock, including numerous heritage buildings, and protects the character of the area consistent with the direction of the PPS. In this context, the proposal has been considerably



improved since initially being submitted. Staff will continue to work with the applicant to clearly define the degree of conservation being achieved through the development.

The Downtown Toronto Urban Growth Centre is identified in the Growth Plan. The site is within the Urban Growth Centre (UGC), which is on track to achieve or exceed the UGC density target of 400 jobs and residents per hectare by 2031. The target is the average for the entire Downtown UGC area, and it is not for any one particular area within Downtown. The increased density that that would result from the proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

In this context, the Official Plan, the King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina Heritage Conservation District, the King-Spadina Urban Design Guidelines (2006), provide direction on the appropriate scale, massing height and separation distances between buildings within the King-Spadina area. This proposal has improved its relationship to adjacent properties and to King Street West. The mid-block connection through the site will achieve an important public policy objective by linking planned and existing public and publicly-accessible open spaces by providing a well designed publicly accessible open space through the site. The details of the treatment of heritage buildings on the site remains a subject for staff study and review, notwithstanding a general agreement as to the degree of conservation anticipated on the site.

### **Conformity with the Planning Framework for King-Spadina**

The application has been assessed in the context of the planning framework for King-Spadina which includes the Official Plan, the King-Spadina Secondary Plan, the on-going King-Spadina Secondary Plan Review and the King-Spadina Heritage Conservation District Plan. As outlined below, the proposal does meet the objectives of the King-Spadina planning framework, although the degree of conservation heritage resources remains a concern.

### **Land Use**

The proposed development is located in the *Downtown* and is designated *Regeneration Areas* in the Official Plan, and is in an appropriate location for development. The proposed retail, office and residential uses are permitted in this area of the *Downtown*, and provide a mix of uses which are encouraged in the *Regeneration Areas* designation.

### **Compliance with OPA 231**

Official Plan Amendment 231 (OPA 231) promotes new office development in transit rich areas of Toronto and includes a policy requiring the replacement of office space in certain circumstances. Specifically, Policy 3.1.5.9 requires that new development which includes residential units on a property with at least 1,000 square metres of gross floor area used for offices is required to increase the non-residential gross floor area used for office purposes where the property is located within *Mixed Uses Areas* or *Regeneration Areas* within the *Downtown and Central Waterfront*. This policy is under appeal to the Local Planning Appeal Tribunal (LPAT), therefore, it is relevant but not determinative in

terms of the Official Plan framework. It does reflect Council's current direction to ensure that development preserves and promotes employment opportunities in conjunction with new residential development, which is consistent with provincial policies and plans.

The applicant indicates that there are a total of 7,481 square metres of occupied office uses on the site. The proposed development as described in the with prejudice plans submitted June 15, 2018, includes a minimum of 6,000 square metres of office uses, in addition to the approximately 13,918 square metres of other non-residential uses proposed. This would result in a minimum of 80% of the current offices use being replaced in the proposed development. The owners have committed to work with the City to replace the additional 1,481 square metres through an off-site development, subject to the approval of the Chief Planner and Executive Director, City Planning. Staff are confident that an off-site office replacement acceptable to the City can be found given that one of the partners in the development, Allied Properties REIT, has a number of office development proposals in the King-Spadina Secondary Plan area.

## **Heritage**

### Official Plan

The proposal meets the basic requirements of the heritage policies in the Official Plan. All four elevations of the two heritage buildings at 489 and 495 King Street West will be retained in situ with some necessary modifications to allow for interface with the new development and contemporary uses. The primary elevations of 511 and 519-529 King Street West will also be retained in situ with the side (east and west) walls dismantled and partially reconstructed, also with minor modifications.

The most visible impact to the properties will be the introduction of a series of stacked rectilinear volumes atop the heritage buildings rather than a typical tower and podium composition. As a way to mitigate the impact of the new development on the heritage properties, the taller portions are set back five metres from the King Street elevations of 489, 511 and 519-529 King Street West, two and a half metres from the east elevation of 489 King Street West and six metres from the south property line

The lower elements of the new development along King Street West match the setbacks set by the on-site heritage buildings and have been designed as flat walls, 11 metres in height, with modules above which gradually step back.

The proposal takes steps to mitigate the impact of the new development on the adjacent heritage properties by locating the majority of the height and density of the new construction toward the rear of the site which helps conserve the historic scale of the King Street West street wall.

The proposal meets the requirements of the Official Plan in that the impact of the new construction on the values, attributes and character of the heritage properties will be mitigated through the use of step backs, two of the heritage buildings will be conserved as whole buildings with the primary elevations of the remaining buildings also conserved

in situ, the owner will enter into Heritage Easement Agreements and the heritage buildings will be conserved in their original location.

#### King Spadina Heritage Conservation District

Despite being supportable within the City's in-force heritage policies, the proposal does not meet many of the objectives of the King-Spadina HCD Plan, adopted by City Council on October 2, 2017. The overall objective of the King-Spadina HCD Plan is the protection, conservation and management of the heritage attributes of the District, including contributing properties, so that the District's cultural heritage value is protected in the long term. These values relate to the concentration of late-19<sup>th</sup> and early-20<sup>th</sup> century residential and commercial buildings, historic parks and laneways, which create a unique sense of place within the city.

While the King-Spadina HCD Plan is currently under appeal to the LPAT, staff also reviewed the subject application in the context of the emerging policy framework for the area including the King-Spadina HCD Plan. The proposal falls short on the policies of the HCD Plan in the following ways:

- 4.3 "New buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression." The proposal does not provide a compatible relationship with the heritage buildings in that the modulated cube design and fluid form of the new development are wholly inconsistent with the rectilinear historic built form context.
- 6.10.1 The alteration of contributing properties shall be complementary and subordinate to the District's cultural heritage value and heritage attributes. The new development will provide an overwhelming presence that is not subordinate to the value and attributes of the District.
- 6.10.2 "New materials shall be physically and visually complementary to the materials of the contributing property." Heritage attributes of the King-Spadina HCD include the extensive use of brick masonry, stone and terra cotta materials in the commercial and residential properties. The predominant material in the new development is glass block with large expanses of flat glass panels at the lower levels, neither of which are physically or visually complementary.
- 6.10.3 "Alterations to contributing properties shall include the preservation of the District's heritage attributes." Attributes of the King-Spadina HCD include the symmetrical and orderly composition of buildings, tripartite design, flat roofs, the regular rhythm of windows, the solid to void ratio of window to wall, and masonry materials. The design of the proposal does not respond to these heritage attributes but rather presents the opposite.

- 6.11.5 "The streetwall height of side additions shall match the streetwall height of the primary structure on a contributing property – additional height above the streetwall must step back. Step back distances will be determined based upon the design, scale and massing of the proposed addition, the contributing property, and other applicable policies." The new side additions of the development do not provide sufficient step back of the massing above the established street wall height in an effort to provide a general continuity of the street wall and only presents a change in the surface design of the King Street elevations.
- 6.11.11 "Additions to contributing Commercial Row properties shall step back a minimum of 10 metres from all elevations facing the public realm." The proposed addition to the commercial row properties at 519-529 King Street West steps back five metres rather than the required 10 metres. Commercial row buildings are generally smaller in scale and lower in height and the policy to step new massing back 10 metres is intended to ensure that additions do not overwhelm the heritage row buildings.
- 6.11.9 "Additions to contributing Commercial Detached properties shall only be permitted when the proposed addition conserves the whole building." The buildings at 511 and 519-529 King Street West are not being conserved as whole buildings. The front facades are proposed to be retained in situ with a portion of the side walls dismantled and reconstructed and the remainder of the buildings demolished.
- Policies 7.5.1, 7.5.2, 7.5.3, 7.6.1, 7.6.3, and 7.6.4 apply to new development on non-contributing properties and are consistent with the policies for contributing properties referenced above. Similarly, these policies for non-contributing properties apply to the subject proposal and have not been complied with.
- 7.7.3 "New development on non-contributing properties shall reference the proportions and solid-to-void ratios of adjacent contributing properties - The dimension and organization of window and door openings on non-contributing properties should maintain the character and appearance of adjacent contributing properties." The lower portions of the new development are comprised of large panels of glazing which do not reference the articulation, materials or character of the adjacent heritage buildings.
- 7.8.1 "The exterior walls of new development on non-contributing properties visible from the public realm shall be designed in a manner that anticipates their visibility and is complementary to the District's cultural heritage value and heritage attributes - Continue the materiality of street-facing elevations on side and rear walls." The new side walls visible from King Street West are modular and clad in glass block which is not complementary to the District's cultural heritage value and attributes.

### Archaeological Resources

The applicant submitted a Stage 1 Archaeological Report with their application. The report noted that a portion of the property exhibits potential for the presence of deposits/features associated with first occupations of the subject property in the mid-19<sup>th</sup> century. The report recommended that a Stage 2 archaeological report be completed. City staff support the recommendation of the consultant report and will require that a Stage 2 Archaeological Report be submitted prior to site plan approval.

## **Density, Height, Massing, Setbacks and Separation Distances**

### Density

The proposed density of the site at a floor space index (FSI) of 5.9 (based on the By-law 569-2013 definition) is lower than the density of the recent approvals in the West Precinct of the King-Spadina Secondary Plan area. The relatively low density is due to two factors, the central courtyard which removed the opportunity to build in the middle of the site, and the pixilated built form, which (with the exception of the rear and east and west portions of the southern portion of the building), results in the stepping of heights.

### Building Height

The height of the proposed building at 16-storeys and 56.5 metres (including mechanical elements) is supportable as the building is terraced back from King Street West and taller portions of the building are pushed well back from King Street. The stepping of heights with the taller portions of buildings typically being located well back from the King Street frontage, is a defining character of development on the West Precinct portion of King Street West. As describe below, the building also provides sufficient stepbacks to the east, west and south. The pixilated form of the building will result in a built form with a varied massing and profile, so that the height of the building will be less uniform and imposing than a more conventional massing.

The West Precinct of King-Spadina has evolved successfully as a neighbourhood which incorporates new buildings, many with a contemporary designs and materials, along with many heritage buildings which have been adaptively re-used for both commercial and residential purposes. Most of the developments within the West Precinct have been approved at heights which are at or below 45-50 metres, including mechanical elements. Some of the taller developments, 523, 525 and 252A Adelaide Street West to the north-west of the subject site at 17-storeys and 50.5 metres in height with the mechanical penthouse at a height of 55.6 metres (file no. 11 289519 STE 20 OZ) were intended to provide a transition from the adjacent development to the west at 103-111 Bathurst (file no. 11 289519 20 OZ) where the 17-storey building on that site in a higher height regime under the Zoning By-law associated with Bathurst Street was approved by the Ontario Municipal Board at 55.6 metres with the mechanical elements 'wrapped' by residential units.

In January of 2013 the Ontario Municipal Board approved a 16-storey mixed-use building at 621 King Street West (Thompson Residence) 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). This project was opposed by staff and Council because of its overall height and the

proposed built from which, as noted above, was out of character with King Street West, was contrary to the planning framework and departed from an established pattern of development, with the taller portions of the building being set back from the street. The absence of a meaningful stepback on King Street West and adjacent properties to the east and west is a defining characteristic of that development and one of the reasons why the development was twice opposed at the OMB by staff. As is particularly evident now that the building is completed, the Thompson Residence is an example of what is to be avoided in future developments in the West Precinct of the King-Spadina Secondary Plan.

#### Massing, Stepbacks and Transition

Staff have, notwithstanding the varied form of the architecture, concerns about the potentially imposing scale of the development, particularly given the length of the site and the very long frontage of the resulting building on a King Street West. The breaking up of the massing of the building into two elements, one on either side of the mid-block pedestrian connection through the site, is a significant improvement in the building design. The treatment of the contemporary portions of the building will be a focus of staff in the site plan process. There will be an emphasis on differentiating the buildings to the greatest degree possible to reduce the sense of one long imposing massing on King Street West.

For mid-rise buildings in the West Precinct of King-Spadina, the minimum facing distance between the exterior wall or balcony of a building and the property line is 5.5 metres. This intended to achieve a minimum separation distance between buildings of 11.0 metres.

The proposed building is set back approximately 8.1 metres from the east property line, approximately 6.1 metres from the rear yard, with the exception of the existing 3-storey heritage building at the south-east corner of the site (495 King Street West) and steps back approximately 2.5 metres above the east wall of the existing 5-storey heritage building at 489 King Street West. The building at 485 King Street West adjacent the development site to the east is owned by Allied Properties REIT, one of the partners in the proposed development at 489-539 King Street West. Due to the sub-standard separation distance proposed from the east side of the proposed building, above the existing heritage building, to the property line, City staff have requested that a heritage easement agreement be registered on the designated heritage building at 485 King Street West and that additional agreements (Limiting Distance Agreement or a restrictive covenant), be registered to ensure that an acceptable minimum building setback of be secured on the east side of the property. Staff and the applicant are in the process of determining what agreements would be appropriate to achieve this objective.

#### **Residential Unit Mix**

Official Plan policies state that a full range of housing in terms of form, affordability and tenure arrangements will be provided and maintained to meet the needs of current and future residents. The PPS and Growth Plan contain policies to support the development of affordable housing and a range of housing to accommodate the needs of all household

sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities Draft Urban Design Guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments.

The Official Plan housing policies, Growing Up Guidelines and Downtown Plan policies recommend a minimum of ten percent of all units as three-bedroom or greater in order to broaden the range of housing and meet the needs of families with children. The proposal contains a total of 496 residential units. The proposed unit breakdown would be: 99 studio units (20%) 248 one-bedroom units (50%); 99 two-bedroom units (20%) and 50 three-bedroom units (10%), This unit mix would meet the intent of the relevant housing policies and guidelines, and this mix of units should be maintained as part of any resubmission addressing the issues outlined in this report.

## **Sun and Shadow**

The applicant submitted shadow studies for the period from 9:18 AM-6:18 PM for June 21<sup>st</sup> and September 21<sup>st</sup> / March 21<sup>st</sup>. These studies show that the proposed building would shadow the north side of King Street West during most of the day, including the most sensitive time for shadows in the street, which is the early afternoon (11:00 AM - 4:00 PM) during the shoulder seasons (September 21<sup>st</sup> and March 21<sup>st</sup>).

Zoning By-law 438-86 requires that a building on the site have a street wall height of 20 metres on King Street West with a three metre stepback up to a maximum height of 23 metres. This height not only reflects the scale of historic warehouse buildings in the West Precinct of the King-Spadina Secondary Plan area, but also eliminates shadows on the north sidewalk by noon at the equinoxes. As noted above, City staff have requested that the shadows on the north sidewalk north of the curb on King Street West, east of Brant Street, be reduced, past 12:00 PM (noon) on Sept. 21<sup>st</sup>.

## **Open Space / Parkland / Streetscape**

### Parkland Dedication

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 site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 6,853 square metres or 110% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 686 square metres.

This site is located within the boundaries of the King-Spadina Secondary Plan area. This neighbourhood has been identified as an area of rapid population growth, thus increasing

the demand and use on the existing public open space. Parkland has been identified as a priority to be achieved within the area.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The park is to be located on the south edge of the property with frontage along the future park located at 456 Wellington Street West. In addition, this report recommends securing a minimum 3.0 metre wide public pedestrian easement from the site's King Street West frontage through to the site's southern edge to facilitate public access to the future public park and support the area's pedestrian network.

Alternatively, the applicant can seek an equivalent off-site parkland dedication within 500 metre of the site, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Given the current rise in dog population in the downtown area, especially within condominium towers, the applicant is expected to provide on-site dog off-leash amenities with proper disposal facilities for the building residents or dog relief stations within the building. This will help to alleviate some of the pressure on the existing neighbourhood parks.

#### Streetscape / On-Site Landscape

The applicant's submitted arborist report noted fourteen trees on the City boulevard on King Street West. All of these trees will require applications for removal. Four trees on the site are protected under the City's Private tree by-law. The removal of these trees will also require permits to injure or destroy trees be submitted to Urban Forestry.

Thirteen trees are proposed to be planted on the public boulevard on King Street West. Urban Forestry staff have requested that additional street trees be provided. The owner will be required to provide large growing shade trees at a ratio of three to one. Currently, the plans submitted do not show enough trees to satisfy the requirements. The Toronto Green Standard also include minimum standards for planting trees on private property.

Urban Forestry staff have noted that a composite utility plan and revised landscape plan are required to determine an appropriate and feasible landscape treatment for the public boulevard adjacent the site. The appropriate streetscape treatment for the King Street West boulevard will be reviewed in greater detail through the submission of a Site Plan Approval application.

Comments from Transportation Services staff provided through the comprehensive memo from Engineering and Construction Services dated November 27, 2017, makes a number of points regarding streetscape issues which need to be addressed. These include:

- The City's Vibrant Street Design Guidelines and the Accessibility for Ontarians with Disabilities Act (AODA) should be referenced. These documents recommend, among other requirements:



- a minimum 0.6 metre wide buffer strip; a furnishing/planting strip of between 1.0 and 2.2 metres (minimum 1.2 metres for planting);
- a furniture/planting zone of between 1.0 and 2.2 metres (minimum 1.2 meters required for tree planting);
- a 2.1 metre pedestrian clearway zone; and
- an additional setback area for a marketing zone, if desired.
- Revised plans should also show:
  - detailed boulevard cross-sections showing the location of property lines, pedestrian clearways, continuous tree trenches and other streetscape elements and utilities; and
  - pedestrian walkway easements will need to be conveyed to the City where the pedestrian clearway is proposed to be partially located on private property.

As is noted above, the achievement of sidewalk and pedestrian clearway objectives will need to be evaluated in light of the heritage conservation objectives of retaining the buildings in situ.

### **Amenity Space**

The Official Plan requires that new development provide adequate indoor and outdoor amenity space for residents. Zoning By-law 438-86 establishes a standard minimum amenity space rate of two square metres each of indoor and outdoor amenity space per residential unit. A minimum of 1.5 square metres each of indoor and outdoor amenity space per residential unit is proposed, and is acceptable in this case.

### **Community Services and Facilities**

The increasing population in King-Spadina serves as a statement on the serious need to manage growth to ensure livability. One of the most significant challenges faced by the City in efforts to ensure the livability of the King-Spadina area, and the downtown core generally, is the growing gap between the demands for a range of community services and facilities and the facilities and services which are available. Proposed developments, such as the development proposal which is the subject of this report, which seek to maximize the density and the number of units on a site, contributing to demand. This situation has a direct effect on the livability and quality of life for residents and visitors in downtown Toronto. The provision and design of on-site amenities to complement parks and public community services and facilities will help address this deficiency and will be secured both through the Zoning By-law Amendment and the Site Plan Approval process.

## **Traffic Impact, Parking and Loading**

The applicant's traffic consultant (BA Group) provided, along with the revised October 2017 submission, an update to the original Urban Transportation Considerations Report. That report, dated October 5, 2017, has been reviewed by Transportation Services staff, who responded through the comprehensive Engineering and Construction Services memo dated November 27, 2017.

### Traffic Impact

There are no concerns with regard to the proposed traffic impacts of the project

### Parking Supply

The October 2017 submission proposed a total parking supply of 307 spaces, comprised of 154 residential parking spaces and 120 commercial parking spaces, including 3 car-share spaces. The applicant proposed that the commercial spaces would serve the retail, office and residential visitor uses. The applicant also proposed that 33 spaces be provided off-site for residential users.

The applicant's transportation study recommended that parking be provided at a rate of 0.3 spaces per residential unit (which reflects the applicants proposed parking supply) as well as the sharing of parking for retail, office and residential visitors in a commercial parking garage. Transportation Services staff have also accepted the proposed commercial and residential visitor parking supply as well as the provision of the 33 off-site residential parking spaces on this site. These spaces will be physically separated from the other parking areas by means of a control gate.

The revised plans submitted June 15, 2018, reflect a similar parking arrangement as proposed in the October 2017 submission, with a slight reduction in parking spaces proposed to reflect the decrease in the number of residential units.

The proposed access for the underground parking garage would be from King Street West. A 7.0 metre wide driveway and access ramp is proposed to be located at the west end of the site. Transportation Services staff have no concerns regarding the proposed site access, but are requesting further clarification regarding rights-of-way on the site. Additional details regarding the access and underground garage will be necessary at the site plan stage.

### Loading

The October 2017 submission included the provision of 6 loading spaces, including 3 Type B spaces, 2 Type C spaces and 1 Type G loading space. The same loading supply has been proposed in the June 15, 2018 submission. Transportation Services staff have confirmed that the proposed loading supply is acceptable.

## **Bicycle Parking**

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

application proposes a total of 746 bicycle parking spaces. The applicant June 15, 2018 'with-prejudice' submission show 535 long-term and 108 short term residential bicycle parking spaces and 64 long-term and 64 short term non-residential bicycle parking spaces. The proposed bicycle parking supply complies with the requirements of By-law 569-2013.

## **TTC**

Comments submitted by the Toronto Transit Commission note that due to streetcar traffic on King Street West, access to the site will be physically restricted to right-in-right-out turning movements only.

## **Servicing**

Engineering and Construction Servicing staff require that the applicant submit a revised Functional Servicing and Stormwater Management Report to address outstanding requirements. These comments were outlined in a memorandum dated November 27, 2017. The report recommends that an updated report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, be required prior the LPAT issuing its Order on the Zoning By-law Amendment.

## **Section 37**

Section 37 of the *Planning Act* allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: affordable housing; parkland and/or park improvements above and beyond the required s. 42 *Planning Act* 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 must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland).

Notwithstanding that there are outstanding matters which remain to be resolved, discussions have been advanced regarding community benefits recommended to be provided and secured in the Section 37 Agreement. These are as follows:

- i. The owner shall provide a minimum contribution of \$900,000.00 toward the commission of public art in a process in accordance with the City Planning Public Art Program.
- ii. The owner shall provide a cash contribution of \$3,000,000.00 for above-base streetscape improvements on the north side of Wellington Street West between Spadina Avenue and Portland Street and/or public realm and streetscape improvements around St. Andrews Playground and/or Brant Street. Of this total contribution, a maximum of \$1,000,000.00 may also be used for the John Street Cultural Corridor,

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

- iii. The owner shall provide a cash contribution of \$1,100,000.00 for the provision of new affordable housing in Alexandra Park.
- iv. In the event the cash contributions referred to in Sections (ii) and (iii) above have 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, City Planning Division, 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.
- v. The \$4,100,000.00 cash contribution referred to in Sections (ii) and (iii) above is to be indexed upwardly in accordance with Statistics Canada's Construction Price Index for the Toronto Census Metropolitan Area, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment. All cash contributions will be payable prior to issuance of the first above-grade building permit.
- vi. The owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms.
- vii. Prior to the issuance of Site Plan Approval, the owner shall convey to the City a public pedestrian easement for the life of the building over the north-south mid-block pedestrian connection through the site between King Street West and the future public park on Wellington Street West, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- viii. The owner shall implement any wind mitigation measures required as identified by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning, to be submitted as part of an application for Site Plan Approval.
- ix. Materials for the new building will be secured through Site Plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
- x. A construction management plan shall be provided and thereafter implemented by the owner of 489-539 King Street West, to address such matters as wind, noise, dust, street closures, parking and laneway uses and access. Such plan to be to the satisfaction of the Chief Planner

and Executive Director, City Planning Division in consultation with the local Councillor and shall be completed prior to Site Plan approval.

## **Conclusion**

City Planning staff are generally satisfied with the overall massing of the revised proposal and the proposed integration of the heritage resources on the site given the very local context in the block and nearby, subject to the changes to be further negotiated with the applicant as set out in this report. City Planning recommends that a settlement be authorized based upon the recommendations as outlined in this report.

## **CONTACT**

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

## **SIGNATURE**

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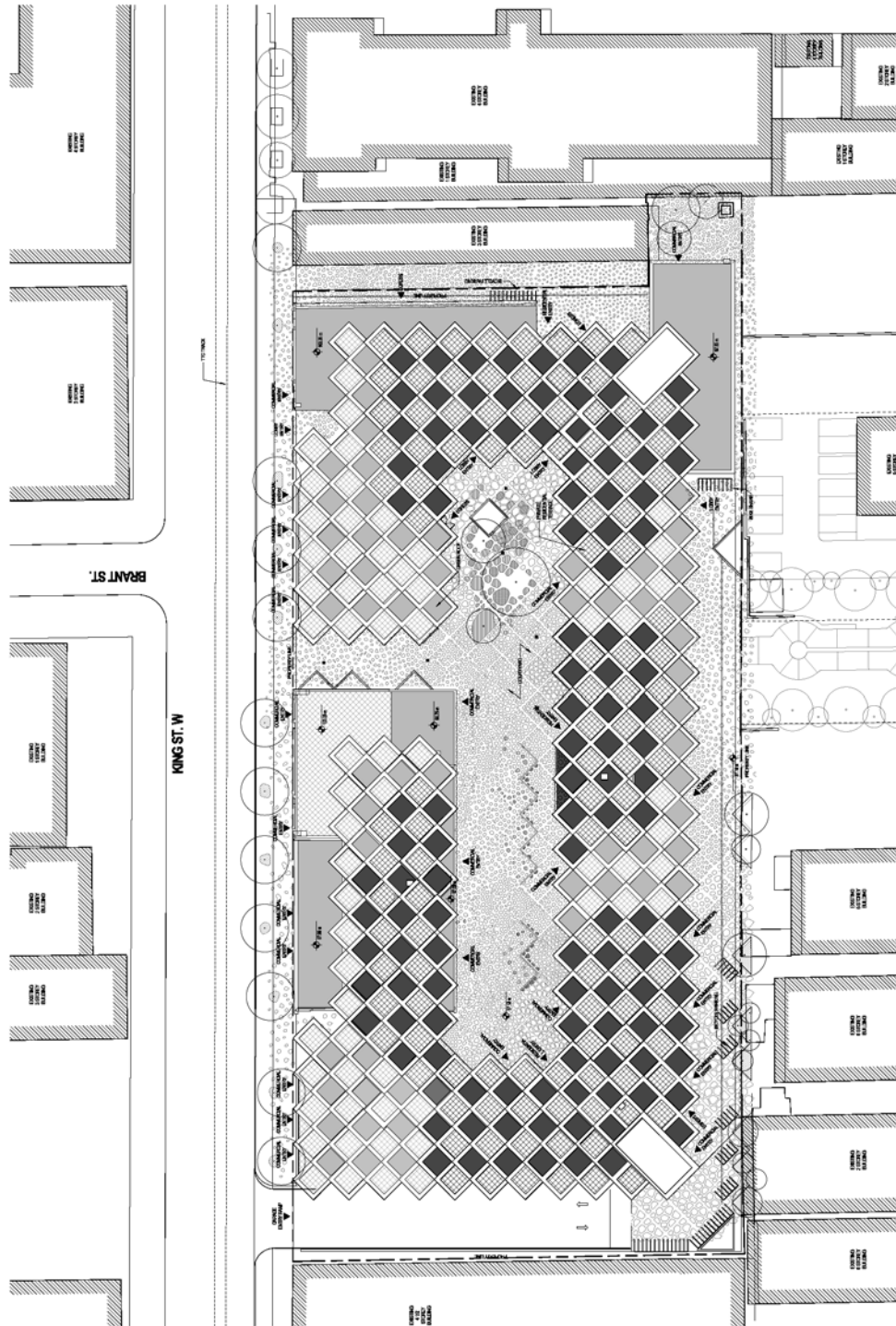
Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC15526801016\doc) – lm

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: North Elevation
- Attachment 3: West and East Elevations
- Attachment 4: South Elevation
- Attachment 5: North Courtyard Elevation
- Attachment 6: West and East Courtyard Elevations
- Attachment 7: South Courtyard Elevation
- Attachment 8: Axiometric View
- Attachment 9: Application Data Sheet
- Attachment 10: Official Plan
- Attachment 11: King-Spadina Secondary Plan - Urban Structure Plan
- Attachment 12: King-Spadina Secondary Plan - Areas of Special Identity
- Attachment 13: King-Spadina Secondary Plan Review – Precinct Plan
- Attachment 14: Zoning

Attachment 1: Site Plan



489-539 King Street West

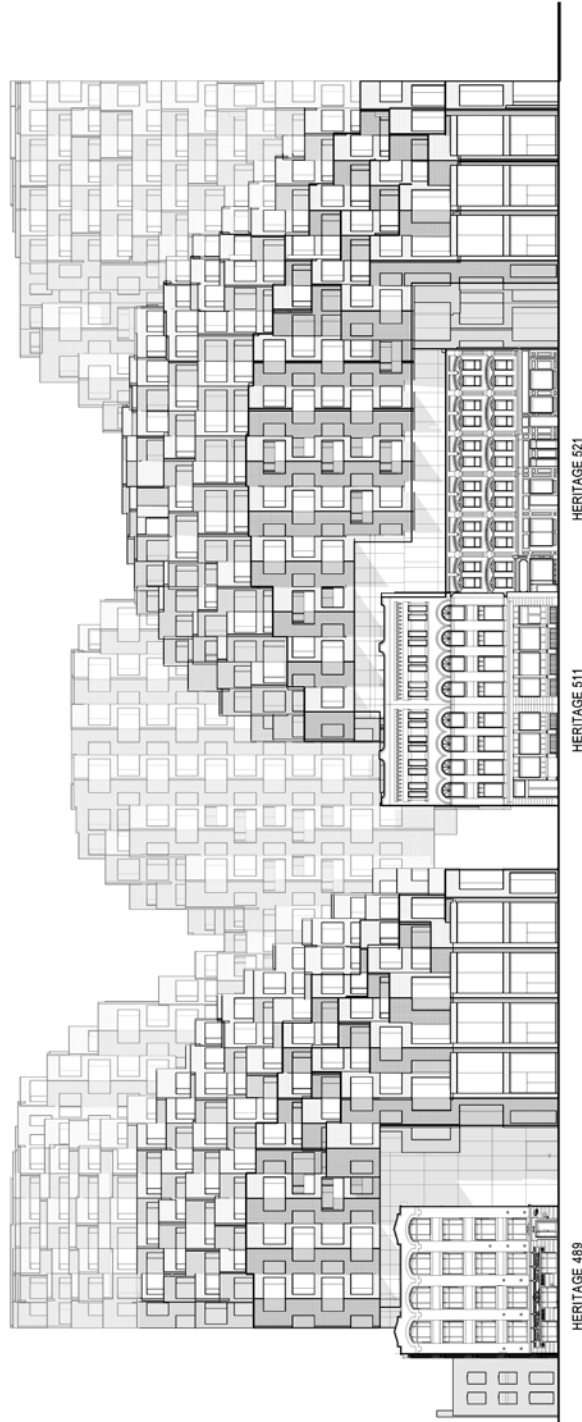
File # 16 159483 STE 20 0Z

Site Plan

Applicant's Submitted Drawing

Not to Scale  
06/29/2018

**Attachment 2: North Elevation**



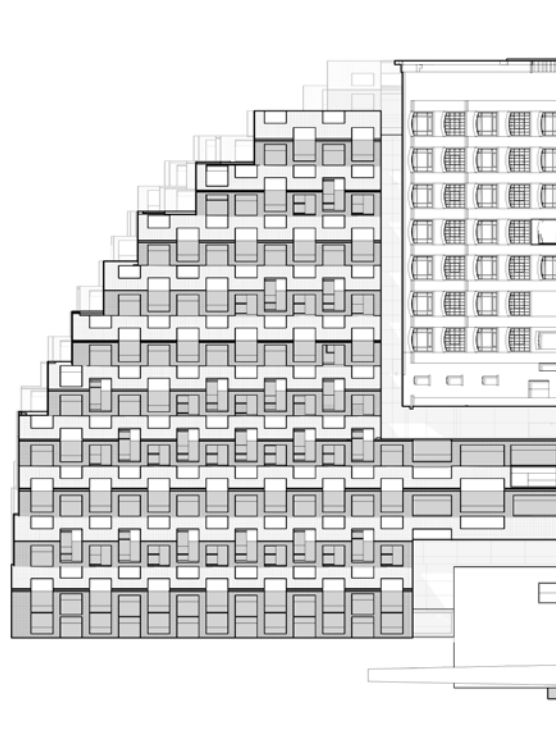
**North Elevation**  
**489-539 King Street West**

**Applicant's Submitted Drawing**

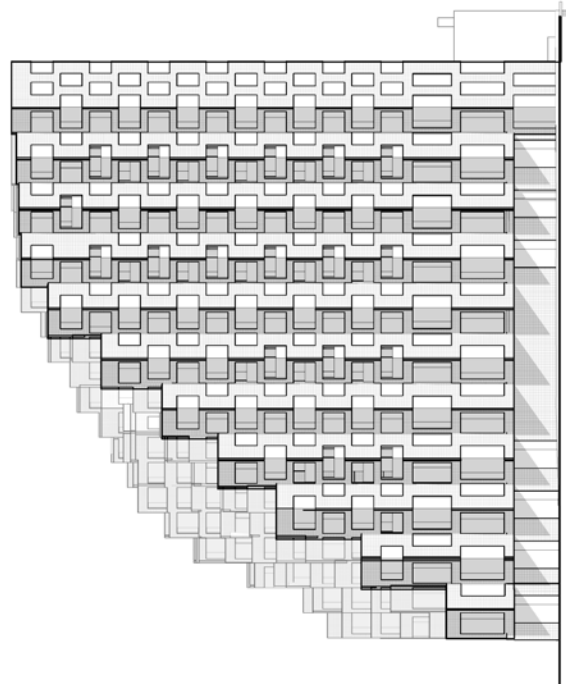
Not to Scale  
06/29/2018

File # 16 159483 STE 20 0Z

**Attachment 3: East and West Elevations**



EAST ELEVATION



WEST ELEVATION

**489-539 King Street West**

**File # 16 159483 STE 20 0Z**

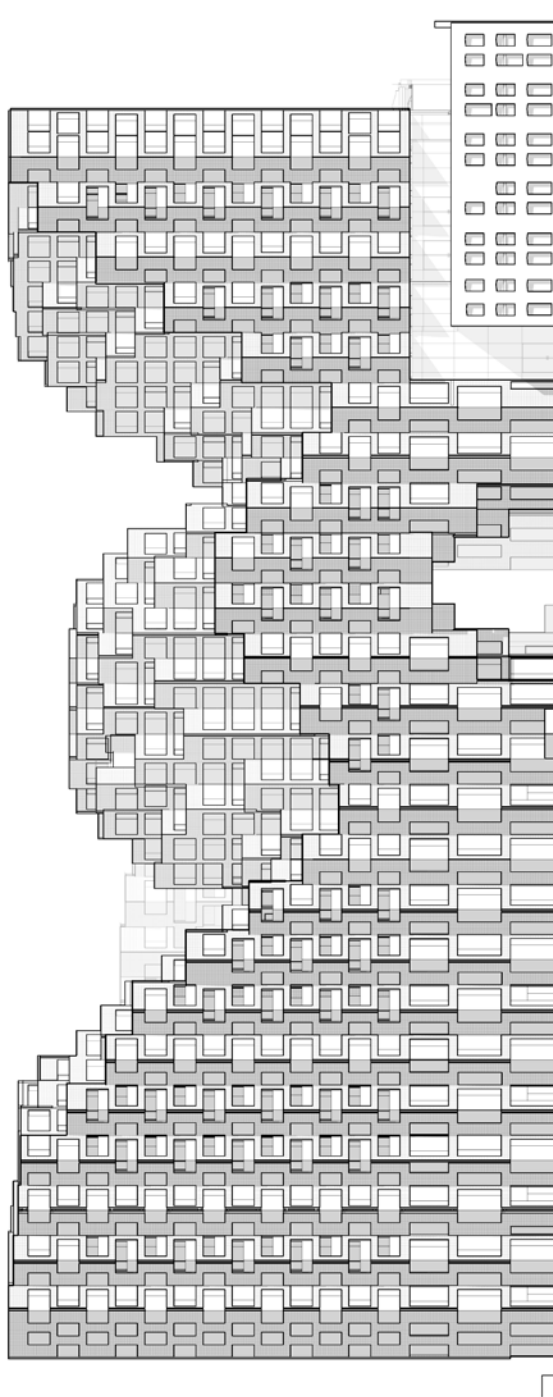
**West and East Elevations**

**Applicant's Submitted Drawing**

**Not to Scale  
06/29/2018**



**Attachment 4: South Elevation**



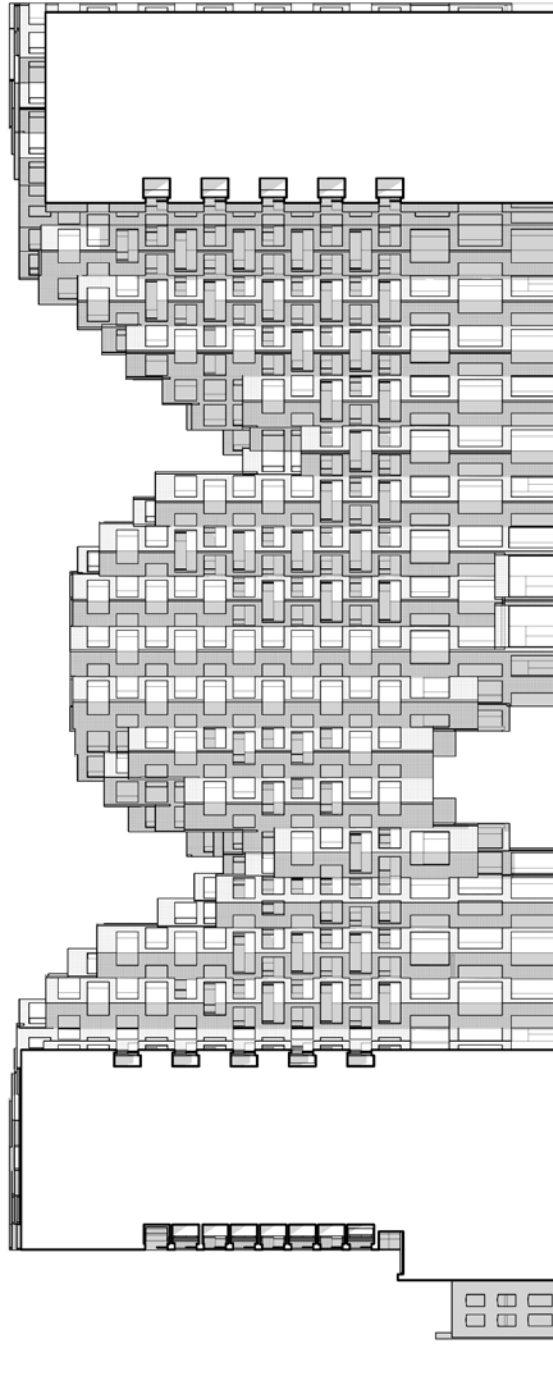
**South Elevation**  
489-539 King Street West

Applicant's Submitted Drawing

Not to Scale  
06/29/2018

File # 16 159483 STE 20 0Z

**Attachment 5: North Courtyard Elevation**



**North Courtyard Elevation**

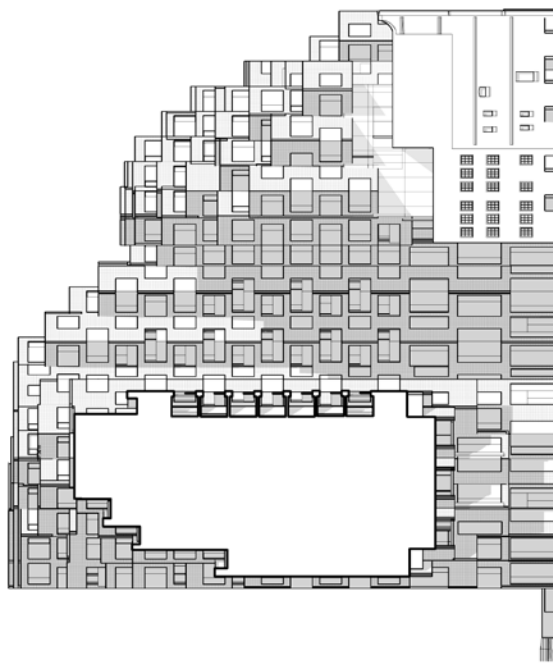
Applicant's Submitted Drawing

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06/29/2018

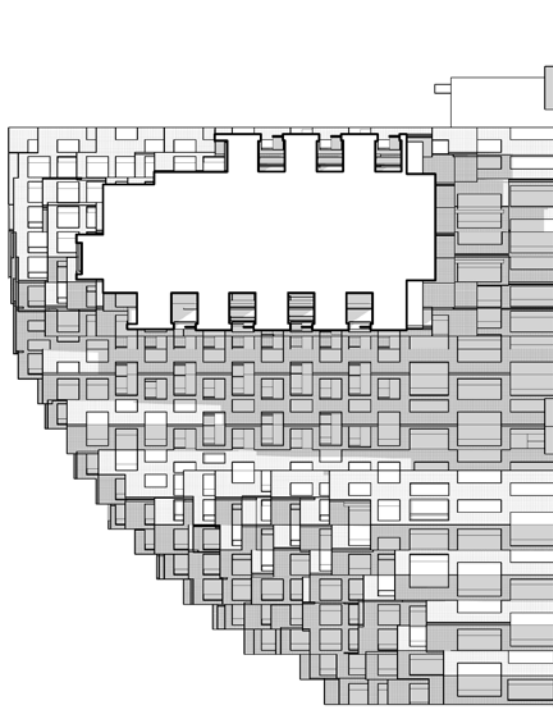
**489-539 King Street West**

File # 16 159483 STE 20 0Z

**Attachment 6: West and East Courtyard**



EAST ELEVATION



WEST ELEVATION

**489-539 King Street West**

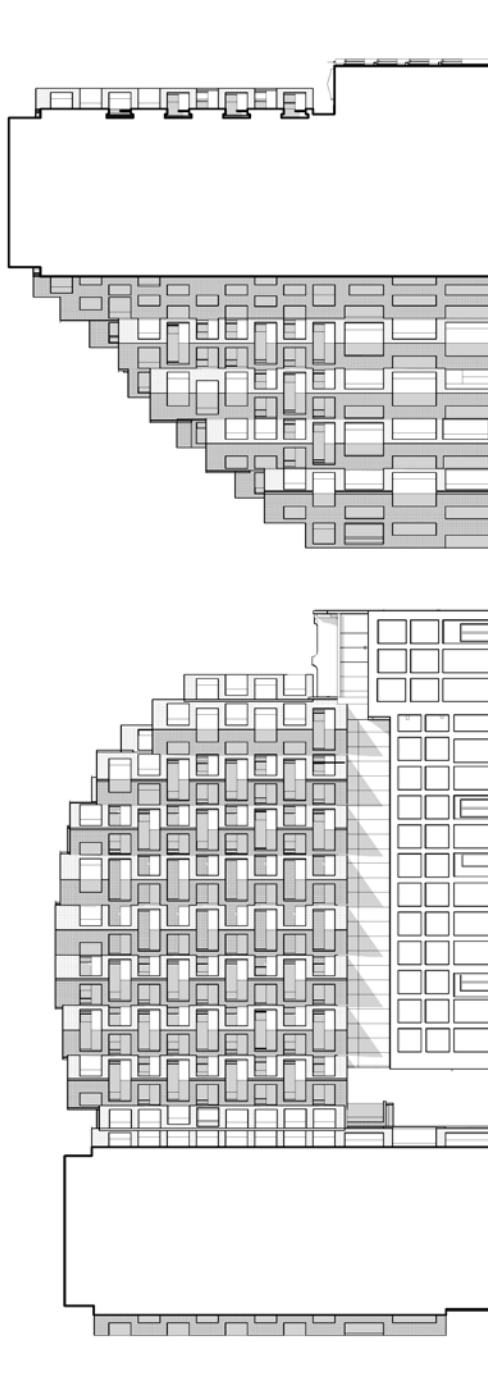
**West and East Courtyard Elevations**

Applicant's Submitted Drawing

Not to Scale  
06/29/2018

File # 16 159483 STE 20 0Z

**Attachment 7: South Courtyard**



**489-539 King Street West**

**File # 16 159483 STE 20 0Z**

**South Courtyard Elevation**

**Applicant's Submitted Drawing**

**Not to Scale  
06/29/2018**

**Attachment 8: Axiometric View**



**Axiometric Views**

Applicant's Submitted Drawing

Not to Scale  
06/29/2018

**489-539 King Street West**

**File # 16 159483 STE 20 0Z**

### Attachment 9: Application Data Sheet

Application Type: Rezoning Application Number: 16 159483 STE 20 OZ  
 Details: Rezoning, Standard Application Date: May 20, 2016  
 Municipal Address: 489-539 King Street West  
 Location Description: PLAN M26 LOTS 14 TO 29 BRANT PLACE AND PRIVATE LANES AND RP 66R22251 PARTS 1 AND 2 \*\*GRID S2014  
 Project Description: Proposed residential, office and retail uses in a rectangular building with a central courtyard. Above the streetwall, the building stepped back from the street with the pixilated units forming a series of four 'peaks', with each successive floor stepped back from the outside units of the floor below. The three tallest peaks are proposed to be located at the south portion of the building closer to Wellington Street West. The two peaks on either end of the building would have a maximum height of 16-storeys (56.5 metres). The middle peak would have maximum height of 15-storeys (50.0 metres). The peak on the north side of the site, closest to King Street West, would be 14 storeys (45.0 metres).

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Westbank Properties Corp.		BIG Architects	511-539 King Street West Inc.

#### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N
Zoning:	CRE (x1), RA	Historical Status:	Y
Height Limit (m):	23	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	9472	Height:	Storeys:	16
Frontage (m):	141.5		Metres:	56.5
Depth (m):	65.97			
Total Ground Floor Area (sq. m):	5026			<b>Total</b>
Total Residential GFA (sq. m):	36063		Parking Spaces:	256
Total Non-Residential GFA (sq. m):	19918		Loading Docks	6
Total GFA (sq. m):	55981			
Lot Coverage Ratio (%):	53			
Floor Space Index:	5.9			

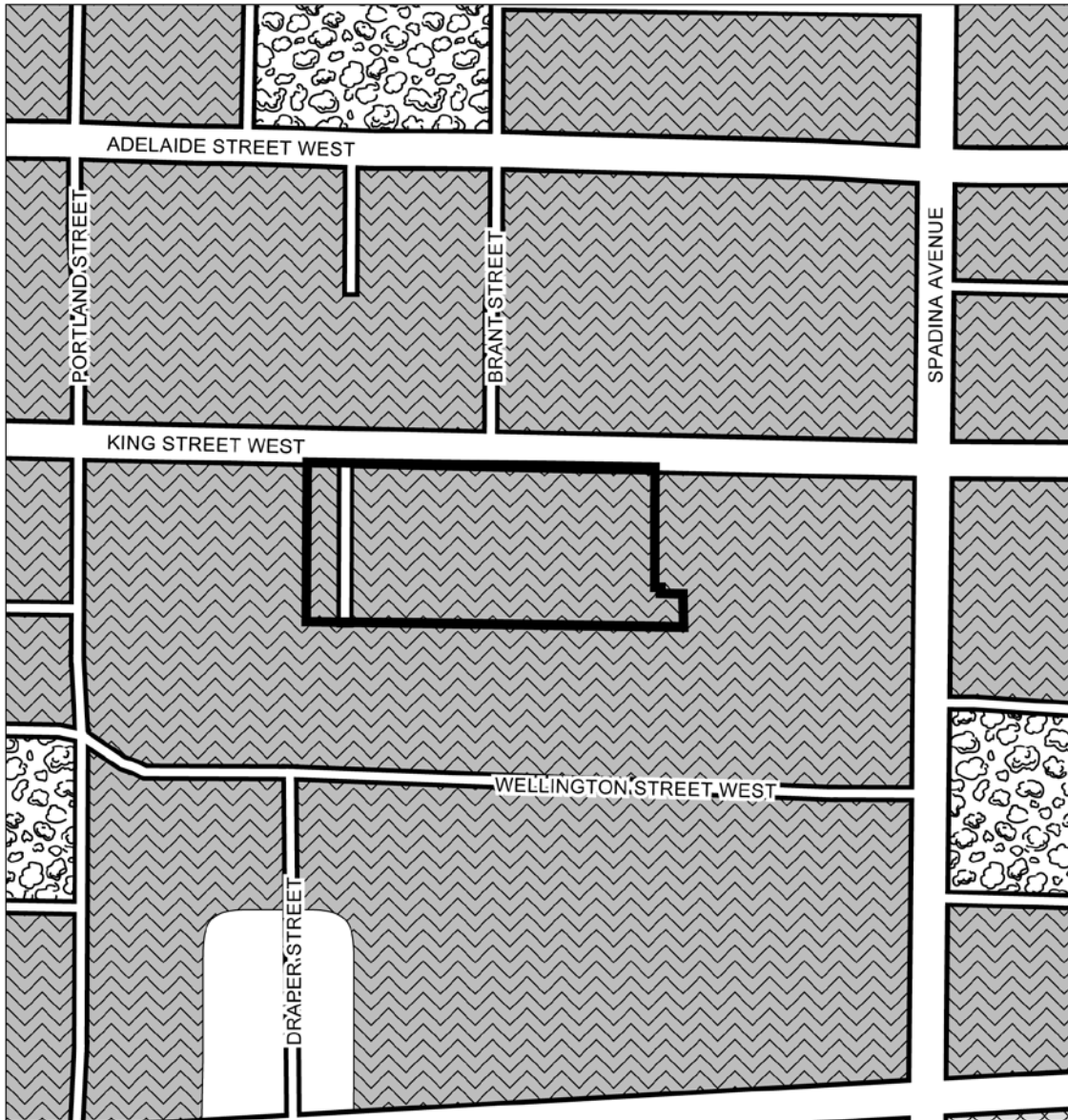
#### DWELLING UNITS

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

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	36063	0
Bachelor:	99	Retail GFA (sq. m):	9773	4146
1 Bedroom:	248	Office GFA (sq. m):	6000 (min)	0
2 Bedroom:	99	Industrial GFA (sq. m):	0	0
3 + Bedroom:	50	Institutional/Other GFA (sq. m):	0	0
Total Units:	496			

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

**Attachment 10: Official Plan**



**TORONTO**  
**Official Plan Land Use Map #18**

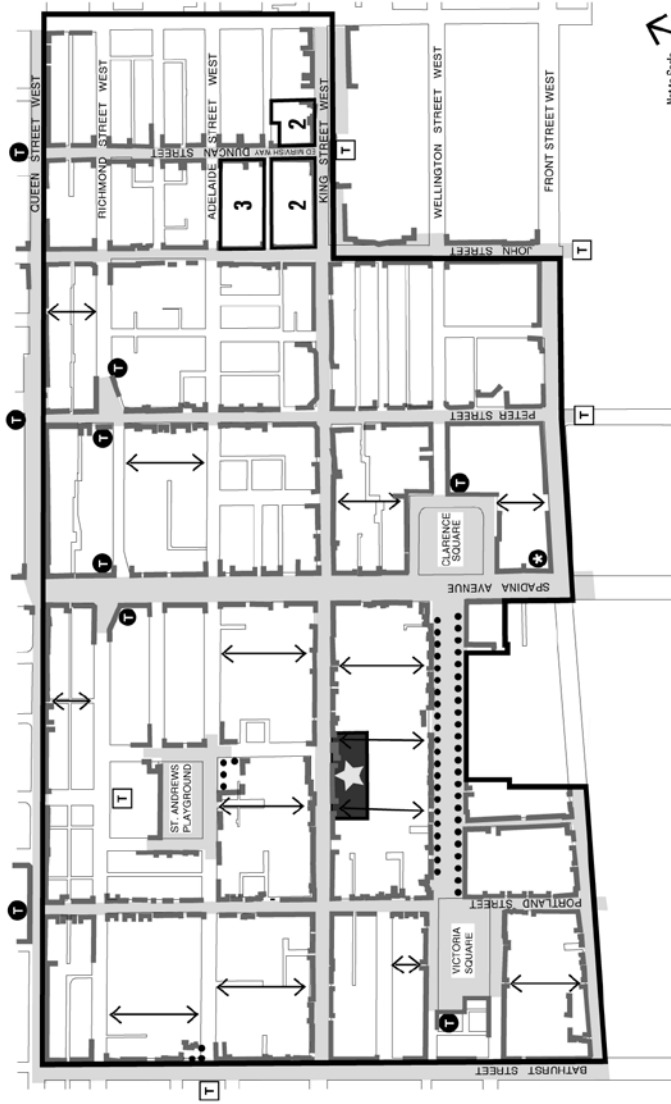
**489-539 King Street West**

File # 16 159483 STE 20 OZ

- |   |  |
|---|--|
|  Location of Application |  Parks & Open Space Areas |
|  Regeneration Areas      |  Natural Areas            |

↑  
 Not to Scale  
 05/22/2018

# Attachment 11: King-Spadina Secondary Plan - Urban Structure Plan



## King-Spadina Secondary Plan MAP 16-1 Urban Structure Plan

- Secondary Plan Boundary
- Potential Gateway
- Potential View Terminus
- Existing View Terminus
- Existing and Potential Building Edge
- Potential Mid-block Connections
- Significant Street & Open Space
- Landscape Edge
- 2 Site and Area Specific Policy Areas
- 3 Site and Area Specific Policy Area
- Location of Application

October 2015

## King-Spadina Secondary Plan Map 16-1 Urban Structure Plan

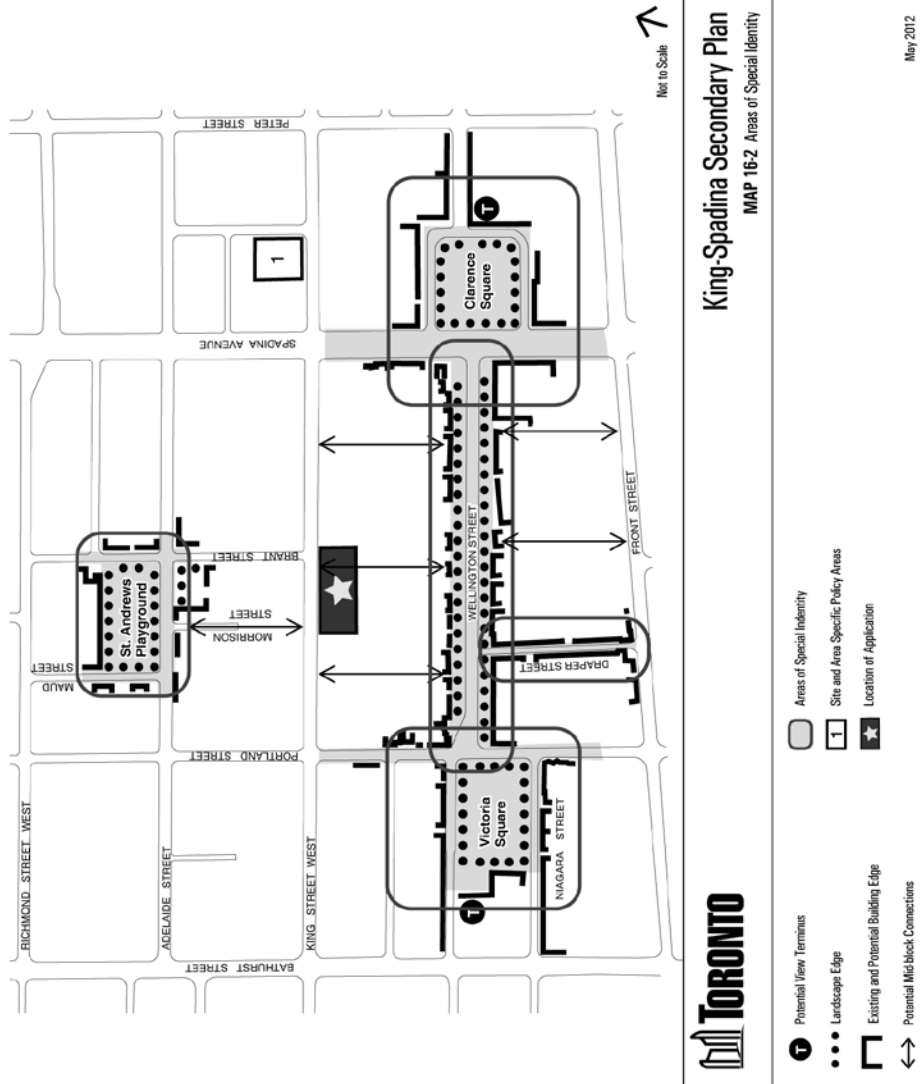
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05/22/2018

## 489 - 539 King Street West

File # 16 159483 STE 20 0Z



# Attachment 12: King-Spadina Secondary Plan - Areas of Special Identity



King-Spadina Secondary Plan  
Map 16-2 Areas of Special Identity

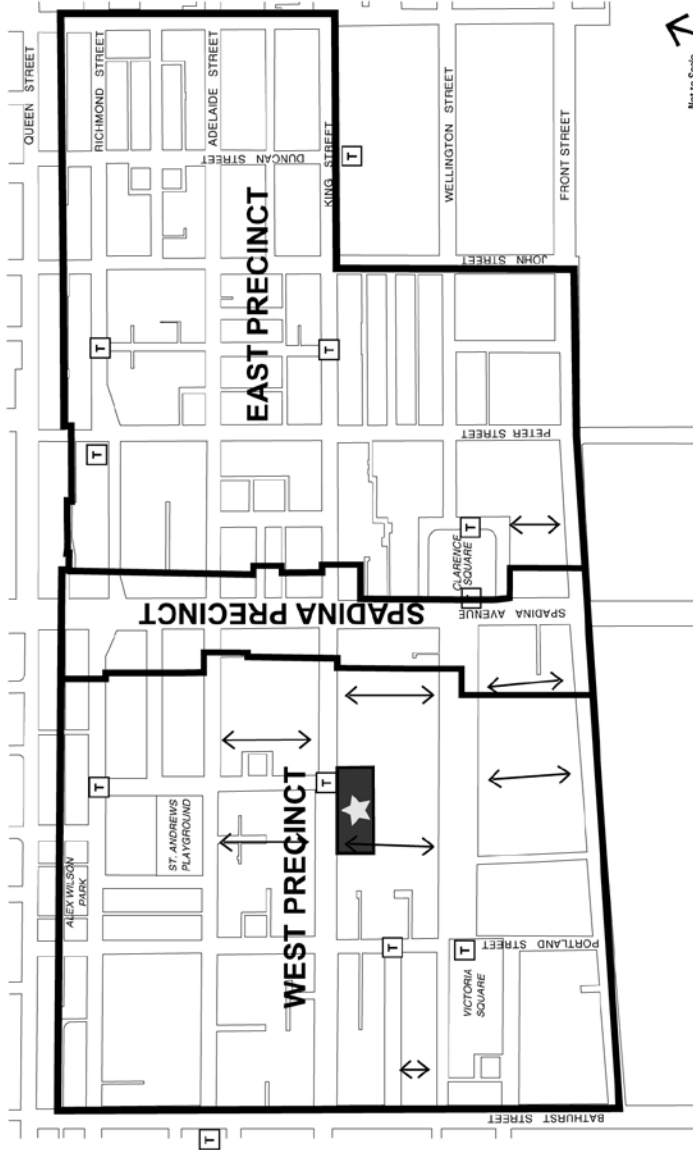
King-Spadina Secondary Plan  
Map 16-2 Areas of Special Identity

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05/22/2018

489 - 539 King Street West

File # 16 159483 STE 20 0Z

Attachment 13: King-Spadina Secondary Plan Review – Precinct Plan



Not to Scale



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

- Secondary Plan Boundary
- Location of Application
- View Terminus
- Potential Mid-block Connections

July 2006

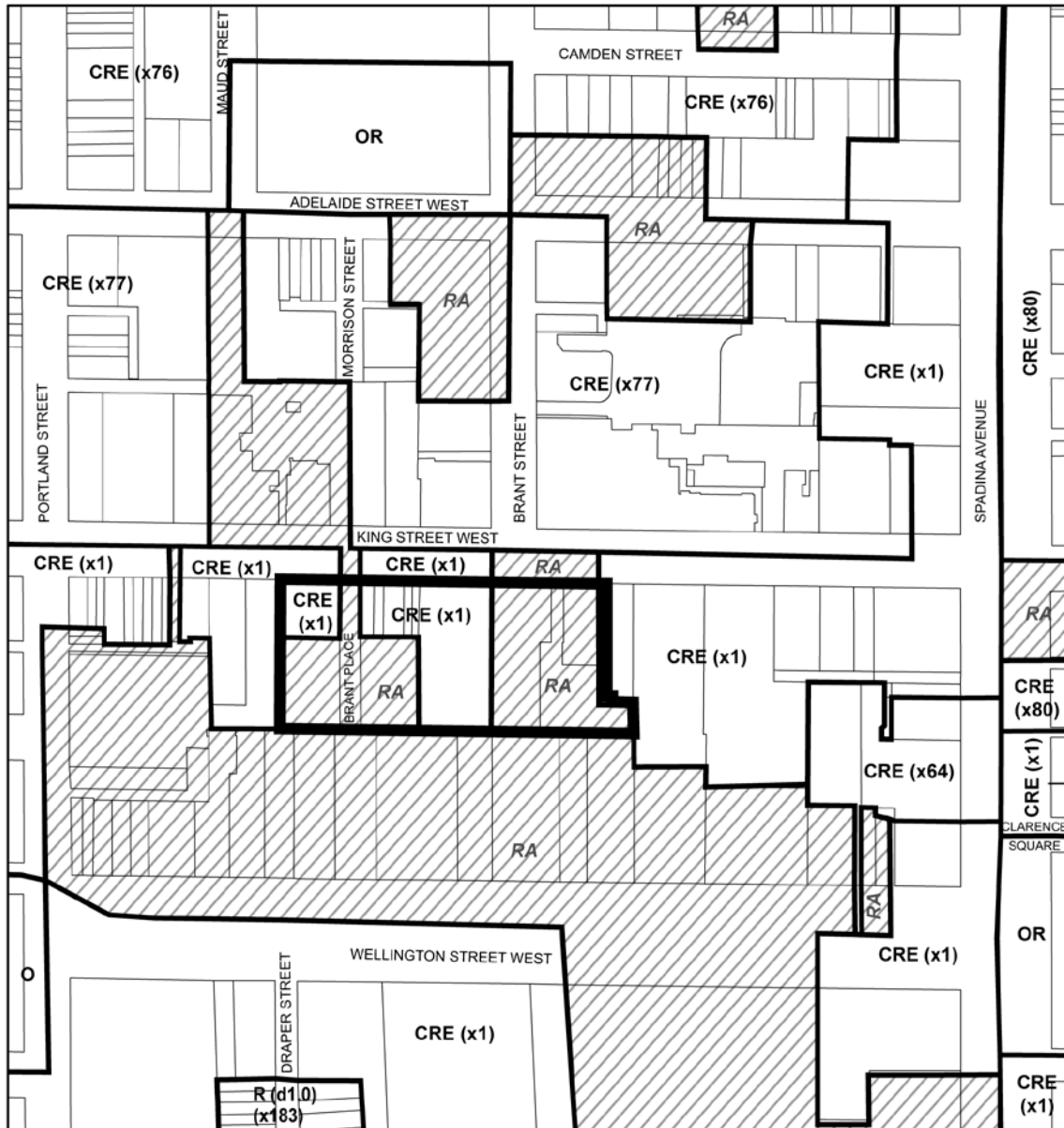
Official Plan Amendment No. 2 for King-Spadina Secondary Plan      489 - 539 King Street West

Map 16-1 Urban Structure Plan

Not to Scale  
05/22/2018

File # 16 159483 STE 20 0Z

## Attachment 14: Zoning



**Zoning By-Law No. 569-2013**

**489-539 King Street West**

File # 16 159483 STE 20 02

Location of Application

See Former City of Toronto By-Law No. 438-86  
RA Mixed-Use District

R Residential  
 CRE Commercial Residential Employment  
 O Open Space  
 OR Open Space Recreation

Not to Scale  
 Extracted: 05/22/2011