

## **578-580 King Street West – Zoning By-law Amendment Application – Final Report**

Date: January 29, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: Ward 10 - Spadina - Fort York

**Planning Application Number: 18 225642 STE 20 OZ**

### **SUMMARY**

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This application proposes to redevelop the site at 578-580 King Street West, currently containing a two-storey heritage building, with a 15-storey office building containing retail uses on the ground floor. The development, as proposed, would have a height of 58.6 metres (63.3 including the mechanical penthouse). The front (King Street) façade and the front portion of the east façade of the existing heritage building are proposed to be retained in situ and altered.

The proposed development is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017) as it relates to heritage conservation and overall built form.

The proposal also does not adequately address policies contained in the City's Official Plan, the King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina HCD Plan and does not address the King-Spadina Urban Design Guidelines (2006). It does not conserve the heritage character and attributes of the heritage building at 578-590 King Street West and would result in a height, form and massing that is not consistent with the King Spadina Built Form principles.

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

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council refuse the application for the Zoning By-law Amendment at 578-580 King Street West for the following reasons:

- a. The proposal is not consistent with the PPS (2014) as it does not adequately respond to the local context and does not conserve significant built heritage resources;

b. The proposal fails to conform with the Growth Plan for the Greater Golden Horseshoe (2017) as it does not encourage a sense of place by promoting a well designed built form, does not conserve the on-site heritage resource to help define the character of the area, does not result in a high quality public realm and does not transition well to neighbouring properties;

c. The proposal does not conform to the Official Plan, the King Spadina Secondary Plan (2006) or the Downtown Official Plan Amendment 406 as it represents over development of the site; does not result in an appropriate transition in scale towards neighbouring properties; does not result in a built form that achieves a compatible relationship with the surrounding context as it relates to height, massing, scale and setbacks; does not positively contribute to the liveability of the neighbourhood; and, additionally, creates negative impacts including light, view and privacy incompatibility. As well, the proposed development does not conserve the property's heritage attributes or result in whole building conservation of the on-site heritage building, but rather, results in a development which diminishes its scale, form and massing;

d. The proposal does not address the Council-approved King-Spadina Heritage Conservation District Plan as it does not conserve and enhance the form and scale of the on-site listed property or the heritage value of the District; and

e. The proposal does not address the Council-approved King-Spadina Urban Design Guidelines (2006) which require buildings to achieve optimum light, view and privacy conditions; reduce their impact on other properties; be compatible with existing heritage buildings in terms of massing, height, setbacks, setbacks and materials; contribute towards a high quality public realm within the context of adjacent buildings; and reinforce the distinguishing character of the West Precinct which is that of a maturing mid-rise neighbourhood in the context of conserving significant heritage buildings.

2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Local Planning Appeal Tribunal (LPAT) in support of City Council's decision to refuse the application, in the event that the application is appealed to the LPAT.

3. In the event that the Local Planning Appeal Tribunal (LPAT) allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Orders on the Zoning By-law Amendment appeal for the subject lands until such time as:

a. The owner has provided draft by-laws to the LPAT in a form and with content satisfactory to the Director, Community Planning, Toronto and East York District and the City Solicitor;

b. The property at 578-580 King Street West is designated under Part IV, Section 29 of the Ontario Heritage Act;

c. The owner has entered into a Heritage Easement Agreement with the City for the property at 578-580 King Street West to the satisfaction of the Senior Manager, Heritage Preservation Services, including the execution and registration of such agreement to the satisfaction of the City solicitor;

d. The owner has provided for the withdrawal of the appeal of the King-Spadina Heritage Conservation District Plan;

e. The owner has provided a Conservation Plan prepared by a qualified heritage consultant for the property at 578-580 King Street West to the satisfaction of the Senior Manager, Heritage Preservation Services;

f. The owner has addressed all outstanding items identified in the Memorandum from Engineering and Construction Services, dated November 20, 2018, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

g. 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; and

h. The owner has submitted a construction management plan to the satisfaction of the Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to: the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details to ensure that safety lighting does not negatively impact adjacent residences, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, vibration monitoring for the integrity of neighbouring buildings, and any other matters requested by the Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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Pre-application meetings with the applicant and City staff were held on March 9, 2017 and again on September 26, 2017. At the March 2017 meeting, the proposal presented by the applicant was for a 12-storey building containing residential uses with a height of 47 metres (50 metres including the mechanical penthouse). The proposed heritage conservation strategy resulted in the retention of the King Street façade and a small portion of the east facing façade of the heritage building, with the proposed development stepping back 5 metres above the heritage building along the King Street

frontage and then another 5 metres beyond this starting at the 7th floor. A party wall condition was proposed for the full height of the building along the west façade and a window well, measuring 3.8 metres deep and 30 metres long, was proposed in the centre of the building along the east façade for floors three to seven. Above this, starting at the seventh floor, the entire east façade was proposed to stepback 3.8 metres. In response, staff noted concerns related to conservation of just the heritage facades along King Street and the east side wall and also the proposed window alteration. It was also noted that the location of the proposed second 5 metre stepback along the King Street frontage would need to be further investigated in relation to the King Spadina HCD Plan. Staff also noted that more information would be required regarding the relationship of the building with that of the residential building to the east, Fashion House, and that a minimum stepback of 5.5 metres from the west side lot line would be required. Overall building height was also noted as not being supportable.

At the second, September 2017 meeting, the applicant presented a proposal which very closely reflected the plans formally submitted with the Zoning Amendment application. The most significant change between the updated September 2017 proposal and the March 2017 proposal was that the length of the window well on the east façade was reduced from 30 metres to 7.2 metres. Also, while in the March proposal the whole of the building was setback 3.8 metres from the east side lot line starting at the seventh storey, in the September proposal, the rear portion of the building closest to the public lane was proposed to be located on the east property line for the full height of the building. On the west side, the building was still proposed to be located on the lot line and the overall height proposed was 48.9 metres (55.7 metres including the mechanical penthouse) as the use was converted from residential to office. At this meeting staff reiterated the previously noted concerns related to heritage conservation, height and separation distances, confirming that a 5.5 metre stepback would be required on the east side as well, and that generally, the site is too constrained to accommodate a 12-storey building.

The current application was submitted on September 14, 2018 and deemed complete on October 16, 2018.

## **ISSUE BACKGROUND**

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### **Proposal**

The proposed application to amend the Zoning By-law is for a 15-storey, 58.6 metre tall building (63.3 metres including the mechanical penthouse) containing retail uses at grade and office uses above, with a gross floor area of 8,469 square metres. The mechanical penthouse, located on the 16th floor, occupies the entire footprint of the floor below and has a height of 4.7 metres, giving the building the appearance of a 16-storey building. The site is currently occupied by a two-storey heritage building of which the front (King Street) elevation and the front portion of the east elevation are proposed to be retained in situ and altered.

Above the heritage building, floors 3 to 6 are proposed to be stepped back 5.3 metres from the existing King Street façade and above this, floors 7 to 14 would step back an additional 5 metres (for a total stepback of 10.3 metres) and the 15th floor would be located a total of 22 metres from the King Street façade.

On the east side, the first 6 floors of the building are proposed to be located on the east side lot line, with the exception of a window well measuring 3.7 metres deep and 7.8 metres long starting at the second storey, located in the centre of the building. The window well is proposed to have north and south-facing windows with a living green wall on the east façade, which would be provided for the full height of the building. Starting at the 7th floor, the window well is proposed to be extended down to the south lot line, resulting in a 3.7 metre building stepback from the east lot line, save and except for the northern most part of the building which is located on the east lot line for the full height of the building, creating a party wall condition with the adjacent Fashion House condominium.

A party wall condition for the full height of the building is also proposed on the west side lot line, with the heritage building currently occupied by Lee Valley Tools and which is subject to a redevelopment proposal for a six-storey office building, including the existing heritage building (File no 17-215103 STE 20 OZ).

Along the north façade, the whole building is proposed to be set back 1.3 metres from the north lot line without any additional stepbacks for taller elements.

For further information, please view the Application Data Sheet found as Attachment No. 1, and Site Plan and Elevation Drawings in Attachments 5-9.

### **Site and Surrounding Area**

The subject site is rectangular in shape and has a frontage of 15.5 metres and depth of 57 metres, for a total area of 884 square metres. The site currently contains a two-and-a-half storey building listed on the City's Heritage Register in 2005, known as the Davis and Henderson Building, constructed in 1904 by Burke and Horwood Architects.

The following uses are found surrounding the site:

South: Directly across the street, on the south side of King Street West are a series of two and three-storey commercial buildings. Just east of this, also on the south side of the street at 485-539 King Street West, is the site of a development proposal for a 16-storey mixed-use building commonly known as "BIG", recently approved by the LPAT.

East: Immediately adjacent to the site to the east, on the north side of King Street West, is a recently completed 12-storey residential building which incorporates a heritage building at 570-572 King Street West. This "C"-shaped building, known as Fashion House, covers the depth of the block with frontage on Adelaide Street West. Farther east is a site subject to a development proposal for a 12-storey mixed-use building containing office and residential uses at 540-544 King Street West (Application No. 18-125163 STE 20 OZ).

West: Immediately west of the subject site at 582-590 King Street West is a proposal (currently under appeal at the LPAT) for an office development with a six-storey component fronting King Street West and a 12-storey component fronting Adelaide Street West (application No. 17-215103 STE 20 OZ). That site contains an existing four-

storey heritage building at 582-590 King Street West as well as a four-storey heritage building at 473 Adelaide Street West and a one-storey heritage building at 471 Adelaide Street West. Farther west is a four-storey heritage building at 600 King Street West.

North: To the north, a public lane separates the subject site from the two heritage buildings at 471 and 473 Adelaide Street West, subject to the development proposal for an office building as noted above. Just east of this is the Adelaide Street portion of the Fashion House and farther east is an eight-storey residential condominium commonly known as Fashion District Lofts followed by a development proposal for an 11-storey office building at 445-451 Adelaide Street West, under appeal at the LPAT.

### **Provincial Land-Use Policies: 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 the City 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;
- 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 the Report.

## **Municipal Planning Framework**

This application has been reviewed against the policies of the City of Toronto Official Plan, King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina Heritage Conservation District Plan, the King-Spadina Urban Design Guidelines (2006), Downtown Official Plan Amendment 406 and the City-Wide Tall Building Design Guidelines.

## **Toronto Official Plan**

### **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. The subject lands are situated in the Downtown.

Section 2.2.1 Downtown: The Heart of Toronto: in this section, the Official Plan 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, and



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 fit of the new development 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

**Section 3.1.1 Public Realm:** This section of the Official Plan recognizes 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.

**Section 3.1.2 Built Form:** The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

Section 3.1.5 Heritage Conservation: This section contains policies related to the conservation of Toronto's cultural heritage, significant buildings, properties, districts, landscapes and archaeological sites. On May 12, 2015, the former Ontario Municipal Board approved Official Plan Amendment 199 to provide further policy direction on development adjacent to heritage properties. In particular, Policy 3.1.5.4 states that heritage resources on the City's Heritage Register will be conserved and maintained. Additionally, Policy 3.1.5.26 states 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. Further, Policy 3.1.5.27 discourages the retention of facades alone and encourages conservation of whole or substantial portions of buildings. Finally, Policies 3.1.5.32-33 deal specifically with development within Heritage Conservation Districts (HCD) to ensure the integrity of the district's heritage values, attributes and character are conserved in accordance with the HCD Plans.

## Chapter 4- Land Use Designations

The subject lands are designated Regeneration Areas on Map 18 in the Official Plan.

Section 4.7 Regeneration Areas: the Official Plan describes Regeneration Areas as containing a broad mix of uses including commercial, residential, light industrial, parks and open space, institutional, live/work and utility, all of which are permitted within Regeneration Areas in order 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 buildings 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 ensuring new buildings are compatible with adjacent heritage resources.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **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. The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form, heritage and the 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 agreements.
- 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 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.

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. 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.

A final community consultation meeting was held on December 4, 2018 to present the draft Secondary Plan policies which now include applicable elements of the Downtown Official Plan Amendment 406. The complete draft Secondary Plan as well as the presentation boards can be viewed at: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/king-spadina-secondary-plan-review/>

A Final Report outlining the draft Secondary Plan and the King Spadina Public Realm Strategy will be considered at a statutory public meeting before Toronto and East York Community Council, in the first quarter of 2019.

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

At its meeting of October 2, 2012, Toronto City Council directed Heritage Preservation Services (HPS) staff to undertake a Heritage Conservation District (HCD) study of the King-Spadina area. A team led by Taylor-Hazell Architects undertook the study and was subsequently retained to prepare the Plan. The first phase of the HCD Study was concluded in the spring of 2014 and recommended that the area merited designation under Part V of the Ontario Heritage Act as an HCD on the basis of its historical, associative, physical, contextual, and social and community values.

In the fall of 2014 HPS initiated the second (HCD Plan) phase of the study, which resulted in the development of the statements of objectives, statements of cultural heritage value, boundaries, policies and guidelines, and community and stakeholder consultation.

The HCD Plan was endorsed by the Toronto Preservation Board on June 22, 2017, followed by the September 6, 2017 Toronto and East York Community Council and was adopted at the October 2-4, 2017 meeting of City Council, thereby designating the King-Spadina Heritage Conservation District Plan under Part V of the Ontario Heritage Act. The HCD Plan is currently under appeal at the LPAT.

The overall objective of the King-Spadina HCD Plan is the protection, conservation and management of its heritage attributes, including contributing properties, so that the District's cultural heritage value is protected in the long-term.

The properties identified as contributing in the HCD Plan, including the subject property, were listed on the City's Heritage Register, adopted by City Council on December 5, 6, 7 and 8, 2017.

The final report and decision of City Council are available at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>. The HCD Plan is currently under appeal to the LPAT.

## **TOcore: Planning Downtown**

### **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 Secondary Plan for the Downtown Area. 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 has been forwarded to the Minister of Municipal Affairs for approval. Council has directed Staff to use the policies contained within 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.

Map 41-3 of the Downtown Plan designates the site as Mixed Use Areas 2 - Intermediate. Policies 6.25 and 6.26 of the Downtown Plan detail that within Mixed Use

Areas 2 development will include building typologies that respond to their site context, including low-rise, midrise and some tall buildings, and that the scale and massing of buildings will respect and reinforce the existing and planned context of the neighbourhood. Further, Policy 6.27 sets out that development within Mixed Use Areas 2 will provide for a diverse range of uses, including retail, service, office, institutional and residential.

King Street West is identified as a Priority Retail Street on Map 41-5 where Policies 6.36-6.40 place emphasis on locating retail uses at grade to maintain the existing fine-grain pattern of retail uses. King Street is also identified as a Great Street on Map 41-7, where Policy 7.17 prioritizes public realm improvement works.

### **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, including a minimum setback of 12.5 metres for any portion of a building above the base building which fronts on a property line that is not a street line.

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.

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

### **Zoning**

The site is zoned Reinvestment Area (RA) in former City of Toronto Zoning By-law 438-86. This zoning category permits a range of residential, commercial, institutional and limited industrial uses. The current zoning permits a maximum building height of 23 metres for this site if a 3 metre setback at 20 metres is provided. A minimum 7.5 metre setback from both the side and rear lot lines for areas located farther than 25 metres from the street lot line is required.

The site is also subject to Zoning Bylaw 569-2013 and is zoned CRE (x77) (Commercial Residential Employment) which is substantially the same with regards to use, density and height as the former City By-law.

### **Design Guidelines**

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 the East Precinct, east of Spadina Avenue.

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.

### 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. In particular, guideline 3.2.3 Separation Distances, requires the tower portion of tall buildings to set back 12.5 metres or more from the side and rear property lines or from the centre line of an abutting public lane. The link to the guidelines is here: <https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

### Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Approval has not been submitted, but would be required prior to the issuance of any building permits.

### Reasons for Application

Zoning By-law 569-2013 permits a height limit of 23 metres which the proposal would exceed by 35.6 metres, resulting in a building height of 58.6 metres (63.3 including the mechanical penthouse). In addition, there are deficiencies with other performance standards within the Zoning By-law, including stepbacks, angular plane requirements and parking.

### Application Submission

The following reports/studies were submitted in support of the application:

- Arborist Report
- Archaeological Assessment
- Architectural Plans
- Civil and Utilities Plans
- Geotechnical Study
- Heritage Impact Statement
- Hydrogeological Report
- Landscape Plan
- Pedestrian Level Wind Study
- Planning Rationale
- Site Servicing Study
- Stormwater Management Report
- Sun/Shadow Study
- Transportation Impact Assessment



These materials can be viewed at the Application Information Centre at:  
<https://aic.to/578KingStW>

### **Agency Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate an appropriate opinion regarding the proposed Zoning Amendment Application.

### **Community Consultation**

Staff held a community consultation meeting on January 14, 2019 which was attended by approximately 50 members of the public. Comments raised at the meeting included concerns related to the overall building height on such a small site and the impact this would have on the public realm and on the neighbouring properties including Fashion District Lofts and the residential building at 10 Morrison Street in terms of shadow, natural light, view, privacy and air quality. In particular, residents of Fashion District Lofts were quite concerned about the limited separation distance between their building and the proposed building. Concerns were also raised regarding the number of active development applications within the block bounded by King Street West, Portland Street, Adelaide Street and Brant Street and the resultant cumulative impacts of the added massing, density and construction nuisances. Some concerns were also raised regarding the added pressures this proposal would place on the abutting public lane to the north. Additionally, the proposed heritage conservation scheme was referred to as 'decorative' rather than true conservation.

In addition, staff are in receipt of a number of written comments voicing concerns related to the impact of the proposed development on the Fashion District Lofts and also concerns related to parking and loading access via the lane to the north of the subject site.

## **COMMENTS**

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

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this Report.

Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan for the reasons as outlined below.

The PPS encourages intensification and efficient development, and requires that sufficient land be made available for intensification and redevelopment, however, it recognizes that local context is important and that well-designed built form contributes toward long-term economic prosperity. Policy 1.7.1 d) states that long-term economic prosperity shall be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources.

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 implements the direction of the PPS by requiring an appropriate built form which fits harmoniously into its existing and planned context.

The 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 proposed development represents overdevelopment of a very narrow (15.5 metre wide) lot and does not provide for appropriate heritage conservation, and is thereby inconsistent with the character of the area. The proposal is inconsistent with key objectives of the Official Plan and, by extension, is inconsistent with the PPS.

Further, Policy 2.6 of the PPS requires that heritage resources be conserved and this is also reflected in Policy 3.1.5 of the City of Toronto Official Plan. The proposed stepbacks from the King Street elevation of the heritage building (relative to the proposed height) and the lack of stepping from the east and west elevations, overwhelm the heritage building and diminish its scale, form and massing. Additionally, the proposal only contemplates retention of the primary King Street elevation and a small portion of the east elevation, whereas the Official Plan encourages the conservation of whole or substantial portions of heritage buildings and that the retention of facades alone is discouraged. Further, the King Spadina Heritage Conservation District Plan (currently under appeal at the LPAT), requires whole building conservation of commercial detached buildings. As well, the height, massing and scale of the proposed development does not achieve a compatible relationship with the adjacent heritage buildings to both the east and west of the site.

#### Growth Plan (2017)

The Growth Plan builds on the policy foundation established by the PPS and provides more specific land use policies related to managing growth and providing environmental protection for the Greater Golden Horseshoe. Section 2.2.1 provides policies for managing growth and setting minimum density targets and Section 1.2.1, Guiding Principles, speaks to achieving complete communities, making efficient use of land and transit, and providing economic opportunities.

Section 1.2.1 of the Growth Plan speaks to conserving and promoting cultural heritage resources to support the social, economic and cultural well-being of communities. Furthermore, Section 4.2.7 indicates that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities. In conformity with the Growth Plan, the City of Toronto Official Plan contains policies requiring development on properties containing heritage resources to be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate the visual impact on it. Additionally, conservation of whole or substantial portions of heritage resources is encouraged. The proposal for a 13-storey addition on top of the existing

heritage building and conservation of only the King Street façade and a small portion of the east façade does not adequately address these Official Plan policies and thereby does not conform with the Growth Plan.

The Growth Plan identifies the Downtown as an Urban Growth Centre (UGC), which is a regional focal point for accommodating population and employment growth in complete communities. The Growth Plan builds on Section 2(r) of the Planning Act, which recognizes the promotion of built form that is well-designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant, as matters of provincial interest that municipalities (as well as the LPAT) shall have regard for in making their decisions. Additionally, the Growth Plan policies also build on PPS Policy 1.7.1(d), which states that long term economic prosperity will be supported by encouraging a sense of place by promoting well-designed built form and also by conserving built heritage resources that help define the character of the area.

Policy 2.2.2.4 of the Growth Plan directs municipalities to develop a strategy to achieve minimum intensification targets which will identify the appropriate type and scale of development as well as transition of built form towards adjacent areas. Policy 5.2.5.6 states that, in planning to achieve the minimum intensification and density targets of the Plan, municipalities will develop and implement urban design and Official Plan policies, including other supporting documents, which direct the development of a high quality public realm and compact built form.

The King-Spadina area is located in the Downtown 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 to meet this target. The increased density that results from the proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

This application has been reviewed against the Planning framework applicable to the King-Spadina Area as described in the Issue Background Section of this Report. The City of Toronto Official Plan, the King-Spadina Secondary Plan (2006), the on-going King-Spadina Secondary Plan review, the Council-adopted King-Spadina Secondary Plan Heritage Conservation District Plan (under appeal), Downtown Official Plan Amendment 406, the City-wide Tall Building Design Guidelines and the King-Spadina Urban Design Guidelines (2006) all work together to create the planning framework for the King-Spadina Area in a manner that conforms with the Growth Plan. The proposed development does not address the policy directions of the Official Plan and its supporting documents, and therefore also does not conform with the Growth Plan.

### **Height, Built Form and Massing**

The King-Spadina planning framework as described above and also in the Issue Background Section of this report recognize the King-Spadina Area, including the West Precinct, as one of the highest growth areas in the City of Toronto which has evolved from an area of employment (non-residential uses), to an area with a range of uses including residential. They recognize that, while the area will continue to grow and

change, it must do so in a way which positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage character of the area. The characteristics and qualities of the area are to be reinforced through special attention to built form, heritage and the public realm. Major policy objectives related to King-Spadina include the conservation of the heritage value and attributes of both: heritage properties and the Heritage Conservation District.

The Downtown Plan designates most of the West Precinct as Mixed-Use Areas 2 - Intermediate, which requires building typologies to respond to their context and requires that the scale and massing of buildings respect and reinforce the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type.

The proposed development, in its current form, does not adequately address the applicable planning framework, as it results in overdevelopment of the site and does not provide for appropriate heritage conservation. The policies of Section 3 – Built Form of the King-Spadina Secondary Plan and in particular the policies of Section 3.6 – General Built Form Principles, specify that, among other considerations, new buildings are to be sited for adequate light, view and privacy and compatibility with the built form context. Additionally, new buildings are to 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.

Building on these key principles, the King-Spadina Secondary Plan review identified a height limit of 45 metres, including the mechanical penthouse, for the West Precinct. Additionally, to achieve this maximum height, buildings in the West Precinct are required to provide a minimum stepback above the height of the base building of 5.5 metres from any lot line that is not a street, or from the centre-line of a public lane, and at least 3 metres from a public street (more when there are on-site or adjacent heritage resources).

The height of the proposed building at 58.6 metres (63.3 metres including the mechanical penthouse) is too tall for the context of the West Precinct, exceeding the proposed recommended height limit by 18.3 metres. This proposed height, in conjunction with the lack of side yard and rear yard stepbacks as well as an insufficient stepback from the King Street frontage, results in an undesirable development for the site, both from a built form and heritage conservation perspective. In essence, the proposal would result in a negative impact on the public realm; would create light, view and privacy issues with neighbouring properties; and, would negatively impact the scale, form, massing and attributes of the existing heritage building.

The narrow condition of the site limits the ability to provide the required 5.5 metre stepbacks from the east and west side lot lines as only 4.5 metres would be left over for development. This demonstrates that the site is too small for the type of development contemplated. For this reason, the site can accommodate little more than the as-of-right Zoning By-law height of 23 metres. However, any additions to the existing two-storey heritage building would be required to provide for appropriate heritage conservation.

Staff also acknowledge that the King Street portion of the residential building to the east, Fashion House, has a height of 40 metres and is located on its west property line save for a window well in the centre of the building (located directly across from the window well proposed on the subject site). This condition, however, was approved by the former Ontario Municipal Board. Additionally, as part of the Fashion House development, a large heritage building (now occupied by the Keg Steakhouse) was conserved on the site as a whole building, with the new development kept entirely off of it. The new development is thereby located 20 metres from the King-Street right-of-way. This substantial setback from King Street, in combination with the window well, means that only a small portion of the west façade of the building is actually located on its west side lot line. In comparison, the proposed building would be located right on its east side lot line up to a height of approximately 27 metres (save for the small window well). Above this height, a deficient setback of 3.7 metres would be applied to the east wall (but only for the front half of the building, closest to King Street) up to a height of 63.3 metres. The rear portion of the building would be located right on the east property line for the full (63.3 metre) height of the building.

### **Heritage Impact and Conservation Strategy**

The applicant's proposed heritage conservation strategy includes the construction of a new, 13-storey addition above the existing two-storey heritage building, which would incorporate a 5 metre setback at the third floor and another 5 metre setback starting at the seventh floor. The first floor of the heritage building is also proposed to be lowered, which would involve the lowering of the brick spandrels along the primary King Street West elevation and bringing the glazing down to grade. Additionally, a terrace is proposed on the roof of the heritage building. The King Street elevation and the front portion of the east side wall (approximately 5.3 metres) are proposed to be retained. A new opening will also be created in the east side wall.

The proposed heritage conservation strategy does not meet the objectives of the City of Toronto Official Plan and the King-Spadina Secondary Plan. The King-Spadina Secondary Plan specifies that heritage buildings in the King Spadina Area are essential elements of physical character and thereby the City will seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings. Overall, 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.

The proposal to retain only the King Street façade and the front portion of the east side wall does not result in whole building conservation, nor does it represent a substantial portion of the building, as required in the City of Toronto Official Plan. As well, the construction of a 13-storey addition with 5 and 10 metre setbacks from the King Street elevation, with setbacks from the east and west elevations, would have a negative impact on the small scale commercial building by overwhelming and diminishing its scale, form and massing. The proposed setbacks are not sufficient to conserve the property's three-dimensional heritage character and attributes or to mitigate the visual and physical impact on them. As well, the additional massing and lack of setbacks results in a built form that is not subordinate to the cultural heritage value and attributes of the King-Spadina HCD.

Additionally, the two-and-a half-storey character of the building is identified as a heritage attribute which would be lost, and not conserved, with the lowering of the first floor. The extension of the first floor windows to grade on the primary elevation and the lowering of the spandrels would not only result in the loss of the important publicly-visible basement level, but would also provide new openings that are proportionally incompatible with the heritage building. A visible terrace on the roof of the heritage building is also an incompatible alteration.

The absence of stepbacks from the east and west elevations of the heritage building would also have a negative impact on the scale, form, massing and attributes of the immediately adjacent heritage properties at 570-572 King Street West and also 582-590 King Street West. The proposed building would crowd these adjacent buildings and completely obscure the west elevation gable end of the building to the east at 570-572 King Street West.

While the King-Spadina HCD Plan was adopted by City Council and is currently under appeal to the LPAT, staff also reviewed the subject application in the context of the HCD Plan's emerging policy framework.

The proposal does not meet several of the objectives of the King-Spadina HCD Plan, adopted by City Council on October 2, 2017. The applicant proposes to retain only the front (King Street) elevation and the front portion of the east side wall of the heritage building. As a commercial detached building, it should be conserved in its entirety. The proposal does not conserve the primary structure's three-dimensional integrity and the additional massing is not subordinate to the District's cultural heritage value and attributes, both as a result of inadequate stepbacks from the King Street and the east side facades. Further, the proposal fails to conserve the original window openings on the street facing elevation by lowering the first floor windows to grade, further impacting its heritage character.

### **Sun, Shadow, Light, View and Privacy**

Built form Policies 3.1.2 in the Official Plan require new buildings to adequately limit any shadowing on adjacent properties and streets and the King-Spadina Secondary Plan Built Form Policies 3.6 also require new buildings to be sited and massed to provide adequate light, view and privacy for neighbouring properties. The window well at the subject site is proposed to be located directly across from an existing window well at the adjacent residential building to the east, Fashion House. At the community consultation meeting, a number of comments were raised by residents of Fashion House occupying units within the window well, voicing concerns regarding loss of access to natural light, privacy and sky view. Additionally, one such resident also noted that the applicant's shadow study submitted with the application incorrectly shows existing shadow within the window well for all times of the day during the spring and fall equinoxes. The proposed building however, would cast new shadow on the window well starting at 12:18 pm (in both March and September) and this condition would continue throughout the rest of the day.

Additionally, the window well at Fashion House is 5-5.5 metres deep. The window well at the subject site, directly across from the one at Fashion House, is proposed to be 3.7

metres deep, thereby creating a 8.7-9.2 metre separation distance between the two buildings. This falls short of the minimum 11 metres typically required in the West Precinct and supported by the updated Secondary Plan (which is achieved when each development provides a 5.5 metre setback). Additionally, the proposed building is approximately 23 metres taller than the Fashion House thereby further exacerbating the negative impacts on the window well of the adjacent building by further limiting natural light penetration and skyview.

### **Parking and Loading**

The proposed development includes 23 parking spaces accessed by a single parking elevator. While this is generally acceptable in principle, City Transportation Services staff would require additional information confirming that the internal dimensions of the elevator are sufficient to accommodate a variety of vehicle types and also further information regarding anticipated queuing activity which would occur within the public laneway.

The proposed development would require two Type-B and Two Type-C loading spaces, however, only one of each is proposed. The constricted site dimensions preclude all four loading spaces from both being provided, thereby further demonstrating that the proposal represents overdevelopment of the site. Additionally, Transportation Services would also require additional manoeuvring diagrams for the Type-C loading space.

### **Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Any development proposals for non-residential uses are required to meet the parkland requirement through a 2% parkland dedication, which, in this case, would be required as cash-in-lieu.

### **Toronto Green Standard**

Council has recently adopted the revised, four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. Any development proposal on this site would be required to meet Tier 1 of the TGS.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the Toronto Official Plan, the King-Spadina Secondary Plan (2006), the ongoing King-Spadina Secondary Plan review, the Council-adopted King-Spadina Secondary Plan Heritage Conservation District Plan (under appeal), Downtown Official Plan Amendment 406, the City-wide Tall Building Design Guidelines, and the King-Spadina Urban Design Guidelines (2006). Staff are of the opinion that the proposal is not consistent with the PPS (2014) and conflicts with the Growth Plan (2017). Further,

the proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to building height, massing and scale, does not appropriately conserve the heritage property and does not positively respect or reinforce the surrounding existing and planned context. The proposal represents overdevelopment of the site and therefore does not represent good planning and is not in the public interest. Staff recommend that Council refuse the application.

## **CONTACT**

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Joanna Kimont, Planner, Tel. No.: (416)392-7216, E-mail: Joanna.Kimont@toronto.ca

## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA  
Director, Community Planning,  
Toronto and East York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

- Attachment 5: Site Plan
- Attachment 6: South Elevation
- Attachment 7: East Elevation
- Attachment 8: North Elevation
- Attachment 9: West Elevation



## Attachment 1: Application Data Sheet

Municipal Address: 578 KING ST W Date Received: September 14, 2018

Application Number: 18 225642 STE 20 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment to facilitate the redevelopment of the subject site with a 15-storey office building having a height of 63.3 metres (including the mechanical penthouse), which will also include retail uses within a 2-storey base element that partially retains the existing heritage-listed building. The total proposed gross floor area is approximately 8,469 square metres.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC	BOUSFIELDS INC	AUDAX ARCHITECTURE	C SQUARED PROPERTIES 580 KING INC

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	King-Spadina Secondary Plan
Zoning:	569-2013	Heritage Designation:	Yes - listed
Height Limit (m):	23	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq m):	885	Frontage (m):	16	Depth (m):	57
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	633		686	686
Residential GFA (sq m):				
Non-Residential GFA (sq m):	1,266		8,469	8,469
Total GFA (sq m):	1,266		8,469	8,469
Height - Storeys:	2		15	15
Height - Metres:			59	59

Lot Coverage Ratio:	77.49 (%)	Floor Space Index:	9.56
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:		
Retail GFA:	1,159	146
Office GFA:	6,641	
Industrial GFA:		
Institutional/Other GFA:	668	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:				
Other:				
Total Units:				

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					
Total Units:					

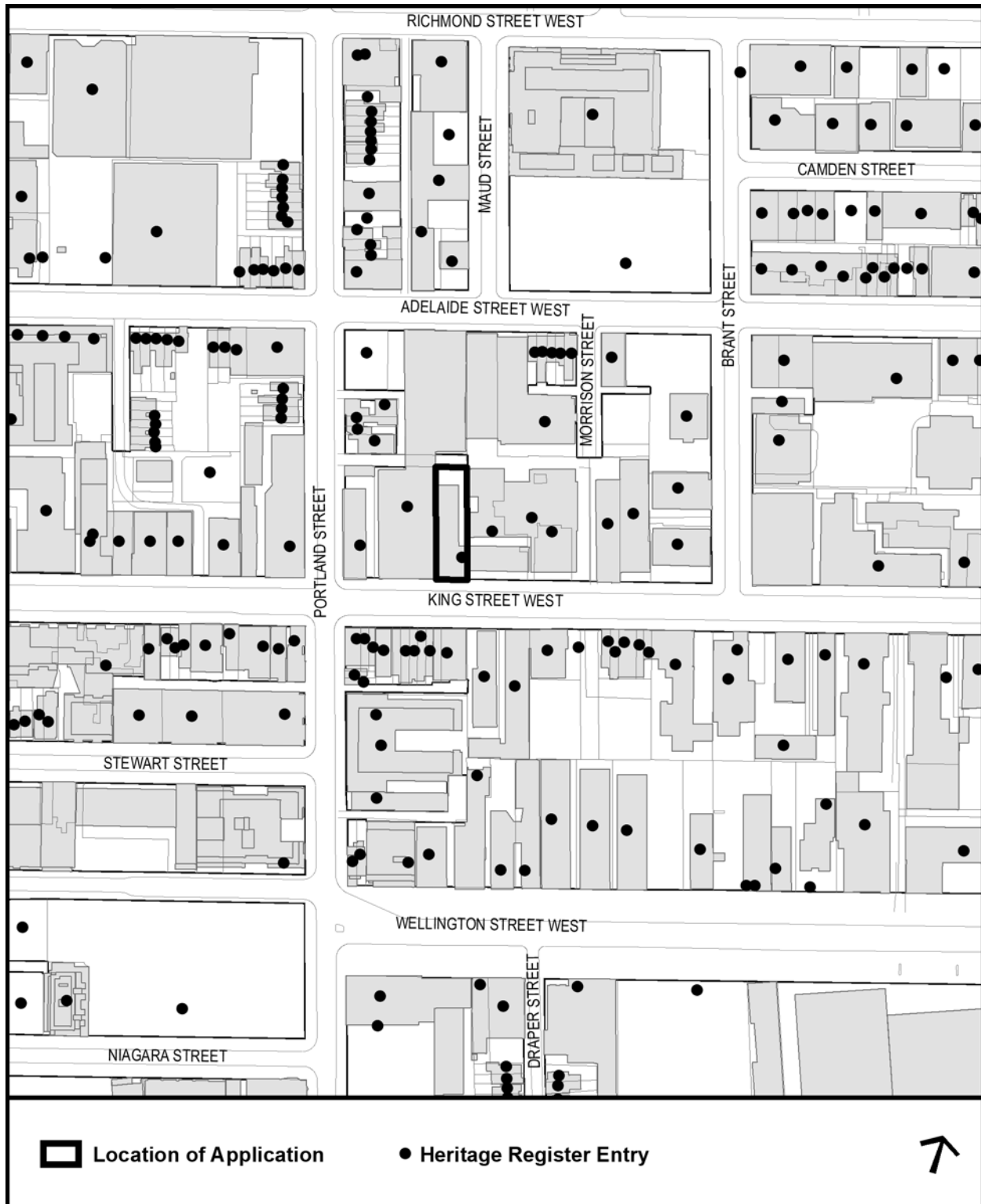
#### Parking and Loading

Parking Spaces:	28	Bicycle Parking Spaces:	41	Loading Docks:	2
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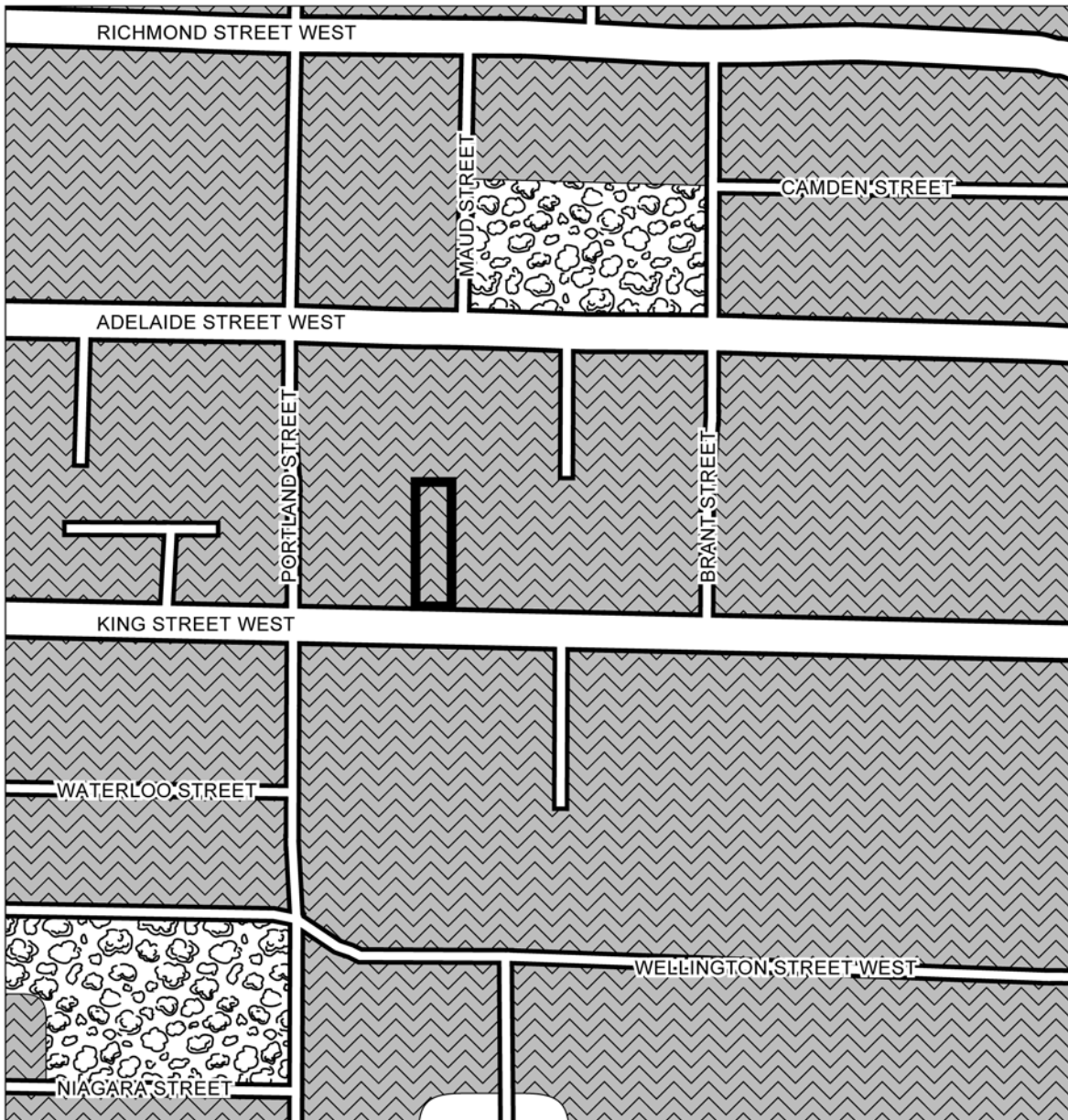
#### CONTACT:

Joanna Kimont, Planner  
416-392-7216  
Joanna.Kimont@toronto.ca

## Attachment 2: Location Map








## Attachment 3: Official Plan Land Use Map



## Official Plan Land Use Map #18

578-580 King Street West

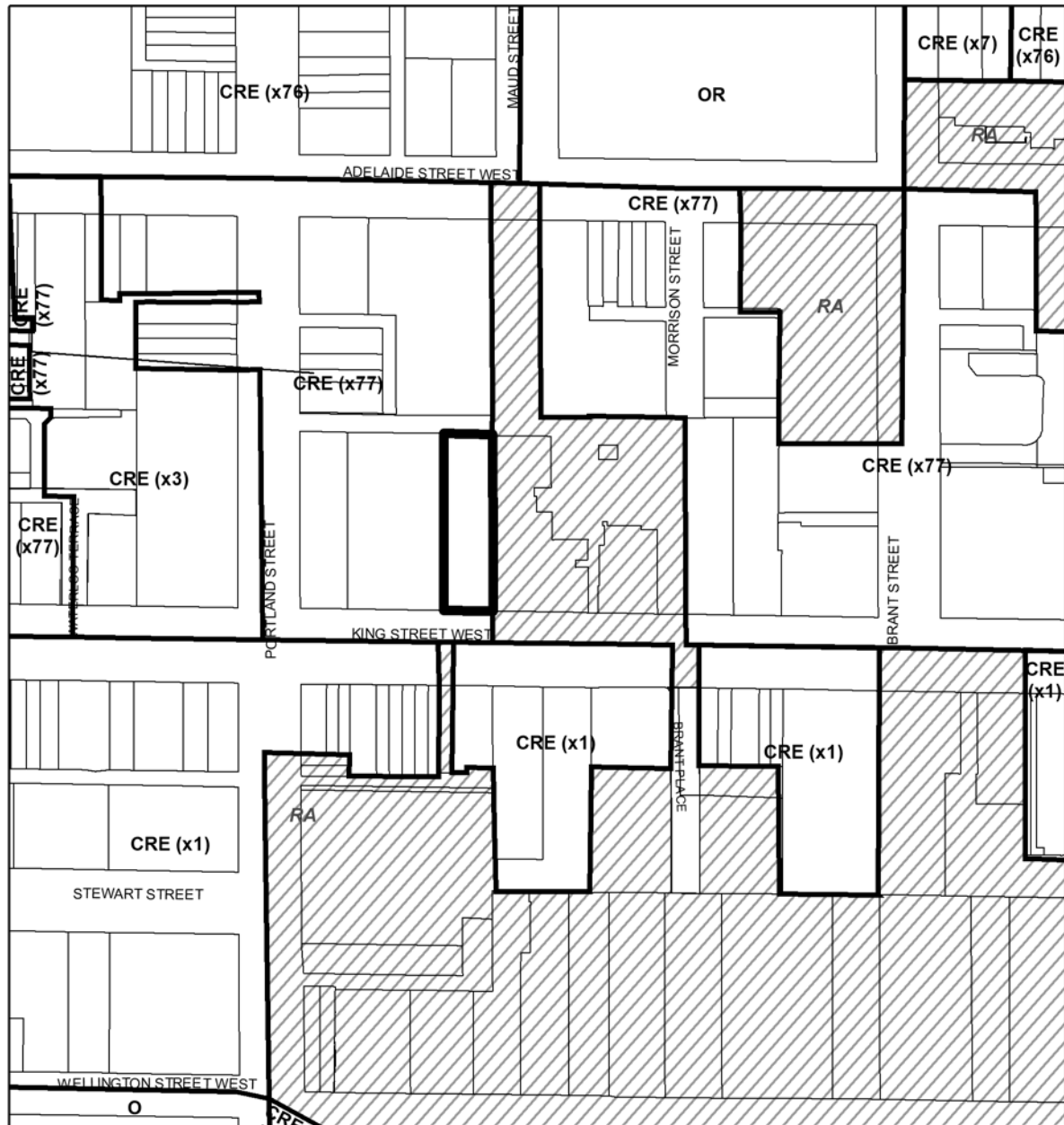
File # 18 225642 STE 20 0Z

	Location of Application		Parks & Open Space Areas
	Neighbourhoods		Parks
	Regeneration Areas		



Not to Scale  
01/21/2019

# Attachment 4: Existing Zoning By-law Map



**Zoning By-law 569-2013**

**578-580 King Street West**

**File # 18 225642 STE 20 0Z**



Location of Application

**CRE** Commercial Residential Employment

**O** Open Space  
**OR** Open Space Recreation



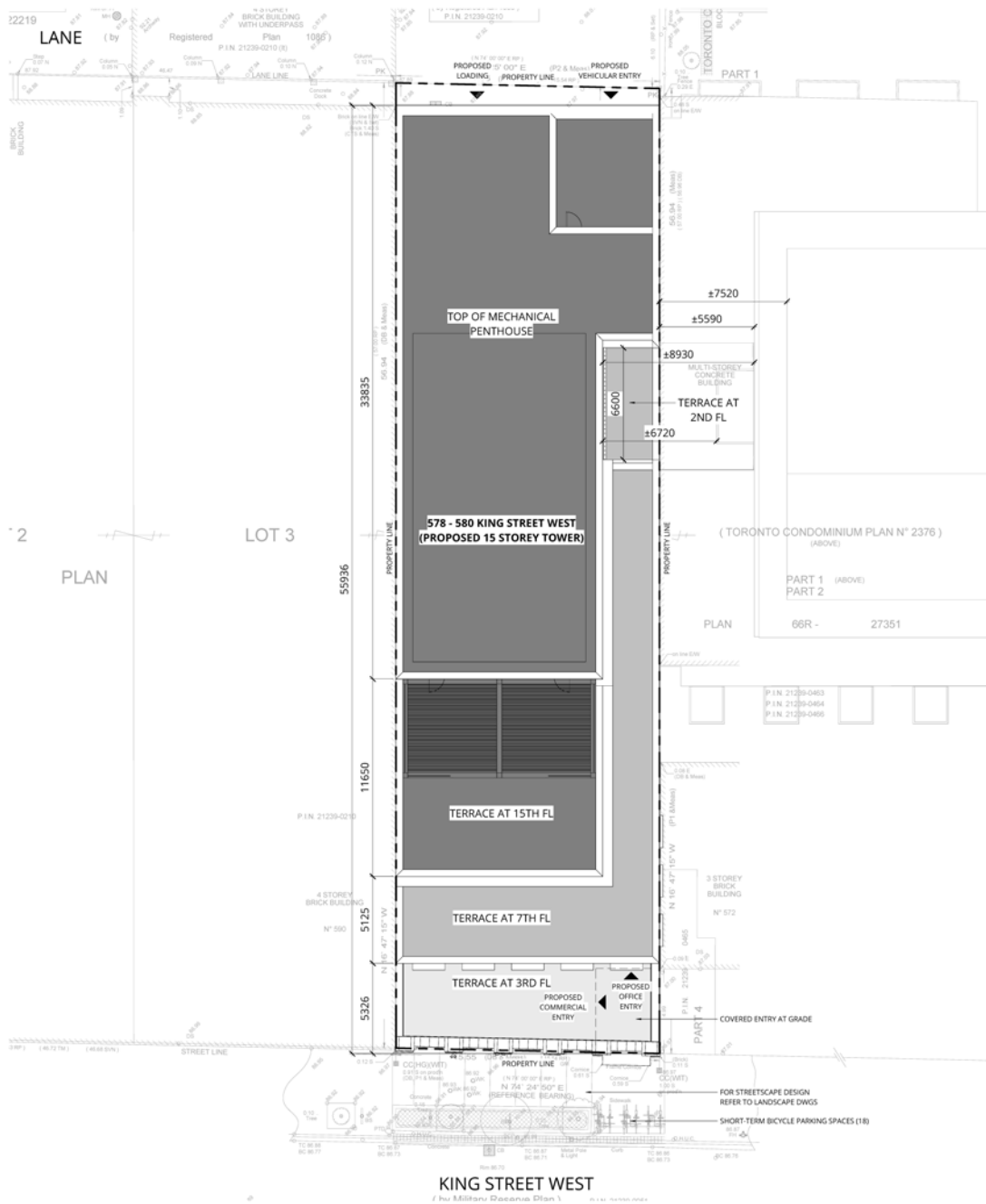
See Former City of Toronto By-Law No. 438-86

**RA** Mixed-Use District



Not to Scale  
Extracted: 01/07/2019

## Attachment 5: Site Plan



### Site Plan

Applicant's Submitted Drawing

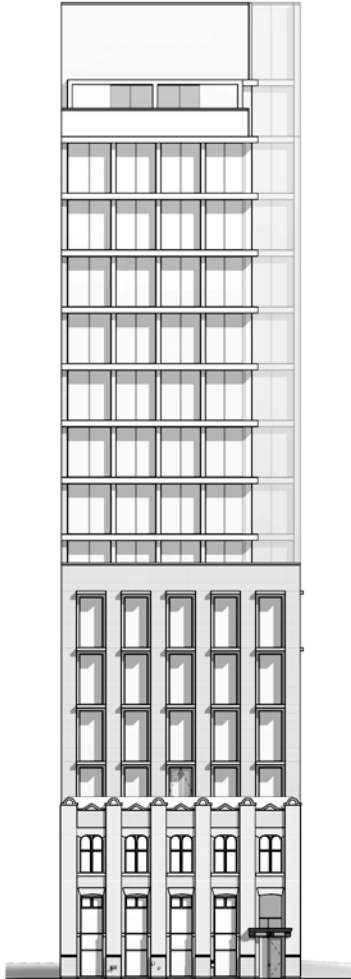
Not to Scale  
01/07/2019



578-580 King Street West

File # 18 225642 STE 20 02

## Attachment 6: South Elevation



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### South Elevation

Applicant's Submitted Drawing

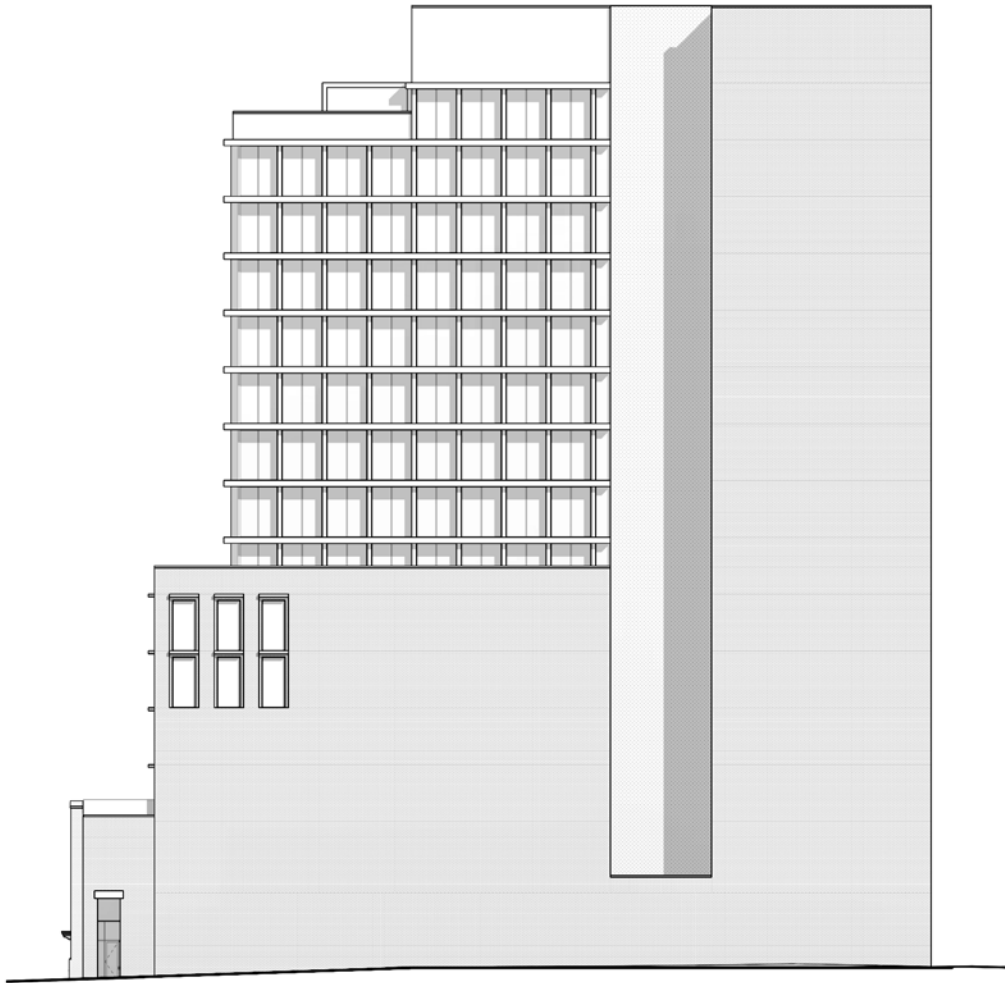
Not to Scale  
01/07/2019

578-580 King Street West

File # 18 225642 STE 20 0Z

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## Attachment 7: East Elevation



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### East Elevation

Applicant's Submitted Drawing

Not to Scale  
01/07/2019

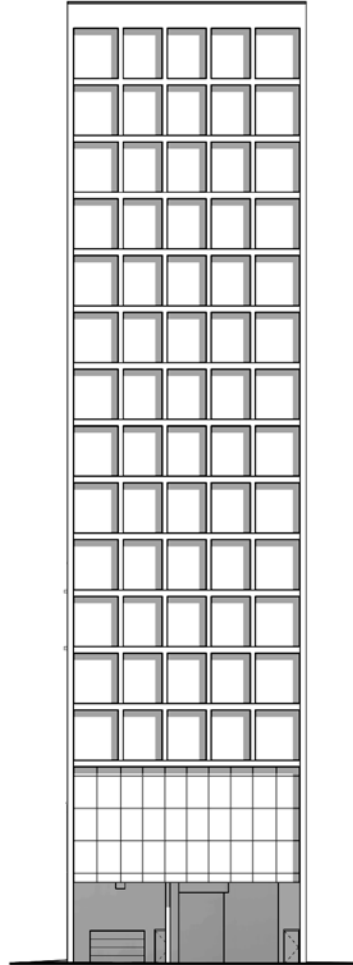
578-580 King Street West

File # 18 225642 STE 20 02

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## Attachment 8:North Elevation



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### North Elevation

Applicant's Submitted Drawing

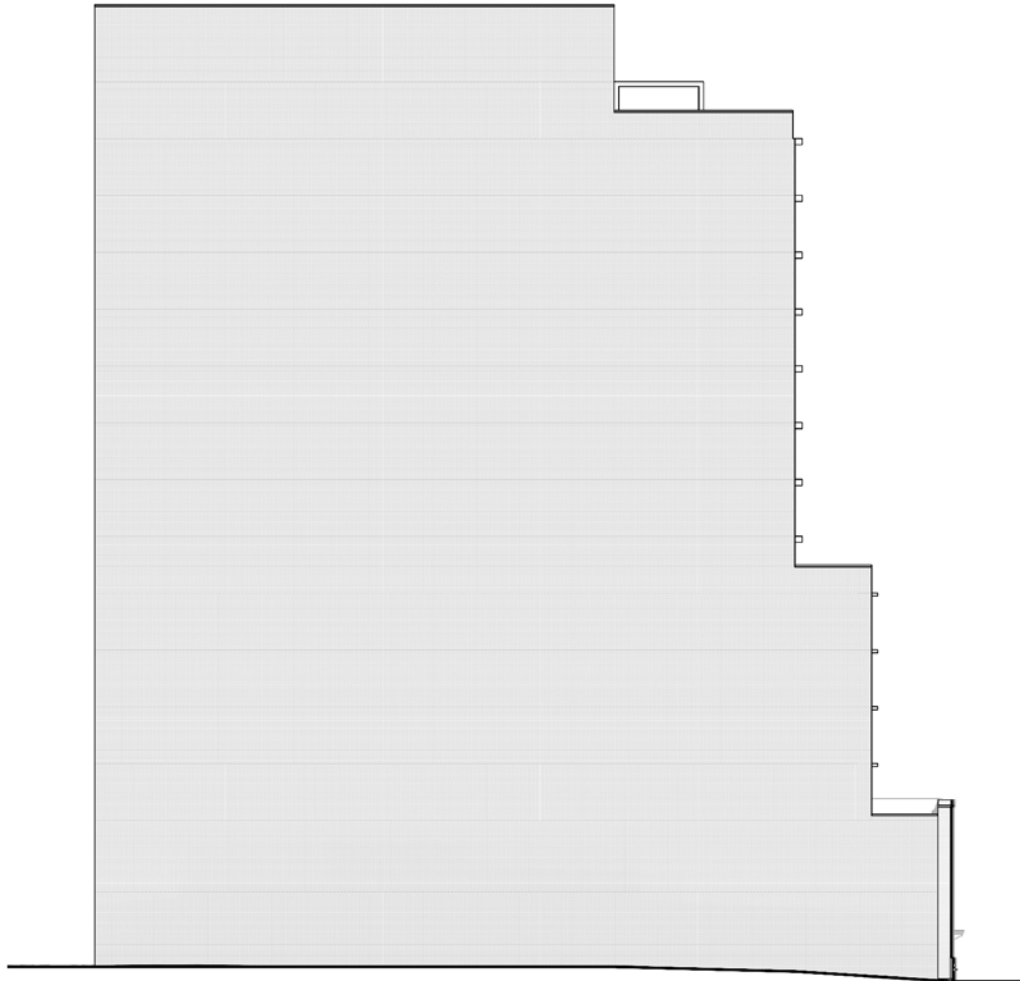
Not to Scale  
01/07/2019

578-580 King Street West

File # 18 225642 STE 20 02

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## Attachment 9: West Elevation



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### West Elevation

Applicant's Submitted Drawing

Not to Scale  
01/07/2019

578-580 King Street West

File # 18 225642 STE 20 0Z