



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

582-590 King Street West, 471-473 Adelaide Street West and 115 Portland Street Zoning By-law Amendment Application - Request for Direction

Date: July 20, 2020

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina-Fort York

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On August 11, 2017, an application for this site was submitted to the City to amend the Zoning By-law to permit a mixed-use development containing retail uses at grade and office uses above grade. A six-storey building was proposed to front King Street West (at 582-590 King Street West), connected to a 12-storey building located at 471-473 Adelaide Street West and 115 Portland Street. The applicant appealed City Council's failure to issue a decision on the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT) and a Request for Direction Report (May 18, 2018) from the Acting Director, Community Planning, Toronto and East York District, was considered by City Council at its meeting on June 26, 27, 28 and 29, 2018. The report recommended that City Council authorize City staff to oppose the application in its current form and continue discussions with the applicant. A 20-day hearing before the LPAT was scheduled to begin on May 5, 2020. The hearing was subsequently adjourned due to the Covid 19 pandemic and it is anticipated that new dates will be scheduled in the late fall of 2020.

In advance of the May hearing dates the parties agreed to LPAT led mediation, and following a mediation that took place in December, 2019 and January, 2020, the applicant revised their plans, and on May 20, 2020 submitted a with prejudice settlement offer to the City for a revised development proposal.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting on July 28 and 29, 2020.

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RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by City Council, then City Council authorize the public release of the recommendations in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege).

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendations.

DECISION HISTORY

A Request for Direction Report (May 18, 2018) from the Acting Director, Community Planning, Toronto and East York District, was considered by City Council at its meeting on June 26, 27, 28 and 29, 2018. This report recommended that City Council authorize City Planning staff to oppose the application in its current form and continue discussions with the applicant. The City Council Decision and Staff Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.14>

An Intention to Designate Report (February 6, 2020) from the Senior Manager, Heritage Planning Urban Design, City Planning, was adopted by City Council at its meeting on June 29 and 30, 2020. The report recommended that City Council state its intention to designate the property at 582 King Street West under Part IV, Section 29 of the Ontario Heritage Act. The City Council Decision and Staff Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE14.14>

An Alterations to a Heritage Property and Authority to Enter into a Heritage Easement Agreement - 582 King Street West Report (June 8, 2020) from the Senior Manager, Heritage Planning, Urban Design, City Planning, was adopted by the Toronto Preservation Board at its meeting on July 2, 2020 and is being considered by City Council at its meeting on July 29 and 29, 2020, in Item No. TE16.11.

COMMENTS

Following an LPAT led mediation, the applicant revised their original development proposal, and on May 20, 2020, submitted a with prejudice settlement offer to the City for a 10-storey building plus mechanical penthouse fronting King Street West and a connecting 12-storey building plus mechanical penthouse fronting Adelaide Street West and Portland Street, (the "Revised Proposal"). Architectural plans along with a cover letter from Aird and Berlis LLP, are provided in Public Appendix 1. The proposed alterations to the heritage property at 582 King Street West are required for the Revised Proposal.

A detailed description of the original proposal can be found in the Request for Direction Report (May 18, 2018) from the Acting Director, Community Planning, Toronto and East York District. The original proposal was for a building with a total height of six storeys (26 metres), including the existing buildings, along the King Street West frontage and a connecting building with total height of 12-storeys (51 metres or 56 metres including the mechanical penthouse) along the Adelaide Street West and Portland Street frontages. The development proposed to retain and build over top of the existing four-storey heritage buildings at 582 and 590 King Street West and at 473 Adelaide Street West. The one-storey heritage building at 471 Adelaide Street West was to be demolished.

City Planning did not support the original proposal as it did not represent an appropriate redevelopment of the site and did not represent good planning. Of primary concern were the proposed stepbacks above the heritage buildings that were not sufficient to appropriately conserve their scale, form and massing. There were also built form concerns related to overall building mass, stepbacks and setbacks.

Revised Proposal

The Revised Proposal conserves the heritage buildings at 582-592 King Street West and 473 Adelaide Street West in their full three-dimensional form and incorporates them into a new 10-to-12-storey development with a 10-storey building plus mechanical penthouse fronting King Street West, and a connected 12-storey building plus mechanical penthouse fronting Adelaide Street West and Portland Street West. The total proposed non-residential gross floor area is 36,883 square metres, including the existing commercial uses on the site which would be retained. This would result in a total Floor Space Index of 7.27 times the area of the lot.

The height of the proposed addition above the four-storey heritage building on King Street West would be six storeys for a total building height of 10 storeys (43.45 metres or 47.95 metres including the mechanical penthouse). At the fifth and sixth floors, the addition would have a stepback of six metres from the front façade of the heritage building below. Starting at the seventh floor, this stepback is proposed to be reduced to five metres. Also starting at the seventh floor, the addition would be located 5.5 metres from the east and west lot lines whereas no side yard stepbacks existed in the original proposal.

The total height of the proposed addition above the Adelaide Street West properties would be 12 storeys, including the four storey heritage building at 473 Adelaide Street West, and is proposed to have a height of 51.95 metres, including the mechanical penthouse. The building at 471 Adelaide Street West would not be retained, but the heritage building at 473 Adelaide Street West would be retained in its entirety.

For the portion of the site located at 471 Adelaide Street West, the first two storeys of the front façade of the new building is proposed to be setback 1.8 metres from the Adelaide Street West lot line to match the setback of the building to the east at 461 Adelaide Street West (the "Fashion House Condominium"). The third to fifth floors would have a staggered setback from the street line measuring 3.6 metres for the portion closest to the east property line and increasing to 6.8 metres and 10 metres (applicant to confirm) for the portion of the building closest to the heritage building at 473 Adelaide Street West. The purpose of this stepback is to reveal a portion of the east-facing façade of the westerly-adjacent heritage building, including full visibility of the 'Loveable' sign and four existing bays of windows located within the east-facing façade of the building at 473 Adelaide Street West.

For the portion of site currently occupied by the heritage building at 473 Adelaide Street West, the fifth floor of the portion of the proposed building located above the heritage building at 473 Adelaide Street West is proposed to be setback 4.5 metres from the front façade of the heritage building below. Above this, at floors 6-11, this stepback would be reduced to three metres, and then increased again to a total of 6.4 metres for the 12th floor.

Within the portion of the site currently occupied by a surface parking lot at the southeast corner of Adelaide Street West and Portland Street, the ground floor of the proposed new building would be setback 3.41 metres from both the Adelaide Street West property line and the Portland Street property line. This setback would be reduced to 2.4 metres for the second floor, 1.2 metres for the third floor and the fourth floor would be generally located on the street property lines forming a four-storey base building. Above the base building, along the Adelaide Street frontage, the fifth floor would stepback 4.5 metres and this would be reduced to 3 metres for floors 6-11 and then increased again to a total of 6.4 metres for the 12th floor. Above the base building along the Portland Street frontage, the building would be setback three metres.

In order to reveal the west-facing façade of the heritage building at 473 Adelaide Street West, along the Adelaide Street West frontage, an atrium is proposed for floors two to four separating the new development from the heritage building.

Along the east side of the site, a portion of the building is proposed to be located 7.5 metres from the east lot line for floors three and four, to match the window well of the adjacent Fashion House Condominium. Starting at the sixth floor, the entire east façade of the building would be setback 7.5 metres from the east property line.

Within the interior of the site between the King Street West building and the Adelaide Street West building, a 7.6 metre wide private lane (belonging to the applicant) runs east-west with access onto Portland Street. The existing King Street West building is

located right on the southern limit of this lane. The existing building at 473 Adelaide Street West is located right on the northern limit of the lane while the building at 471 Adelaide Street West is setback 12.55 metres from the northern limit of the lane.

The new additions of the King Street West and Adelaide Street West buildings are proposed to have similar setbacks from the lane. As such, the King Street West building would be located on the southern limit of the lane for the full height of the building. The Adelaide Street building would be located 12.55 metres from the northern limit of the lane for floors five to nine, but starting at the tenth floor, this setback is proposed to increase to 21 metres.

A bridge structure over the private lane currently connects the second to fourth floors of the King Street West and Adelaide Street West buildings. The existing bridge structure is proposed to remain and be added to between floors five to nine of the new addition, but would have a narrower, eight metre wide width, locating it 5 metres from the west side lot line and 18 metres from the east side lot line. The new additions to the bridge structure are to function as a walkway between the two buildings and, through the site plan process, is to be designed to promote light penetration in respect of the internal courtyard of the Fashion House Condominium to the immediate east of the subject site.

The City Solicitor requires direction on this matter prior to the conclusion of the July 28, 2020 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Appendix 1 - Architectural plans along with a cover letter from Aird and Berlis LLP, dated May 20, 2020

Confidential Attachment 1 - Confidential Report from the City Solicitor