

## **578-580 King Street West – Zoning Amendment Application – Request for Direction Report**

Date: September 18, 2020

To: Toronto and East York Community Council

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

Ward 10: Spadina-Fort York

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

### **SUMMARY**

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The revised Zoning Amendment application for 578-580 King Street West proposes to permit a 9-storey office building containing retail uses on the ground floor. The development would have a height of 36.4 metres (41.1 including the mechanical penthouse). The site is currently occupied by a 2-storey heritage building. The front (King Street West) façade and the front portion of the east façade of the existing heritage building are proposed to be retained in situ.

As is detailed in the Proposal section of this report, the revised proposal is significantly different from the original proposal submitted by the applicant on September 14, 2018, which staff did not support.

The revised proposal is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

This report reviews the revised proposal and recommends that City Council authorize the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal (the "LPAT") in support of the revised proposal, subject to conditions as outlined in the Recommendations section of this report.

A hearing at the LPAT has been scheduled for November 24, 2020. Should City Council adopt the recommendations of this report, the LPAT may convert the hearing into a settlement hearing.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend the Local Planning Appeal Tribunal (the "LPAT") respecting the site specific Zoning By-law Amendment Appeal for 578-580 King Street West in support of the revised proposal, as

described in the Issue Background section of this report from the Director, Community Planning, Toronto and East York District (September 18, 2020) and also appended as Attachments 5-8.

2. City Council instruct the City Solicitor to request that the LPAT withhold its Order on the Zoning By-law amendment until such time as the LPAT has been advised by the City Solicitor that:

- a. the proposed Zoning By-law amendment is in a form satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- b. all site servicing and site access matters have been addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
- c. 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;
- d. The owner has entered into a Heritage Easement Agreement with the City for the property at 578-580 King Street West substantially in accordance with plans and drawings prepared by prepared by Audax Architecture Inc. dated August 4, 2020, submitted with the Heritage Impact Assessment prepared by Goldsmith Borgal and Co. Ltd. Architects, dated August 4, 2020, or otherwise revised in accordance with a settlement offer or LPAT Order, subject to and in accordance with the approved Conservation Plan required in Recommendation 2.e., all to the satisfaction of the Senior Manager, Heritage Planning, including execution of such agreement to the satisfaction of the City Solicitor;
- e. The owner has provided a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 578-580 King Street West, dated August 4, 2020, prepared by Goldsmith Borgal & Co. Ltd. Architects, or otherwise a conservation strategy revised in accordance with a settlement offer or LPAT Order, all to the satisfaction of the Senior Manager, Heritage Planning;
- f. That the owner withdraw their appeal of the King-Spadina Secondary Plan (2020); and
- g. That the owner withdraw their appeal of the King-Spadina Heritage Conservation District Plan.

3. That, prior to final Site Plan approval for the development contemplated at 578-580 King Street West, City Council require the owner to:

- a. Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 2.e. to the satisfaction of the Senior Manager, Heritage Planning.
  - b. Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
  - c. Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
  - d. Provide a Signage Plan for the subject property and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
4. Prior to the issuance of any below-grade building permit, the owner shall be required to submit a construction management plan to the satisfaction of the General Manager, Transportation Services and 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, and any other matters requested by the General Manager, Transportation Services or the Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **DECISION HISTORY**

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The original Zoning Amendment application was submitted on September 14, 2018. Planning staff did not support the overall height and massing of the proposal. A Final Report recommending refusal of the development proposal was adopted by City Council on February 26, 2019. The City Council decision can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.4>

The applicant appealed City Council's decision to refuse the application to the LPAT and a nine-day hearing is scheduled to begin on November 24, 2020.

## **PROPOSAL**

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### **Original Proposal (2018)**

The original proposal was for a 15-storey mixed-use building containing retail uses within the ground floor and office uses above, with a total height of 58.6 metres (63.3 metres including the mechanical penthouse). The primary (King Street) elevation and a portion of the east wall of the heritage building were proposed to be retained in situ with all the first-storey windows lowered to the ground. The 13-storey addition above the existing 2-storey heritage building was proposed to be stepped back 5 metres at the 3rd floor and another 5 metres at the 7th floor.

On the east side, the first 6 floors of the building were 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 2nd storey, located toward the centre of the building. A party wall condition for the full height of the building was proposed on the west side. On the north side, the building was proposed to be setback 1.3 metres from the property line without any additional setbacks for taller elements.

In response to comments from City staff, the applicant revised their plans, and on August 10, 2020, submitted a with-prejudice revised development proposal.

### **Revised Proposal (2020)**

The revised proposal is for a 9-storey commercial building with retail uses at grade and office uses above. The development is proposed to have a height of 36.4 metres (41.1 including the mechanical penthouse).

As was the case with the original application, 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. However, in the revised proposal, interventions to the ground and basement level window openings would be limited to 3 of the 5 bays and maintains the original window proportions for the proposed commercial uses and converts the westernmost window to a new entrance. Additionally, above the heritage building, a 1.75 metre setback of the massing from the east wall of the heritage building has been introduced for a depth of approximately 22 metres (measured from King Street), providing space between the new development and the historic Silverplate Building to the east.

Above the heritage building, at a height of 10.5 metres, floors 3 to 7 of the new development are proposed to setback 5.3 metres from the heritage façade below. Beyond this, the 8th and 9th floors would setback an additional 7.5 metres, for a cumulative setback of 12.8 metres. The mechanical penthouse would setback another 2.9 metres, resulting in a 15.7 metre total setback.

On the east side, the height of the base building would be 25.3 metres (6 storeys), generally matching the height of the adjacent building commonly known as Fashion House. Above this, a setback of 5.5 metres would be provided. Additionally, in the

centre of the base building, a window well starting at the 2nd floor would be provided opposite a window well at Fashion House. While a window well was also proposed in the original application, in the revised proposal, the width of the window well (measured in an east-west direction) would be increased from the 3.7 metres to 5.5 metres. This would result in a separation distance of approximately 11 metres between the main walls of the two buildings. As well, the length of the window well is proposed to be 7.5 metres from floors 1 to 5 and 9.8 metres on the 6th floor. Additionally, as noted above, within the front portion of the base building closest to King Street West, a 1.75 metre stepback would be provided starting at the 3rd storey, thereby helping to break up the mass of the base building.

On the west side, a party wall condition would be created for the entire height of the building. However, above a height of 29 metres, the party wall condition would be located closer to the centre of the site as the front façade of the building would be located 12.8 metres away from the King Street West property line.

### **Notable Improvements between the Original and the Revised Proposals**

Below are the most notable changes between the original proposal and the revised proposal:

- Height reduction from 63.3 metres to 41.1 metres, including the mechanical penthouse;
- Increased window well width from 3.7 metres to 5.5 metres;
- Increased window well depth at the 6th storey from 7.5 metres to 9.8 metres;
- Provision of a new stepback of 1.7 metres from the east lot line, starting at the third floor;
- Increase in the east side yard stepback, starting at the 7th storey, from 3.75 metres to 5.5 metres.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment Nos. 1 - 8 of this report for an Application Data Sheet, a Location Map, a Site Plan, and a 3-dimensional representation of the project in context.

### **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 an approved development application for a 16-storey mixed-use building.

East: Immediately adjacent to the site to the east, fronting the north side of King Street West, is a recently completed 12-storey residential building which incorporates the heritage Silverplate building at 570-572 King Street West. This "C"-shaped building, commonly known as Fashion House, covers the depth of the block with frontage on both, King Street West and Adelaide Street West. Farther east is a site subject to a development application currently under LPAT appeal, for a 15-storey mixed-use building containing office and residential uses at 540-544 King Street West and 1-7 Morrison Street (Application No. 18-125163 STE 20 OZ).

West: Immediately west of the subject site at 582-590 King Street West and 471-473 Adelaide Street West is a City Council approved settlement for a proposed office development with a 10-storey component fronting King Street West and a 12-storey component fronting Adelaide Street West (Application No. 17-215103 STE 20 OZ). The proposal incorporates an existing 4-storey heritage building at 582-590 King Street West and a 4-storey heritage building at 473 Adelaide Street West. A hearing date at the LPAT to consider the proposal is anticipated in the near future. Farther west is a 4-storey heritage building at 600 King Street West.

North: To the north, a private lane separates the subject site from the proposed development site at 471-473 Adelaide Street West. East of this is the Adelaide Street West portion of Fashion House and farther east is an 8-storey residential condominium commonly known as 10 Morrison, followed by a development proposal for a 14-storey hotel, the "Hudson", at 445-451 Adelaide Street West, recently approved by the LPAT.

## **Reasons for the Application**

The application proposes to amend Zoning By-laws 438-86 and 569-2013 for the property at 578-580 King Street West to vary performance standards including but not limited to: building height, setbacks, stepbacks, parking and loading requirements.

## **APPLICATION BACKGROUND**

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

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.

### **Planning Act**

Section 2 of the Planning Act sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
  - i. is well designed;
  - ii. encourages a sense of place;
  - iii. provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

## **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships 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 2020. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS 2020. The PPS 2020 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 2020 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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 PPS 2020 came into effect on May 1, 2020. All planning decisions shall be consistent with the PPS 2020.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 irreplaceable cultural heritage resources.

The Growth Plan (2020) 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 (2020) 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.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of this Report.

## **Toronto Official Plan**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the Planning Act. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage conservation and environmental stewardship, may be applicable to any application.

## **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 within 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; and provides for a range of housing opportunities.

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.

The Downtown policies of the Official Plan are further refined through the Downtown Secondary Plan and King-Spadina Secondary Plan as discussed in this Report.

### **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.

**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.

**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. 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 identified as Regeneration Areas on Map 18 in the Official Plan. (Attachment 3). However, since the proposal is subject to Downtown Secondary Plan policies, the Mixed Use Areas policies apply.

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.

## **Chapter 5 - Implementation**

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the Planning Act. The proposed density of the application meets the Official Plan's threshold for Section 37 considerations.

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

## **The Downtown Plan**

Official Plan Amendment 406 ("the Downtown Plan") is now in-force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides 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. The Plan 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.

As the subject application was deemed complete on September 14, 2018, the policies of the Downtown Plan are relevant but not determinative.

The in-force Downtown Plan can be found here:  
<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

## **King-Spadina Secondary Plan (1996)**

In 1996, Council of the former City of Toronto approved Part II Official Plan and Zoning By-law amendments for King-Spadina and King-Parliament (the Kings) that introduced a planning framework aimed at encouraging rejuvenation of these historic districts that were instrumental in shaping the City. The Part II Plan for King-Spadina was included as a Secondary Plan in the new City of Toronto Official Plan, adopted by Council in 2002. Along with the objectives and policies of the Official Plan, the Secondary Plan sought to encourage investment in King-Spadina for a broad range of uses in a manner that reinforces its historic built form, pattern of streets, lanes and parks. These objectives were implemented through the Reinvestment Area (RA) zoning, urban design guidelines and a community improvement plan.

The in-effect King Spadina Secondary Plan (1996) outlines that the King-Spadina Area is an important employment area. Accordingly, the retention and promotion of commercial and light industrial uses including media, design and fashion businesses within the area is a priority. In addition, a major objective of the Plan is that heritage buildings and other important buildings within the Secondary Plan area will be retained, restored and re-used (policy 2.5).

A key principle of the Secondary Plan is that the heritage buildings in King-Spadina are essential elements of the area's physical character that will be retained, conserved, rehabilitated, re-used and restored. Policy 4.3 directs that new buildings should be compatible with heritage buildings in their context through, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

Policy 3.6 outlines the general built form principles for development within the King-Spadina area, including:

- new buildings for any use will be sited and massed to provide adequate light, view and privacy for neighbouring properties;
- 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;
- buildings adjacent to streets, parks or open spaces will be massed to provide appropriate proportional relationships and will be designed to minimize the wind and shadowing impacts on the streets, parks or open spaces; and
- new developments will provide comprehensive, high quality, co-ordinated streetscape and open space improvements to promote greening, landscape enhancement, access, orientation and confidence of personal safety within King-Spadina.

There has been significant investment through new construction and conversions of existing buildings in King-Spadina since the approval of the planning framework in 1996. Along with this investment, a number of issues have arisen related to the level of intensification, land use conflicts presented by entertainment facilities, the high volume

of residential development, and deficiencies in community services and facilities, parks and the public realm.

### **OPA 486 - King-Spadina Secondary Plan (2020)**

At its meeting on January 29, 2020, City Council adopted the recommendations of a Final Report outlining updates to the King-Spadina Secondary Plan and the associated Official Plan Amendment 486 (OPA 486) implementing updates to the King-Spadina Secondary Plan.

King-Spadina is one of the fastest growing areas in the downtown and has a strong heritage character. Updates have been made to the King-Spadina Secondary Plan to recognize this growth and the evolution of this area from predominantly non-residential uses to an area with a mix of uses. The updated Plan recognizes 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 built form and heritage character of the area.

The Urban Structure Plan within the King-Spadina Secondary Plan divides the area into 3 distinct precincts: the West Precinct, Spadina Precinct and East Precinct. The subject property is located within the West Precinct which has a distinct character defined by historic buildings and new developments, historic parks, and a lower scale of development than the East Precinct. This is consistent with the Mixed Use Areas 2 designation through the Downtown Plan. The West Precinct has continued to be defined by lower buildings that complement the warehouse character of the Precinct. The policies in the Plan require that new development meet a consistent maximum building height of 50 metres, including the mechanical penthouse and all projections, with the exception of an exit stair for roof access and elevator overrun.

In addition, the Secondary Plan requires a minimum 3 metre setback above the base building, with no projections permitted. The policies specify that where heritage resources are on, or adjacent to the site, greater setbacks may be required to appropriately address adjacent heritage buildings. The policies also note that above the base building, development will include setbacks from adjacent properties to provide separation distances between buildings that protect access to light, view and privacy. A minimum setback of 5.5 metres will be provided from any property line that is not adjacent to a public street or public lane.

The final report and OPA 486: King-Spadina Secondary Plan (2020) are available here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.4>

OPA 486 has been appealed to the LPAT by multiple parties. The applicant for the subject development has filed a site-specific appeal.

### **Zoning**

The site is zoned Reinvestment Area (RA) in former City of Toronto Zoning By-law 438-86 and Commercial Residential Employment (CRE) (x77) in Zoning By-law Zoning By-law 569-2013. These zoning categories permit a range of residential, commercial,

institutional and limited industrial uses. The maximum building height permitted is 23 metres, plus 5 metres for mechanical elements. 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 RA zoning category does not include maximum density provisions but rather, the building envelope is established through the noted performance standards, including height, setbacks and stepbacks.

The City's Zoning By-law 569-2013 can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Design Guidelines**

The following design guideline(s) will be used in the evaluation of this application:

- King-Spadina Urban Design Guidelines (2004 and 2006); and
- Bird Friendly Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **COMMENTS**

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

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). 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 of the policies of the Plans.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate affordable and market-based range and mix of employment (including industrial and commercial) uses;
- Policy 1.1.3.4 which states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;

- Policy 1.3.1 a) which refers to promoting economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- Policy 1.3.1 d) which refers to encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities;
- Policy 1.7.1 e) which refers to 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 and cultural heritage landscapes;
- Policy 2.6.1 states that significant built heritage resources shall be conserved; and
- Policy 2.6.3 which prohibits site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The PPS references development standards, appropriate range and mix of employment and commercial uses as well as conservation of heritage resources. Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such, the adherence of the proposal to Official Plan policies is key. The proposed development represents an appropriate level of intensification for the site in a settlement area, within the Downtown where the City has directed growth. Further, the site can accommodate the level of intensification proposed in accordance with section 2, in particular conservation of heritage resources on the site and providing an appropriately massed and scaled built form.

As further discussed below, consistency with the PPS relates to the provision of healthy communities through the mix of commercial and residential uses. Additionally, the proposed massing incorporates appropriate development standards as well as addressing heritage conservation matters as described and assessed later in this report. As such, in the opinion of City Planning, the proposed revised development and Zoning By-law Amendment is consistent with the Provincial Policy Statement (2020).

## **Growth Plan**

The key Growth Plan (2020) policies applicable to this development include:

- Policy 1.2.1 which refers to the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime and through the conservation of cultural heritage resources;
- Policy 2.2.1.4 a) refers to the achievement of complete communities that feature a diverse mix of land uses including residential and employment uses and convenient access to local stores;
- Policy 2.2.1.4 e) which provides for a more compact built form, and a vibrant public realm;
- Policy 2.2.2.3 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas and 2.2.2.3 f) which refers to

implementation through official plan policies and designations and other supporting documents; and

- Policy 4.2.7.1 which states heritage resources will be conserved.

In implementing these policies, Growth Plan Policy 5.2.5.6 states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. As such, the City's Official Plan and design guidelines have direct relevance for assessing Growth Plan conformity.

The site is located in an Urban Growth Centre which is intended to accommodate significant population and employment growth. While growth is not uniform across the Downtown Urban Growth Centre, the policies of the Official Plan contemplate appropriately massed and scaled built form with development that conserves heritage resources, protects for public health and safety, and provides for intensification.

The revised proposal contains commercial and office uses within an appropriate type and scale of compact development, contributing to the achievement of a complete community and also provides for the conservation of cultural resources. In the opinion of Planning staff, the proposed development and Zoning By-law Amendment conforms to the Growth Plan for the Greater Golden Horseshoe (2020).

## **Land Use**

The site is designated Regeneration Areas in the City of Toronto Official Plan. Policy 4.7 of the Official Plan states that Regeneration Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The proposed commercial and office uses are permitted in Regeneration Areas.

## **Density, Height, Massing**

This revised proposal has been reviewed against the relevant planning policies and guidelines including the Official Plan, the King-Spadina Secondary Plan and Update, the Downtown Plan, the King-Spadina HCD Plan and the King-Spadina Urban Design Guidelines. The height, massing and heritage conservation of the revised proposal are appropriate and supported by staff as described in further detail below.

The King-Spadina Secondary Plan (2020), sets a maximum building height of 50 metres in the West Precinct, including the mechanical penthouse and all projections. This height can only be achieved if other built form objectives are met, including the provision of a 5.5 metre side yard stepback from the property line above the base building for any portion of the development that does not front a street or a public lane. The purpose of the 5.5 metre stepback is to achieve a minimum separation between buildings on neighbouring properties of 11 metres, so as to protect access to natural light, sky view and privacy for building occupants. Additionally, the separation distance creates breathing room between buildings, allowing for sunlight penetration and sky views from the public realm.



At 63 metres in height, the original proposal did not meet these objectives. It was taller than the surrounding context and exceeded the 50 metre height limit identified in the King-Spadina Secondary Plan (2020). In addition, the original proposal was located on the west property line for the full height of the building and provided minimal setbacks on the east side. This would negatively impact the light, sky view and privacy for occupants of the adjacent Fashion House building to the east and would negatively impact the re-development potential of the adjacent site to the west. The overall height and mass of the proposed building also overwhelmed the existing heritage building.

The revised proposal, at 36.4 metres (41 metres, including the mechanical penthouse), presents a significant improvement over the original proposal.

The proposed base building height, at 7 storeys ( 29 metres) would be consistent with the proposed base building height at the adjacent site to the west (582-590 King Street West), which is subject to a recent Council Approved settlement (Application No.17-215103 STE 20 OZ). To the east of the subject site, the Fashion House condominium, located behind the historic Silverplate building, has a base building height of approximately 27 metres.

The 2-storey heritage building would be incorporated into the base building and, starting at the 3rd floor, the King Street façade would setback 5.3 metres from the heritage building. As well, the east-facing façade would setback 1.75 metres from the east façade of the heritage building.

It is common in the West Precinct for base buildings to be generally located lot-line to lot-line. The proposed base building would be located on its west side lot line and would be set back 2.78 metres from the north lot line, adjacent to the private lane. On the east side, behind the conserved portion of the heritage building, the base building of the proposal would be located on the east side lot line with the exception of the portion immediately adjacent a window well at Fashion House, where the proposal also includes a window well. In comparison to the original proposal, the width of the window well (measured in an east-west direction) was increased from the 3.7 metres to 5.5 metres. This would result in separation distance of approximately 11 metres between the main walls of the two buildings. On the east side, the base building height would be 6 storeys tall. At the 6th floor, the length of the window well would be increased from 7.5 metres to 9.8 metres, further helping to improve the light penetration to the west-facing windows within the Fashion House window well.

Above the base building, along the King Street frontage, the 8th and 9th floor of the proposal would setback an additional 7.5 metres, and another 2.9 metres to the mechanical penthouse.

Above the base building on the west side, the building would continue to be located on the lot line. The Council approved settlement for a 10-storey commercial building at the westerly adjacent site would result in a 29 metre tall base building and therefore a 29 metre tall party wall on the shared property line. Above 29 metres, that proposal would setback 5.5 metres from its east side lot line, for a total height of 43.45 metres (47.95 metres including the mechanical penthouse). On the subject site, the portion of the party wall above 29 metres would setback 15.7 metres from King Street West, locating it 7.5

metres behind the front façade of the proposed westerly building. As well, the proposal would be significantly lower than the adjacent proposal and also the 50 metre height limit set out in the King-Spadina Secondary Plan for the West Precinct. The lower height of the proposal, combined with the significant stepback from King Street which would push the mass away from the street toward the centre of the site, would minimize the visual perception of the development from the public realm and would reduce the impact on the adjacent site.

On the north side, the revised development would be located 2.78 metres from the north property line. This would result in a wall-to-wall separation distance of just over 15 metres between the revised proposal and the adjacent proposed development at 582-590 King Street West, which also includes the properties at 471-473 Adelaide Street West, located on the opposite side of the abutting lane.

The significant reduction in overall building height coupled with the increased stepbacks would result in an improved building mass, both in terms of heritage conservation and impact on the public realm as experienced from King Street West. The built form of the revised proposal conforms with the relevant built form and heritage Official Plan policies and meets the intent of the King-Spadina Urban Design Guidelines.

### **Heritage Impact & Conservation Strategy**

Heritage Planning staff has reviewed the Heritage Impact Assessment in support of the proposal prepared by Goldsmith Borgal & Co. Ltd. Architects for conformity with the Planning Act, the Provincial Policy Statement, the Growth Plan and the City's Official Plan heritage policies and the Standards and Guidelines for Conservation of Historic Places in Canada.

In the opinion of Heritage Planning staff, the proposed Conservation Strategy would conserve and rehabilitate the existing heritage property at 578 King Street West. The revised proposal would retain the entire King Street West frontage and the visible portion of the east side wall of the building in situ. The interior elements, which are not identified as heritage attributes, would be removed, with the ground floor lowered to grade to accommodate contemporary and accessible commercial uses.

The lowering of the ground floor level to grade to accommodate new retail uses would necessitate some modifications to the ground floor and basement openings. However, the central bay would remain as original with the 2 flanking bays altered by replacing the brick spandrels with glazing. The original configuration and proportion of the altered openings would continue to be represented. A new entrance is proposed in the westernmost bay. The existing second floor windows would be restored and the retained masonry walls will be repaired and cleaned.

As described above, the proposed reduction in height and the proposed stepbacks of 5.3 metres above the heritage building, 12.8 metres for the remaining top two floors and 1.75 metres from the east side wall of the heritage building would result in the conservation of the primary (south) elevation of the heritage resource consistent with Official Plan Heritage Policies 3.1.5.5 and 3.1.5.26.

Additionally, while the interior of the building does not contain any heritage elements and is not proposed to be retained, the interior portion of the King Street facing brick wall contains decorative elements including curved bricks and stone corbels that will be restored and visible from the interior.

### **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 (6.1 in the updated King-Spadina Secondary Plan), also require new buildings to be sited and massed to provide adequate light, sky view and privacy for neighbouring properties.

Respecting the applicant's original proposal, there were a number of concerns related to light, view and privacy on the residential units located within the window well of the adjacent Fashion House building. This concern stemmed from the fact that the original proposal would result in a separation distance of approximately 9 metres between the two buildings, a condition that would have been exacerbated by that fact that the building was proposed to be about 23 metres taller than the Fashion House.

In the revised proposal, this concern is addressed with the increase in the width of the window well from 3.7 metres to 5.5 metres, resulting a separation distance of approximately 11 metres between the two buildings. Additionally, starting at the 7th floor, the entire east-facing façade will stepback 5.5 metres from the east property line. The total building height, including the mechanical penthouse, has also been reduced to 41.1 metres, closely matching the height of Fashion House.

As well, as previously contemplated, a green wall is proposed along the full height of the east-facing wall of the window well and windows within the window well would only have north and south facing views.

### **Bicycle Parking**

A total of 27 bicycle parking spaces are proposed as required, located within the first level of the parking garage which is generally acceptable to staff but will be reviewed in greater detail at the Site Plan Control stage.

### **Site Access, Parking and Loading**

Vehicular site access is proposed off of the private lane to the north of the subject site. A total of 22 vehicular parking spaces are required whereas 18 parking spaces are proposed accessed by a car elevator. One Type B and one Type C loading space are also proposed. City Transportation Services staff are in the process of reviewing the proposed site access including the location of the parking spaces and loading spaces. As noted in the Recommendation Section of this report, any outstanding comments will have to be addressed by the applicant prior to the issuance of the LPAT order, should the LPAT approve the proposed settlement.

## **Open 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.

## **Tree Preservation**

The 2 existing City-owned trees within the King Street West right-of-way are proposed to be retained. Any required tree protection zones will be reviewed in greater detail at the Site Plan Approval stage.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision 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. In this instance, the Tier 1 performance measures will be secured on the site plan drawings and through the Site Plan Agreement. Staff will work with the applicant through the Site Plan Approval Process to Achieve Tier 2 or higher.

## **Conclusion**

The revised proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to built form policies related to height, massing and heritage conservation. Staff recommend that Council support approval of the proposed revised Zoning Amendment application.

## **CONTACT**

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## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,  
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 Map  
Attachment 4: Zoning By-law Map  
Attachment 5: Site Plan  
Attachment 6: South Elevation  
Attachment 7: 3D Massing Model

## Attachment 1: Application Data Sheet

Municipal Address: 578-580 KING ST W Date Received: September 14, 2018

Application Number: 18 225642 STE 20 OZ

Application Type: Rezoning

Project Description: Revised Zoning By-law Amendment application to facilitate the redevelopment of the subject site with a 9-storey office building having a height of 41.1 metres (including the Mechanical Penthouse), which will also include commercial uses within a two-storey base element that retains the existing heritage building. The total proposed gross floor area is approximately 4,932 square metres.

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

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	569-2013	Heritage Designation:
Height Limit (m):		Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq m): 885 Frontage (m): 15.5 Depth (m): 57

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	633		641	641
Residential GFA (sq m):	N/A		N/A	N/A
Non-Residential GFA (sq m):	1,266		4,932	4,932
Total GFA (sq m):	1,266		4,932	4,932
Height - Storeys:	2		9	9
Height - Metres:			35	35

Lot Coverage Ratio (%)	72.41	Floor Space Index:	5.57
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
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Residential GFA:

Retail GFA: 1,098

Office GFA: 3,815

Industrial GFA:

Institutional/Other GFA:

Parking and Loading

Parking Spaces: 18      Bicycle Parking Spaces: 27      Loading Docks: 2

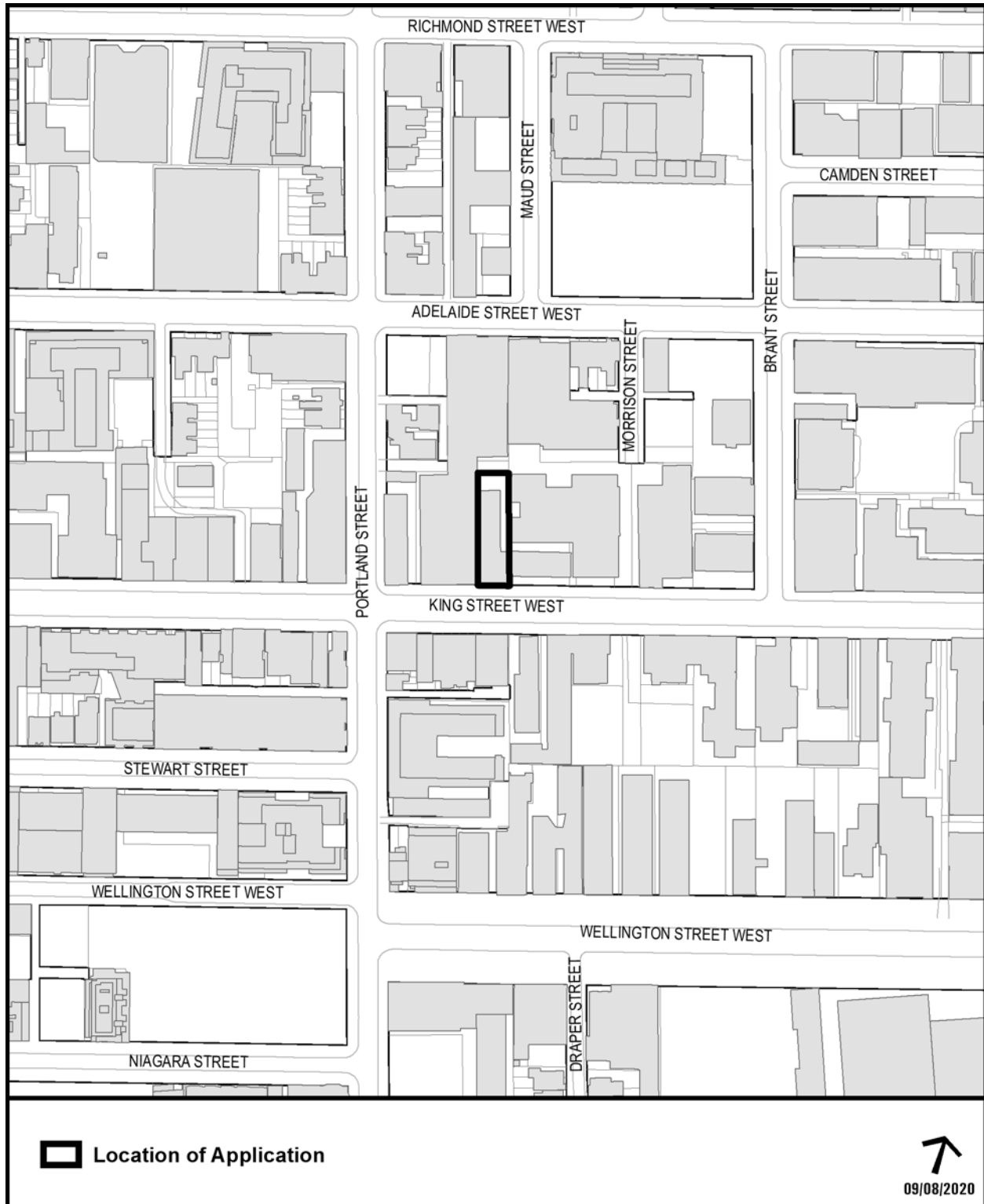
CONTACT:

Joanna Kimont, Senior Planner, Community Planning

416-392-7216

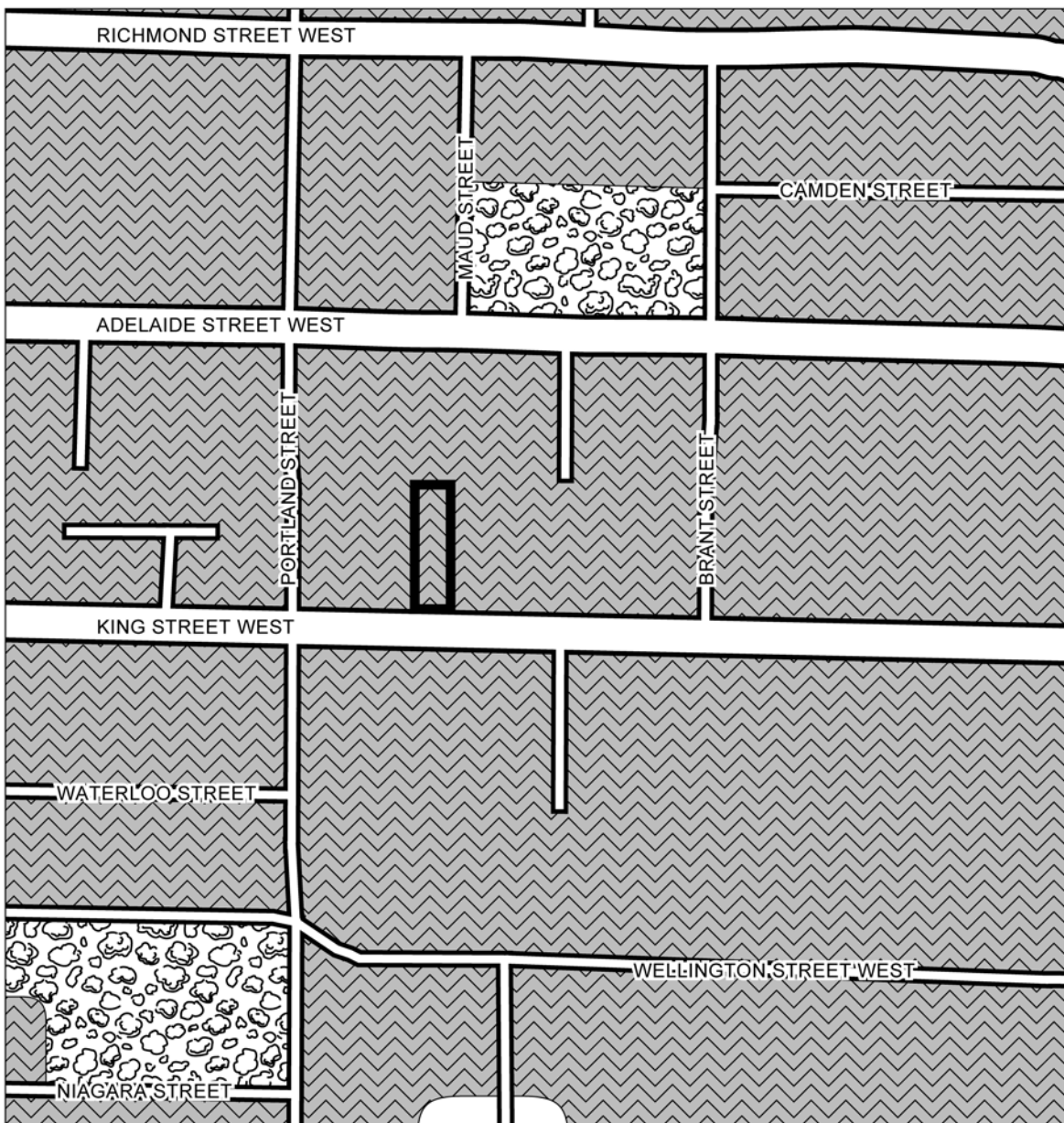
Joanna.Kimont@toronto.ca

## Attachment 2: Location Map





# Attachment 3: Official Plan Map



## Official Plan Land Use Map #18

578-580 King Street West

File # 18 225642 STE 20 0Z



↑  
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 OZ**



Location of Application

**CRE** Commercial Residential Employment

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

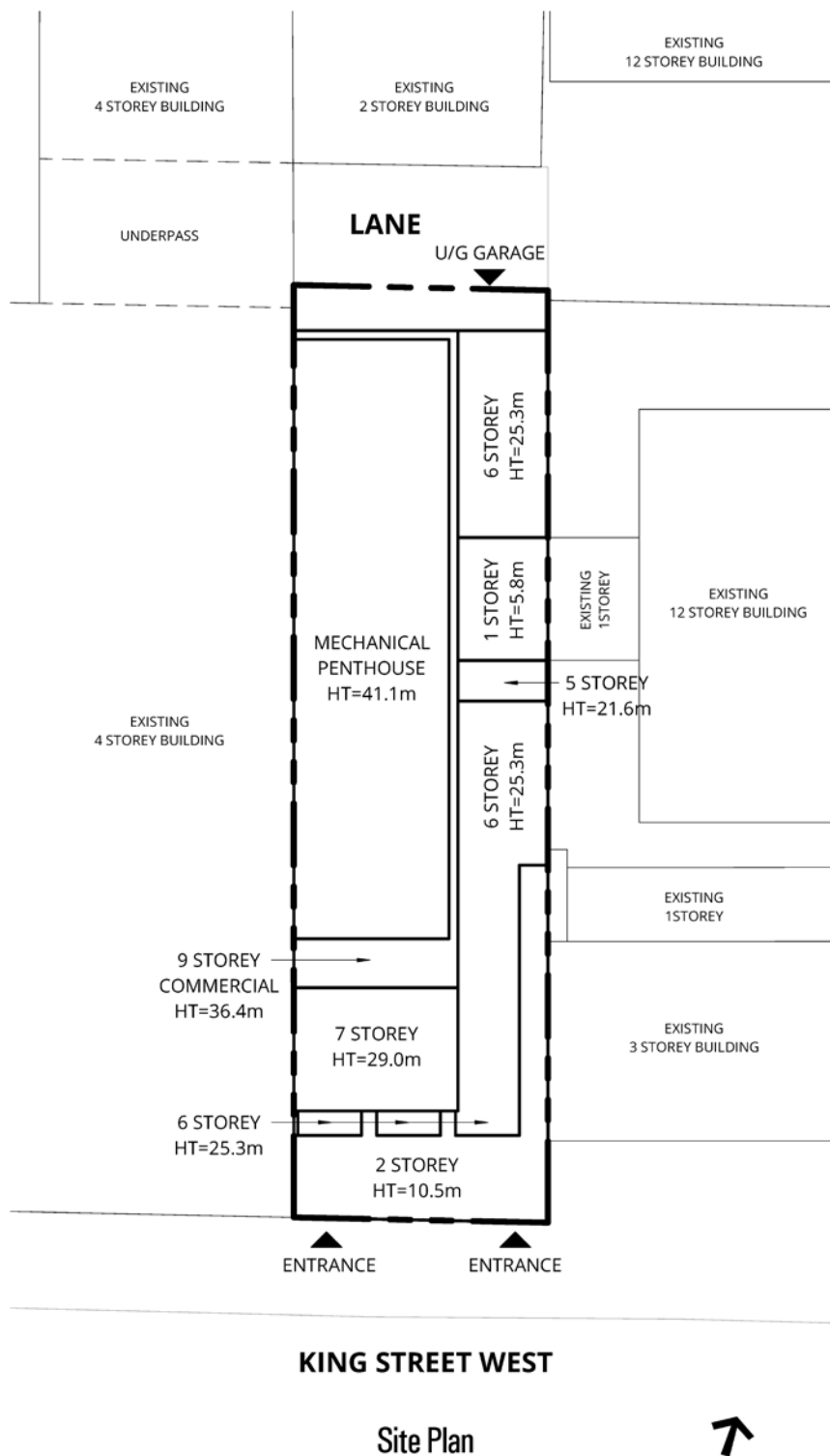


See Former City of Toronto By-law No. 438-86  
**RA** Mixed-Use District

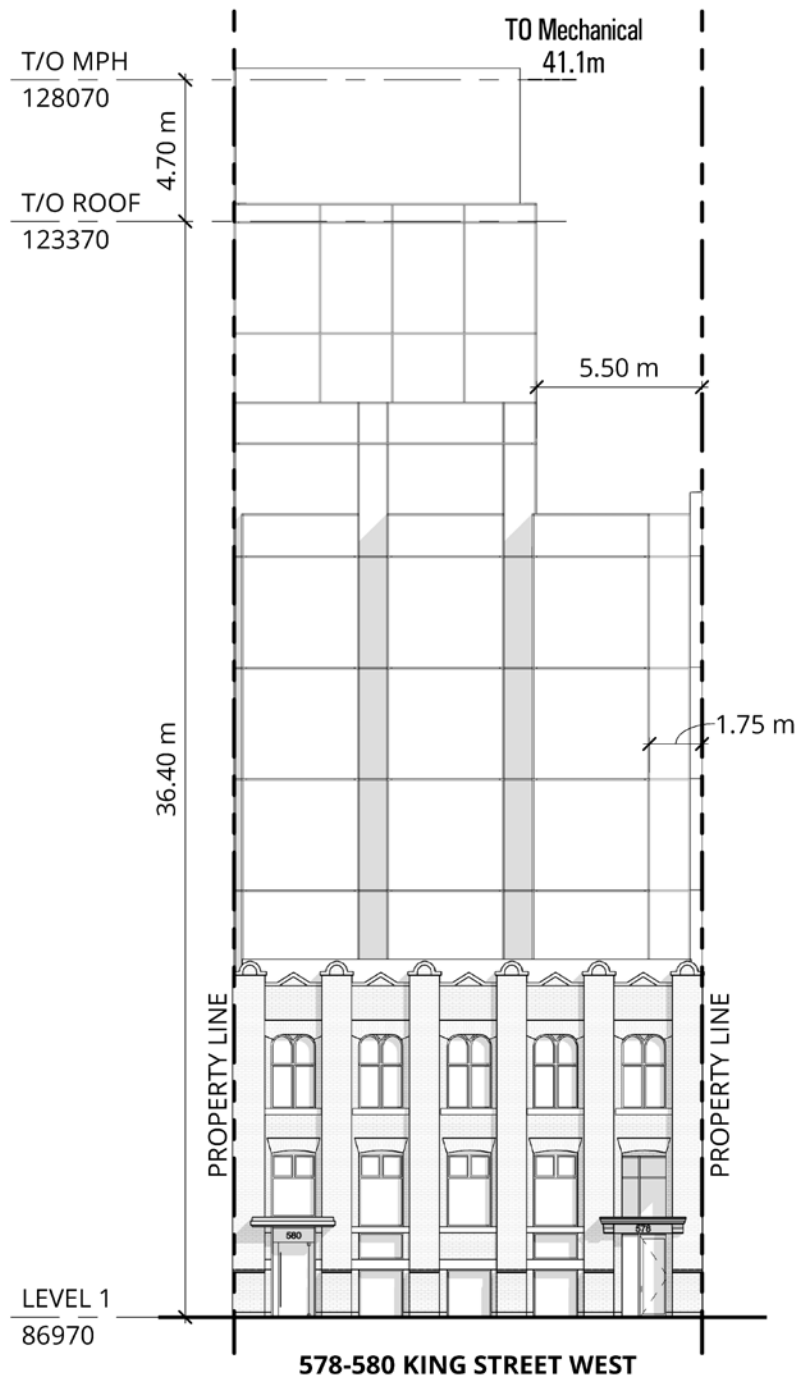


Not to Scale  
Extracted: 09/08/2020

## Attachment 5: Site Plan

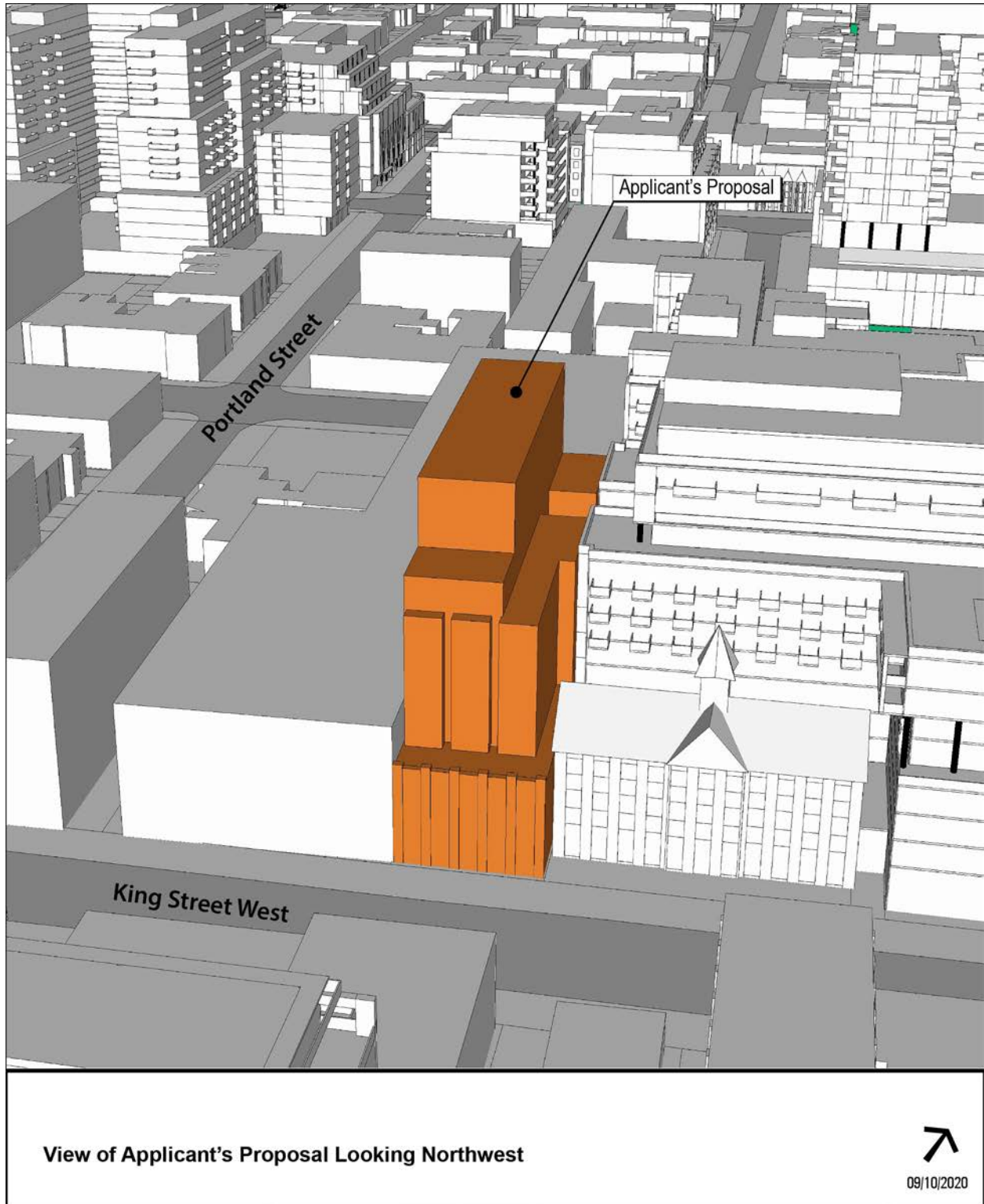


## Attachment 6: South Elevation



South Elevation

Attachment 7: 3D Massing Model (Northwest view)



## Attachment 8: 3D Massing Model (Northeast View)

