

260 - 322 King Street West Zoning Amendment Application - Removal of the Holding Symbol ("h") – Final Report

Date: November 7, 2022

To: Toronto and East York Community Council

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

Ward: 10 - Spadina-Fort York

Planning Application Number: 22 138389 STE 10 OZ

SUMMARY

This application proposes to remove the holding symbol ("h") from Zoning By-law 1480-2017 (OMB), which permits a mixed-use development including residential, retail, office and institutional uses in two tall buildings on lands at 260 - 322 King Street West. The site is located on two blocks situated between King Street West to the south and Pearl Street to the north including all properties between John Street and Ed Mirvish Way (West Block), and two properties east of Ed Mirvish Way (East Block) as shown on Attachment 1. The development includes buildings of 84 and 74 storeys on the West and East Blocks respectively, designed by Frank Gehry.

Zoning By-law 1480-2017 (OMB) includes a holding symbol ("h") on the lands subject to conditions. The conditions for the removal of the holding symbol requires the submission of architectural elevation drawings that illustrate building materials, colours and finishes that generally reflect the model images of the development submitted by Gehry International Inc., and considered by Council in 2014. The elevations are also to be secured in a site plan agreement, prior to the removal of the holding symbol. A site plan application for both the East and West Blocks has been submitted and review of the application is nearing completion. Model images and architectural elevation drawings that illustrate building materials, colours and finishes have been submitted and reviewed by City Planning staff and are considered acceptable. These will be secured in a site plan agreement, which would be executed and registered prior to the Bill being enacted for this Zoning By-law amendment application. The removal of the holding symbol ("h") is appropriate at this time, to allow for the progression of the project.

The proposed development and request to lift the holding symbol are 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 and recommends approval of the application to amend Zoning By-law 1480-2017 (OMB) to remove the holding symbol ("h").

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 1480-2017 (OMB), for the lands municipally known as 260 - 322 King Street West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the report (November 7, 2022) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bill to City Council for enactment, require the Owner to enter into a site plan agreement, pursuant to Section 114 of the City of Toronto Act, and such site plan agreement be registered on title to the lands.

FINANCIAL IMPACT

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

At its meeting of July 8, 9, 10 and 11, 2014 City Council approved City-initiated Official Plan Amendment (OPA No. 272) to permit two tall buildings at 260-270 (East Block) and 274-322 (West Block) King Street West and established criteria for the development of the lands, including among other matters, the retention of heritage resources, as well as maximum building heights. Council also directed that City staff attend the Ontario Municipal Board (OMB) hearing in support of a zoning by-law amendment application for the proposed mixed-use development. Council's decision is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE33.8>

At its meeting of August 25, 26 and 27, 2014 Council enacted a by-law to designate the property at 300 King Street West (Princess of Wales Theatre) under Part IV, Section 29 of the Ontario Heritage Act, and a by-law providing for the City to enter into Heritage Agreements with the owner of the properties at 260 (Royal Alexandra Theatre), 284 (Anderson Building) and 322 (Eclipse Whitewear Building) King Street West. Council's decision is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.41>

On October 2, 2014, the OMB deemed OPA 272 to be in force as of September 23, 2014 and approved a zoning by-law amendment for the lands subject to conditions. On July 28, 2017 the OMB issued its final order on the Zoning By-law Amendment application bringing the Zoning By-law (1480-2017) into full force and effect.

At its meeting on January 31, 2017, Council approved a Part Lot Control Exemption application and, on April 28, 2017, enacted Part Lot Control Exemption By-law 424-2017 for the lands. Council's decision is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE21.2>

At its meeting on September 29, 2021, the Committee of Adjustment approved a Minor Variance application providing for variances to the zoning by-law to address minor changes to the proposal. The decision of the Committee of Adjustment is available on the City's website at: <http://app.toronto.ca/AIC/index.do?folderRsn=hrDBPaJQyScY2n2bVNy2Dw%3D%3D>

At its meeting on March 9, 2022, Council approved a Part Lot Control Exemption Extension Application, and enacted Part Lot Control Exemption Extension By-law 161-2022 for the lands. Council's decision is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE31.13>

PROPOSAL

The applicant has submitted a Zoning By-law Amendment application to amend Zoning By-law 1480-2017(OMB) to remove the holding symbol ("h") from the lands at 260-322 King Street West. The properties are located on two blocks extending between King Street West to the south and Pearl Street to the north including all properties between John Street and Ed Mirvish Way (West Block), and two properties east of Ed Mirvish Way (East Block). The development includes two tall buildings of 84 and 74 storeys on the West and East Blocks respectively designed by architect Frank Gehry.

On the West Block, the development includes the retention of the historic Eclipse Whitewear building, Princess of Wales Theatre and the Anderson Building façade along with a new 84-storey building with retail, office and residential uses. A gross floor area of 100,698 square metres is proposed in the West Tower including 18,450 square metres of office and retail space and 1,170 dwelling units. On the East Block, the development includes the retention of the Royal Alexandra Theatre and a new 74-storey building with retail and residential uses as well as space for OCAD University. A total of 57,210 square metres of gross floor area is proposed in the East Tower of which 2,552 square metres is proposed as non-residential floor area. A total of 864 dwelling units are proposed. The development is also proposed to be phased with the East Block to be constructed in Phase 1.

Reasons for Application

A holding symbol ("h") was placed on the lands to limit the use of the lands until such time as the conditions for the removal of the "h" had been fulfilled to the satisfaction of City Council. Section 28 of Zoning By-law 1480-2017 (OMB) includes the following condition for the removal of the holding symbol ("h"):

"The execution and registration of a site plan agreement under Section 114 of the City of Toronto Act, 2006, c.o. 2006, c. 11, Schedule A, pursuant to which the owner shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colour and finishes labelled to the satisfaction of the Chief Planner and Executive Director and which shall secure the details, design and materials of the development, generally as proposed by plans submitted by Gehry International Inc. dated June 11, 2014 and illustrated in Attachment 5 - Model Images to the report dated July 7, 2014 from the City's Chief Planner and Executive Director, City Planning Division to City Council.

The Model Images, depicting the June 11, 2014 plans considered by Council are included as Attachment 3 to this report.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Completed Application Form
- Project Data Sheet
- Site Specific Zoning By-law No. 1480-2017 (OMB)
- Notice of Committee of Adjustment Decision
- Architectural Plans
- Model Images
- Survey Plans

Agency Circulation Outcomes

The application together with the applicable reports and drawings 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 the draft Zoning By-law amendment to remove the holding symbol.

Community Consultation

A Community Consultation Meeting is not required for a Zoning By-law amendment application to remove a Holding Symbol. Notice is given to the owner under the Planning Act for the Statutory Public meeting.

POLICY CONSIDERATIONS

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

The application has been reviewed to determine its consistency with the Provincial Policy Statement (2020) (PPS), conformity with a Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), and conformity to the City's Official Plan. 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. 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 Greater Golden Horseshoe region.

Toronto Official Plan

The site is located in the Downtown and is designated Regeneration Areas in the Official Plan. A broad mix of residential and non-residential uses are permitted within Regeneration Areas. 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

The site is located within the King-Spadina Secondary Plan area and is subject to Site and Area Specific Policy No. 2 (SASP No. 2) of the Secondary Plan approved by Council in 2014 (OPA 272). The policies of the SASP are intended to ensure that the redevelopment of the site recognizes and continues the historic commitment and dedication to the performing arts and the cultural evolution of this portion of King Street West and the broader area. The SASP also provides that the development be of a unique and high quality architectural design. The King Spadina Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended. The RA zone permits a range of residential uses, as well as commercial, institutional and limited industrial uses. A zoning by-law amendment application was approved by the OMB in 2014 with the final form of the by-law approved by the OMB in 2017 (Zoning By-law 1480-2017 (OMB)). The amending by-law includes development standards for building heights, setbacks, gross floor area and other matters. A holding symbol ("h") was placed on the lands until such time as architectural elevations with building

materials, colours and finishes illustrated and labelled had been provided that reflect the model images considered by Council in 2014 and that the drawings be secured in a site plan agreement registered on the lands. In September of 2021, the Committee of Adjustment approved an application for variances to the By-law to address changes in the design of the development determined through the review of the proposal through the site plan application process.

Site Plan Control

A site plan application (File # 16 134596 STE 20 SA) was submitted in 2016 and the review of the application is nearing completion. Model images, architectural elevation drawings and building materials, colours and finishes have been submitted and reviewed by City Planning staff through the site plan process.

COMMENTS

Staff from relevant City divisions and agencies have worked with the applicant through the site plan review process to address a range of site plan matters, including the architectural design and building materials. As the design of the project has evolved through the site plan reviews, City staff have work closely with the architect to ensure that modifications to the design are of a unique and high quality, and that the architectural expression for the two towers continues to reflect the model images considered by Council in 2014 (Attachment 3).

Frank Gehry continues to be the architect for the project. Architectural drawings, including model images and 1:50 scale building elevations that illustrate materials, colours and finishes, as well as a material sample board were submitted and have been reviewed by City staff and are acceptable. Staff find that the development continues to reflect the unique and high quality architecture envisioned for this important site and this renowned architect. The model images from 2022 of the current proposal are included in Attachment 4.

Staff find that the proposed architectural drawings and materials submitted through the site plan process address the requirements for the removal of the holding symbol. These drawings and materials will be secured in the Site Plan Agreement for the development. The Site Plan Agreement will be executed and registered prior to the Bill being enacted to remove the holding symbol.

The proposal has also been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is also consistent with the PPS and conforms with the Growth Plan.

Conclusion

The application to amend Zoning By-law 1480-2017 (OMB) to remove the holding symbol ("h") from the lands at 260 - 322 King Street West will facilitate the development of two mixed-use towers on the site.

As the condition for the removal of the symbol has been satisfied through the site plan process, it is appropriate to remove the holding symbol. A draft of the amending zoning by-law to remove the holding symbol is included in Attachment 2.

CONTACT

Susan McAlpine, Senior Planner
Tel. No. (416) 392-7622
E-mail: Susan.Mcalpine@toronto.ca

SIGNATURE

Willie Macrae, BA, MES, MCIP, RPP, Acting Director
Community Planning, Toronto and East York District

ATTACHMENTS

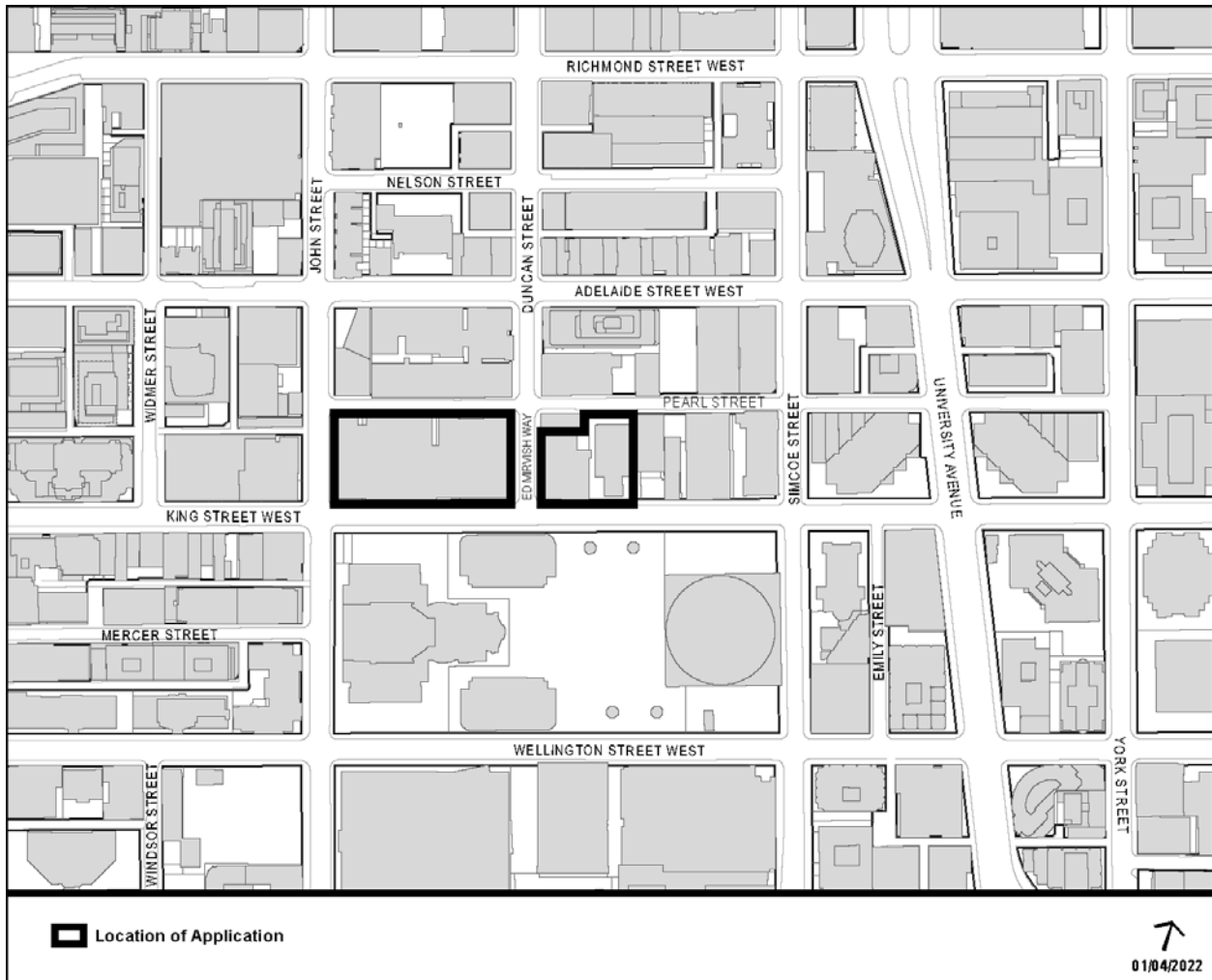
City of Toronto Data/Drawings

Attachment 1: Location Map
Attachment 2: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 3: Model Images of East and West Block Towers (2014)
Attachment 4: Model Images of East and West Block Towers (2022)

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment

Authority:

CITY OF TORONTO
DRAFT BY-LAW • -2022 [Clerk to assign by-law number]

To amend Zoning By-law 1480-2017 (OMB), as amended, being a by-law to amend former City of Toronto By-law 438-86, as amended, to remove the holding symbol ("h") with respect to the lands municipally known in the year 2022 as 260 - 322 King Street West

Whereas authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol ("h") and to remove the holding symbol ("h") when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas there are official plan policies in effect addressing the use of the holding symbol ("h"); and

Whereas it is appropriate that the holding symbol ("h") be removed from the lands subject to this By-law; and

Whereas Council has provided notice of the intent to pass this By-law;

The Council of the City of Toronto enacts:

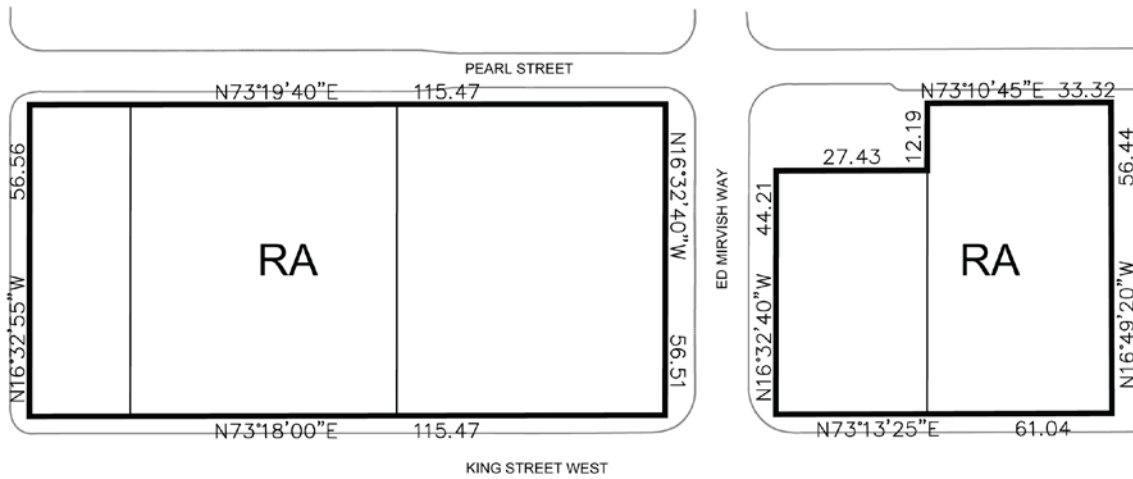
1. Map 1 of By-law 1480-2017 (OMB), as amended, is further amended by removing the holding symbol ("h") from the lands shown on the attached Map '1'.

Enacted and passed on xxx, xxxxx

Frances Nunziata
Speaker

John D. Elvidge
City Clerk

(Seal of the City)



Note:
Survey data supplied by applicant. All dimensions in metres.

Attachment 3: Model Images of East and West Block Towers (2014)



View From North



View From South

Model Views 1

Applicant's Submitted Drawing

Not to Scale
06/25/2014

266-322 King Street East

File # 12 276890 0Z



View From West

View From Southwest

View From East

Model Views 2

Applicant's Submitted Drawing

Not to Scale
06/25/2014

266-322 King Street East

File # 12 276890 02

Attachment 4: Model Images of East and West Block Towers (2022)



EAST TOWER WEST TOWER

View from Northeast



EAST TOWER WEST TOWER

View from North

Applicant's Proposal Model Images

11/07/2022



WEST TOWER EAST TOWER

View from Southwest



WEST TOWER EAST TOWER

View from South

Applicant's Proposal Model Images

11/07/2022