

**266-270 King Street West and 274-322 King Street West,  
Zoning Amendment Application – Supplemental  
Request for Direction Report**

<b>Date:</b>	December 17, 2013
<b>To:</b>	Toronto City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	P:\2013\Cluster B\PLN\City Council\CC13106 (12 276890 STE 20 OZ)

**SUMMARY**

At its meeting of November 19, 2013, the Toronto and East York Community Council considered a Request for Direction Report from the Director of Community Planning, Toronto and East York District opposing a Zoning Amendment application for the lands municipally known as 266-322 King Street West and adopted the following motion:

"The Toronto and East York Community Council requested the Director, Community Planning, Toronto and East York District, to work with the applicant, and local Councillor, and bring forward directly to City Council for its meeting on December 16, 2013, any settlement terms that may result from the negotiations with respect to the Zoning Amendment Application for 266-270 King Street West and 274-322 King Street West."

The decision document and staff report can be viewed at the following link:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.2>

Staff have met with the applicant and briefed the Ward Councillor on matters to be resolved to reach a settlement. This report provides City Council with a summary of the outstanding issues related



to the proposal and describes an alternative development concept for the lands that was formulated by staff as one development approach that would address these matters. Staff are also recommending that the benefits to be secured as part of this project include a new multi-purpose community space.

Staff continue to oppose the project as proposed, which introduces a scale that is more keeping with developments in the Financial District and inappropriate within its physical and planned context. The proposed scale of development and similar scaled projects that may follow in its wake may create an unsustainable impact in a neighbourhood that is confronting significant growth management challenges.

Staff recognize the benefits and opportunities related to the redevelopment of the sites, and can support development that is proportionate to its context including appropriate building heights and scale, protecting existing heritage resources, meeting development performance standards and providing appropriate community benefits.

Staff continues to seek Council's direction to oppose these applications at the OMB in the absence of a settlement.

## **RECOMMENDATIONS**

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### **The City Planning Division continues to recommend that:**

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 266-270 and 274-322 King Street West, at the Ontario Municipal Board, and to retain such experts as the City Solicitor may determine are appropriate in support of the position recommended in this report dated December 16, 2013 from the Chief Planner and Executive Director, City Planning Division and the previous report dated November 8, 2013 from the Director, Community Planning, Toronto and East York District.
2. City Council endorse the alternative development concept described in this report as a basis of settlement and authorize the Chief Planner and Executive Director City Planning Division and City Solicitor, together with appropriate staff to pursue a settlement.
3. City Council authorize the City Solicitor to also advise the OMB that City Council's position is that any redevelopment of the sites, if approved by the OMB, should secure such services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be recommended by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
4. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

## **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

The planning framework for the King-Spadina Secondary Plan area was established in 1996, as part of the "Kings" initiative that included the King-Parliament area. The objectives of the framework were to loosen land use regulations in an effort to regenerate the areas with the inclusion of residential uses where compatible, while reinforcing the warehouse scale and character of the area through built form policies for new developments.

Since the "Kings" initiative was introduced, much reinvestment and renewal has taken place. Initially, this occurred through repurposing and renovating original building stock. Redevelopment also occurred generally in accordance with the built form policies of the Secondary Plan.

The application for 326-358 King Street West (TIFF Bell Lightbox) in 2003 was the first proposal for a significant deviation from the built form objectives of the Secondary Plan, requesting a tower of 157 metres (46 storeys). City Planning staff did not recommend approval of the application, however, City Council approved the zoning amendment application based on the fact that the project would deliver a new home for the Toronto International Film Festival and that it would be a "one-off landmark tower".

In 2004, an application was submitted for a 94 m (30 storeys) building at 430 King Street West which was again approved by Council. Subsequently, in 2005, an application was received for a 124 m (35 storey) building at 371 King Street West (M5V). Unlike the previous applications, this tower was on the south side of King Street West on a lot too small to provide adequate tower separation. This project was opposed by the City but approved by the Ontario Municipal Board (OMB). Soon after the OMB approval, two previously approved applications at 56 Blue Jays Way (18 storeys) and 99 Blue Jays Way (20 storeys) were resubmitted for heights of 41 and 40 storeys respectively to reflect the approval at 371 King Street West.

This handful of developments followed in quick succession by applications at:

- 306 – 322 Richmond – 39 storeys
- 300 Front Street West – 49 storeys
- 355 King and 119 Blue Jays Way – 42 and 47 storeys
- 295 Adelaide – 43 storeys
- 21 Widmer – 43 storeys
- 181, 199, 203 Richmond – 31 and 41 storeys
- 60 Johns Street – 33 storeys
- 224 King – 47 storeys
- 357 – 363 King Street West – 40 storeys
- 11 Charlotte Street – 32 storeys

These projects, all now approved, have led to a height standard and physical context in the East Precinct of King Spadina of 35 to 49 storeys.

The massing models found in Attachments 3 and 4 serve to graphically illustrate the physical context that has evolved in the East Precinct. Attachment 4 includes the proposed development in that context.

The on-going Built Form Study and Heritage Conservation District Study will propose an amended policy framework and performance criteria to manage taller buildings that can be appropriately scaled within the physical context, while addressing the fundamental need to provide hard and soft infrastructure and to protect the remaining heritage fabric in the area.

With respect to the subject application, a Preliminary Report on this application was considered by the Toronto and East York Community Council on February 26, 2013. The Preliminary Report can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-56083.pdf>

On June 18, 2013 the applicant appealed the Zoning By-law Amendment application for 266- 270 and 274-322 King Street West to the Ontario Municipal Board (OMB) due to City Council's failure to make a decision within the time period prescribed by the *Planning Act*. A pre-hearing conference has been scheduled for January 6, 2014. Staff has attended a significant amount of meetings with the applicant to provide comment and make suggestions for modifications to the project to address outstanding planning issues. There have been 2 community meetings specific to the project and comprehensive written comments have been sent to the applicant. To date, there have been no changes made to the application to address staff concerns.

On November 19, 2013, Toronto and East York Community Council considered a Request for Direction report, which can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-63412.pdf>

The Community Council decision was to submit the item to City Council without recommendation and to request staff to continue negotiations. The decision can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.2>

## **COMMENTS**

Staff continues to support intensification as promoted by Provincial policies and the Official Plan, however, the scale and proportion of intensification must be appropriate and complementary to the scale and context of the area including appropriate heritage conservation.

As directed by Toronto and East York Community Council, a meeting with the proponent was held on Monday, December 9, 2013. A subsequent meeting was held with the Ward Councillor to discuss that meeting on Wednesday, December 11, 2013.

Clearly, the proposed development has design and architecture that serve to evoke and inspire, as well as desirable cultural space and programs including an art gallery and future space for OCAD. However, there continue to be many outstanding concerns with the proposal's lack of heritage conservation, retention of employment opportunities (especially in the cultural industries), building heights, overall density and concern that the overdevelopment of one site will reset scale once again in this area and exacerbate hard and soft infrastructure challenges for the rest of the precinct.

Staff continues to require changes to the proposed development to address the following:

### 1. Heritage

Heritage conservation continues to be an outstanding issue. The development involves the demolition of 4 designated buildings. A concept incorporating wood beams in the base of the buildings to represent the existing brick and beam warehouses was suggested by the proponent. Staff are not of the opinion that this represents heritage conservation. Staff are also of the opinion that the heritage conservation proposed, on a block scale, is inconsistent with the PPS and the Official Plan.

### 2. Building Heights, Floor Plate Areas and Tower Separation Distances

The proposed building heights are almost double those recently approved, in the East Precinct, while heights have escalated in the area since 2003, these heights have generally complied with a pattern of descending from east to west and adhering to lower heights closer to the Queen Street West Heritage Conservation District.

Heights of this magnitude will undermine the policies of the King Spadina Secondary Plan, particularly with respect to heritage, a foundational principle of the plan. In addition, it is likely that the proposal will create further pressures for height and density in the area, and beyond.

Along with the uncharacteristic building heights, are floor plate areas of up to 1341 m<sup>2</sup>, which is far in excess of those considered appropriate by staff, as well as insufficient tower separation distances. As a result of the scale, height, and magnitude of the proposal, it does not achieve the objectives of the Secondary Plan or an appropriate level of light, views and privacy.

### 3. Employment Opportunities and Cultural Industries

Economic Development and Culture staff have raised concerns with the proposed reduction in opportunities for employment and specifically cultural industries employment.

The recent report entitled *From the Ground Up: Growing Toronto's Cultural Sector* (<http://www.toronto.ca/legdocs/mmis/2011/ed/bgrd/backgroundfile-41204.pdf>) showed that the highest concentration of cultural jobs in Toronto are located in the Entertainment District (8,045 cultural workers or 10% of all Toronto's cultural sector workers) where this development application is to be. These include large national as well as international for-profit cultural businesses. It is critical to ensure that the stock of non-residential gross floor space in the development proposal be maintained and expanded to encourage the continued growth of cultural enterprises.

The space should accommodate a creative labour force, similar to many of the businesses currently occupying the heritage buildings on site. The employment data prepared by the applicant lists many proposed jobs as unskilled labour (e.g. cleaning, security, front desk staff, etc.).

The applicant's proposal to incorporate OCAD U and a new Mirvish Gallery is a good start but needs to be more fully developed including the opportunity for affordable, sustainable cultural space.

#### 4. Community Services and Facilities, Infrastructure and Growth Management

The scale and density of the proposed development triggers concerns related to creating sustainable complete communities and managing growth. The population of the East Precinct neighbourhood has increased significantly from the 148 people in 1996, to 3,616 people in 2011, expected to rise to 18,000 if all current applications are built out as proposed (See Attachment 1: Projected Residential and Non-Residential growth, King Spadina and Attachment 2: Projected Population and Employment growth, King Spadina). To support and sustain this new population, new community services and facilities and parkland are required.

Engineering and Construction Services will not be signing off on the servicing report until additional analyses and investigations are undertaken and submitted by the applicant. While engineering solutions may be found and paid for by the applicant, that are acceptable, these solutions are incremental and do not address overall capacity issues in the catchment area.

By approving a substantial increase in density on one site, it essentially sets a precedent of equivalent density on other development sites within the neighbourhood. This ever increasing density puts the system under stress. A management strategy that includes, for example, a Master Servicing Study of the area, and managing growth to allow infrastructure capacity to be shared proportionately is a more desirable approach.

#### 5. Development Performance Standards

The proposed development should, at a minimum, provide for the basic elements that accommodate and sustain the expected needs of future residents, workers and patrons of

the proposed development without causing off-site impacts, namely parking, loading and amenity space. A detailed breakdown of these requirements is as follows:

	Required	Proposed	Deficiency
Indoor Amenity Area (m2)	5418	4100	1318 (24%)
Outdoor Amenity Area (m2)	5418	2300	3118 (58%)
Total Parking Spaces (By-law 569-2013)	2062	317 (202 resident parking spaces and 115 non-resident)	1745 parking spaces (85%)
Total Loading Spaces (By-law 569-2013)	12	8	4 (33%)
Bicycle Parking spaces (TGS Tier 1)	2819	1844	975 (35%)

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

As noted in the Request for Direction Report dated November 8, 2013, staff continue to be of the opinion that the proposed development is not consistent with the Planning Act or with the Provincial Policy Statement (PPS), and does not conform to the Growth Plan for the Greater Golden Horseshoe with respect to Heritage Policies for the reasons cited in the report.

Although the proposed development is within a built-up urban area in close proximity to higher-order transportation (St. Andrews Subway Station) and served by the 504 Streetcar line, the proposal does not represent a positive or appropriate form of intensification as previously noted. Policy 4.5 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS. It was the opinion of staff that the proposed development did not conform to the Official Plan and Secondary Plan policies cited in the November 8, 2013 report.

With respect to PPS policies related to growth management, Policy 1.1.3.8 states that Planning authorities shall establish and implement phasing policies to ensure the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs. This report has identified certain needs in the area.

Further, Policy 1.6.1 states that infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs. Planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs as noted in this report.

This report outlines the service needs of the community as well as the need for additional analysis regarding infrastructure limitations in the area.

## **Alternative Development Concept**

In order to clearly articulate the desired principles for the redevelopment of the sites, that serve to address staff's outstanding concerns, staff prepared an alternative development concept or approach that provides for intensification on the lands, while continuing to accommodate architecture that evokes and inspires. This concept would result in the three tallest towers in the East Precinct but at a more appropriate scale and more proportionate to the surroundings. The alternative development concept conserves heritage resources, enhances the public realm and provides community benefits in relation to the magnitude of the development.

The concept would have three towers at heights of 60, 55 and 50 storeys from east to west. These heights will fall within the height transition that exists in the East Precinct (See Attachment 6 – Elevations).

The towers continue to have the same architectural expression and vocabulary proposed, however, the floor plate areas have been reduced to 750 m<sup>2</sup>, in accordance with the City's Tall Building Guidelines (See Attachment 5 – Elevations). This reduction has resulted in improved tower separation distances as well.

The alternative development concept anticipates an appropriate retention of employment/cultural industry floor area; appropriate performance standards related to amenity space, vehicular parking and bicycle parking.

The alternative development concept is described as follows:

### 1. West Parcel – Two Towers (55 and 50 Storeys)

The base of the West Parcel building has been modified to conserve three designated heritage buildings (Gillette, Eclipse and Anderson), thereby maintaining an appropriate scale at street level. It is anticipated that the three buildings can be repurposed for a variety of uses in conjunction with the programming of the two towers.

The Princess of Wales Theatre will not be retained, therefore, this site provides a unique opportunity to establish a pedestrian mid-block connection and a publically accessible open space, which can provide opportunities for programming.

The redevelopment of this block can also provide a unique opportunity to provide spectacular streetscape enhancements on King Street West (potentially narrowing the street in favour of a wider sidewalk) and more pedestrian oriented opportunities on Pearl Street, while complementing the built heritage of Theatre Row (See Attachment 7 - Street Level View, Corner of King St. W and John Street).

## 2. East Parcel (60 Storeys)

To accommodate redevelopment of this site, staff have included the Royal Alexandra Theatre site, which abuts to the east and the conservation of the Reid Building. The inclusion of the Royal Alexandra Theatre would address tower separation concerns and provide for additional heritage conservation through a Heritage Easement Agreement registered on the Theatre.

The north elevation of the proposed building would be sensitive to the existing building at 11 Pearl Street, and accommodate future development.

### Community Services and Facilities:

The significant growth in King Spadina has progressed without the addition of new community services and parkland within the area. To address this issue, City Planning retained a consultant in July 2013, to assist in the preparation of the Community Services and Facilities (CS&F) Study for the area.

The study included a detailed needs assessment covering five service sectors – schools, child care, library, community recreation and human service agencies and identification of emerging CS&F needs. The preliminary findings support the need for:

- Child Care –additional spaces/facilities for infants and toddlers and space for organized programs (e.g. parent resource drop ins)
- Library – Need for existing branches to accommodate additional programs
- Community Recreation –Need for satellite, multi-purpose recreation space to accommodate a wide range of programs for all ages
- Human Services – Additional space for non-profit agencies for programs such as youth and seniors centres, parenting resource centre and community economic development hub
- Schools -Improvements to existing/aging TDSB school facilities located in the study area to improve programming

At a public meeting held in November 2013 in King-Spadina, residents reflected these findings identifying the need for a multi-use community space (including library services) as one of the top priorities. The scale and location of this proposal offers a unique opportunity in King-Spadina. The synergy between David Pecaut Square and a new public community space could serve to establish a much needed focal point for one of the fastest growing residential communities in the City (See Attachment 1: Projected Residential and Non-Residential growth, King Spadina and Attachment 2: Projected Population and Employment growth, King Spadina).

Over the past decade, significant new cultural space and amenities have been secured in the vicinity of King Spadina, including the new TIFF Lightbox, space for OCAD University and the ongoing planning for the John Street Cultural Corridor. A new multi-purpose community space could complement those cultural facilities and support the

recreation and human service priorities needed in the area. City staff are recommending that the space to be able to accommodate a range of uses and be operationally efficient and flexible. It should also have access from and good visibility at grade.

### **Section 37**

The applicant has suggested that they will provide space for OCAD University and build a private art gallery (which would be open to the public) to house the private collection of the owner of the site. Although Staff see value in adding these amenities to support the creative cluster in the area, these proposals have to be evaluated against the range of services necessary to serve the new community. Should the applicant be willing to discuss modifications to the proposal, an appropriate Section 37 would be negotiated that may include the elements proposed by the applicant as well as public community service and facilities space.

### **Conclusions**

The proposal represents an inappropriate development for reasons cited in this report and the Request for Direction report considered by Toronto and East York Community Council on November 19, 2013, including:

- The proposal represents an over-intensification of the site. The proposed density and heights are significantly higher than other buildings in the area;
- The proposal does not have adequate regard to certain matters of Provincial interest as outlined in the *Planning Act*
- The proposal does not conform with nor maintain the intent of the Official Plan policies, including policies related to heritage, built form, or tall buildings, with respect to an appropriate relationship with its context;
- The proposal does not conform with nor maintain the intent of the King-Spadina Secondary Plan, including the objectives of ensuring new development is compatible with the built form context and heritage character of the adjacent buildings, and ensuring that massing provides appropriate proportional relationships;
- The proposal creates an undesirable precedent with respect to building heights and densities in the King-Spadina East Precinct and beyond;
- The proposed demolition of four designated heritage properties is not acceptable and creates an undesirable precedent for other heritage buildings in King-Spadina and beyond;
- The proposed tower heights, floor plate areas and separation distances do not serve to achieve desired objectives related to light, views and privacy, and sky views as outlined in the Tall Building Guidelines;
- The proposed amount of non-residential floor area and associated uses do not address appropriate employment opportunities and cultural industries objectives of the City;

- The existing public community services and facilities and parks in the area are not adequate to accommodate the projected population of the area; and
- The proposed development fails to achieve appropriate development performance standards related to parking, bicycle parking and indoor and outdoor amenity space.
- The proposed Section 37 benefits do not address the public needs in the neighbourhood, particularly for community space

City Planning staff have continually expressed a desire to collaborate with the proponent in an effort to achieve an appropriate development on the lands, that addresses the above-noted issues. In an effort to maintain the communication, staff are suggesting an alternative development concept as a basis for settlement discussions.

## **CONTACT**

Philip Carvalino, Senior Planner  
Tel. No. 416-394-8233  
Fax No. 416-394-6063  
E-mail: pcarval@toronto.ca

## **SIGNATURE**

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Jennifer Keesmaat, M.E.S, MCIP, RPP  
Chief Planner & Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Projected Residential and Non-Residential growth, King Spadina  
Attachment 2: Projected Population and Employment growth, King Spadina  
Attachment 3: Massing Models: Existing Development plus under construction  
Attachment 4: Massing Models: Approved applications plus applications under review  
Attachment 5: Elevations  
Attachment 6: Elevations  
Attachment 7: Street Level View, Corner of King St. W and John Street

Attachment 1: Projected Residential and Non-Residential growth, King Spadina

## Potential Residential Units

**75%** of the total units are in the East Precinct

	King-Spadina	East Precinct
Under construction	3,150	2,480
Building Permit	5,915	3,980
Submitted (under review)	<b>7,100</b>	<b>5,870</b>
<b>Total</b>	<b>16,165</b>	<b>12,330</b>

Source: development applications submitted January 1, 2008 to October 28, 2013

## Potential Employment: Non-Residential Gross Floor Area

**60%** of the potential employment is in the East Precinct

	King-Spadina	East Precinct
Under construction	44,855m <sup>2</sup>	41,135m <sup>2</sup>
Building Permit	72,820m <sup>2</sup>	25,000m <sup>2</sup>
Submitted (under review)	254,345m <sup>2</sup>	161,320m <sup>2</sup>
<b>Total</b>	<b>372,020m<sup>2</sup></b>	<b>227,455m<sup>2</sup></b>

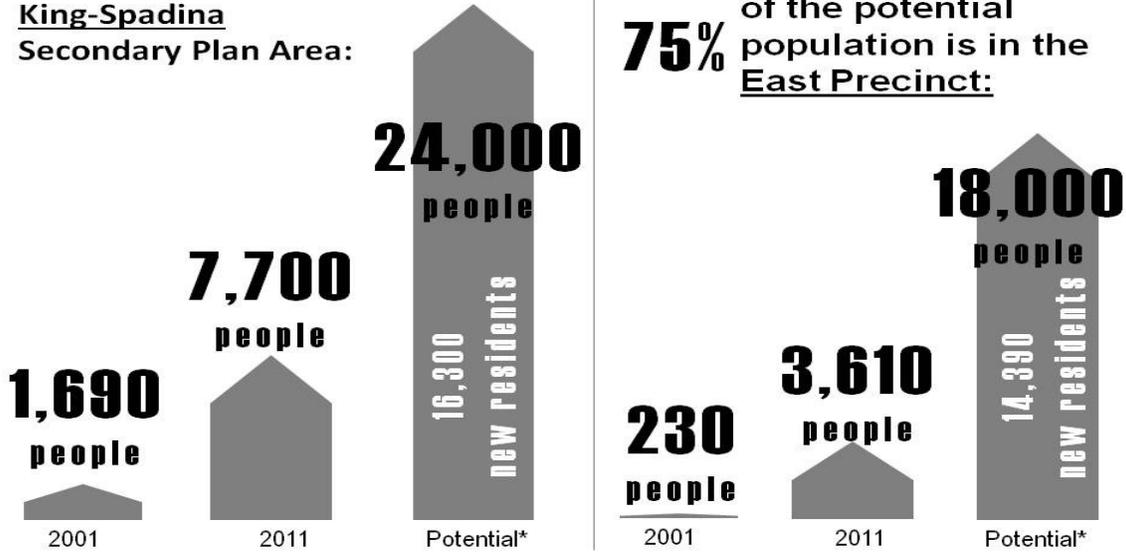
Source: development applications submitted January 1, 2008 to October 28, 2013

Attachment 2: Projected Population and Employment Growth, King Spadina

# Potential Population

King-Spadina  
Secondary Plan Area:

**75%** of the potential population is in the East Precinct:



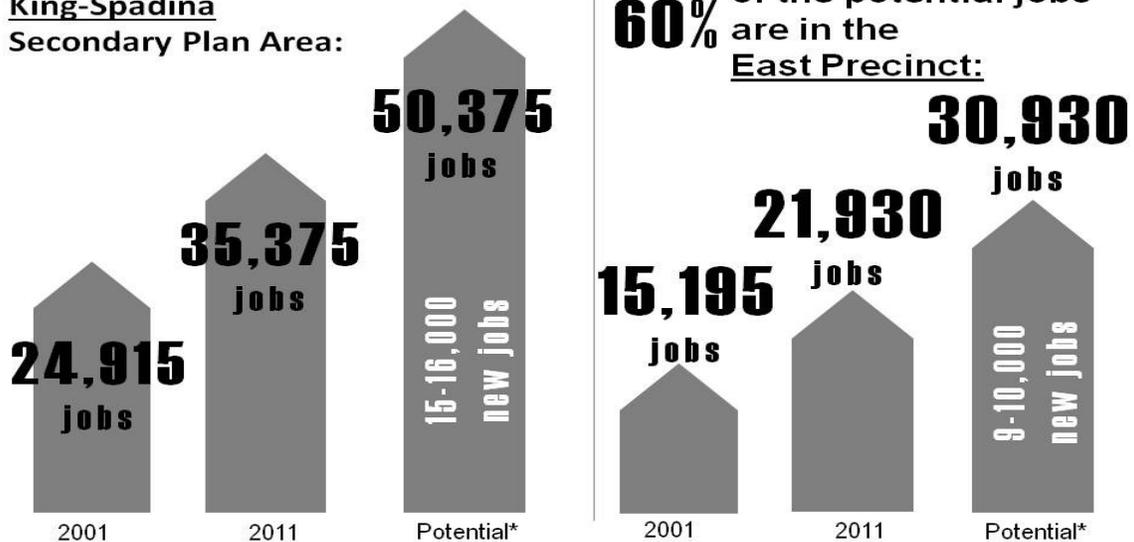
Source: Statistics Canada, 2001 & 2011 Census excluding Queen Street

\* Submitted, approved & under construction residential units between January 1, 2008 to October 28, 2013 calculated at 1.5 residents per unit

# Potential Employment

King-Spadina  
Secondary Plan Area:

**60%** of the potential jobs are in the East Precinct:

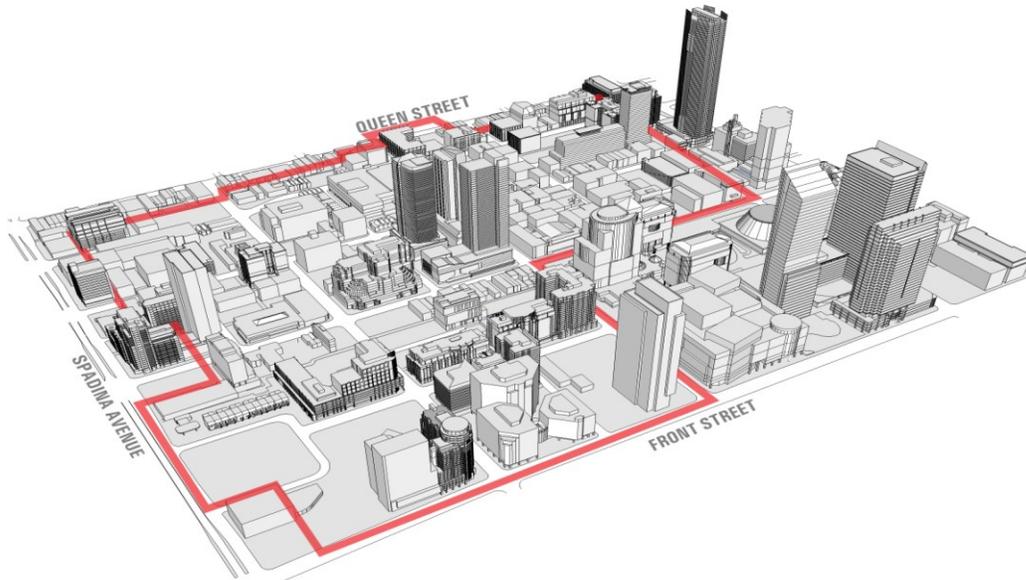


Source: Toronto Employment Survey, 1996 – 2012

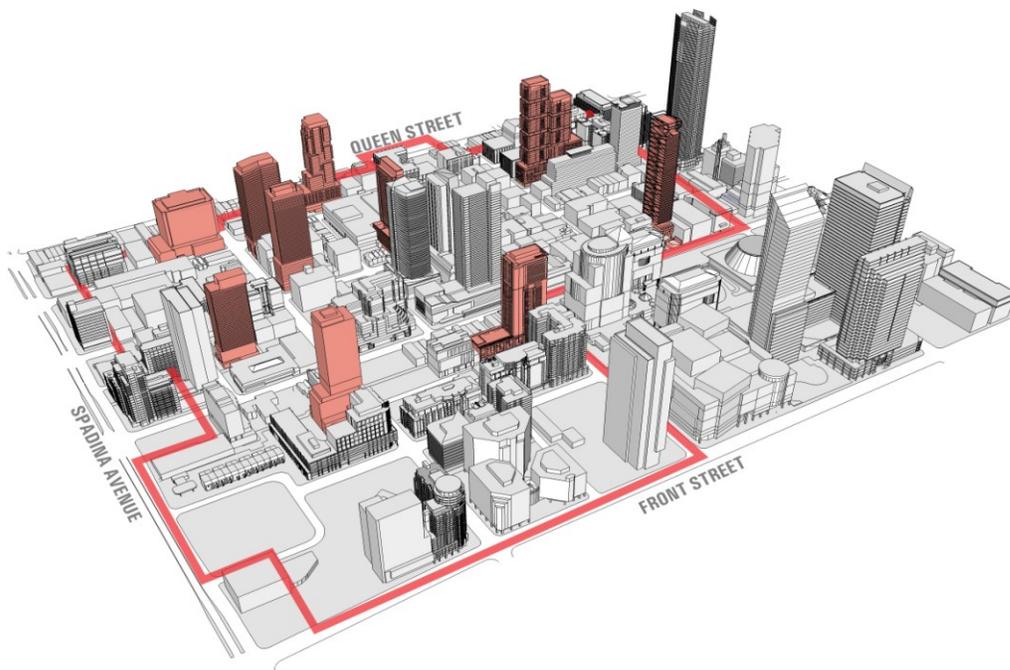
\* Submitted, approved & under construction non-residential GFAs between January 1, 2008 to October 28, 2013 calculated at 1 employee per 20m<sup>2</sup> of office use & all other non-residential uses at 1 employee per 30-35m<sup>2</sup>

# Attachment 3: Massing Models: Existing Development plus under construction

## Existing Development



## Existing Development + under construction

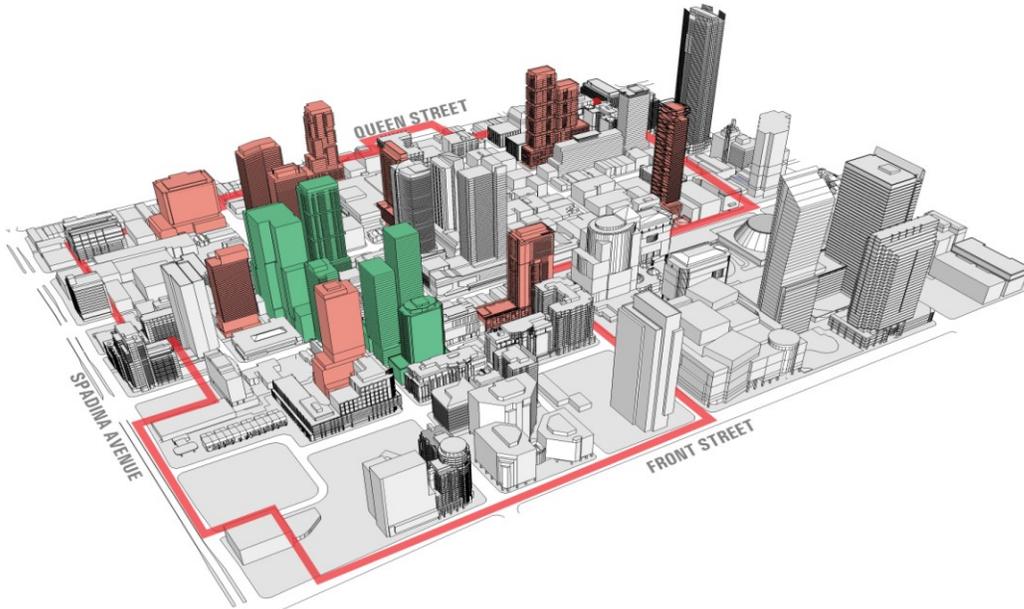


### Legend

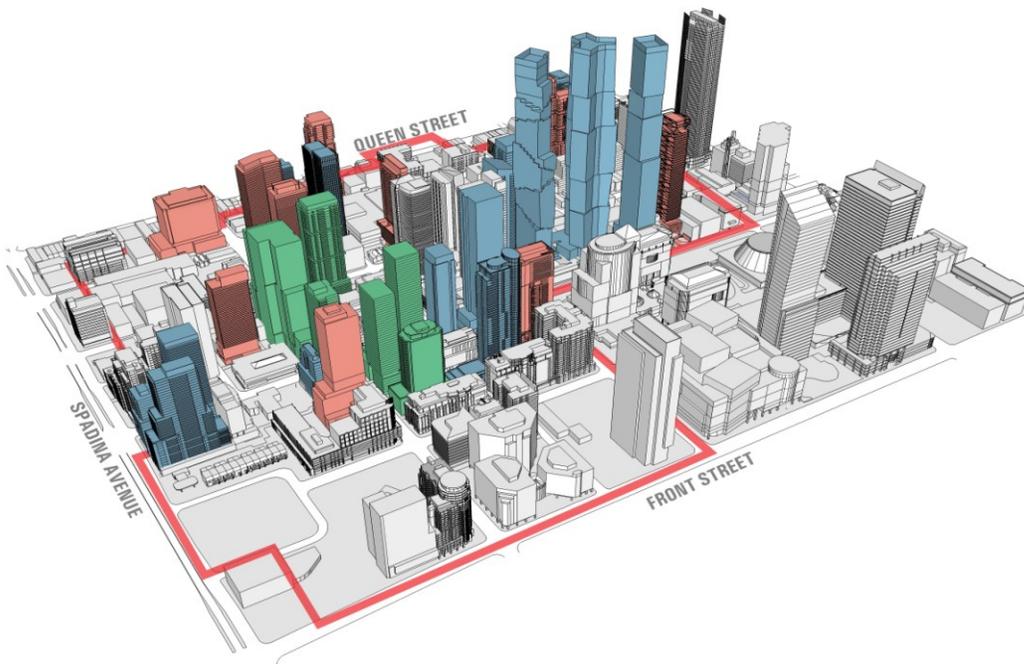
-  existing development
-  under construction
-  approved application (not yet built)
-  submitted application

**Attachment 4: Massing Models: Approved applications plus applications under review**

**Existing Development + under construction + approved**



**Existing Development + under construction + approved + submitted**

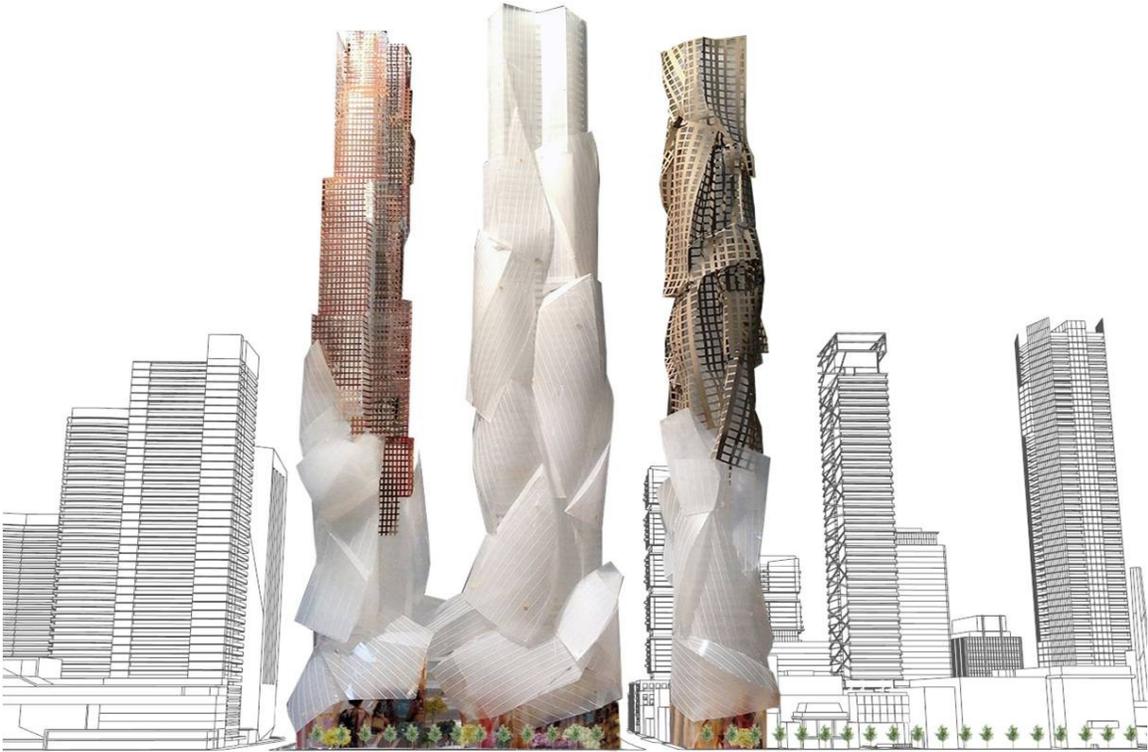


**Legend**

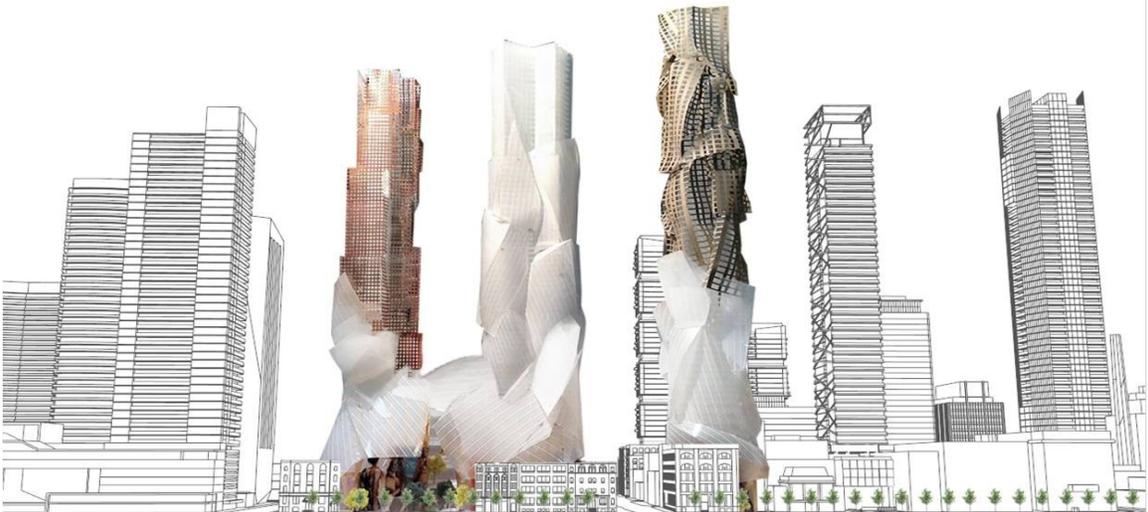
-  existing development
-  under construction
-  approved application (not yet built)
-  submitted application

## Attachment 5: Elevations

### Proposed

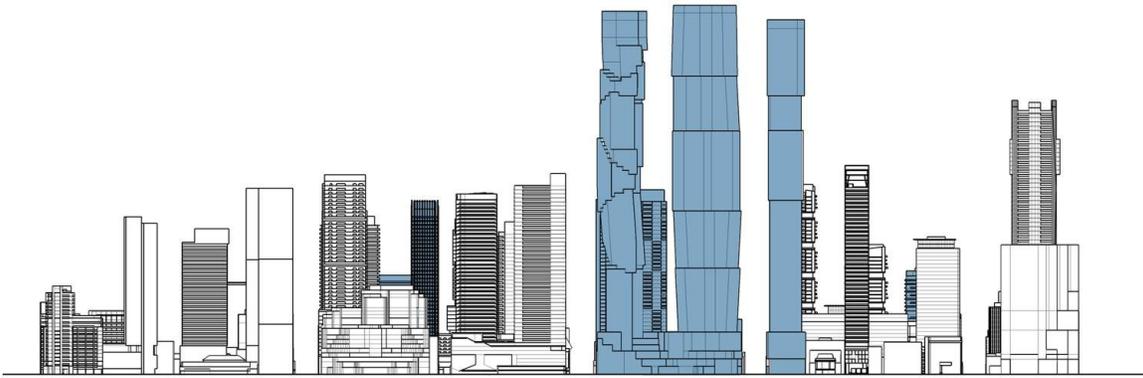


### Alternative Development Concept

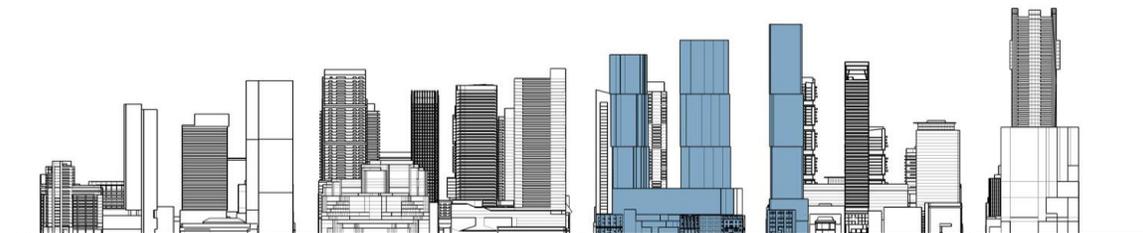


## Attachment 6: Elevations

### Proposed



### Alternative Design Concept



## Attachment 7: Street Level View, Corner of King St. W. and John St

PLANNING A GREAT CITY, TOGETHER

### Proposed



### Alternative Development Concept

