

TORONTO STAFF REPORT

August 15, 2005

To: Toronto and East York Community Council

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

Subject: Supplementary Report- 430 King Street West
Owner: Great Gulf (King Street) Ltd.(Diamond and Schmitt Architects Incorporated)
Rezoning Application 04 115402 STE 20 OZ
Trinity-Spadina, Ward 20

Purpose:

The purpose of this report is to inform Council of the proposal by the applicant to increase the number of floors from 30 to 32 within the same height limit and building envelope as previously approved by Council for a mixed use building proposed for 430 King Street West, and to seek direction with respect to appearing at the Ontario Municipal Board in support of such a proposal.

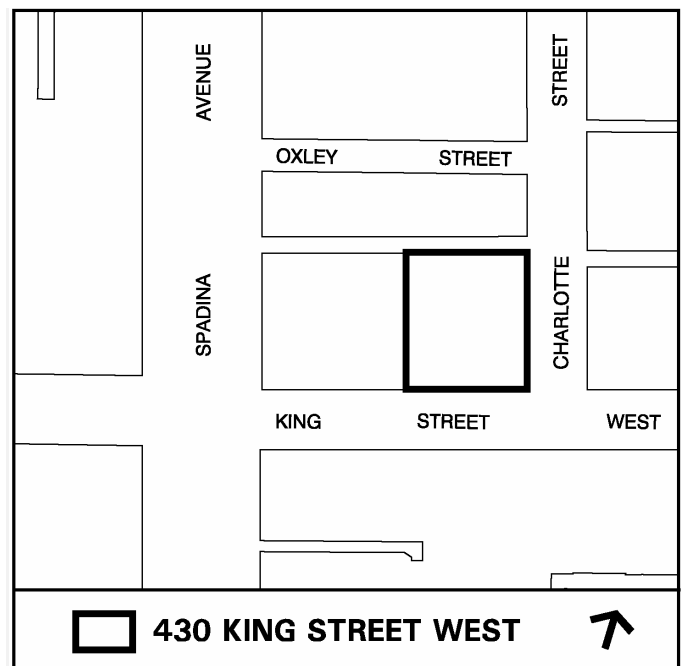
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) Council support an additional two floors in the proposal for a 30-storey mixed use building at 430 King Street West provided the additional two floors are achieved within the height limit of 105.36m to the top of the roof inclusive of the mechanical penthouse;



- (2) Council instruct the City Solicitor and other staff as required to attend the Ontario Municipal Board hearing in support of this revised proposal; and
- (3) Council approve an amendment to the Section 37 contribution of an additional \$20,000 to be used for park and public realm improvements for a total of \$420,000.

Background:

In March 2004, Great Gulf (King Street) Limited submitted an application for a 25-storey mixed use building with retail uses at grade on the King Street West and Charlotte Street frontages, and residential condominiums above.

In November, 2004 a revised application was submitted for a 30-storey building containing the same uses. As well, in November 2004, the applicant for 430 King Street West appealed the application to the Ontario Municipal Board on the basis that the municipality failed to address it within the required period of time.

At its June 14, 15, 16, 2005 meeting, Council approved the Settlement Report dated May 17, 2005 that recommended approval of the 30 storey proposal (323 units).

At the hearing of July 20, 2005, the OMB approved the proposal in principle and required the City and the applicant to provide the OMB with a Draft By-law and Site Plan Agreement that was agreeable to both parties.

Further to that hearing, the applicant has proposed an additional two (2) floors to be located within the height limit approved by the OMB.

Comments:

The request to add two floors within the same height limit in the proposed building is achieved by reducing the floor to ceiling heights of a sufficient numbers of floors to accumulate the required height. While the net change to the number of units proposed is only one, the increase in gross floor area is 568 square metres. This additional gross floor area will be used to create larger units to meet market demand. The height, design, and exterior facade of the building will remain unchanged.

Section 37

Previous discussions with respect to the 30-storey building between the applicant and staff resulted in a commitment by the applicant to enter into a Section 37 agreement to provide the following benefits:

- (i) the amount of \$400,000, payable to the City of Toronto to be used for park and public realm improvements, particularly for Clarence Square;

- (ii) the provision and maintenance of public art works pursuant to a public programme, to be located on publicly accessible portions of the lot, of a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the lot;
- (iii) the incorporation in the construction of the buildings, exterior materials to the satisfaction of the Chief Planner and Executive Director; and
- (iv) the incorporation of upgraded STC classifications on all windows on lower residential floors to provide for improved noise mitigation. The specification of which floors and the required STC classification shall be determined to the satisfaction of the Chief Planner and Executive Director in consultation with the project architect.

With the increase in gross floor area, the cash contribution of \$400,000 has been increased to \$420,000. In addition, the applicant has agreed to provide 1:50 drawings of the podium buildings, which will be secured in the Section 37 Agreement. This will confirm the design treatment and quality of materials on the lower levels of the building.

Conclusions:

As the addition of two (2) floors does not affect the height, design or exterior façade of the building, staff does not object to the proposal. It is, therefore, recommended that the City Solicitor be instructed to appear at the OMB in support of the amended application for 32 floors and that amendments to the Section 37 benefits be approved.

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