

STAFF REPORT ACTION REQUIRED

154 Front Street East - Zoning Amendment Application - Preliminary Report

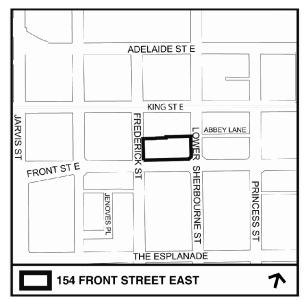
Date:	May 6, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	11 146719 STE 28 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

A mixed use building is proposed at 154 Front Street East that has 537 residential units and 1020 square metres of retail space. The building design includes two tower elements above a podium that ranges in height from 5 to 7 storeys. The overall height of the building ranges from 76.4 metres (24 storey west tower) to 108.45 metres (34 storey east tower). A 7 metre high mechanical penthouse is proposed above the east tower. Access to a 5 level underground parking garage with 361 parking spaces is proposed from Frederick Street.

This report provides preliminary information on the rezoning application and seeks Community Council's directions on further processing of the application and the community consultation process. Staff recommends that a community consultation meeting be scheduled for mid June 2011. As well, the proposal is scheduled to be considered by the Design Review Panel in July 2011. Staff anticipate submitting a final report on the application to Community Council by the fourth quarter of 2011. These target dates assume that the applicant will provide required information in a timely manner.



Staff have concerns with the scale of the development proposed on this site within King-Parliament that extends the full block between Frederick and Sherbourne Streets. Its location in the original Old Town of York and opposite an area of low rise buildings and low density lends itself to a lower scale built form in keeping with the objectives of the planning framework for this area. Staff would like to work with the applicant and the community to seek an alternative scale of development on this site more in keeping with its context.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 154 Front Street East together with the Ward Councillor.
- 2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- 3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant in November 2010 to discuss complete application submission requirements.

The applicant held two community consultation meetings prior to the submission of the application, the first December 2, 2010, the second March 28, 2011. There were about 15 participants at each meeting and Planning staff and staff from the Ward Councillor's office also attended. At the first meeting, the applicant presented a range of designs for a mixed-use building on the site. Options included a 20-22 storey building, buildings with one or two towers above podiums ranging from 10 to 12 storeys, and a modified slab building of about 20 storeys. Comments and issues raised at the first meeting included: preference for innovative design, greening of streets, providing for family size units, density, providing for larger retail stores, potential impacts on the adjacent residential building to the north, and the use of high quality building materials.

At the second pre-application consultation meeting, the applicant presented the design proposed in the current application. Comments and issues raised included: clarification on the shadow impacts, reducing the number of units, providing for larger units, concern with two as opposed to one tower, providing for increased setbacks of the towers from Front Street East, and concern with building height. Participants noted that the innovative design, the treatment of the podium and the flexibility in the retail space to provide for a larger retailer were all positive elements of the project. Comments on the proposed building materials varied. Some participants preferred the limestone proposed while others felt this material was not complementary to the historic brick buildings found throughout the area.

ISSUE BACKGROUND

Proposal

The application proposes a mixed-use building with 537 residential units and 1020 square metres of retail space at grade along Front Street East and Sherbourne Street. The mix of apartments units includes: 4 bachelor, 449 one-bedroom and 84 two-bedroom apartments. The proposed building consists of a podium ranging in height from 5 to 7 storeys (18.8 to 25 metres) with two residential towers above situated at the east and west ends of the podium along Frederick Street and Sherbourne Street respectively. There is a 20 metre separation proposed between the tower elements above the podium. The east tower sits above a 5-storey podium and has an overall height of 34 storeys (108.4 metres). A 7 metre mechanical penthouse is proposed above the east tower for a total height of 115.4 metres. The west tower sits above a 7-storey podium and has an overall height of 24 storeys (76.4 metres). The mechanical penthouse for the west tower is incorporated into the tower design. A bridge is also proposed to extend from the roof of the west tower to the 25th floor of the east tower and includes interior and exterior amenity space (Attachments 1, 2, 3, 4 and 5).

Five levels of underground parking with 361 parking spaces are proposed for residents (328 spaces) and visitors (33 spaces). Fifty-eight outdoor bicycle parking spaces are proposed for visitors on the north side of the building, and 488 bicycle parking spaces for residents in the parking garage. Access to loading and parking is proposed at Frederick Street from a 7.2 metre wide driveway at the north end of the site.

Proposed common amenity space includes 1078 square metres within the building and 1241 square metres outdoors. Balconies and terraces of varying sizes are also proposed for most units. An outdoor open space area of 202 square metres is proposed on the northeast corner of Frederick Street and Front Street East. The west tower of the building above the podium extends over this open space by about 3 metres. Twenty-three trees are proposed to be planted along the Front Street East, Frederick Street and Sherbourne Street frontages. Additional site and development statistics are included in the application data sheet, attachment 6.

Site and Surrounding Area

The site is located on the north side of Front Street East and extends the full block from Frederick Street to Sherbourne Street. The site is 3221 square metres in area, rectangular in shape and generally flat. It has a frontage of approximately 84 metres along Front Street East, 38 metres along Frederick Street and 40 metres along Sherbourne Street. The site is occupied by a two storey Greyhound courier bus station, and associated surface parking and loading areas. There are six trees along the north property line that are proposed to be removed.

Surrounding uses include:

North: Adjacent to the north there is a 10-storey condominium apartment building that fronts onto Frederick Street and a 2-storey commercial building that fronts onto Sherbourne Street. The commercial building on Sherbourne Street is listed by the City as a building of historic significance. Further north of the site along King Street East, are 1 to 4-storey commercial buildings. A number of these buildings are listed by the City as historically significant.

South: The Lorraine Kimsa Theatre for Young People situated at the southeast corner of Frederick Street and Front Street East is opposite a portion of the site. This four-storey building, formerly the Toronto Street Railway Stables, is designated as historically significant under the *Ontario Heritage Act*. The former William Davies & Company meat packing plant and J & J Taylor Safeworks building, also designated under the *Ontario Heritage Act* is opposite the theatre, on the southwest corner of Frederick Street and Front Street East. A four-storey mixed-use commercial and residential building occupies most of the block on the south side of Front Street East opposite the site.

East: There is a gas station at the northeast corner of Sherbourne Street and Front Street East opposite the site, and a 3-storey commercial building north of the gas station. A 17-storey mixed-use residential and commercial building has been approved for the southeast corner of King Street East and Sherbourne Street (file: 08 186000 STE 28 OZ). There is an car dealership with associated surface parking on the southeast corner of Front Street East and Lower Sherbourne Street and a grocery store further east on the south side of Front Street East.

West: There is a 10-storey mixed-use building opposite the site on the west side of Frederick Street with commercial uses at grade and residential uses above. On the north side of Front Street East further west are older mixed-use buildings of 3 to 5 storeys with retail uses at grade and residential uses above.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is located in the *Downtown* and in the King-Parliament Secondary Plan Area. The site is designated *Regeneration Areas* in the Official Plan.

As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the *Downtown* that; builds on the strength of the area as an employment centre, provides for a range of housing opportunities and supports and enhances the speciality retail and entertainment districts. The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives. Among other things, it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, promotes mixed use development to increase opportunities for living close to work and to encourage walking and cycling, improves air quality and reduces greenhouse

gas emissions by reducing reliance on the private automobile all in keeping with the vision for a more liveable Greater Toronto Area.

This reurbanization strategy recognizes that the level of growth will not be uniform across the *Downtown* given its diversity. The policies of Section 2.2.6 for the *Downtown* provide that design guidelines specific to districts of historic and distinct character will be developed to ensure new development respects the context of such districts in terms of its fit with existing streets, setbacks, heights and relationship to landmark buildings.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1 provide additional direction on how they fit into the existing and planned context and how they are designed. The plan states that although tall buildings are desirable in the right places they don't belong everywhere and are only one form of intensification.

Section 3.1.3.2 requires that tall buildings proposals address key design considerations including:

- meeting the built form principles of the Official Plan
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure
- demonstrating how the proposed building and site design relate to the existing and planned context
- providing high quality, comfortable and usable publicly accessible open spaces; and
- meeting the other goals and objectives of the Official Plan.

Policies for Regeneration Areas

A broad mix of commercial residential light industrial, parks and open space, institutional, live/work and utility uses are permitted within *Regeneration Areas* to promote reinvestment and revitalization.

The policies of Section 4.7.2 for *Regeneration Areas* require that the framework for new development in these areas be set out in a Secondary Plan. Section 5.2.1.1 provides that secondary plans are intended to apply to defined areas and adapt and implement the objectives, policies, land use designations, and overall planning approach of the Official Plan to fit the local context. Section 5.2.1.3 of the Official Plan provides that Secondary Plans will promote a desired type and form of physical development for the area, and plan for an appropriate transition in scale and activity between neighbouring districts.

Section 4.7.2 gives direction on the intent of Secondary Plans for *Regeneration Areas* and provides that they will guide revitalization through matters such as:

- urban design guidelines related to the unique character of the area,

- strategies to promote greening and community improvements,
- a heritage strategy identifying important heritage resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources,
- transportation policies that encourage transit, walking and cycling in preference to private automobile use; and,
- environmental policies ensure that lands are cleaned appropriate for new development.

The Official Plan is available on the City's website at: http://www.toronto.ca/planning/official_plan/introduction.htm

King-Parliament Secondary Plan

The site is situated in the King-Parliament Secondary Plan Area and within a sub-area of King-Parliament identified as the Jarvis-Parliament Regeneration Area. The King-Parliament Secondary Plan provides a framework for reinvestment and development, intended to encourage a wide range of uses that are mutually compatible and complement the existing built form character and scale of the area. Within this framework, the Jarvis-Parliament Regeneration Area is intended as an area targeted for significant growth providing for a mix of compatible land uses.

The urban structure built form principles of Section 3 of the King-Parliament Secondary Plan provide that new buildings will be sited and massed to provide adequate light, view and privacy for neighbouring properties and 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 and open spaces will be massed to provide appropriate proportional relationships and designed to minimize the wind and shadowing impact on the streets, parks or open spaces.

The site is situated within the Old Town of York, an area of special identity within King Parliament. Encompassing the original ten City blocks of the Old Town of York, Section 3.1.4 of the Secondary Plan provides that new development will implement urban design policies to protect this area of special identity. The Secondary Plan also includes initiatives and policies that promote community improvement and measures to strengthen the pedestrian environment.

The King-Parliament Secondary Plan is available on the City's website at: http://www.toronto.ca/planning/official_plan/pdf_secondary/15_king_parliament_oct2009.pdf.

King-Parliament Urban Design Guidelines

Along with the Official Plan and King-Parliament Secondary Plan policies, the urban design guidelines for King-Parliament seek to reinforce the physical character and identity of the area. The site is situated in the Old Town of York. The guidelines provide that new development will respect the historical and urban design significance of the area and that new buildings will reinforce the scale and continuity of the street wall enclosure along the streets.

The King-Parliament Urban Design Guidelines are available on the City's website at: http://www.toronto.ca/planning/urbdesign/pdf/14kingparliament.pdf

King-Parliament Community Improvement Plan

The Community Improvement Plan for King-Parliament provides a framework for improvements within the area to attract new investment. Significant streets such as Front Street East and areas of special identity such as the Old Town of York are noted as deserving special attention in order to highlight their heritage and historic importance.

Design Criteria for the Review of Tall Building Proposals

The City's 'Design Criteria for the Review of Tall Building Proposals' provide guidelines for the design and evaluation of tall buildings in the City. Aimed to implement the built form policies of the Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals. Criteria and indicators are related to four main areas; site context, site organization, building massing and the pedestrian realm.

In considering site context, a tall building proposal must address concerns related to transitions between taller buildings and lower scale features nearby. Measures such as setbacks, stepbacks and angular planes are used to achieve appropriate transitions in scale and the protection of sunlight and sky views.

Criteria related to site organization address issues of building placement and orientation, location of building entrances, servicing and parking requirements, enhancement of adjacent streets and open spaces, and respect for heritage buildings.

Building massing is an important consideration in assessing tall buildings. The scale of the base component of a tall building should have good street proportion to maintain access to sunlight and sky views along the street, should integrate with adjacent buildings and minimize the impacts of parking and servicing uses. To break down the mass of the building smaller floor plates and building articulation is recommended. Adequate space between tall building elements allows for appropriate light and privacy for existing and new buildings, as well as allowing appropriate sunlight wind and sky view to adjacent streets parks, open spaces and properties. Conditions beyond the required by-law minimums are often required to achieve light, view and privacy. The criteria include a minimum spacing of 25 metres between the shafts of tall building elements. On compact sites where a tall building is proposed the shaft of the tall building must be located a minimum of 12.5 m away from the property line.

New tall buildings are expected to enhance the public realm by providing active frontages, high quality streetscape and landscape design elements. Other considerations include weather protection, limiting shadowing impacts and uncomfortable wind condition on nearby streets, properties and open spaces, as well as minimizing additional shadowing on neighbouring parks to preserve their utility.

The Design Criteria for the Review of Tall Building Proposals is available on the City's website at: http://www.toronto.ca/planning/urbdesign/pdf/tallbuildings_udg_aug17_final.pdf.

Zoning

The site is zoned Reinvestment Area (RA) in Zoning By-law 438-86 (attachment 7). A wide range of residential, retail, commercial, institutional, recreational and industrial uses are permitted on the site.

On this site, a maximum building height of 30 metres is permitted with an additional 5 metres permitted for rooftop mechanical elements (attachment 8). Buildings are permitted to extend to the front lot line and to the side lot lines to a depth of 25 metres from a street. Beyond a depth of 25 metres buildings

must be setback a minimum of 7.5 metres from a side lot line. A minimum 7.5 metre setback from the rear lot line is also required. A minimum setback of 3 metres is required along street frontages for the portion of a building higher than 20 metres.

At its meeting of August 25-27, 2010, Council adopted a harmonized Zoning By-law for the City. Zoning By-law 1156-2010 has been appealed and is now before the Ontario Municipal Board. No hearing dates have been set. While By-law 1156-2010 is under appeal, the provisions of Zoning By-law 438-86 for the former City of Toronto and the new Zoning By-law 1156-2010 are in effect for sites that are subject to Zoning By-law 1156-2010.

The site is zoned Commercial, Residential, Employment (CRE) in Zoning By-law 1156-2010 (attachment 9). Like the RA zone, the CRE zone permits a wide range of uses, and contains the same height and setback standards as those found in Zoning By-law 438-86.

Site Plan Control

The proposed development is subject to site plan control. A site plan control application has been submitted and is being reviewed concurrently with the rezoning application (file: 11 146730 STE 28 SA).

Tree Preservation

There are six trees along the north property boundary that are proposed to be removed. An arborist letter was submitted with the application and is under review by City forestry staff.

Reasons for the Application

The proposed building exceeds the maximum height of 30 metres permitted in the zoning by-laws by 46.4 metres for the west tower (total height of 76.4 metres), and 78.45 metres for the east tower (total height of 108.45 metres). The 7 metre high mechanical penthouse proposed on the east tower exceeds the maximum height of 5 metres permitted in the zoning by-laws. Additional areas on non-compliance with the zoning by-laws identified to date include:

- a minimum setback of 7.5 metres is required from the north property line for those portions of the building situated more than 25 metres from the street line, and a small portion of the building is setback 5 and 6.9 metres
- deficiency in loading spaces
- deficiency in the number of parking spaces (visitor, retail and accessible) & size of some of the parking spaces
- deficiency in the number short term bicycle parking spaces & size of some of the bicycle parking spaces.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

Planning and Urban Design Rationale Community Services and Facilities Assessment Traffic Impact, Parking and Loading Study Preliminary Geo-Technical Study
Phase 1 and Phase II Environmental Site Assessments
Arborist Letter
Sun/Shadow Study
Functional Servicing and Storm Water Management Report
Stage 1 Archaeological Resource Assessment

A Notification of Complete Application was issued on April 21, 2011.

Issues to be Resolved

The proposed mixed-use building in its current form is not consistent with the planning framework for King-Parliament. It significantly exceeds building heights existing or planned in this area of King-Parliament. The tallest building approved in King-Parliament is the mixed use building (VU) situated at the northeast corner of Jarvis Street and Adelaide Street West. The 24 storey west tower on the VU building was approved due to its location at a view terminus on an arterial road at the west boundary of the secondary plan area, an appropriate location in King-Parliament for taller buildings. The site at 154 Front Street East within the Old Town of York and opposite a neighbourhood of low rise buildings and low density development is not an appropriate location for tall buildings. Its approval would set a precedent for future development and significantly alter the vision for this area of the City. A reduction in height and density would more closely align the proposal with the intent of the King-Parliament Secondary Plan.

Issues identified to date in the review of the application include:

- compliance with the planning framework for King-Parliament such as: the urban structure, built form, secondary plan, and regeneration areas policies of the Official Plan and King-Parliament Secondary Plan, the guidelines in the 'King-Parliament Urban Design Guidelines' and in the 'Design Criteria for the Review of Tall Building Proposals', and the possible requirement for an Official Plan Amendment
- the appropriateness of the height, massing and character of the building in relation to its existing and planned context;
- the appropriateness of the scale and density of the development in relation to its location adjacent to areas of lower scale and density;
- the size and mix of apartment units including the lack of larger family-sized units;
- the identification of public benefits and mechanisms for securing them pursuant to Section 37 of the *Planning Act*;
- streetscape improvements proposed for Front Street East in relation to its status as a promenade for the Pan Am Games, in accordance with August 17, 2010 TEYCC report request, (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE36.128);
- the design of the open space area proposed on the northeast corner of Frederick Street and Front Street East and the extension of the west tower above this space;

- the impacts of shadowing on neighbouring properties and streets; and,
- the submission of a wind study that assesses the impacts of wind along the streets adjacent to the site, and on the proposed outdoor amenity areas and terraces.

Additional issues may be identified through the further review of the application, agency comments and the community consultation process.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

CONTACT

Susan McAlpine, Senior Planner

Tel. No. (416) 397-4487 Fax No. (416) 392-1330

E-mail: smcalpin@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP Director, Community Planning Toronto and East York District

(p:\2011\Cluster B\pIn\teycc11705089013.doc) - es

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: East Elevation

Attachment 3: North Elevation

Attachment 4: West Elevation

Attachment 5: South Elevation

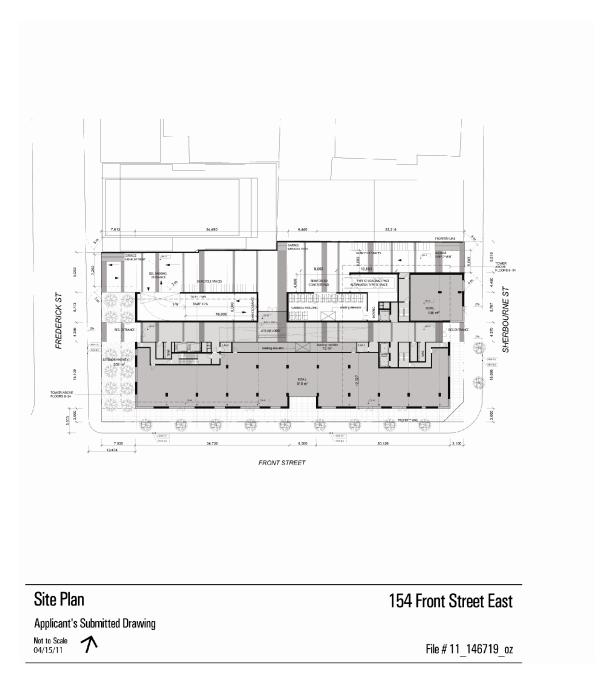
Attachment 6: Application Data Sheet

Attachment 7: Zoning By-law 438-86

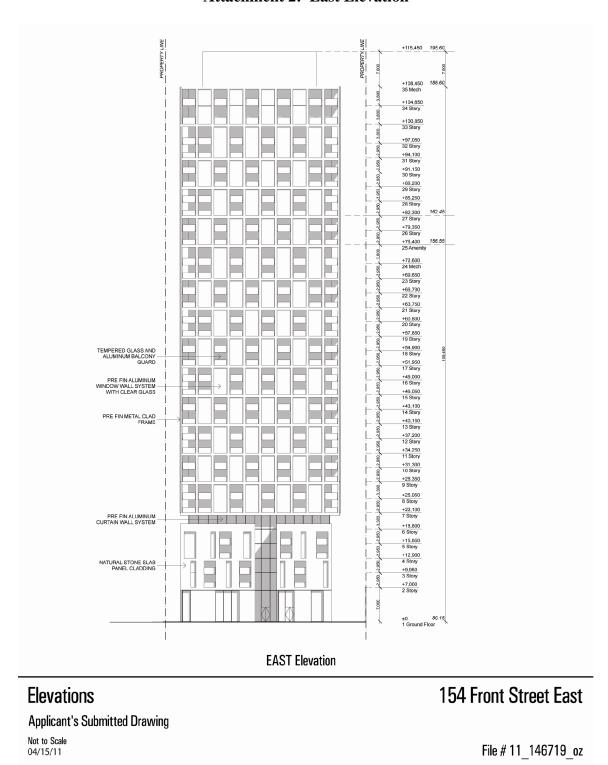
Attachment 8: Zoning By-law 438-86 (Height)

Attachment 9: Zoning By-law 1156-2010

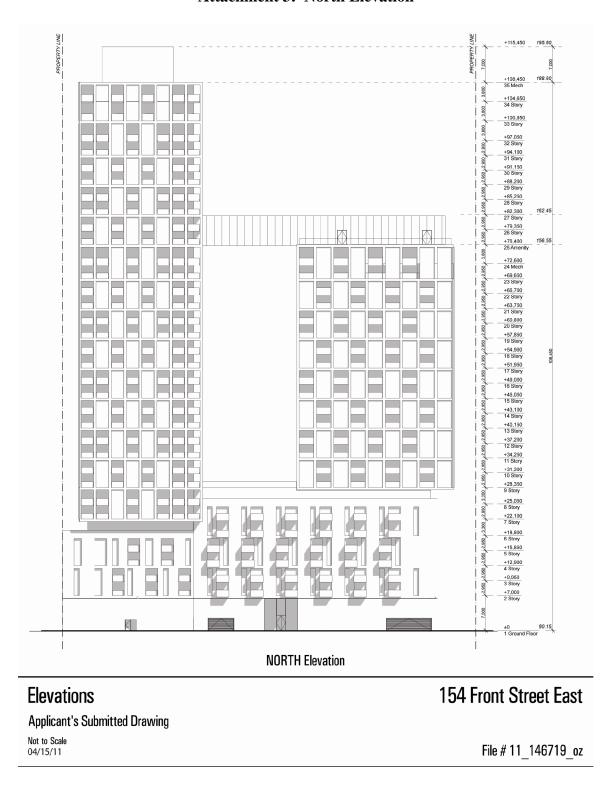
Attachment 1: Site Plan



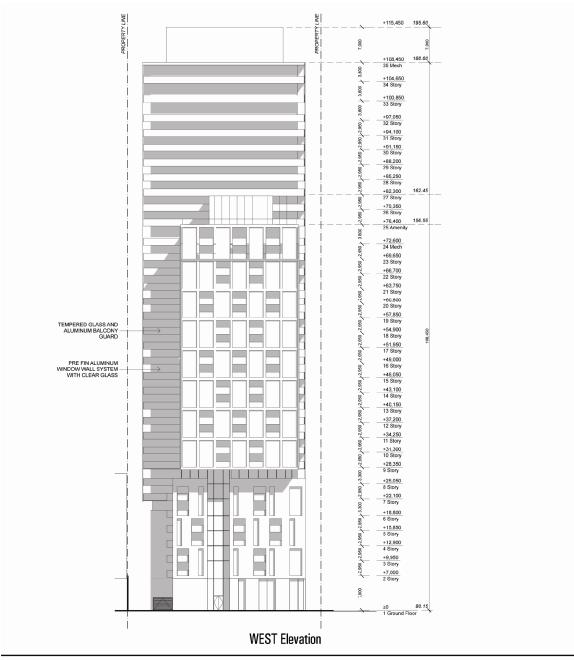
Attachment 2: East Elevation



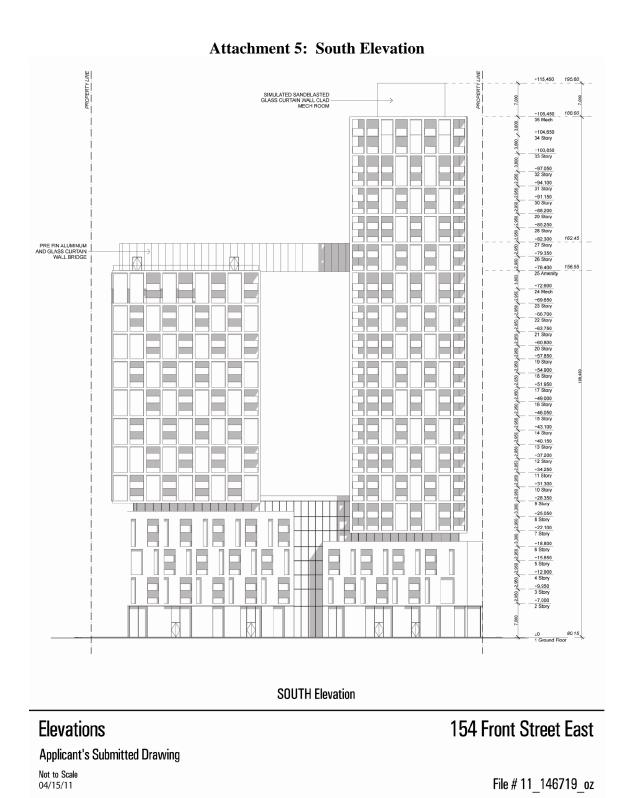
Attachment 3: North Elevation











Staff report for action - Preliminary Report - 154 Front Street East

Attachment 6: Application Data Sheet

Application Type Rezoning Application Number: 11 146719 STE 28 OZ

Site Plan

11146730 STE 28 SA

Details Rezoning, Standard Application Date: March 16, 2011

Municipal Address: 154 FRONT ST E

Location Description: PLAN TOWN OF YORK PT LOTS 5 & 6 **GRID S2810

Project Description: Rezoning and site plan control application to permit a mixed-use building with 537

residential units and 1020 square metres of retail space proposed on the ground floor. Building proposed with two towers above the podium (5 to 7 storeys). With two towers building height is proposed at 24 and 34 stories (76.4 and 108.4 m). 5 levels of below grade

parking – total 361 parking spaces including 33 visitor parking spaces.

Applicant: Agent: Architect: Owner:

FMC Front Street architectsAlliance FMC Front Street
Developments Inc., 205-317 Adelaide St. W. Developments Inc.,

56 The Esplanade, Suite 308

Toronto, ON M5V 1P9

56 The Esplanade, Suite 308

Toronto, ON M5E 1A7 Toronto, ON M5E 1A7

PLANNING CONTROLS

Official Plan Designation: Regeneration Areas Site Specific Provision: N
Zoning: RA Historical Status: N
Height Limit (m): 30 Site Plan Control Area: Y

PROJECT INFORMATION

 Site Area (sq. m):
 3222
 Height:
 Storeys:
 24 and 34

 Frontage (m):
 76.86
 Metres:
 76.4 and 108.4

Depth (m): 38.24

Total Ground Floor Area (sq. m): 1602 **Total**

Total Residential GFA (sq. m): 37998 Parking Spaces: 361
Total Non-Residential GFA (sq. m): 1020 Loading Docks 2

Total GFA (sq. m): 39018 Lot Coverage Ratio (%): 49.7

Floor Space Index: 12.11

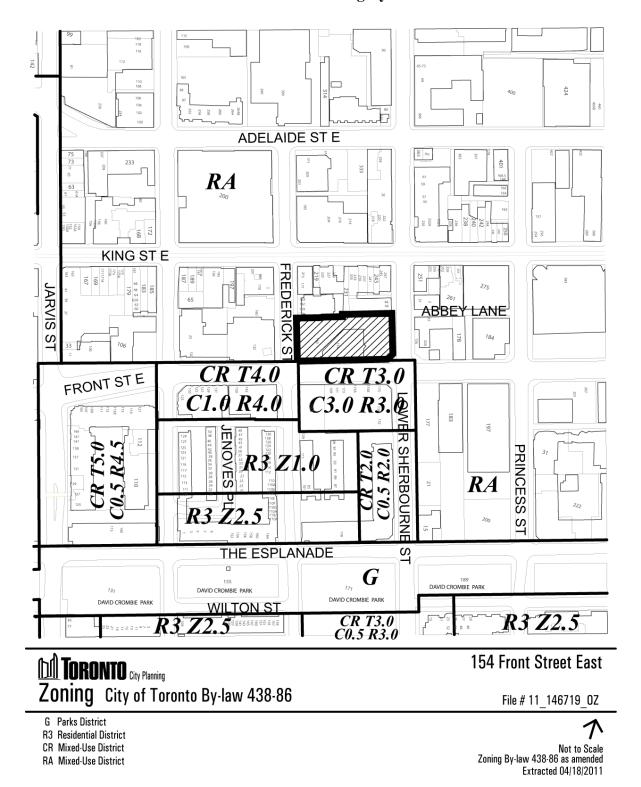
DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

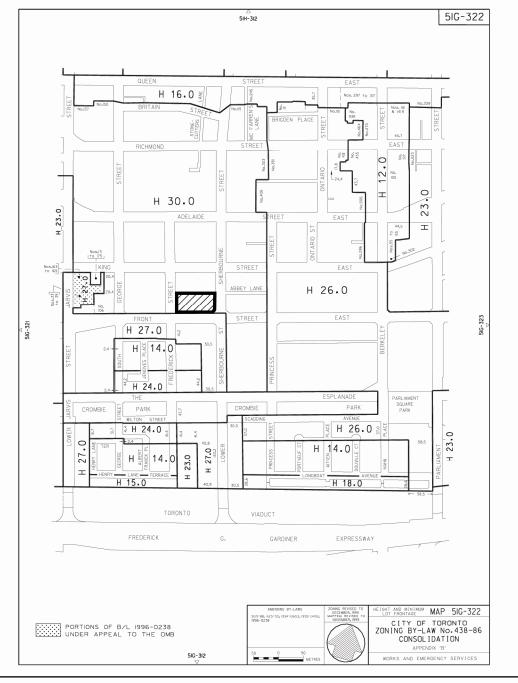
Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	37998	0
Bachelor:	4	Retail GFA (sq. m):	1020	0
1 Bedroom:	449	Office GFA (sq. m):	0	0
2 Bedroom:	84	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	537			

CONTACT: PLANNER NAME: Susan McAlpine, Senior Planner email: smcalpin@toronto.ca

TELEPHONE: (416) 397-4487

Attachment 7: Zoning By-law 438-86





Attachment 8: Zoning By-law 438-86 (Height)



154 Front Street File # 11_146719_oz

Not **Sc**ale 04/15/11

Attachment 9: Zoning By-law 1156-2010

