

**71 - 95 King Street East - Zoning Amendment
Application - Preliminary Report**

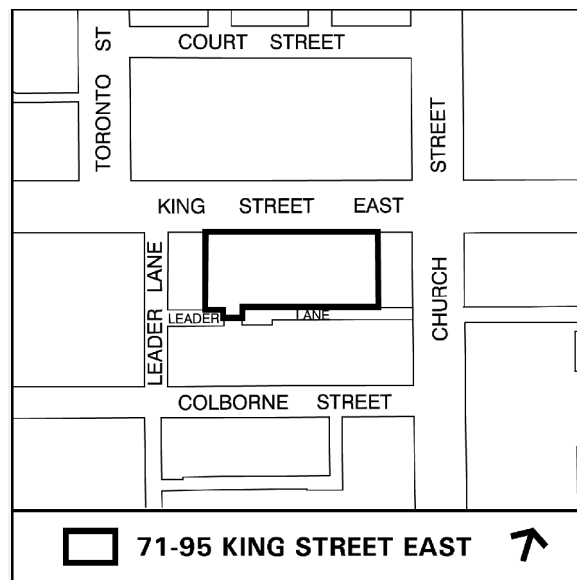
Date:	May 25, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	12 145905 STE 28 OZ

SUMMARY

The site for this proposed building is located in the St. Lawrence Neighbourhood. This application proposes a 47-storey mixed-use building with a 4-storey base building at 71-95 King Street East. The proposed development is 148.5 metres tall including the mechanical penthouse. The proposal includes 355 dwelling units and 8,135 square metres of non-residential uses. The applicant is also proposing 257 parking spaces in five levels of underground parking.

The proposal involves the demolition of the existing buildings on the site, including three existing rental dwelling units in the buildings as declared by the applicant. The applicant has not proposed to replace the existing rental dwelling units in the new development.

Planning staff cannot support this application in its current form. Among the issues of considerable concern to staff are the height and massing of the tower, the inadequate building setbacks particularly along King Street East and preservation of the buildings currently on site if deemed appropriate by the City of Toronto's Heritage Preservation Services staff and the Toronto Preservation Board. A rethinking of this proposal including a significant reduction in height and density is required prior to any further processing of the application. A public consultation meeting is recommended in order to help determine the



nature and extent of changes to the proposal that will be required.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

The next step is to conduct a community consultation meeting to allow the public to review the application and provide feedback.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 71-95 King 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.

Pre-Application Consultation

A pre-application consultation meeting held on March 22, 2012 with the applicant to discuss complete application submission requirements. The following issues were discussed: sunlight protection on St. James Cathedral lands and St. James Park, historic preservation, site access, height and massing of the tower.

ISSUE BACKGROUND

Proposal

The applicant is proposing a 47-storey building including a 4-storey base building. The proposed building would be 148.5 metres in height including the mechanical penthouse. Floors four and five would step back 5.5 metres on the east and west sides of the building. There would be a 7.66 metre stepback from the south side of the property at the sixth floor. These stepbacks would be consistent from floors seven to 26. Floors one through 26 would maintain a consistent front elevation along the King Street East frontage stepped back only 1.05 metres from the north side (King Street East frontage) of the base building. Floors 27 to 47 would be offset from the lower floors and have stepbacks from between approximately 3.5 metres and 6.3 metres on the west side of the tower, 20 metres and 19.2 metres on the east side, 5.75 and 9.5 metres on the south side, and 1.05 and 4.9 metres to the north property line. The floor plate for lower tower which includes floors 7 through 26 would be 1,110 square metres. The floor plate for the upper tower which includes floors 28 to 47 would be 710 square metres. The 27th floor would be 565 square metres and is proposed as an amenity area.

The proposed building contains 355 residential units including 55 bachelor units (15%), 175 one-bedroom units (50%), 90 two-bedroom units (25%) and 35 three-bedroom units (10%). The applicant has advised they intend to register these as residential condominium units. The proposal also includes 1,515 square metres of retail space, 3,455 square metres of office uses and 3,165 square metres of space for a club/organization. This constitutes a proposed floor space index of 22.2 times the lot area.

The applicant is proposing 257 parking spaces in five levels of underground parking. A total of 213 parking spaces would be for residential uses and 39 spaces would be provided for the non-residential uses (including visitor, office and club/organization uses). There would be no spaces designated for the retail use. There are two loading spaces proposed on the ground floor. Vehicular access to and from the development would be from an internal six metre wide driveway located at Church Street. The proposed driveway continues through the site to Leader Lane.

The applicant is also proposing 227 bicycle parking spaces. There are 75 bicycle parking spaces proposed on the concourse garage level designated for residential visitors, office, club/organization and retail uses. The remaining 152 bicycle parking spaces are located five levels below grade on the P5 parking level. These spaces are designated for residents of the proposed building. There are no bicycle parking spaces proposed at grade.

The applicant is proposing 710 square metres of indoor amenity space including 280 square metres on the sixth floor and 430 square metres on the 27th floor. The applicant is also proposing 930 square metres of outdoor amenity space including 400 square metres on the sixth floor and 530 square metres on the 27th floor. The exterior amenity spaces on both the sixth floor and the 27th floor are directly accessible from the interior amenity spaces.

Residential pedestrian access to the development is proposed through centrally located lobbies along King Street East and the south side of the building. There would be a separate lobby for the office and club/organization uses on the north side of the building along King Street East next to the residential lobby. Pedestrian access to the retail uses would be from King Street East. No weather protection is proposed along King Street East.

There are existing street trees and light standards along King Street East. No new landscaping at grade is proposed.

Attachments 1 and 2 show the proposed site plan and building elevations. For a summary of the application details please refer to the Application Data Sheet in Attachment 4.

Site and Surrounding Area

The site consists of the lots from 71 to 95 King Street East. It is rectangular shaped with approximately 70 metres of frontage on King Street East and is approximately 30.5 metres deep on its western property line and 25.5 metres deep on its eastern property line. There is an existing 4.63 metre wide private laneway located on the south side of the property that is shared by the subject properties and the properties immediately south of the laneway. The site is located in the St. Lawrence Market Neighbourhood Business Improvement Area. The properties are occupied by mixed use buildings varying in height from 3 storeys to 5 storeys. None of the buildings are either listed or designated heritage buildings.

The following uses surround the site:

North: King Street East and to the north of the site is a 17-storey mixed-use building, which steps down to 8 storeys at the corner of Church Street and King Street East.

West: directly adjacent to the west side of the site is a small commercial parking lot. On the west side of Leader Lane is an 18-storey hotel building (Le Meridian King Edward) which is subject to an approved application to redevelop floors 3-5 of the building for residential condominiums (file # 10 189761 STE 28 SA).

East: immediately east of the site is a small commercial parking lot at 101 King Street East. On the east side of Church Street is a restaurant in a three storey building with a sidewalk cafe along Church Street, beyond which are 3-storey commercial buildings fronting on to King Street East. To the south of the King Street East commercial buildings are 9-storey mixed-use buildings and a courtyard comprising the Market Square development (35 Church Street and 80 Front Street East).

South: to the rear of the site are two commercial parking lots along Colborne Street. The commercial parking lots at 101 King Street East and 54-70 Colborne Street are the subject of a zoning by-law amendment application to permit a 25-storey residential condominium tower (file No. 12 130075 STE 28 OZ).

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 subject property is located within the "Downtown and Central Waterfront" area on Map 2 – Urban Structure in the Official Plan. The site is also designated "Mixed Use Areas" on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses and includes criteria that direct the form and quality of development in this land use designation. The criteria includes requirements that new developments provide a transition between areas of different intensity and scale including setbacks and/or a stepping down of heights; minimize shadow impacts on

adjacent streets, parks and open spaces; and provide an attractive, safe and comfortable pedestrian environment.

The application will also be reviewed for compliance with other relevant policies in the Official Plan including The Built Environment (Section 3.1), Heritage Resources (Section 3.1.5) and Height and/or Density Incentives (Section 5.1.1).

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

Other Applicable Policies

The site is located within the boundaries of the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines and the St. Lawrence Neighbourhood Community Improvement Plan. Staff will review the proposal to ensure it is consistent with the urban design guidelines and the community improvement plan.

The St. Lawrence Neighbourhood Area Focused Urban Design Guidelines are available through the City's website at: http://www.toronto.ca/planning/urbdesign/st_lawrence.htm

The St. Lawrence Neighbourhood Community Improvement Plan is also available on the City's website at: <http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-9479.pdf>

The proposal will also be reviewed for conformity with the Design Criteria for Review of Tall Building Proposal guidelines which outline built form principles that are applied to the sitting and design of tall buildings. Among other criteria, these guidelines seek to reduce the impacts of the development on the adjacent area and encourage excellence in design.

The City's Design Criteria for Review of Tall Building Proposals study is also available on the City's website at: www.toronto.ca/planning/urbdesign/index.htm

Zoning

This site is zoned mixed-use (CR T4.0 C3.0 R4.0) in the City of Toronto's Zoning By-law No. 438-86. This allows for a number of commercial and residential uses including retail uses and an apartment building and permits a density of four times the lot area. A maximum height of 23 metres is permitted.

Site Plan Control

The proposed development is subject to site plan control. An application for site plan approval has not been submitted but will be required.

Tree Preservation

There are no trees on the subject site. There are seven honey locust trees in the public road allowance along King Street East. The applicant's arborist has recommended all seven trees be preserved and protected.

Rental Demolition and Replacement

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, is one of the tools which implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*. Demolition, as defined in the By-law, may be to all or part of a building, and includes interior renovations or alterations that result in a change to either the number of rental units, or the type of rental units by bedroom type.

Proposals in which six or more rental housing units will be affected, or where there are associated planning approvals, require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

According to the original Rental Housing Demolition and Conversion Declaration of Use Screening Form submitted with the application there were at least six rental dwelling units on the site. The applicant has since amended the form to declare only three rental dwelling units in the existing buildings. City staff are currently in the process of verifying the number of rental dwelling units on the subject site.

In the event there are six or more rental dwelling units on site a Rental Housing Demolition and Conversion Application under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) is required to permit the demolition of the existing rental units. An application for Rental Housing Demolition and Conversion and the required supporting documentation have not been submitted to date as part of the development application but would be required.

Heritage

Heritage Preservation Services staff have reviewed the buildings on the properties subject to this zoning by-law amendment application and determined that they meet the criteria for municipal designation under the Ontario Heritage Act. The report recommending municipal designation will be considered at the July 5, 2012 meeting of the Toronto Preservation Board.

Reasons for the Application

A rezoning application is required to permit the proposed 47-storey, 355 residential unit mixed-use development and establish the appropriate development standards. An increase in permitted height from 23 metres to 148.5 metres and an increase in permitted density from 4 times the lot area to 22.2 times the lot area are among the more significant changes to the Zoning By-law being requested by the applicant.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale
- Arborist Report
- Heritage Impact Assessment

- Sun/Shadow Study
- Functional Servicing and Stormwater Management Report
- Traffic Study
- Toronto Green Standard Checklist and Statistics
- Pedestrian Level Wind Preliminary Assessment.

A Notification of Incomplete Application issued on April 20th, 2012 identifies the outstanding material required for a complete application submission as follows:

- Housing Issues Report
- Rental Housing Demolition and Conversion Application
- Archaeological Assessment.

The applicant has since submitted an Archaeological Assessment and a revised Rental Housing Demolition and Conversion Declaration of Use and Screening Form which states there are less than six rental dwelling units on site. Where there are less than six rental dwelling units proposed to be demolished a Housing Issues Report and Rental Housing Demolition and Conversion Application are not required.

A Notification of Complete Application was issued on May 25, 2012.

Issues to be Resolved

Planning staff cannot support this application in its current form. Among the issues of considerable concern to staff are the height and massing of the tower, the inadequate building setbacks particularly along King Street East and preservation of the buildings currently on site if deemed appropriate by the City of Toronto's Heritage Preservation Services staff and the Toronto Preservation Board. A rethinking of this proposal including a significant reduction in height and density is required prior to any further processing of the application. A public consultation meeting is recommended in order to help determine the nature and extent of changes to the proposal that will be required. Planning staff will also require the resolution of the issues listed below:

1. consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
2. conformity with Official Plan Policies, particularly with respect to the sections on mixed-use areas, built form, heritage resources and height and/or density incentives;
3. conformity with the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines;
4. conformity with the Design Criteria for Review of Tall Building Proposals, namely the sections on transition in scale, massing, heritage buildings, pedestrian realm and sustainable design;
5. other built form and massing issues including, but not limited to: sky view, light penetration, shadowing on the St. James Cathedral and its lands, adjacent parks and open spaces, privacy, wind mitigation and pedestrian realm weather protection;
6. preservation of existing buildings if deemed appropriate by the City of Toronto's Heritage Preservations Services Division;

7. determination of the number of existing rental units, an acceptable rental replacement proposal, and tenant relocation and assistance plan; and
8. identification and securing of public benefits pursuant to Section 37 of the Planning Act should the proposal be recommended for approval.

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.

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

CONTACT

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SIGNATURE

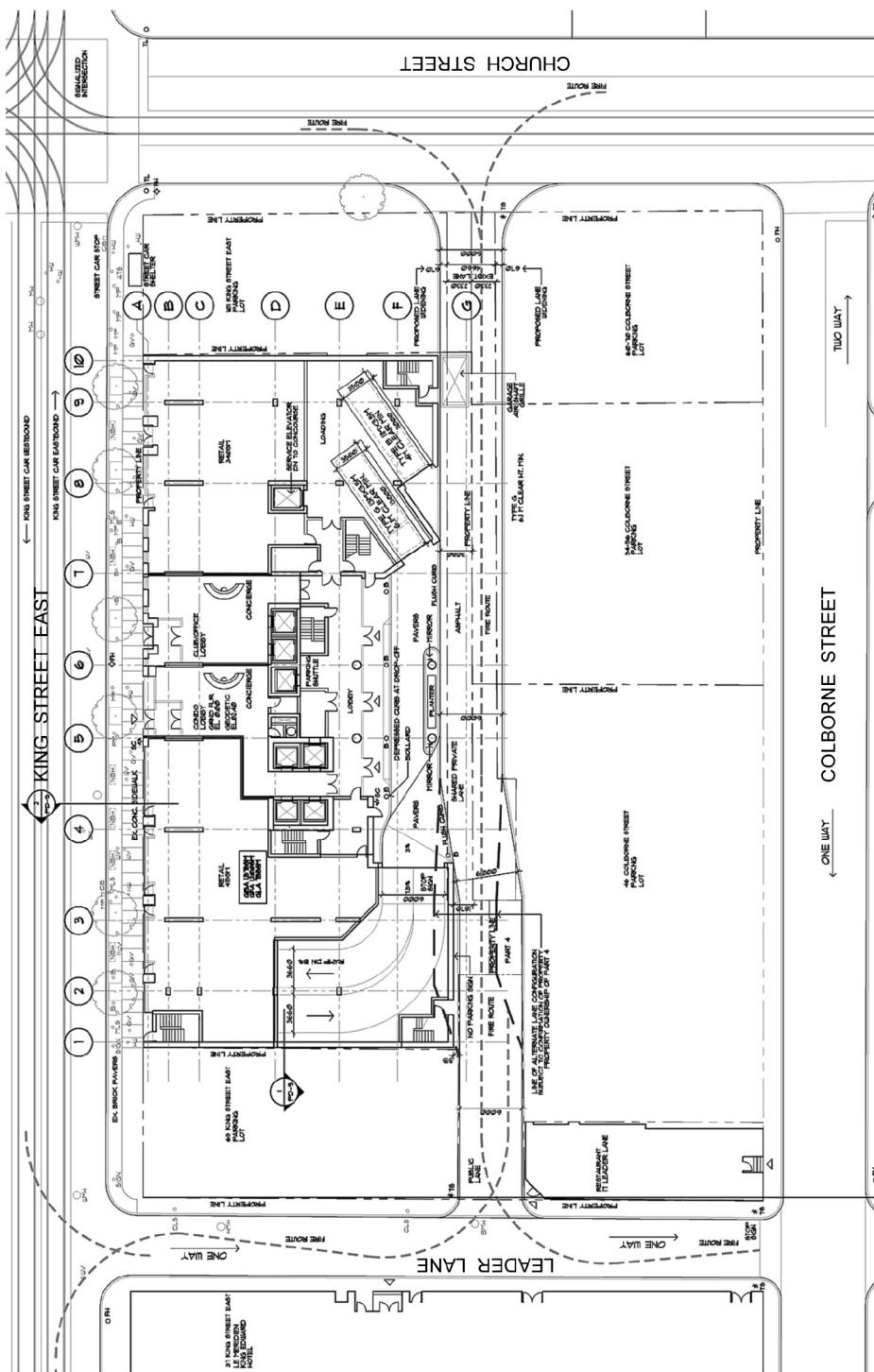
Gregg Lintern, MCIP, RPP
Acting Chief Planner and Executive Director
City Planning

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: North Elevation
Attachment 2b: South Elevation
Attachment 2c: East Elevation
Attachment 2d: West Elevation
Attachment 3: Zoning
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



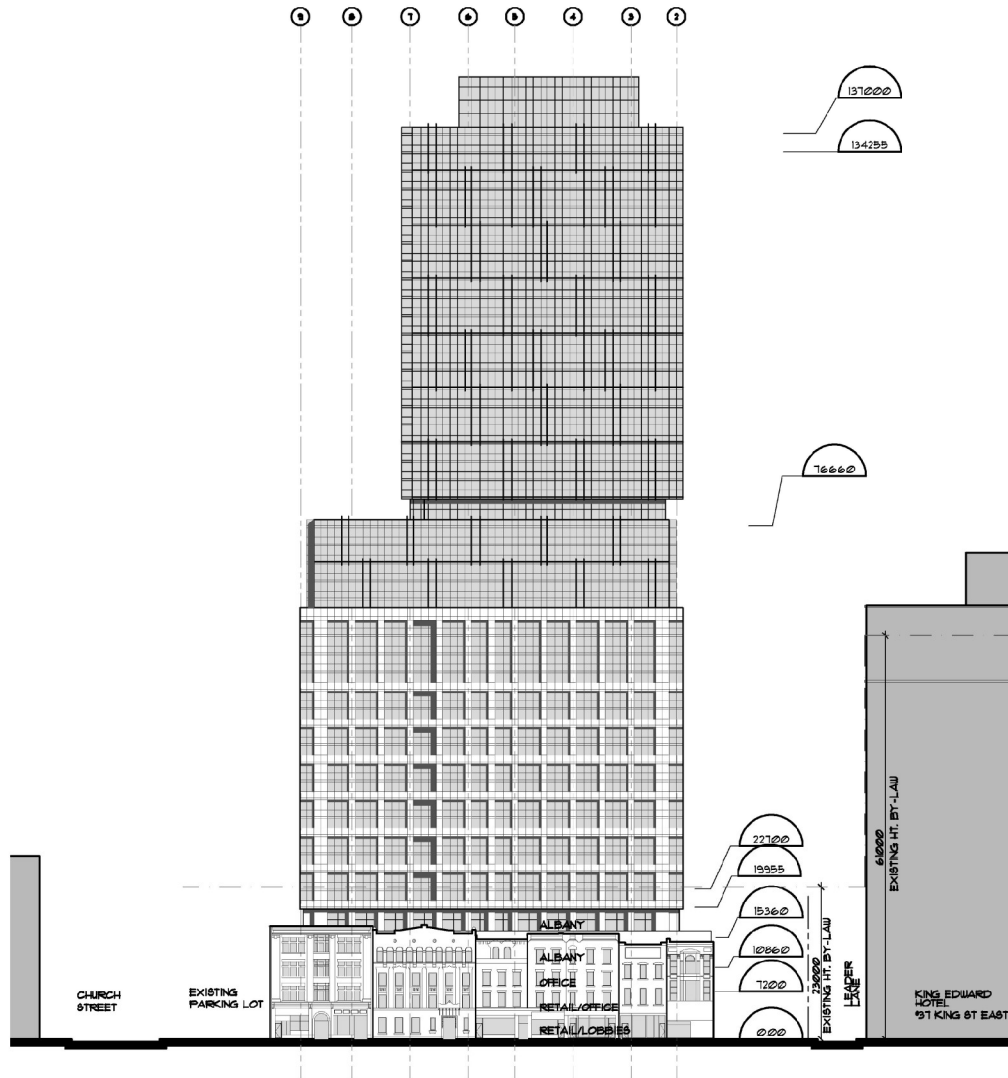
71-95 King Street East

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 04/17/2012

File # 12 145905 02

Attachment 2a: North Elevation



North Elevation

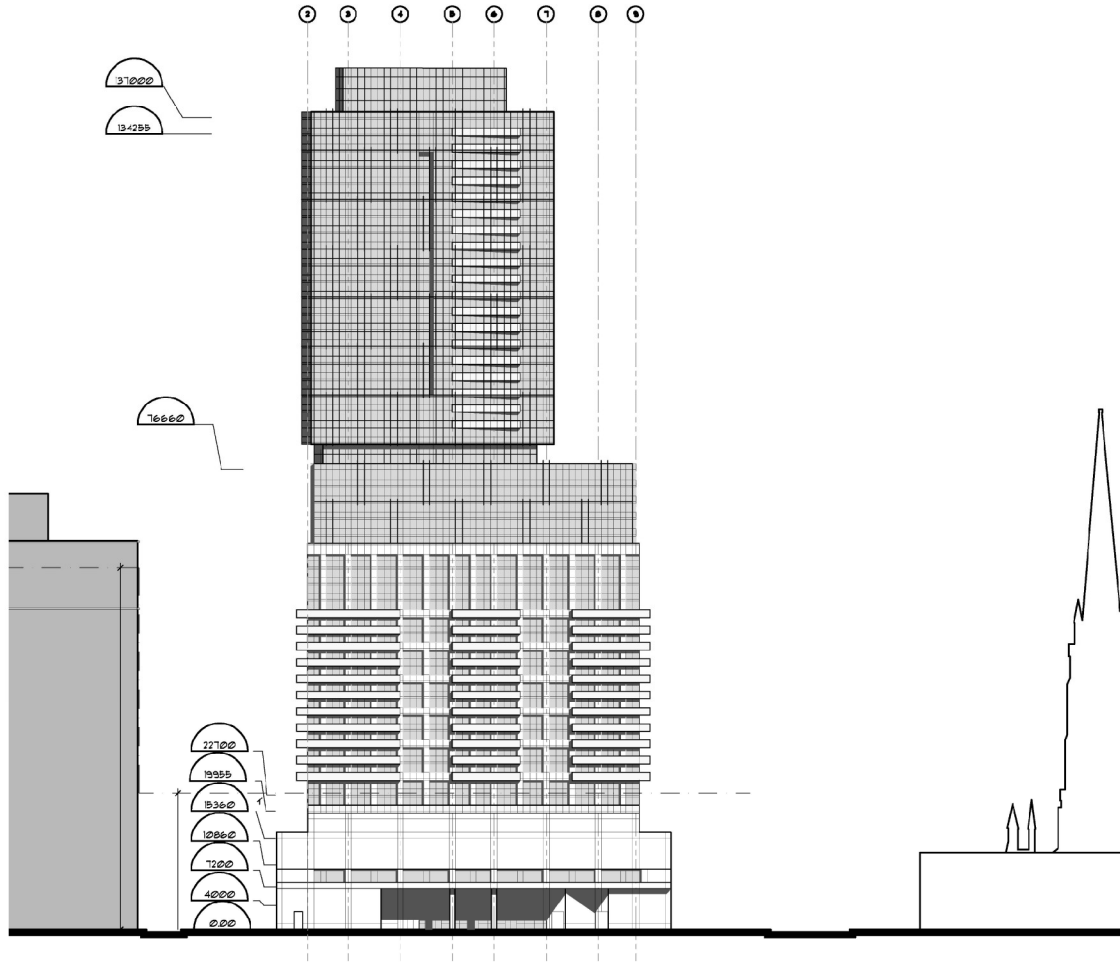
Applicant's Submitted Drawing

Not to Scale
04/17/2012

71-95 King Street East

File # 12 145905 02

Attachment 2b: South Elevation



South Elevation

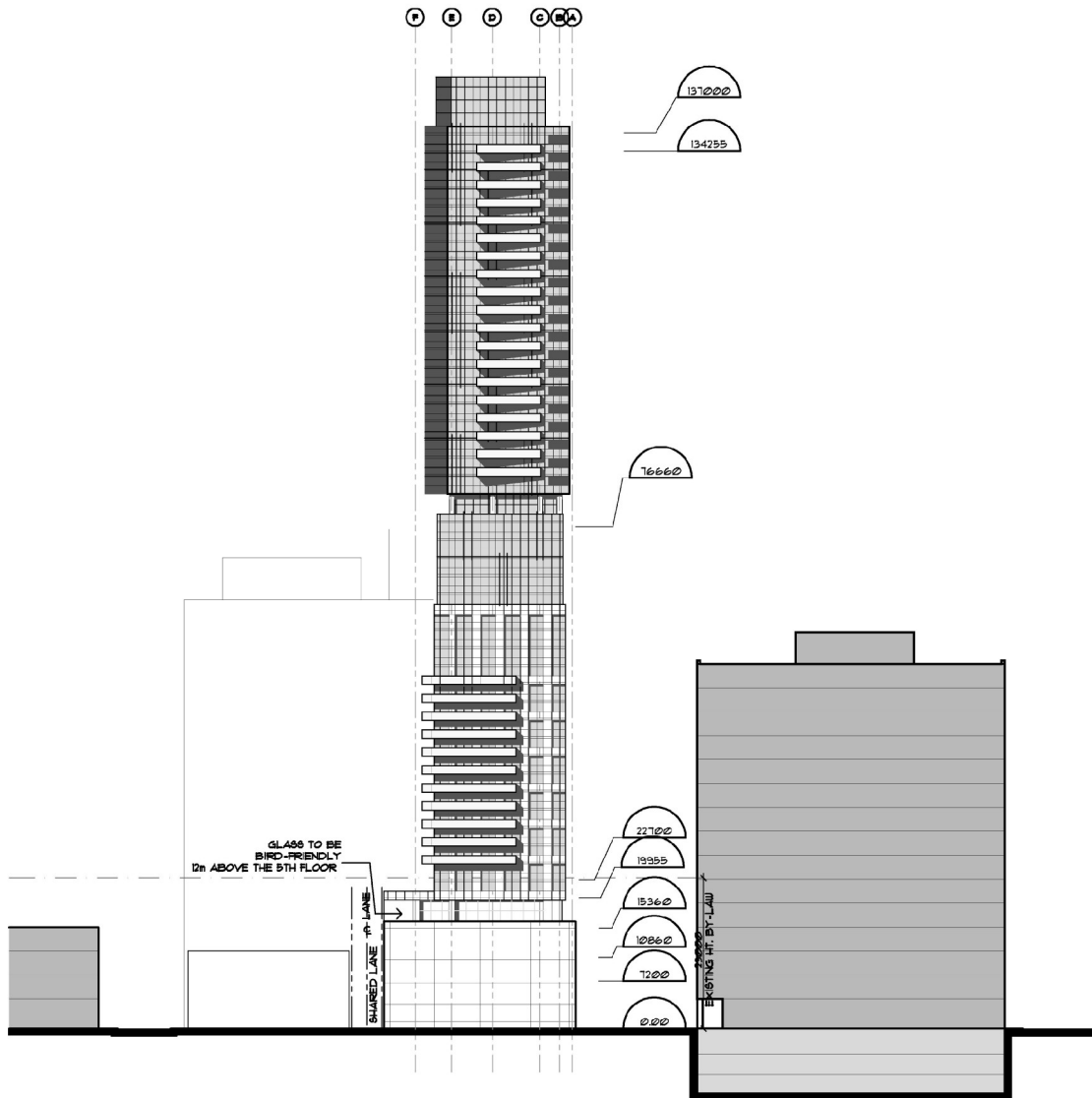
Applicant's Submitted Drawing

Not to Scale
04/17/2012

71-95 King Street East

File # 12 145905 02

Attachment 2c: East Elevation



East Elevation

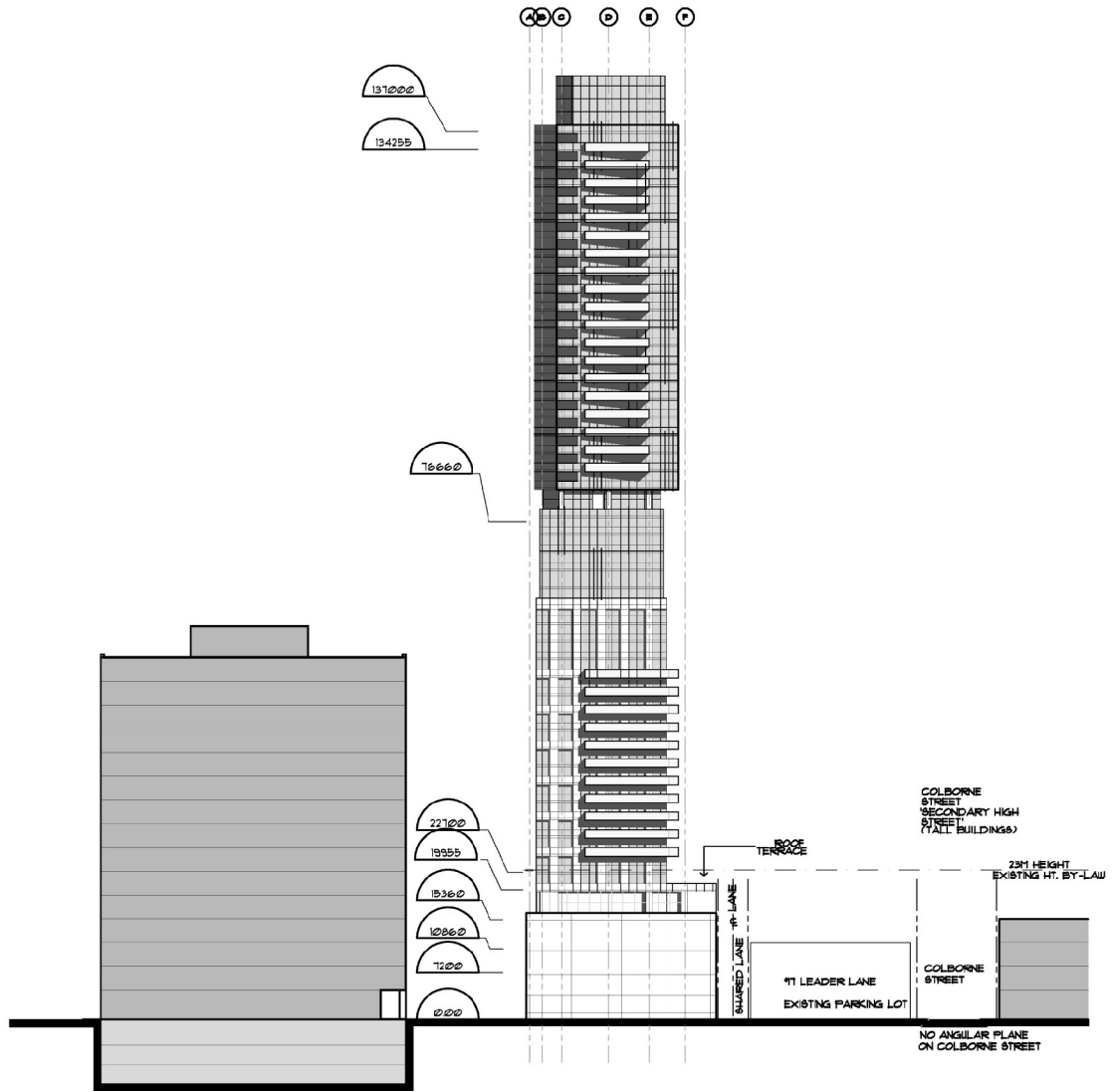
Applicant's Submitted Drawing

Not to Scale
04/17/2012

71-95 King Street East

File # 12 145905 02

Attachment 2d: West Elevation



West Elevation

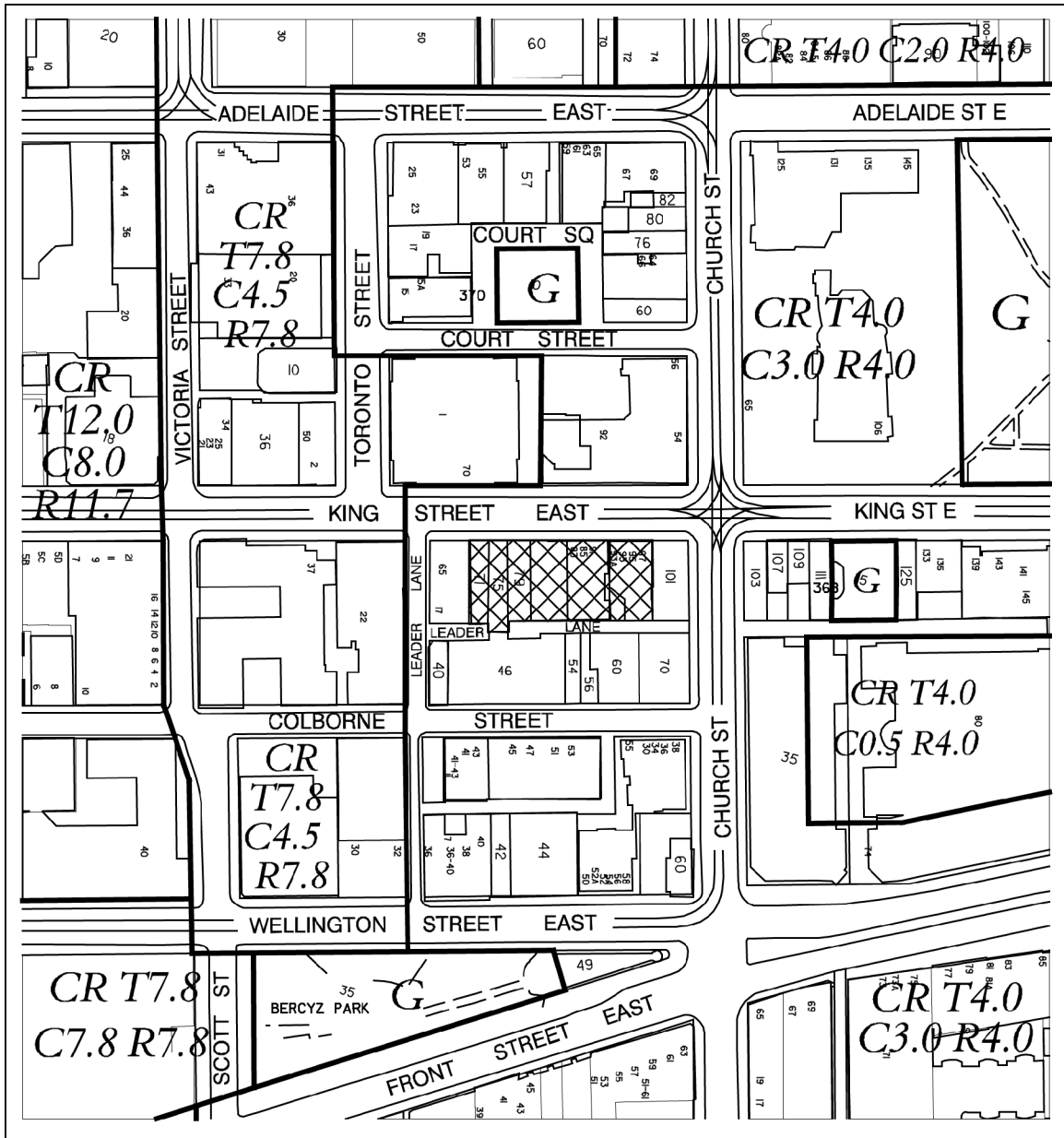
Applicant's Submitted Drawing

Not to Scale
04/17/2012

71-95 King Street East

File # 12 145905 02

Attachment 3: Zoning



79-95 King Street East

File # 12_145905_02

- G Parks District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 04/12/2012

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	12 145905 STE 28 OZ
Details	Rezoning, Standard	Application Date:	March 29, 2012
Municipal Address:	71-95 KING STREET EAST		
Location Description:	PLAN TOWN OF YORK PT LOT A **GRID S2810		
Project Description:	Rezoning application for 71-95 King Street East to permit a 47-storey (148.5 m) mixed-use building with a 4-storey base building. The proposal includes 355 dwelling units. The applicant is also proposing 257 parking spaces in 5 levels of underground parking.		

Applicant:	Agent:	Architect:	Owner:
CASSELS BROCK & BLACKWELL LLP, SCOTIA PLAZA, 40 KING ST W SUITE 2100 TORONTO, ON M5H 3C2		PELLOW AND ASSOCIATES ARCHITECTS INC, 20 VICTORIA ST SUITE 700, TORONTO, ON M5C 2N8	MULTIPLE PROPERTY OWNERS FROM 71-95 KING ST E

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T4.0 C3.0 R4.0	Historical Status:	N
Height Limit (m):	23 m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2,137	Height:	Storeys:	47
Frontage (m):	67		Metres:	146
Depth (m):	29.4			
Total Ground Floor Area (sq. m):	1,575			Total
Total Residential GFA (sq. m):	39,675		Parking Spaces:	257
Total Non-Residential GFA (sq. m):	7,760		Loading Docks	3
Total GFA (sq. m):	47,435			
Lot Coverage Ratio (%):	74			
Floor Space Index:	22.2			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	55 (15%)
1 Bedroom:	175 (50%)
2 Bedroom:	90 (25%)
3 + Bedroom:	35 (10%)
Total Units:	355

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	38,720	955
Retail GFA (sq. m):	1,515	0
Office GFA (sq. m):	3,080	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	3,165	0

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