

**333-351 King Street East – Zoning Amendment
Application – Final Report**

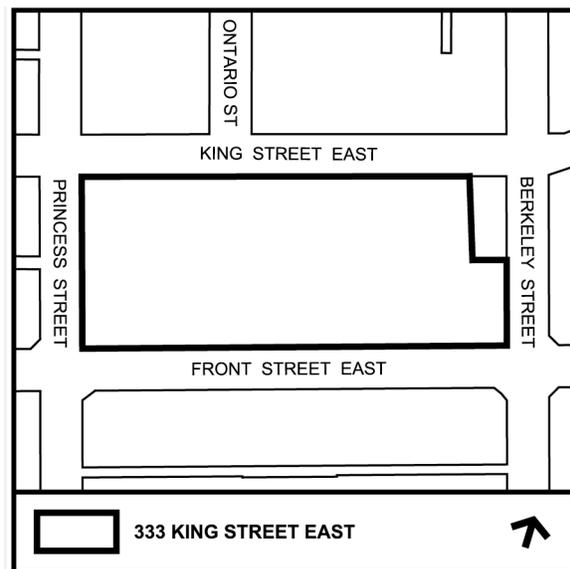
Date:	April 12, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	12 144494 STE 28 OZ

SUMMARY

This application proposes a redevelopment scheme for the former Toronto Sun property at 333-351 King Street East (the former Toronto Sun property). The proposal consists of a new 17-storey office building on the vacant east portion of the site, a 12-storey office building in the southwest corner and the retention of all of the existing buildings on the site. The redevelopment plan includes restricting the site to retail, office and institutional uses only, as well as limiting the retained buildings to their current heights.

This proposal, with its focus on employment uses, retention of the majority of the existing built form and low overall density is an appropriate development plan for one of the largest building sites within the historic King-Parliament neighbourhood. This application reflects a comprehensive approach to the long-term future development of the site and provides an innovative and contextually sensitive response to both the existing policy framework and emerging contemporary fabric of the area.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 333-351 King Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 15 to report (April 12, 2013) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner of the lands at 333-351 King Street East to:
 - a. Retain a consultant archaeologist, licensed by the Ministry of Culture, Tourism and Sport under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 2 archaeological resource assessment of the subject property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (i.e. Stage 3-4).

The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Culture, Tourism and Sport. Should the archaeological assessment process continue beyond a Stage 2 assessment, any recommendations for Stages 3- 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.
 - b. Submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.
 - c. Incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing.
 - d. Ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture and Tourism (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to resolve any outstanding concerns with the City's Engineering and Construction Services Division to the satisfaction of the Manager, Development Engineering Unit, including, but not limited to:

- a. calculations for water demand analysis with hydrant testing; and
 - b. any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades to such infrastructure is required to support the development.
5. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed cash contribution of \$500,000.00 towards the North St. Lawrence Market redevelopment, \$250,000.00 of which will be payable prior to Bills being enacted by City Council and the remaining \$250,000.00 to be paid prior to the issuance of the first building permit for the proposed development.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. Before introducing the necessary Bills to City Council for enactment, require the Owner to demonstrate that a restrictive covenant, pursuant to Section 119 of the Land Titles Act, has been priority registered on title to the adjacent property at 359-361 King Street East, restricting the future build-out potential of the property at 359-361 King Street East to the as-of-right 26 metre height limit in perpetuity.
 - ii. Commissioning of a public art contribution to the City of a value not less than one percent of the gross construction cost of the development, indexed annually in compliance with the City's Percent for Public Art Guidelines, and provided the public art plan shall be approved by the City's Public Art Committee and the implementation of the plan shall be completed prior to the occupancy of the east office tower.
 - iii. To provide and maintain an accessible public pedestrian walkway on the east portion of the subject property which shall have a minimum width of 6 metres and a minimum height of 4 metres and shall provide a direct at-grade connection between Front Street East and King Street East generally within the area identified as "Approximate Location of Pedestrian Connection" on Map 1 of the Zoning By-law amendment, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; such right of access to be secured by way of agreement to the satisfaction of the City Solicitor.

- iv. To provide and maintain a publicly accessible pedestrian clearway across private property on those portions of the street frontages abutting the subject property that do not contain adequate sidewalk widths to accommodate pedestrian activity and/or street trees, as shown on Map 2 of the Zoning By-law amendment, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; such right of access to be secured by way of agreement to the satisfaction of the City Solicitor.
- v. To undertake streetscaping improvements to the street right-of-way abutting the entire subject property, including but not limited to, sidewalk bump-outs, street lighting, pavers, street furniture and tree trench installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Engineering and Construction Services Division.
- vi. Enter into a secured Agreement with the City to pay for and construct any improvements to the existing municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.
- vii. To construct and maintain the development in accordance with Tier 1 - required measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee; and to provide the City with documentation of LEED registration and certification of the 17-storey east office tower.
- viii. Design and construction of proposed development on the *lot* substantially in conformity with the architectural design identified on elevation plans on file with the Chief Planner and Executive Director, prepared by Diamond and Schmitt Architects, dated February 20, 2013, to the satisfaction of the Chief Planner and Executive Director, the details of which, including the exterior materials, will be refined on approved plans and drawings in the context of site plan approval pursuant to Section 114, of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A minor variance application seeking permission for the construction of a three-storey office addition to the existing building at the northwest corner of the subject property was approved by the Committee of Adjustment in April 2011. Only one variance was sought for slight relief from the angular plane requirements along the south side of King Street East. This addition, housing the new headquarters of Coca-Cola Canada, is now complete, with occupancy having begun in late March 2013.

An application to the Committee of Adjustment for consent to sever a portion of the subject property, in addition to two corresponding minor variances, was approved by the Committee in July 2012. The consent separated the site into two parcels: one comprising the western portion of the site, including all of the retained buildings and the parking lot proposed as the site of the 12-storey office building; the other on the east side of the block, which is currently vacant and proposed for the 17-storey office building. The associated variances pertained to a reduced side yard setback and a deficiency in loading spaces.

The intent of this consent was to separate the existing buildings from the larger development parcel for financing purposes. The applicant retained 50% ownership in the severed parcel. Staff did not oppose this application, as it considered by staff that the entire block should be evaluated as a comprehensive development site, and the ownership retention provided the necessary assurance that any zoning permissions contemplated through this application would be dealt with through one process with one owner.

At its meeting of May 15, 2012, Toronto and East York Community Council (TEYCC) considered a preliminary report on the current rezoning application. TEYCC directed that staff hold a community consultation meeting with landowners and residents within 120 metres of the site and additional residents and owners determined in consultation with the Ward Councillor. The preliminary report is available on the City's website at:
<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-46665.pdf>

ISSUE BACKGROUND

Proposal

First Gulf, a division of the Great Gulf Group, submitted this zoning amendment application to facilitate the redevelopment of the subject property to include: two new office towers, the retention of all of the existing buildings on the site, and the creation of a unified streetscape plan for the entire block. They are seeking permission to increase the permitted height for a 17-storey office building on the east side of the site and a 12-storey office building at the southwest corner of the property. [Note that the original proposal for this site from March 2012 consisted of three towers: a 16-storey office at the northeast corner of the site, a 24-storey residential condominium at the southeast corner of the site and a 19-storey office tower fronting at the southwest corner.] The application also proposes to restrict the heights of the retained buildings to their existing heights (See Map 2 of Draft Zoning Bylaw, Attachment 15).

The total gross floor area for the entire proposed development, including the existing buildings is 95,464 square meters. This equates to a density across the site of approximately 6.03 times the area of the lot. The towers on the east and west sides of the site are proposed to have a separation distance of approximately 76 metres. The east office tower has a unique built form

with a series of alternating floor plates and vertically articulated breaks in each façade. The west office tower has a typical massing with a rectangular tower setback from a similarly-shaped base. It is anticipated that this tower has a longer horizon for construction, as the existing parking lot on this portion of the site has a 20-year lease for parking purposes, associated with on-site retail.

The following table summarizes some of the details of the proposed redevelopment:

	Existing Buildings	East Office Tower	West Office Tower
Use	retail, office, institutional	retail, office	retail, office
Base/Base Height	2-6 storeys 11-26.6 metres	King St E: 3-5 storeys (18-26m) Berkeley St: 2 storeys (13m)	Front St E: 5 storeys (23m) Princess St: 5 storeys (23m)
Tower Height	N/A	17 storeys (77m) 83.5m (with mechanical)	12 storeys (50.5m) 61.5m (with mechanical)
Tower Floor Plate Size	N/A	6 th to 16 th floors: 2411 - 2539m ² 17 th floor: 1834m ²	Approximately 1,221m ²
Base Setbacks from Prop. Line	0m	King St E: 3.3- 4.2m Berkeley St: 1.2-2.95m Front St E: 2-6.9m	Front St E: 2.5m Princess Street: 0.7m
Sidewalk Widths (incl. trees)	King St E: 3-3.5m Princess St: 5-8m Front St E: 2-2.5m	King St E: 3.5-8m Berkeley St: 5.5-7m Front St E: 4-8.7m	Front St E: 4m Princess St: 5.5-7.8m
Stepbacks of Tower above Base/Base	6 m for Coca Cola office addition at 4 th to 6 th floors	King St E: 6.7m Berkeley St: 17.2m Front St E: 4.8m	Front St E: 3.6m Princess St: 2.7m
Gross Floor Area	35,458m ² non-residential	44,640m ² non-residential	15,366m ² non-residential
Car Parking	74	293	107
Bike Parking	193	190	52
Loading Spaces	1 Type A 3 Type B 2 Type C 1 Compactor	2 Type B 3 Type C 2 Compactors	Shared with existing buildings

Along its eastern property line abutting the adjacent property to the east (359-361 King Street East), the east office tower is proposed to be setback between 0.2 and 1.2 metres at the first three floors from this building, which has no setback from its property line. From the fourth to the sixth floors, the proposed tower has a stepback of approximately 5 metres. Above the sixth floor, the tower steps back out to between 0.2 and 1.2 metres. Along the southern property line of the adjacent property, the proposed office contains only two storeys, which are setback between 0 and 2 metres from the abutting property line. The building is also proposed to be limited in height to two storeys or 13 metres, south of the property at 359-361 King Street East, as identified on Map 2 of Attachment 15, the proposed zoning bylaw amendment.

Grade-related retail uses cover the majority of the street frontages of the existing and proposed development. Pedestrian access to the existing buildings will not change with the two new proposed office towers. A publicly accessible mid-block pedestrian connection is proposed at

grade through the east office tower, connecting King Street East to Front Street East. A centralized, interior lobby is proposed to provide access for the east office tower at the mid-point of this connection. Access to the west office tower is through a lobby accessed from Princess Street. Weather protection is proposed at each of the office entrances through the cantilevering of the second floors of the respective podia, creating an area of between 4 and 6 metres in height and at least three metres in width. A comprehensive streetscape plan is proposed for the entire development block, comprising an enhanced public realm through building setbacks at grade, new street tree plantings, sidewalk bump-outs at each corner, and enhanced pavers, among other features.

Outdoor amenity space for the east office tower is proposed to be located on terraces on the third, fourth, sixth and 17th floors. Amenity for the west tower is proposed as terraces on the sixth and potentially the roof of the 12th floor.

Vehicular access to the eastern portion of the property is proposed from a two-way entrance off Berkeley Street, with access to the western portion of the site from the existing curb cut on Front Street East, just east of Princess Street. The existing building has one level of below-grade parking, while the proposed east office tower will have four levels and the west office tower will have three. A total of 474 parking spaces are proposed, of which 15 are accessible spaces. For bike parking, 435 spaces are proposed, with 40 spaces at grade and the remainder to be located on the P1 level. A total of 11 loading spaces are proposed, all of which would be within enclosed areas on the ground floor of the proposed development on the east and west sides of the site.

Attachments 1-8 show the applicant's site plan, proposed renderings and elevations for the project. Additional site and development statistics are included in the application data sheet, Attachment 14.

Site and Surrounding Area

Site

The subject property consists of most of the entire block bounded by King Street East to the north, Berkeley Street to the east, Front Street East to the south and Princess Street to the west. It does not include a small parcel at the northeast corner of the block at 359-361 King Street East (see Site Plan, Attachment 1). The larger site is generally flat and rectangular in shape with a small change in elevation from King Street East down to Front Street East. The land area is approximately 1.6 hectares (3.9 acres) with 185 metres of frontage on King Street East, 40 metres on Berkeley Street, 202 metres on Front Street East and 82 metres on Princess Street.

At present, approximately 65% of the site is covered with buildings, all of which were purpose-built between 1975 and 1991 for office and production uses associated with the Toronto Sun newspaper. These buildings range in height from 1½ to 6 storeys, all of which have been re-tenanted for office, institutional (George Brown College), and retail uses including a grocery store, banks, discount store and LCBO. A three-storey addition to the existing three-storey structure at the southeast corner of Princess Street and King Street East has been recently completed as the office headquarters for Coca-Cola Canada. The remaining unoccupied portions of the site contain ancillary surface parking and loading uses.

On the same block as the subject property though not part of this application or under the same ownership, is the above-mentioned four-storey building at 359 to 361 King Street East. This red-brick/stucco building was built in 1891 by the Reid Lumber Company and listed on the City's Inventory of Heritage Properties in 1973. It was designated under Part IV of the Ontario Heritage Act in 1984, with a heritage easement agreement, identifying its heritage attributes, registered on title to the property in the same year. The building currently houses grade-related retail, commercial and residential uses.

Surrounding Area

The property is within the original ten blocks of the Town of York, bounded by Duke Street (now Adelaide Street East) to the north, Berkeley Street to the east, Front Street East to the south and George Street to the west. Originally surveyed in 1793, this was the first area of Toronto to be laid out with a grid of streets and blocks. It is now considered part of the King-Parliament area, a district characterized by historic red-brick buildings, re-purposed former warehouses, contemporary condominium buildings and several vacant parcels used as surface parking areas. The area contains a wide array of uses including residential, commercial, light industrial, park and institutional. Within the immediate context, the following uses surround the site:

North: on the north side of King Street East, across the street from the western half of the subject property are a collection of three to five storey, red-brick, former warehouse buildings, all of which are listed on the City's Inventory of Heritage Properties and contain retail and office uses; there is also an ancillary surface parking lot to the existing office; north of the eastern half of the subject property is a contemporary eight-storey, LEED silver certified office building (the 'SAS' building), a three storey office building which is the subject of an application for a nine-storey office building (File No. 09-138395 STE 28 SA), a 14-storey residential rental building and a three-storey, red-brick/stucco building at the northwest corner of King Street East and Berkeley Street that is listed on the City's Inventory of Heritage Properties;

East: northeast of the subject property at the northeast corner of King Street East and Berkeley Street and further north along the east side of Berkeley Street are a series of two-storey row houses containing a mix of office and residential uses, which were formerly workers cottages dating from the 1870s, all of which were listed on the City's Inventory of Heritage Properties in 1973; east of the subject site is a two-storey office supply store with a large surface parking lot immediately abutting Berkeley Street; southeast of the subject property is a series of parcels, housing two one-storey retail buildings and ancillary surface parking, which together comprise the 'First Parliament' site; this is the property on which Upper Canada's First Parliament buildings were first constructed in 1793, the remains of which have been discovered under the surface parking areas on the site; this property was designated under the Heritage Act in 1997; the remaining privately held parcels on this site were recently (October 2012) secured under public ownership and the City and Province are anticipating the future redevelopment of the site with a regional library, interpretive centre, and commemorative park;

South: immediately south of the subject property on the south side of Front Street East is another designated heritage building, a large red-brick former warehouse building, now housing the Canadian Opera Company; west of this building are two three and four-storey red-

brick, former industrial heritage buildings from the 1880s, both of which are listed or designated; at the southeast corner of Front Street East and Princess Street is a two storey fire hall building and ancillary parking lot/loading area; there is a one-storey retail grocer at the southwest corner of Front Street East and Princess Street, part of a land assembly that is the subject of another recently submitted comprehensive development application for the entire block bounded by Front Street East, Princess Street, The Esplanade and Sherbourne Street (File No. 12-141911 STE 28 OZ); and

West: abutting the site to the west is an eight-storey red brick office building and a recently completed 13-storey charcoal brick mixed-use retail/office/residential building ('East Lofts').

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. Within the section on building strong communities, the PPS requires the provision of an appropriate mix and range of employment to meet long term needs. City Council's planning decisions are required to be consistent with the PPS.

The PPS also directs that significant built heritage resources and cultural heritage landscapes shall be conserved. In addition, it states that development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The subject property is adjacent to a designated heritage property at 359-361 King Street East. 'Conserved' is defined as 'the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained'. This may be addressed through a conservation plan or heritage impact assessment. 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is located in the *Downtown and Central Waterfront* area on Map 2 – Urban Structure in the Official Plan and is designated *Regeneration Areas* on Map 18 – Land Use Plan. It is also within the boundaries of the King-Parliament Secondary 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 and supports and enhances the speciality 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; creates assessment growth and contributes to the City's fiscal health; 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. These objectives are all in keeping with the vision for a more liveable City.

This re-urbanization 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.

Policy 3.1.5.2 of the Official Plan states that heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved. It goes on to state that development adjacent to properties on the City's Inventory of Heritage Properties will respect the scale, character and form of the heritage buildings.

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.

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 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 to ensure that lands are cleaned appropriately for new development.

In addition to the policies referenced above, the entire Official Plan was considered through the review of this application. The land use designations of the site and surrounding area can be found in Attachment 9. The Toronto Official Plan is available on the City's website at: 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 context, the Jarvis-Parliament Regeneration Area is intended as an area targeted for growth.

The Secondary Plan includes policies for Areas of Special Identity within King-Parliament. The subject property is within the Old Town of York Area of Special Identity, as shown on Attachments 10 and 11, depicting Maps 15-2 and 15-3 from the King-Parliament Secondary Plan. The Plan references the requirement for urban design policies to be implemented to protect these areas of Special Identity. Map 15-2 also references locations for existing and potential building edges to create appropriate street walls, in addition to locations for appropriate mid-block pedestrian connections.

The Urban Structure and Built Form policies within 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.

In the context of the King-Parliament area, these principles require special consideration when reviewing development proposals to ensure that new development reinforces and enhances the historic built form that makes this area of the City so distinct. The heritage and community improvement policies of Section 4 recognize heritage buildings as essential elements of the physical character of King-Parliament. Section 4.4 provides that new buildings should achieve a compatible relationship with heritage buildings in their context, through consideration of matters such as building height, massing, scale, setbacks, stepbacks, roofline and profile, and architectural character and expression.

To assist in the implementation of the Secondary Plan's objectives, urban structure and built form principles, and heritage and community improvement policies, Section 5 encourages the removal of existing surface parking in King-Parliament with priority given to the removal of surface parking around heritage buildings and in Areas 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: www.toronto.ca/planning/official_plan/pdf_secondary/15_king_parliament_dec2010.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. As mentioned, the subject property is within the Old Town of York Area of Special Identity, the original 10 blocks of the City of Toronto from 1793. This area is recognizable as having a special pattern of small, square blocks within generally larger, more rectangular blocks. Under General Site Plan Issues, the guidelines speak to new development respecting the historical and urban design significance of the area. The guidelines also contain an objective that new buildings will reinforce the scale and continuity of street wall enclosure along the street.

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

King-Parliament Community Improvement Plan

The Community Improvement Plan for King-Parliament provides a framework for the improvements within the area to attract new investment. The plan speaks to the importance of enhancing the public realm through streetscape improvements, including lighting, enhanced paving materials, street trees and other amenities to provide a safer and greener pedestrian environment. Specific mention is also made of the Old Town of York and the need to create a unified heritage interpretation program.

Tall Building Guidelines

Toronto City Council approved the use of the document, "Design Criteria for Review of Tall Building Proposals" in June, 2006 and in April, 2010 extended authorization of its use. A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. In this case, the right-of-way width for King Street East and Front Street East are 20 metres wide according to Official Plan Map 3 – Right-of-Way Widths Associated with Existing Major Streets. As such, the proposed buildings at 77 metres (east tower) and 50.5 metres (west tower) in height are considered tall buildings. The Design Criteria provide policy recommendations for tall buildings on issues of building placement and orientation, entrances, heritage adjacencies, massing of base buildings, tower floor plates, pedestrian realm considerations, sustainable design and transition. This document was used to assess the proposed building.

The City's "Design Criteria for Review of Tall Building Proposals" can be found on the City's website at: <http://www.toronto.ca/planning/urbdesign/index.htm>.

Zoning

Under the former City of Toronto Zoning By-law 438-86, as amended, the site is zoned RA (Reinvestment Area) District, which permits a wide array of commercial, light industrial, institutional, recreational and residential uses. This zoning specifies a maximum height of 26 metres, plus an additional five metres for a mechanical penthouse.

Section 12(2) 246 of By-law 438-86 contains provisions for buildings in the King-Parliament area with respect to upper level setbacks, building depth, parking and loading. 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 three metre upper level setback from the property line abutting a street is required for that portion of a building exceeding 20 metres in height.

Attachments 12 and 13 provide excerpts of the zoning and permitted height maps for the site and vicinity.

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 zoning amendment application (file: 13 134203 STE 28 SA).

The applicant has been working with City staff to make revisions to the site plan in response to division and agency comments. Should Council approve the zoning amendment application, it is anticipated that a Notice of Approval Conditions on the site plan control application could be issued within the next few months.

Reasons for Application

The proposed new towers, at 77 metres (east tower) and 50.5 metres (west tower) to the roof line, exceed the maximum height of 26 metres permitted in the zoning by-law. Other areas of non-compliance with the zoning bylaw include:

- the maximum permitted mechanical penthouse height is 5 metres whereas 6.5 metres (east tower) and 11.5 metres (west tower) metres are proposed;
- for that portion of the building exceeding 25 metres in depth, a minimum of 7.5 metres from the side and rear lot lines, whereas the proposed east tower does not provide any such setback;
- an angular plane is required along the King Street East frontage from a street wall height of 16 metres at an angle of 44 degrees, where the proposed east office tower penetrates this angular plane; and
- visitor bike parking spaces are not permitted to be located in a secured room, whereas some of the spaces are proposed to be located in a secure room.

Community Consultation

Four separate meetings were held to solicit input from the community on this application. The initial proposal from the applicant, consisting of three new towers (two office and one residential) was presented to the St. Lawrence Neighbourhood Association at a regular meeting of their Development Committee on April 12, 2012. Comments from the Committee included the following:

- pleased with comprehensive planning approach to the whole block; this should extend to streetscaping plans, including sidewalk paver treatments, lighting and mature street trees;
- welcome the employment uses;
- LEED Gold target for office is applauded;
- should ensure that bird-friendly guidelines are adhered to, especially with the proposed heights and prevalence of glass;

- need opportunities for new retail prospects in area;
- King Street East office should be lower or with increased setbacks to reduce shadows; and
- base should reflect historic character of area through articulation/materials.

The original proposal was also presented to adjacent landowners and members of the Corktown Residents and Business Association and Gooderham and Worts Neighbourhood Association on May 30, 2012. The following comments were brought forward:

- need more soft surfaces/vegetation on and surrounding the site and more public amenity;
- should lower the base to respond to surrounding historic buildings;
- need increased setback of bases to create more space at grade, especially along Front Street East, considering Pan Am Pedestrian Promenade Plan;
- should pursue higher levels of sustainability;
- concerns with height, lack of adequate upper-level setbacks and tower separation; and
- concerns with the long-term certainty of capping the heights on the property.

A formal community consultation meeting was held to discuss the original proposal for the site on June 26, 2012. Approximately 90 members of the public were in attendance. A number of issues were raised at the meeting and in subsequent correspondence to the City, including:

- loss of mural on Front Street East is a concern;
- height and density too much for the area; look at other more sensitive approaches to contemporary development in the area;
- base too tall and bulky for its neighbouring historic context;
- need brick in base to reflect heritage character;
- shadow impacts on adjacent buildings and public realm;
- should focus on sustainability and LEED/TGS;
- concerns with water/sewer infrastructure capacity;
- proposed street tree removal is a concern;
- glass materials in towers can lead to issues of construction quality, durability and sustainability;
- parking allocations- will the proposed ratios alleviate on-street parking issues?; and
- need public amenity and parkland.

Another formal community consultation meeting was held to discuss an early iteration of a revised proposal, consisting of a 20-storey office tower on the east side of the site on December 3, 2012. Approximately 60 members of the public were in attendance. The following comments were received at the meeting and in ensuing written correspondence:

- need more study of west office tower;
- parking for tenants and visitors, as well as the public- is there enough?
- height is still a concern, especially considering the view of the proposal from the east looking west along King Street East;
- need to consider cumulative nature of wind and shadow impacts from all surrounding developments;
- capacity of existing transit is a major issue;
- pleased with revisions from initial proposal, especially increased setbacks along King Street East and Berkeley Street;

- mid-block connection is good- should be at terminus of Ontario Street;
- architectural treatment of east office tower is an improvement;
- need to focus on pedestrian realm and streetscape improvements;
- retail mix needs careful consideration: want animation, less turnover; and
- concerned with the rest of the site and future development potential.

Design Review Panel

The application was presented to the City's Design Review Panel on two occasions: June 7, 2012 and November 13, 2012. The first Panel hearing was based on the initial submission of three proposed towers - a 16-storey office at the northeast corner, a 24-storey residential condominium at the southeast corner and a 19-storey office at the southwest corner. The Panel provided the following comments on that proposal:

- proposal does not adequately respond to and integrate with the unique King-Parliament context [of the Old Town of York];
- project massing is too overpowering, too massive and doesn't fit with the existing context; it's 'too much';
- need lower base, greater setbacks and adequate separation distances;
- should be a focus on public space amenities at grade, include internal courtyards; sidewalks should be a minimum four metres in width; and
- if height is being considered because of the exceptionality of the site, then there should be a significant public realm benefit, which is not the case here.

At the second Design Review Panel hearing, a revised application was presented, which included the consolidation of the eastern towers into one 20-storey office tower and the lowering of the height of the western office tower from 19 storeys to 13. Comments from the Panel at this second hearing included:

- still concerned about the height at 20 storeys and greater concern about the bulk of this consolidated tower in relation to the heritage context;
- massing still too aggressive and insensitive in terms of scale and articulation;
- provocative and interesting architecture;
- increased ground floor setbacks and ground floor transparency were welcomed;
- public realm strategy has changed in a positive direction: extended retail frontages, widened sidewalks, consolidated vehicular entrances and mid-block pedestrian connection;
- mid-block pedestrian connection needs to be designed such that it is not corporate in appearance and feels genuinely 'public'; greater recesses are needed at either end to expand transparency;
- proposal appears to be too close to the adjacent heritage building to the east; and
- articulation and glazed curtain wall do not respond to contextual cues.

The minutes from both of these Design Review Panel hearings can be found at: http://www.toronto.ca/planning/2012/agendas/designreviewpanel_meetings.htm

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the objectives of the PPS. It provides a density of employment uses that efficiently uses land, resources and existing infrastructure and represents an intensification of built form within an established settlement area in a manner that is consistent with the Official Plan. It provides a massing that also adequately responds to the adjacent designated heritage building.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The subject property is within an Urban Growth Centre and provides a significant portion of required new growth for the City through intensification. It helps to reduce dependence on the automobile through the development of a mixed-use (retail/commercial/institutional), transit supportive, pedestrian friendly project. The proposal responds to the requirement of cultivating a culture of conservation through an appropriate built form response to the adjacent designated heritage building.

Land Use

The proposed development is consistent with the uses anticipated in the Official Plan and King-Parliament Secondary Plan for Regeneration Areas, including office, retail and institutional. The current Zoning By-law designation of Reinvestment Area District also permits these proposed uses. The site is suitably located for intensification, due to its proximity to the downtown and existing urban infrastructure.

The change in this revised proposal from the original application is significant from a land use perspective. The elimination of the residential condominium tower and creation of a larger, single office tower on the east side of the site is a positive move. The City's Official Plan and the King-Parliament Secondary Plan both speak to the idea of creating mixed-use communities and ensuring that the Downtown is the focal point for new employment opportunities. This area has seen a great deal of residential development in the last few years, but other than through existing buildings, has not seen the same level of employment-related development. The addition of the 5,000 jobs that this comprehensive development is expected to generate, is a much-needed addition to the neighbourhood. It will help to create daytime pedestrian activity, increase the viability of local retail and provide opportunities for area residents to work close to where they live. The proposed employment uses help to maintain balance within the larger context. In addition, the proposed retail uses along the majority of the ground floor frontages of both the retained building and the proposed office towers will help to create a safer and more enlivened public realm surrounding the property, far beyond the light industrial uses that existed on the site prior.

Height, Massing, Built Form, Density

The application has been assessed in the context of the planning framework for King-Parliament. More specifically, staff examined the proposal under the guidance of the policies for the Jarvis-Parliament Regeneration Area, one of the seven sub-planning areas in the King-Parliament Secondary Plan area, as well as the permitted zoning heights for the area. On an even smaller scale, the immediate existing and planned context of the area surrounding the property along

King Street East, Berkeley Street, Front Street East and Princess Street, were evaluated through the lens of the proposed development. Staff also utilized the input received from the public, the Design Review Panel, and City agencies and divisions in helping to formulate the recommendations on this application.

The overall layout and massing of the proposed development has changed significantly from the initial submission, including:

- the number of towers has been reduced from three to two, thus eliminating issues with separation distance between the formerly two eastern towers;
- the height has decreased on the east side from 24 storeys residential (79 metres) to 17 storeys office (77 metres);
- the height of the southwest office tower has decreased from 19 storeys office (79 metres) to 12 storeys office (50.5 metres) to keep this tower more in-keeping with the height of existing buildings along the west side of Princess Street on this block;
- the alignment of the east office tower has changed from being predominantly east-west to being more north-south, thus keeping the new proposed office in an orientation more closely matched with other slab-oriented towers in the King-Parliament area, and helping to reduce shadow impacts;
- the creation of an innovative massing for the proposed east office tower is a major change from the initial proposal; subsequent to the proposal brought forward to the community and the Design Review Panel in late 2012, the tower facades have been further articulated with a series of recesses and reveals that were introduced as a means of further reducing the mass of the larger floor plate office tower; the shifting floor plates are proposed to be secured with the site-specific zoning bylaw attached to this report;
- base heights have been lowered on the Front Street East frontage of the east tower from 23 metres to 12 metres to ensure that this portion of the building is more responsive to the existing heritage fabric (i.e. the Canadian Opera Company building) on the south side of Front Street East, immediately opposite the site;
- the stepbacks of the towers above their respective podia have been increased: for the east tower from 2 metres to 6.7 metres on King Street East and from 2 metres to 4.8 metres on Front Street East; for the west tower from 2 metres to 3.6 metres on Front Street East and from 2 metres to 2.7 metres on Princess Street; these increases help to reduce the visual impact of the towers from the pedestrian perspective immediately abutting the site;
- an adjustment to the upper floor plates of the east office tower, such that the upper three office floors and the mechanical penthouse are all stepped back from the King Street East and Front Street East frontage in response to the angular plane and upper level stepback provisions in the zoning bylaw;
- the overall density of the site has been reduced from 6.8 times the area of the lot to 6.03 times the area of the lot, mainly through the consolidation of the eastern towers and the reduction in height of the west tower;
- a new mid-block pedestrian connection was created to provide an amenity in the form of a publicly-accessible, weather-protected pathway through the interior of the east tower; a significant setback of the building at grade in front of the mid-block pedestrian connection has been provided on both the King Street East and Front Street East frontages as a means of creating a more open and inviting entrance to this interior connection;
- the sidewalk widths have been increased across all frontages to create viable spaces for street trees, enhanced paving materials, street furniture, and lighting, thereby ensuring a safer,

greener and more pleasant pedestrian experience on the entire block surrounding the subject property; this did not occur in places where the existing buildings were retained and sidewalk expansions were not possible (i.e. along some portions of Front Street East); and

- the internalizing of the vehicular and loading entrance along Berkeley Street from what was previously unenclosed and would have likely provided some nuisance to pedestrians and adjacent residents.

All of these changes have combined to create a comprehensive development for this block that is more in-keeping with the planned and evolving character of both the larger Jarvis-Parliament Regeneration Area and the built form surrounding the subject property. The height of the building still responds to the idea of creating an overall west to east transition in height within the area from Jarvis Street down to Parliament Street, as contemplated in the permitted zoning heights. Another key component to the comprehensive development proposal for the site is that it includes the retention of the existing buildings. The implementing zoning bylaw will provide further clarity to this plan by restricting the height of the retained buildings to their existing heights, some of which are below the as-of-right height limit.

The proposed separation distance for the proposed east office tower from the adjacent property at 359-361 King Street East, at between 0.2 and 5 metres, could be a major concern from a built form perspective. This issue is attenuated, however, as a result of the following factors:

- the adjacent building is designated under the Heritage Act and is restricted by the presence of a Heritage Easement Agreement registered on title to the property;
- the proposed building has been set back 5 metres for that portion that would permit an adjacent building up to the as-of-right height limit of 26 metres; any height beyond this would trigger a development application, either minor variance or rezoning, which would be reviewed through City Planning and include a public consultation process;
- the proposed building is an office tower with no balconies or operable windows, thus limiting future potential privacy and overlook concerns on the adjacent property;
- the size of the adjacent property at 670 square meters and 17.5 metres in depth does not make it suitable as a tall building site; and
- the applicant has proposed, and the adjacent property owner has agreed, to the registration of a priority-registered restrictive covenant on title to the adjacent property at 359-361 King Street East, restricting its future build out to the as-of-right height limit of 26 metres.

There are no density limits within the King-Parliament Secondary Plan or the Reinvestment Area district zoning for the area. Overall building density, however, is still a tool used to evaluate the size of a building's envelope and its relationship to existing and approved developments. The proposed density, at 6.03 times the area of the lot, is lower than recent approvals from both City Council and the Ontario Municipal Board. This density reflects the staff-supported direction by the developer to retain and re-tenant the existing built form, rather than contemplate an entirely new development on the site. This has led to the pursuit of two towers on the vacant portions of the site with the retention of the existing buildings on the entire remainder of the site.

Sky View, Sun/Shadow, Wind

The retention of the existing buildings on the site has greatly increased the available sky view both on and surrounding the proposed development. The majority of this entire block will be covered by buildings of between 1½ and 6 storeys in height. Furthermore, the stepbacks for the

two tower elements, ranging from 2.7 to 6.7 metres, will help to increase the amount of sky view from a pedestrian perspective adjacent to the site. The zoning by-law requires a minimum of three metre setback above a height of 20 metres and the Tall Buildings Design Guidelines specify five metres. The proposed towers generally comply with the intent of the zoning by-law and the Guidelines.

The applicant has submitted a shadow study to demonstrate the shadow impacts of the revised proposal during the spring and fall equinoxes (March 21 and September 21), as well as the summer solstice (June 21). The study identifies the shadows cast by the as-of-right building envelope and the proposed two office towers. There are no parks or significant open spaces in the vicinity of the subject property that would require consideration of the shadow impact from the proposed towers. One of the concerns with respect to shadow is maintaining the goal of the angular plane on the south side of King Street East, which was put in place to limit shadow on the sidewalks of the north side of King Street East during each equinox. The re-orientation of the east tower, such that it is aligned in a north-south direction, has helped to reduce the shadow impacts. The shadows move more quickly with a north-south as opposed to an east-west configuration. As well, the stepping back of the upper levels of this tower have helped to reduce the length of the shadows, such that it does not cause significantly greater impact than the shadow created by an as-of-right building.

A Pedestrian Wind Study was provided with the initial application and a Pedestrian Wind Assessment was submitted with the revised proposal. The consultant concludes in the Assessment that there are several features of the revised proposal that contribute to reducing the proposed impact of wind on the adjacent pedestrian realm, namely:

- lowered heights of both towers;
- the unique geometry of the east office building, which will promote horizontal wind flows, resulting in less downwashing of winds off the building façade;
- increased setbacks of the towers from their respective podia further reduce the direct impact of downwashing winds onto the sidewalks; and
- the creation of recessed areas around several of the proposed pedestrian entrances, particularly those on the north and south ends of the proposed mid-block connection within the east office tower, provide more comfortable, lower-wind pedestrian spaces.

The amount of sky view and the impacts from shadow and wind generated by the proposed towers are therefore acceptable.

Heritage

The applicant has provided a revised heritage impact assessment, which concludes that the proposed development, and in particular the east office tower, does not have a negative impact, from a heritage perspective, on the adjacent designated heritage building to the east at 359-361 King Street East or the neighbouring heritage properties to the north and south. This conclusion has been accepted by Heritage Preservation Services staff. The assessment goes on to recommend that a commemoration strategy that engages the historical value of the original Town of York Plan area be developed to improve the legibility of the original town boundary. This commemorative strategy could be pursued as part of the Public Art Plan, discussed in a later section of this report.

As a result of the findings of the Stage 1 Archaeological Assessment, a Stage 2 Archaeological Assessment is required. Heritage Preservation Services staff have requested that no demolition, construction, grading or other soil disturbances shall take place on the property until the archaeological requirements have been satisfied. Further, they have also requested the archaeological work be conducted prior to the enacting of Bills by City Council.

Traffic Impact and Vehicular Access

The applicant has provided an update to their Transportation Considerations Report, submitted with the original application. The update indicates that the development proposal will generate approximately 90 – 100 two-way trips during the morning and afternoon peak hours, which represents a 5% or less impact on their study area signalized intersections. The consultant concludes that traffic generated from the site will have a nominal impact on surrounding unsignalized intersections, and can be appropriately and suitably accommodated by the existing road network geometry. Transportation Services staff have reviewed the updated report and concur with the conclusions.

Vehicular access to the property will be much improved with the proposed development, particularly on the east side where three existing accesses on King Street East, Berkeley Street and Front Street East are consolidated into one access off Berkeley Street. This consolidation eliminates much of the vehicle/pedestrian conflict that currently exists. The revised proposal also encloses both of the vehicular entrances within their respective podia, thus eliminating much of the noise and exhaust impact on the public associated with loading and internal vehicle circulation.

Loading, Parking and Commercial Parking

In the Transportation Considerations Report submitted with the revised application, the applicant has identified applicable standards for parking and loading. The loading facilities for the west office tower will be consolidated with those of the existing building in an enclosed space, accessed from Front Street East. This would create a much more appropriate situation than currently exists with the external loading facilities serving the existing building, which create significant noise and visual impact. Although it is generally preferred that loading access occur off the abutting street with the lower traffic volume, this is not possible for the west office tower as a result of the existing underground ramp serving the existing office.

From a parking perspective, the applicant is proposing to exceed the overall parking requirements for the site. As a result, in accordance with the requirements of the Toronto Green Standard, staff have included in the proposed site-specific zoning by-law a requirement that any spaces above the minimum be provided for dedicated priority parking spaces for carpooling or for publicly accessible spaces dedicated to car-sharing. The number of dedicated priority parking spaces (carpool and car-share) will be required to be no less than 1 dedicated space for every 10 parking spaces above the minimum requirement. Transportation Services staff have reviewed the updated report with respect to parking and loading and they concur with the conclusions.

Given the site's proximity to the Distillery District, cultural facilities and retail, as well as the pending loss of commercial parking associated with the re-development of the First Parliament site, staff recommended that the applicant pursue the addition of a level of below-grade commercial parking within the east office tower. While this issue has not been finalized, the

possibility for permitting additional parking spaces for temporary commercial parking has been added to the proposed site-specific zoning by-law.

Bike Parking

The revised proposal responds to a key city objective of promoting alternative, active transportation options, particularly cycling. There are a total of 435 bike parking spaces proposed for the entire site, which is 33 spaces in excess of what is required under the Toronto Green Standard. Of these 435 bike parking spaces, 193 are allocated to the existing building, 190 to the proposed east office tower and 52 to the proposed west office tower. Across the entire site a total of 40 visitor bike parking spaces are proposed to be located on the ground floor, in weather-protected facilities. The remainder of the visitor and occupant bike parking spaces are all located on the P1 level, in secure areas easily accessible via the two vehicular ramps into the east and west office towers. In addition, a total of 13 shower facilities are proposed across the entire site, as required by the Toronto Green Standard for new commercial/office buildings.

Staff have also recommended that the applicant pursue the possibility of adding a public bike sharing facility within the right-of-way adjacent to the site. Although the subject property is currently outside the boundary of the City's existing public bike sharing program, there is a desire to see this boundary expanded, especially if it can be achieved through the development review process. Discussion on this issue is ongoing and will be resolved through the Site Plan Approval process.

Servicing

City staff in the Engineering and Construction Services Division have identified several issues with respect to the proposed water, stormwater and sanitary sewer facilities within the applicant's revised Functional Servicing Report. A recommendation has therefore been added to this report indicating that these issues must be resolved prior to the introduction of Bills to City Council for enactment. Furthermore, a condition has been added to those recommended to be secured in a Section 37 agreement, such that the applicant enter into an agreement to pay for and construct any improvements to the existing municipal infrastructure, should they be required. Engineering and Construction Services staff are satisfied with this approach.

Economic Impact

Staff in the City's Economic Development and Culture Division, Business Retention and Expansion section, have expressed support for the proposed development. This support is based on the significant potential economic impact of the proposed two offices, in addition to the retained buildings. They cite the assessment value from the proposed offices and the 5,000 jobs in office employment that the project represents. In addition, mention is made of the recently completed study, entitled "Sustainable Competitive Advantage and Prosperity – Planning for Employment Uses in the City of Toronto", which concluded that the City requires a new focus on targeting office space construction to realize future employment growth potential.

Open Space / Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provision across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current

provisions of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The 17-storey non-residential building on the east side of the site proposes 44,640m² of non residential uses on a 4,503m² portion of the site. The non-residential use is subject to a 2% parkland dedication as per City Wide Parkland Dedication By-law 1020-2010. In total the parkland dedication requirement for this portion of the development is 90m². The 12-storey non-residential building on the west side of the site proposes 15,366m² of non residential uses on a 1,973m² portion of the site. The non-residential use is subject to a 2% parkland dedication as per City Wide Parkland Dedication By-law 1020-2010. In total the parkland dedication requirement for this portion of the development is 39m². The total parkland dedication requirement for both buildings is 129m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication that would be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape / Tree Preservation

The applicant has provided a streetscape plan for the entire block, which is proposed to be implemented in three phases: the first phase will address the frontages abutting the existing buildings along King Street East and Princess Street; the second phase is related to the Front Street East Pedestrian Promenade Plan for the Pan and Parapan American Games, which involves the Front Street East frontage from Princess Street east to the extent of the existing buildings; the third phase will address the frontages abutting the proposed east office tower along King Street East, Berkeley Street and the remainder of Front Street East. It is anticipated the first two phases would take place in 2013 and 2014, while the third phase would occur upon structural completion of the proposed east office tower, likely in early 2015. There will be construction timing co-ordination in consultation with the Pan and Parapan American Games.

The final streetscape plan will be finalized in consultation with City staff in Urban Forestry, Transportation Services, Construction and Engineering Services, Public Realm, Civic Improvement, as well as Toronto Hydro and any other applicable utility. This plan will be secured through the site plan approval process, with the following improvements anticipated:

- establishment of standard-width sidewalks to ensure safer, more accessible pedestrian flow;
- removal of selected existing street trees in poor condition and implementation of street tree trenches across the entire site frontage where feasible; this will create larger soil volumes than the existing street tree pits, to provide a higher likelihood of tree survival and allow for undergrowth planting;
- weather protected areas for pedestrian refuge through building cantilevers and installation of new canopies;
- pedestrian scale lighting, implemented according to the Heritage Lighting Master Plan for Old Town Toronto;
- enhanced paving materials;
- standard bike rings and larger bike racks where feasible;
- potential for installation of a public bike sharing docking station;
- street furniture in the form of bus shelters and benches;

- public art; and
- potential for heritage interpretation installations related to the Original 10 Blocks of the Old Town of York, as per the Heritage Interpretation Master Plan for Old Town Toronto.

There are sections of the proposed streetscape plan, which will involve the relocation of the pedestrian clearway onto private property, as a result of the existing public property not being wide enough to accommodate all or part of the proposed design. These sections will need to be secured through the appropriate easements allowing for unencumbered public use of private property and requiring the applicant to maintain these spaces. For the new buildings, abutting sidewalk widths of 3.5 metres to 8.7 metres are proposed. Although sidewalk widths with a minimum dimension of 6 metres are recommended, staff have attempted to ensure proper pedestrian clearways and street tree planting conditions in light of the existing buildings on the site.

Public Art

The applicant has indicated that they will be pursuing the commissioning of a public art contribution to the City of a value not less than one percent of the gross construction cost of the development. This contribution will be conducted in accordance with the City's Percent for Public Art Guidelines and the Public Art plan, anticipated to encompass the entire block, will be approved by the City's Public Art Committee. While the framework of the plan has not yet been contemplated, it is expected that two components of the plan could be: some form of implementation of the Heritage Interpretation Master Plan for Old Town Toronto, and particularly related to the Old Town of York and a commemoration of Coca Cola and the artwork that existed at their former head office on Overlea Boulevard in Thorncliffe Park.

It is expected that the implementation of the plan will be completed prior to the occupancy of the office tower on the east side of the lot.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS and have indicated that they will be pursuing LEED Gold certification of the east office tower. The City will request that the applicant provide the appropriate materials verifying LEED registration with the Canada Green Building Council and 3rd party commissioning and certification upon completion of the building. The site specific zoning by-law will secure performance measures for the following Tier 1 development features:

- roughed-in conduits for electrical vehicle plug in for those parking spaces in excess of the minimum zoning bylaw requirement;
- commercial visitor bike parking at grade;
- all commercial bike parking on the P1 level;
- waste management facilities; and
- minimum green roof dimensions and locations.

The following TGS Tier 1 performance measures, among others, will be secured through the Site Plan Approval process:

- location of shower/change facilities for bike parking;
- pedestrian specific lighting;
- high albedo surface materials, permeable materials or provision of shade on 50% of the site's hard surfaces;
- minimum 25% energy efficiency over the Model National Energy Code for Buildings;
- stormwater retention for the first 5mm of each rainfall event;
- water efficient and native plant material for 50% of the proposed landscaping vegetation, both on and adjacent to the site;
- minimum soil volume requirements for all new tree species; and
- adherence to the bird-friendly guidelines for all glass within the first 12 metres above grade and adjacent to any green roof areas.

Part of the LEED certification process, but not recognized as part of the Toronto Green Standard, is the proposed building retention with this application. Retaining and re-purposing existing buildings is one of, if not the most sustainable approaches to redevelopment. Close to 100% of the original built form on the property has been re-designed and re-tenanted, a key component of the applicant's sustainability strategy on this proposal, for which they should be commended.

Section 37

The proposal represents an increase in height permitted by the Zoning By-law. It is appropriate to secure a package of public benefits in exchange for the requested increase in height permission pursuant to Section 37 of the Planning Act.

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed cash contribution of \$500,000.00 towards the North St. Lawrence Market redevelopment, \$250,000.00 of which will be payable prior to Bills being enacted by City Council and the remaining \$250,000.00 to be paid prior to the issuance of the first building permit for the proposed development.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. Before introducing the necessary Bills to City Council for enactment, require the Owner to demonstrate that a restrictive covenant, pursuant to Section 119 of the Land Titles Act, has been priority registered on title to the adjacent property at 359-361 King Street East, restricting the future build-out potential of the property at 359-361 King Street East to the as-of-right 26 metre height limit in perpetuity.
 - ii. Commissioning of a public art contribution to the City of a value not less than one percent of the gross construction cost of the development,

indexed annually in compliance with the City's Percent for Public Art Guidelines, and provided the public art plan shall be approved by the City's Public Art Committee and the implementation of the plan shall be completed prior to the occupancy of the east office tower.

- iii. To provide and maintain an accessible public pedestrian walkway on the east portion of the subject property which shall have a minimum width of 6 metres and a minimum height of 4 metres and shall provide a direct at-grade connection between Front Street East and King Street East generally within the area identified as "Approximate Location of Pedestrian Connection" on Map 1 of the Zoning By-law amendment, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; such right of access to be secured by way of agreement to the satisfaction of the City Solicitor.
- iv. To provide and maintain a publicly accessible pedestrian clearway across private property on those portions of the street frontages abutting the subject property that do not contain adequate sidewalk widths to accommodate pedestrian activity and/or street trees, as shown on Map 2 of the Zoning By-law amendment, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; such right of access to be secured by way of agreement to the satisfaction of the City Solicitor.
- v. To undertake streetscaping improvements to the street right-of-way abutting the entire subject property, including but not limited to, sidewalk bump-outs, street lighting, pavers, street furniture and tree trench installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Engineering and Construction Services Division.
- vi. Enter into a secured Agreement with the City to pay for and construct any improvements to the existing municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.
- vii. To construct and maintain the development in accordance with Tier 1 - required measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee; and to

provide the City with documentation of LEED registration and certification of the 17-storey east office tower.

- viii. Design and construction of proposed development on the *lot* substantially in conformity with the architectural design identified on elevation plans on file with the Chief Planner and Executive Director, prepared by Diamond and Schmitt Architects, dated February 20, 2013, to the satisfaction of the Chief Planner and Executive Director, the details of which, including the exterior materials, will be refined on approved plans and drawings in the context of site plan approval pursuant to Section 114, of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City.

Conclusion

The application discussed in this report proposes two new office towers of 17 and 12 storeys, in addition to the retention of the existing one to six storey office and institutional buildings on the former Toronto Sun property. Street-related retail uses are proposed on the ground floor of the entire site. This parcel comprises two (previously consolidated) blocks from the original 10 blocks of the Old Town of York, the birthplace of Toronto from 1793. At 1.6 hectares (almost 4 acres) in size, it represents one of the largest single-ownership land holdings in the King-Parliament area.

From their original application in March 2012, the applicant has made several revisions in response to comments provided by City staff, the community and the Design Review Panel. These moves combine to enable the two towers to be more respectfully inserted into this sensitive heritage context. Staff's support for this revised proposal is based on the:

- employment uses focus of the development;
- compatibility of the overall building heights within their existing and planned contexts;
- size of the parcel, which helps to adequately accommodate the two proposed towers while still creating a relatively low overall density for the proposal;
- retention of the existing buildings on the site ensuring adequate sky view throughout the property;
- significant setbacks for both towers above their podiums, reducing their mass from the pedestrian realm;
- setbacks on the ground floor, creating a wider pedestrian clearway;
- innovative design of the larger east tower;
- mid-block pedestrian connection;
- comprehensive streetscape improvement plan for the entire block;
- provision of public art; and
- the proposed sustainability strategy, including the direction to pursue LEED Gold certification for the east office tower.

City Planning recommends that Council approve the proposed zoning by-law amendment, which is included as Attachment 15 to this report. This is a development proposal that not only provides a much-needed employment boost to this mixed-use Regeneration Area, but also

respects the heritage character of the Old Town of York and is consistent with the planning framework for King-Parliament.

CONTACT

Willie Macrae, Senior Planner
Tel. No. 416-396-7026
Fax No. 416-396-4265
E-mail: wmacrae@toronto.ca

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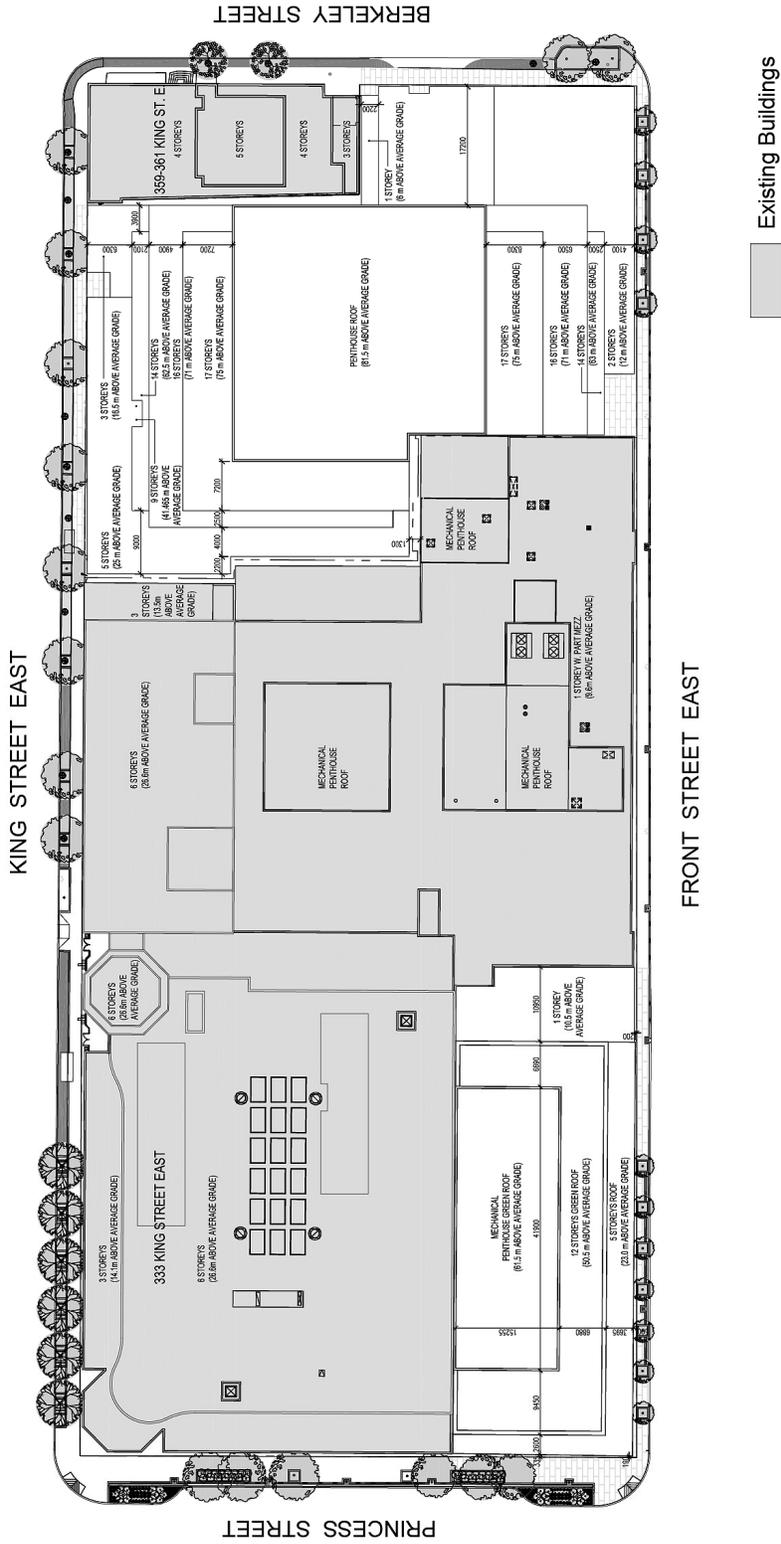
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Applicant's Rendering Looking West
Attachment 3: Applicant's Rendering Looking East
Attachment 4: North Elevation
Attachment 5: East Elevation
Attachment 6: South Elevation
Attachment 7: West Elevation Mid-Block
Attachment 8: West Elevation Princess Street
Attachment 9: Official Plan Designations
Attachment 10: King-Parliament Secondary Plan Map 15-2
Attachment 11: King-Parliament Secondary Plan Map 15-3
Attachment 12: Existing Zoning
Attachment 13: Permitted Heights
Attachment 14: Application Data Sheet
Attachment 15: Draft Zoning By-law Amendment

Attachment 1: Site Plan



333 King Street East



Applicant's Submitted Drawing

Not to Scale
04/03/2013

File # 12 144494 0Z

Attachment 2: Applicant's Rendering Looking West



King Street Looking West

Architectural Rendering

333 King Street East

Applicant's Submitted Drawing

Not to Scale
04/03/2013

File # 12 144494 0Z

Attachment 3: Applicant's Rendering Looking East



Front Street Looking East

Architectural Rendering

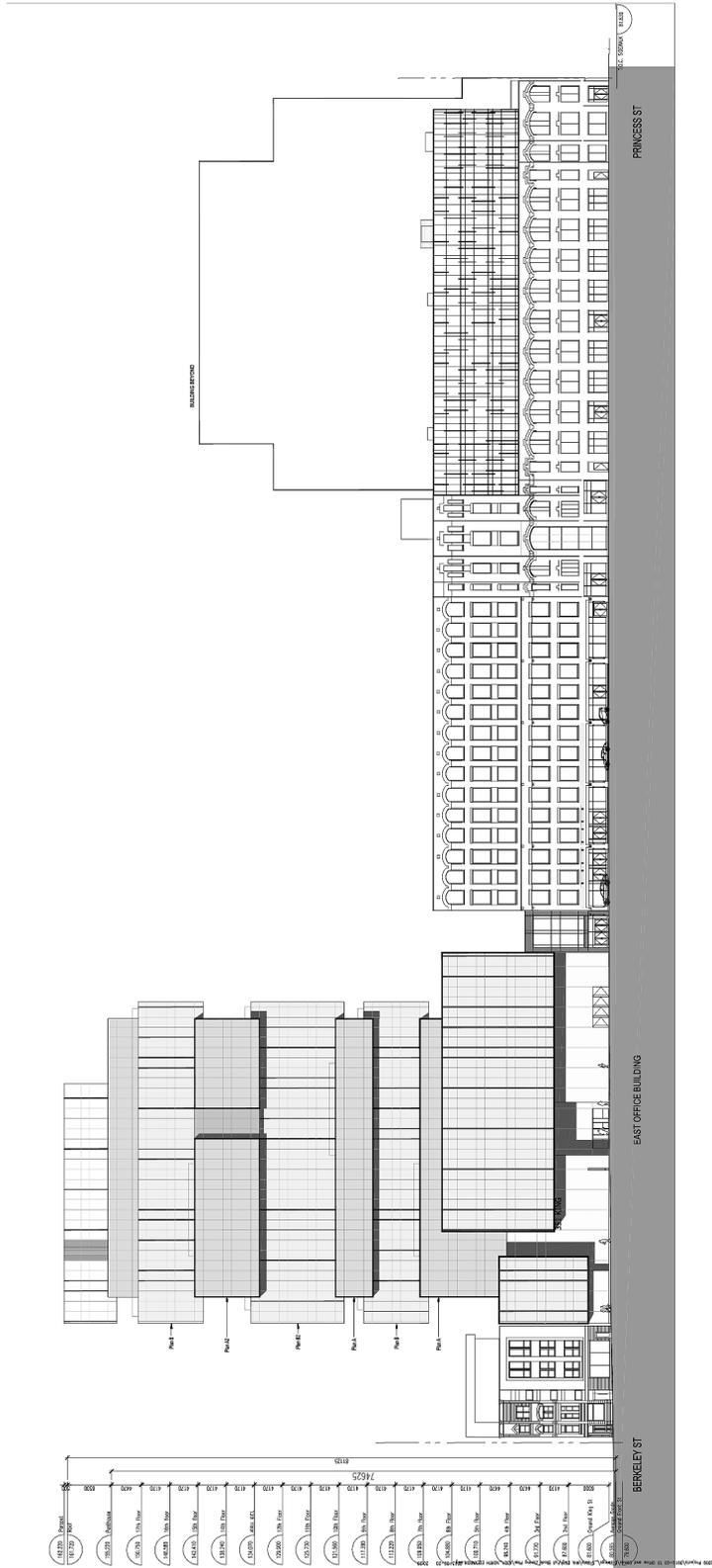
333 King Street East

Applicant's Submitted Drawing

Not to Scale
04/03/2013

File # 12 144494 OZ

Attachment 4: North Elevation



North Elevation - King Street - East Office Building

Elevations

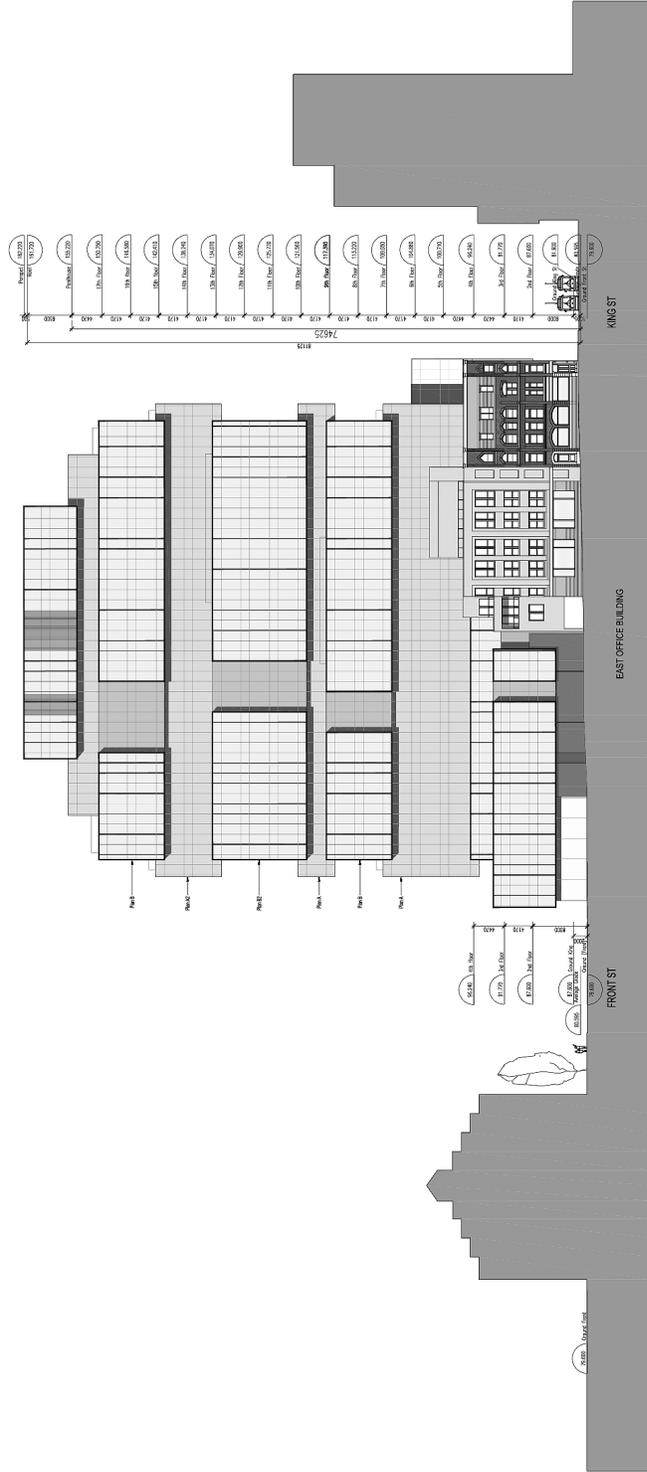
Applicant's Submitted Drawing

Not to Scale
04/03/2013

333 King Street East

File # 12 144494 0Z

Attachment 5: East Elevation



East Elevation - Berkeley Street - East Office Building

333 King Street East

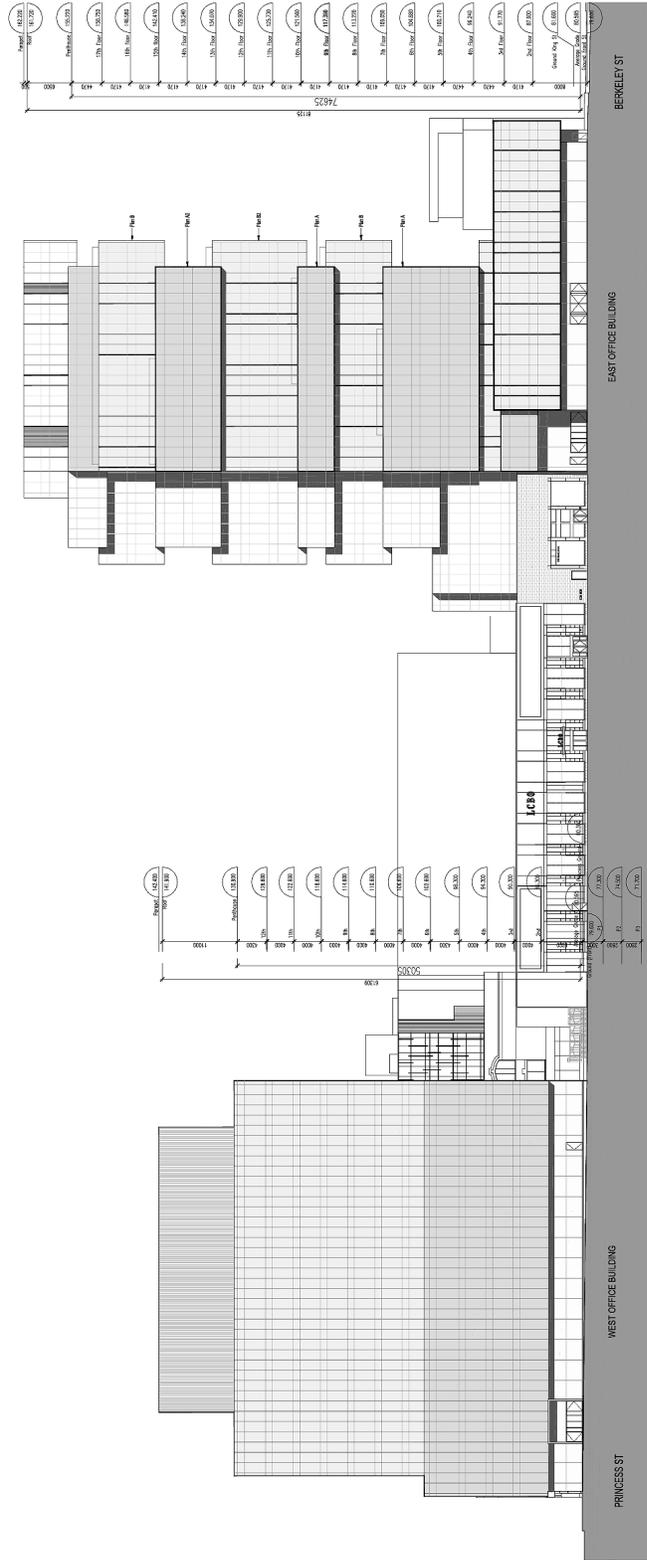
Elevations

Applicant's Submitted Drawing

Not to Scale
04/03/2013

File # 12 144494 0Z

Attachment 6: South Elevation



South Elevation - Front Street - West & East Office Buildings

Elevations

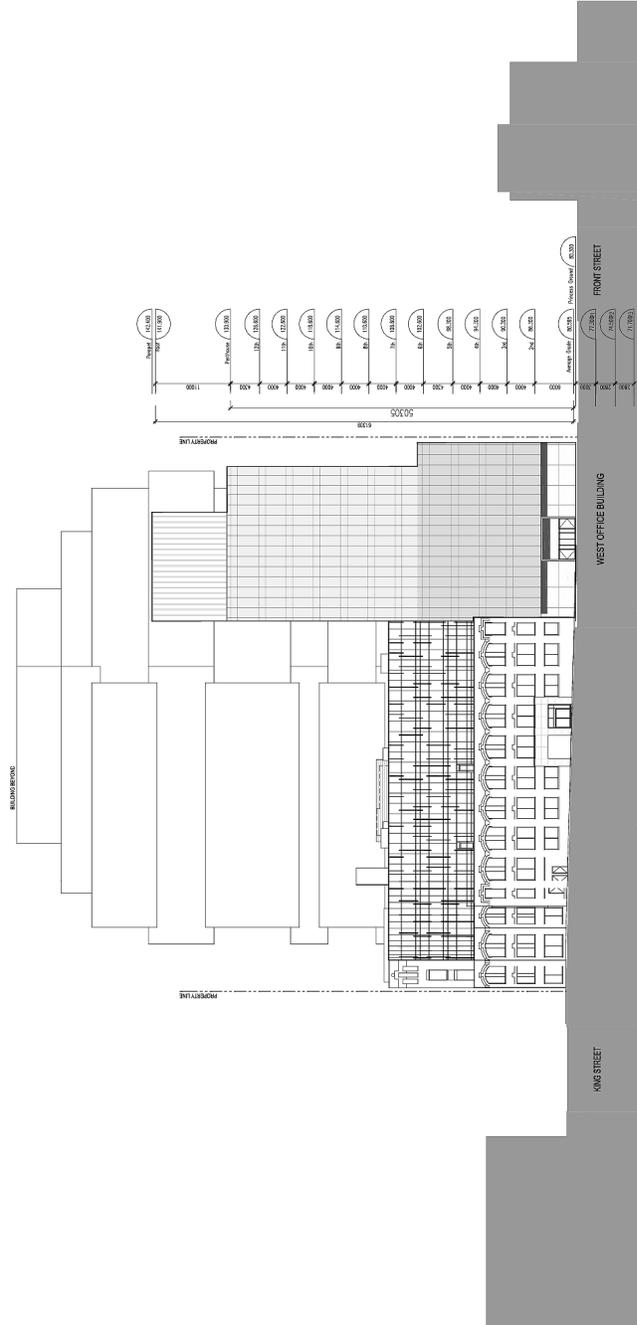
Applicant's Submitted Drawing

Not to Scale
04/03/2013

333 King Street East

File # 12 144494 0Z

Attachment 8: West Elevation – Princess Street



West Elevation - Princess Street - West Office Building

Elevations

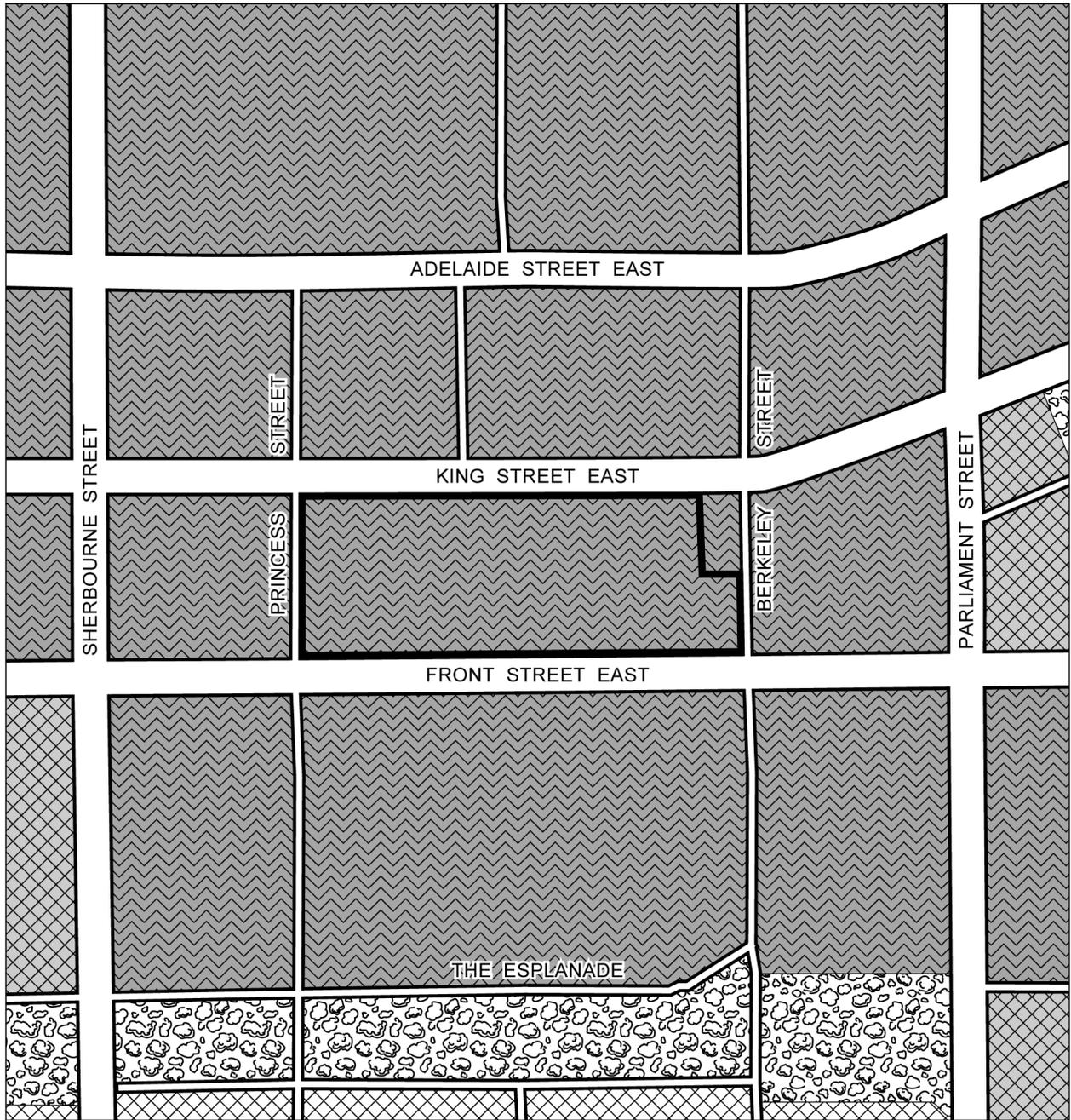
Applicant's Submitted Drawing

Not to Scale
04/03/2013

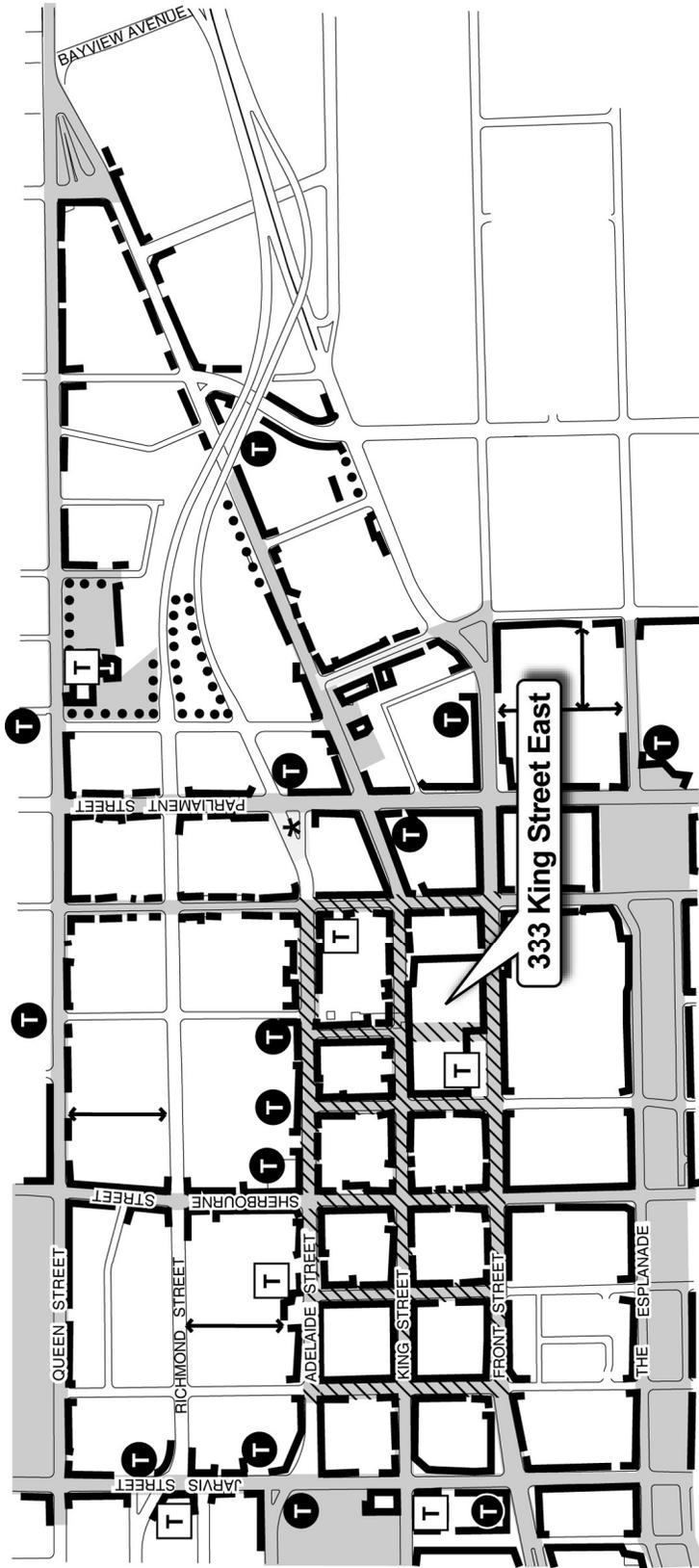
333 King Street East

File # 12 144494 0Z

Attachment 9: Official Plan Designations



Attachment 10: King-Parliament Secondary Plan Map 15-2



Not to Scale

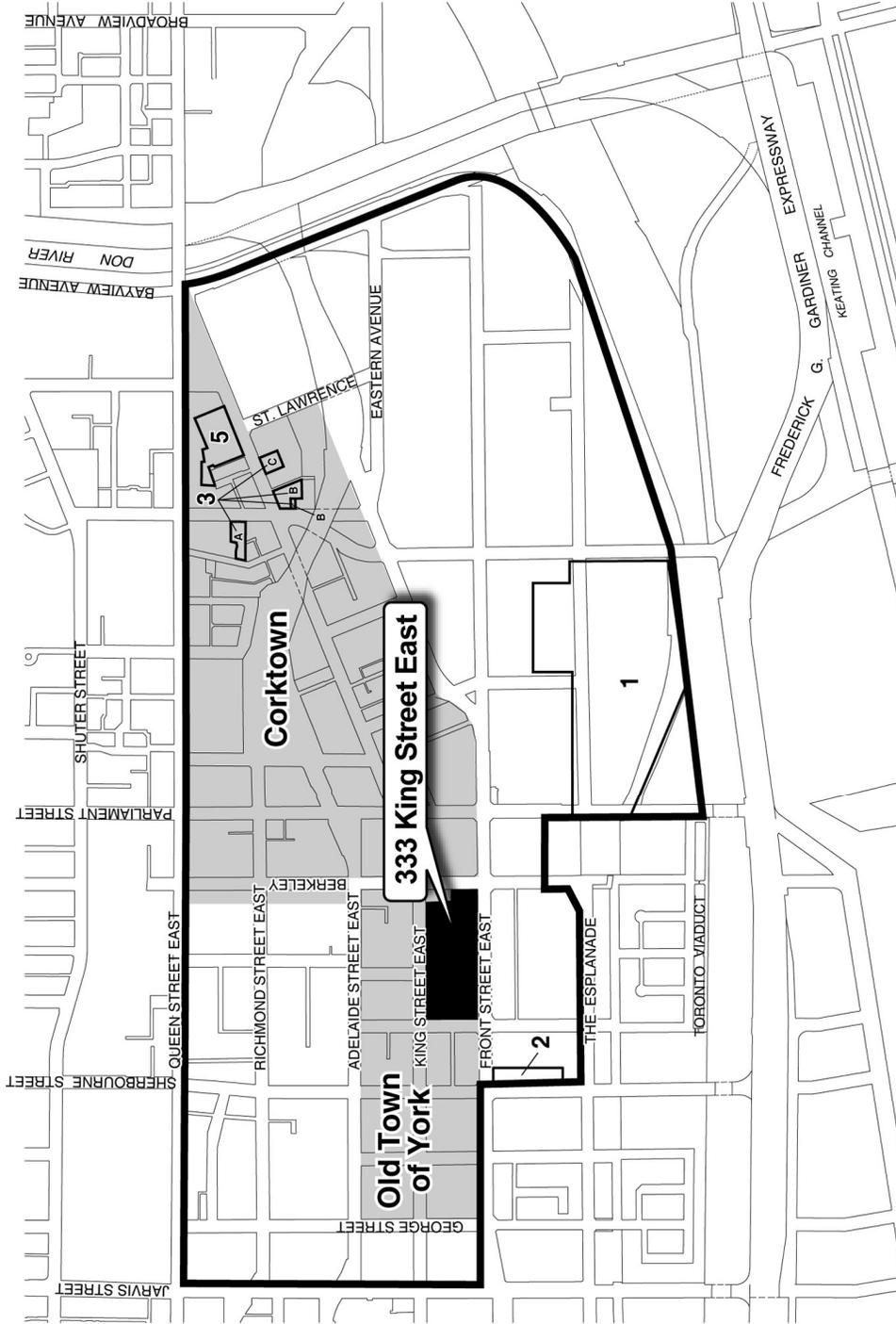
King-Parliament Secondary Plan MAP 15-2 Urban Structure



- Potential View Terminus
- Existing View Terminus
- Landscape Edge
- 10 Original City Blocks
- Existing and Potential Building Edge
- Area for Streetscape Improvement
- Potential Mid-block Connections
- Significant Street and Open Space

October 2009

Attachment 11: King-Parliament Secondary Plan Map 15-3



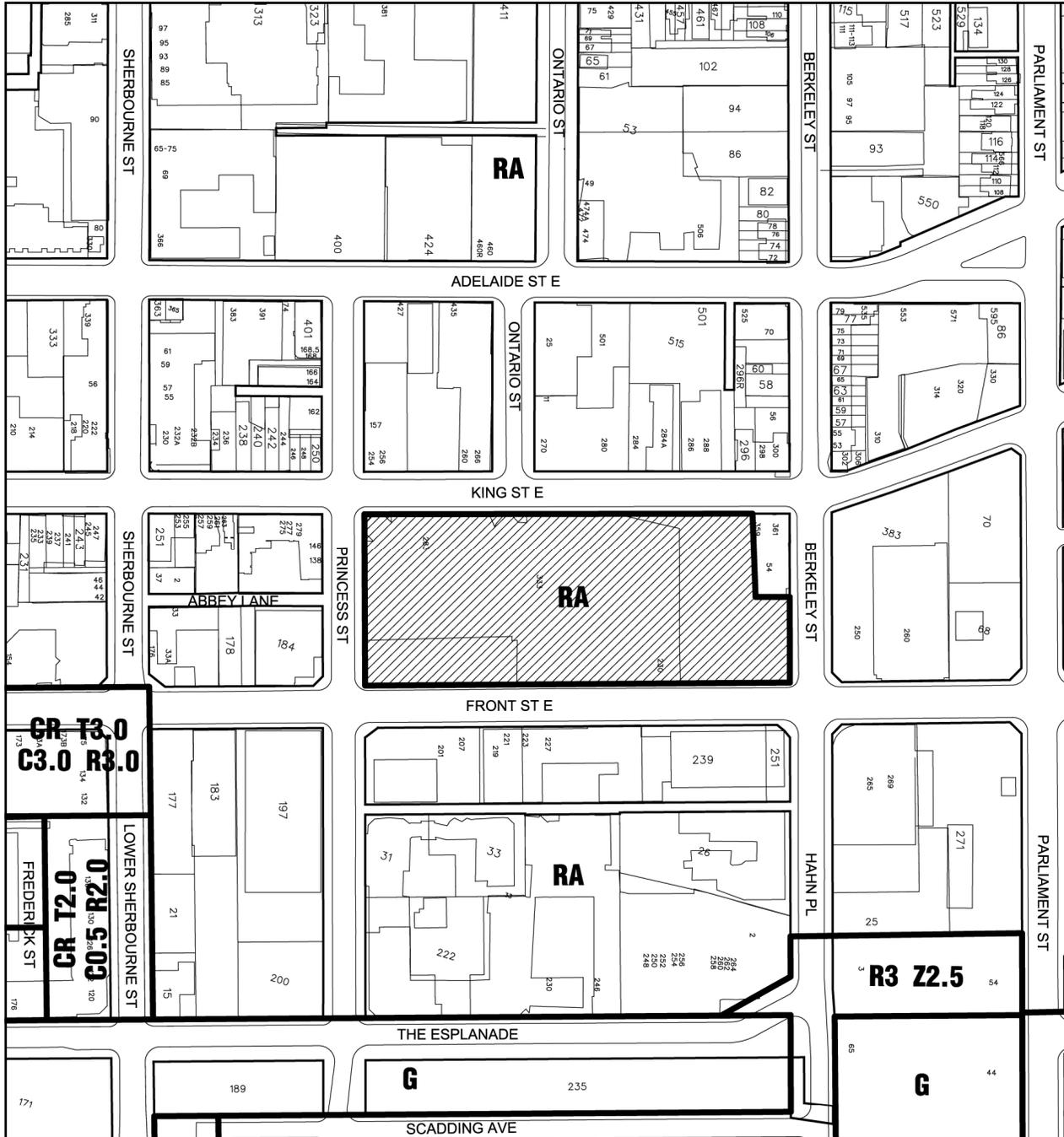
King-Parliament Secondary Plan

MAP 15-3 Areas of Special Identity

-  Secondary Plan Boundary
-  Areas of Special Identity
-  Site and Area Specific Policies

October 2009

Attachment 12: Existing Zoning



333 King Street East

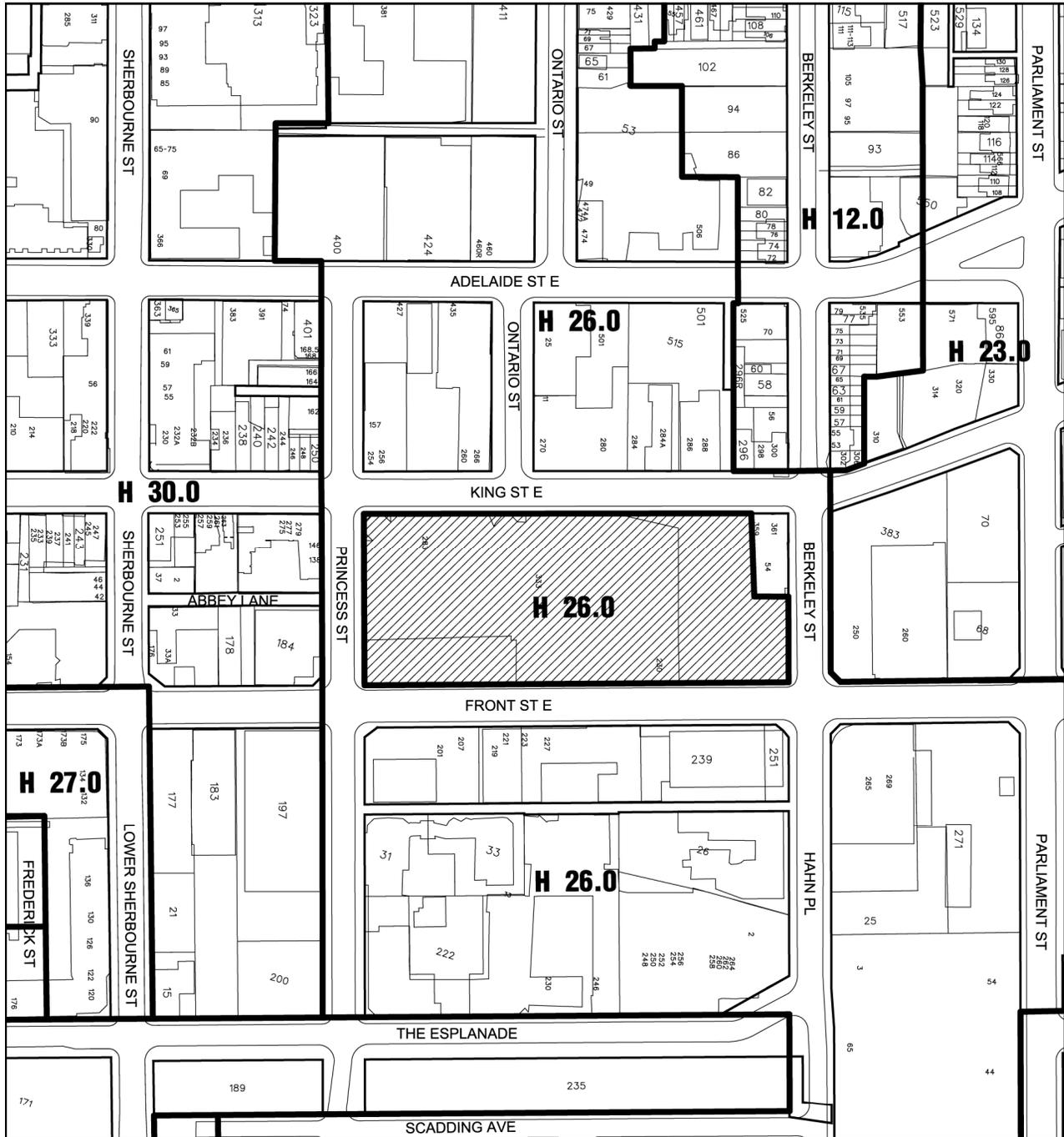
File # 12 144494 0Z

- RA Mixed-Use District
- CR Mixed-Use District
- R3 Residential District
- G Parks District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 04/16/2012

Attachment 13: Existing Height Limits



TORONTO City Planning
Existing Permitted Height Limits

333 King Street East

File # 12 144494 0Z



Not to Scale
 Zoning By-law 438-86 (as amended)
 Extracted 04/16/2012

Attachment 14: Application Data Sheet

Application Type	Rezoning	Application Number:	12 144494 STE 28 OZ
Details	Rezoning, Standard	Application Date:	March 28, 2012
Municipal Address:	333 KING STREET EAST		
Location Description:	PLAN 133 LOTS 1 TO 5 BLKS F G AND TWN LOTS 2 PT LOTS 1 8 C RP 63R4208 PARTS 1 2 RP 66 R21701 PARTS 2 4 6 8 10 12 **GRID S2808		
Project Description:	New proposal is for a 17-storey office building on the east portion of the site and a 12-storey office building in the southwest corner. All existing buildings on the property to be retained and restricted to their existing heights and the entire site will be restricted to employment/retail uses.		

Applicant:	Agent:	Architect:	Owner:
First Gulf Corporation 3751 Victoria Park Avenue Toronto, ON M1W 3Z4	Goodmans LLP Bay Adelaide Centre 333 Bay Street, Suite 3400 Toronto, ON M5H 2S7	Diamond and Schmitt Architects Inc 384 Adelaide Street West Toronto, ON M5V 1R7	First Gulf King Street Inc. 3751 Victoria Park Avenue Toronto, ON M1W 3Z4

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N
Zoning:	RA	Historical Status:	N
Height Limit (m):	26	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	15827.2	Height:	Storeys:	17 and 12
Frontage (m):	200		Metres:	77 and 50.5
Depth (m):	80			
Total Ground Floor Area (sq. m):	12912			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	474
Total Non-Residential GFA (sq. m):	95464		Loading Docks	11
Total GFA (sq. m):	95464			
Lot Coverage Ratio (%):	81.6			
Floor Space Index:	6.03			

DWELLING UNITS

Tenure Type:	N/A
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	9115	0
Office GFA (sq. m):	86349	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: **PLANNER NAME:** **Willie Macrae, Senior Planner, wmacrae@toronto.ca**
TELEPHONE: **416-392-7572**

Attachment 15 - Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2013

To amend the former City of Toronto General Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 333-351 King Street East.

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2012 as 25 Ontario Street; and

WHEREAS the Council of the City of Toronto has conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services, or matters in return for any increase in the height or density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services, and matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services, and matters as are hereinafter set forth; and

WHEREAS the increase in the height of development permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the “City”); and

WHEREAS the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services, and matters in return for the increases in height permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) with respect to the definition of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *lot*, *owner*, *parking space*, *sales office* and *storey* and Sections 4(2)(a), 4(5)(b), 4(8), 4(13), 7(3), 12(2)132, 12(2)246 and 12(2)260 of Zoning By-law No. 438-86 being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* provided that:

- (1) For the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
- (2) Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.
- (3) The total *non-residential gross floor area* erected or used on the *lot* shall not exceed 95,500 square metres, of which a minimum of 12,000 square metres of *non-residential gross floor area* shall be located on the first *storey* of the building.
- (4) No portion of any building erected above finished ground level is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (a) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, terraces, patios, cabanas, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, trellises, underground garage ramps and accessory structures, - guardrails, chimneys, vents, stacks, mechanical fans, retaining walls, wheelchair ramps, ornamental or architectural features, structures and elements related to outdoor patios, landscape features, and art installations may extend beyond the heavy lines shown on the attached Map 2.
- (5) No person shall erect or use a building or structure on the *lot* having a greater *height*, in metres than the *height* in metres specified by the numbers following the letter H on the attached Map 2, provided this does not prevent:
 - (a) the erection or use of the structures, elements and enclosures permitted by Section 1.(4) of this By-law;
 - (b) elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 0.5 metres above the *height* limits shown on Map 2; and
 - (c) roof top stacks and vents to a maximum vertical projection of 3.0 metres above the height limits shown on Map 2.
- (6) No person shall erect or use a building or structure on the *lot* which exceeds the number of *storeys* specified by the numbers delineated on Map 2.
- (7) No person shall erect or use a building or structure on the *lot* which does not conform to the building envelope identified on Map 3.
- (8) A minimum of 265 *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
 - (a) 74 *parking spaces* for the *existing building*;

- (b) 46 *parking spaces* for the *west office tower*;
 - (c) 134 *parking spaces* for the *east office tower*; and
 - (d) *parking spaces* provided above the minimum must be provided for dedicated priority *parking spaces* for carpooling or for publicly accessible spaces dedicated to car-sharing, with the number of dedicated priority *parking spaces* (carpool and car-share) being no less than 1 dedicated space for every 10 *parking spaces* above the minimum requirements identified above.
- (9) A minimum of 435 *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- (a) 193 *bicycle parking spaces* for the *existing building*;
 - (b) 52 *bicycle parking spaces* for the *west office tower*;
 - (c) 190 *bicycle parking spaces* for the *east office tower*; and
 - (d) a minimum of 40 *bicycle parking spaces* shall be provided for visitors of the *non-residential gross floor area*, all of which shall be located in an easily accessible location at finished ground level that is available for use by visitors to the building.
- (10) A minimum of 13 *shower – change facilities* shall be provided and maintained on the *lot* in accordance with the following requirements:
- (a) 4 *shower – change facilities* for the *existing building*;
 - (b) 1 *shower – change facilities* for the *west office tower*; and
 - (c) 8 *shower – change facilities* for the *east office tower*.
- (11) A minimum of 11 loading spaces shall be provided and maintained on the *lot*, in accordance with the following requirements:
- (a) 6 loading spaces for the *existing building* and the *west office tower* in the form of 1 *loading space - type A*, 3 *loading spaces - Type B* and 2 *loading spaces - Type C*; and
 - (b) 5 loading spaces for the *east office tower* in the form of 2 *loading spaces - Type B* and 3 *loading spaces - Type C*.
2. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height of the development on the *lot* beyond that otherwise permitted in By-law No. 438-86, as amended, is permitted in return for the provision by the *owner* to the City of the following facilities, services and matters at the *owner's* sole expense:

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed cash contribution of \$500,000.00 towards the North St. Lawrence Market redevelopment, \$250,000.00 of which will be payable prior to Bills being enacted by City Council and the remaining \$250,000.00 to be paid prior to the issuance of the first building permit for the proposed development.

Such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment;
- b. the *owner* shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which are registered on title to the *lot* to the satisfaction of the City to secure:
 - a) the matters provided for in Section 2.a.i. above;
 - b) the provision by the *owner* of the following:
 - i. Before introducing the necessary Bills to City Council for enactment, require the Owner to demonstrate that a restrictive covenant, pursuant to Section 119 of the Land Titles Act, has been priority registered on title to the adjacent property at 359-361 King Street East, restricting the future build-out potential of the property at 359-361 King Street East to the as-of-right 26 metre height limit in perpetuity.
 - ii. Commissioning of a public art contribution to the City of a value not less than one percent of the gross construction cost of the development, indexed annually in compliance with the City's Percent for Public Art Guidelines, and provided the public art plan shall be approved by the City's Public Art Committee and the implementation of the plan shall be completed prior to the occupancy of the east office tower.
 - iii. To provide and maintain an accessible public pedestrian walkway on the east portion of the subject property which shall have a minimum width of 6 metres and a minimum height of 4 metres and shall provide a direct at-grade connection between Front Street East and King Street East generally within the area identified as "Approximate Location of Pedestrian Connection" on Map 1 of the Zoning By-law amendment, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; such right of access to be secured by way of agreement to the satisfaction of the City Solicitor.

- iv. To provide and maintain a publicly accessible pedestrian clearway across private property on those portions of the street frontages abutting the subject property that do not contain adequate sidewalk widths to accommodate pedestrian activity and/or street trees, as shown on Map 2 of the Zoning By-law amendment, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; such right of access to be secured by way of agreement to the satisfaction of the City Solicitor.
 - v. To undertake streetscaping improvements to the street right-of-way abutting the entire subject property, including but not limited to, sidewalk bump-outs, street lighting, pavers, street furniture and tree trench installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Engineering and Construction Services Division.
 - vi. Enter into a secured Agreement with the City to pay for and construct any improvements to the existing municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.
 - vii. To construct and maintain the development in accordance with Tier 1 - required measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee; and to provide the City with documentation of LEED registration and certification of the 17-storey east office tower.
 - viii. Design and construction of proposed development on the *lot* substantially in conformity with the architectural design identified on elevation plans on file with the Chief Planner and Executive Director, prepared by Diamond and Schmitt Architects, dated February 20, 2013, to the satisfaction of the Chief Planner and Executive Director, the details of which, including the exterior materials, will be refined on approved plans and drawings in the context of site plan approval pursuant to Section 114, of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City.
3. None of the provisions of this By-law or By-law No. 438-86, as amended, as of the date of the passing of this By-law, shall apply to prevent a *sales office* on the *lot*.

4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
5. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

6. Definitions:

For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except for the following:

- (1) “*bicycle parking space*” means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles, and
 - (a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
 - (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 0.9 metres and a vertical dimension of at least 1.9 metres; and
- (2) “*east office tower*” means the proposed office tower on the east portion of the property, with frontage on King Street East, Berkeley Street and Front Street East
- (3) “*existing office building*” means the existing building, as identified by the heavy dark line on Map 2 attached to this By-law;
- (4) “*grade*” means 80.595 metres Canadian Geodetic Datum;
- (5) “*lot*” means the lands delineated by heavy lines on Map 1 attached to this By-law;
- (6) “*owner*” shall mean the registered owner of the *lot* in fee simple;
- (7) “*parking space*” means:
 - (i) an unimpeded area that has dimensions not less than those prescribed by subsection 4(17), Minimum Parking Space Dimensions;
- (8) “*sales office*” means a building or structure, used exclusively for the purpose of marketing, sales and leasing of *non-residential gross floor area* on the *lot*; and,

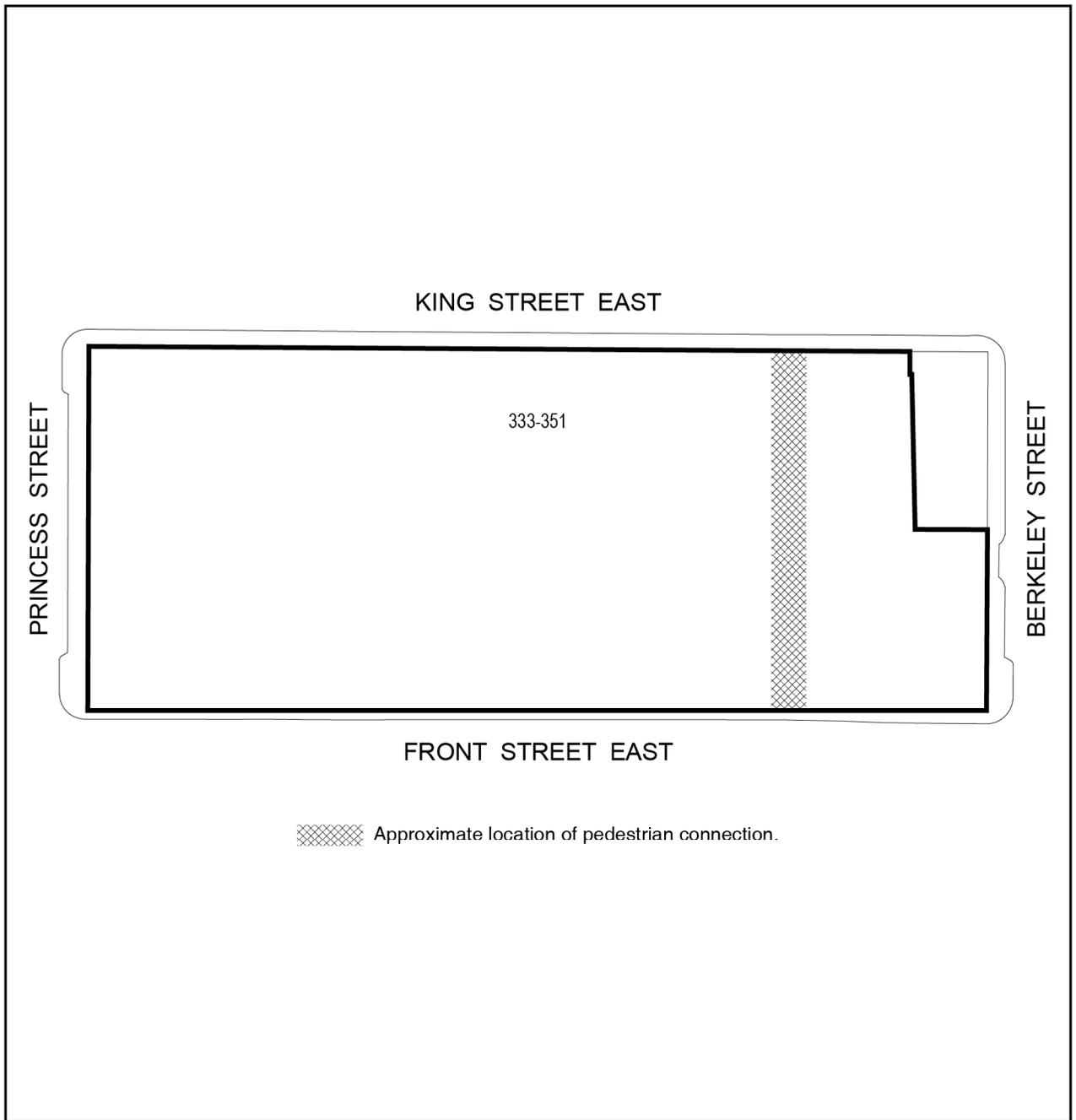
- (9) “*storey*” means a level of the building or structure located between a floor and a ceiling or roof immediately above, excluding those areas of the building labelled as mechanical penthouse on Map 2, and the first *storey* shall be the first level of the building which contains the main entrance to the residential portion of the building. For clarity, a *storey* does not include levels of the building occupied by an underground garage;
- (10) "*west office tower*" means the proposed office tower at the southwest corner of the property, with frontage on Princess Street and Front Street East;

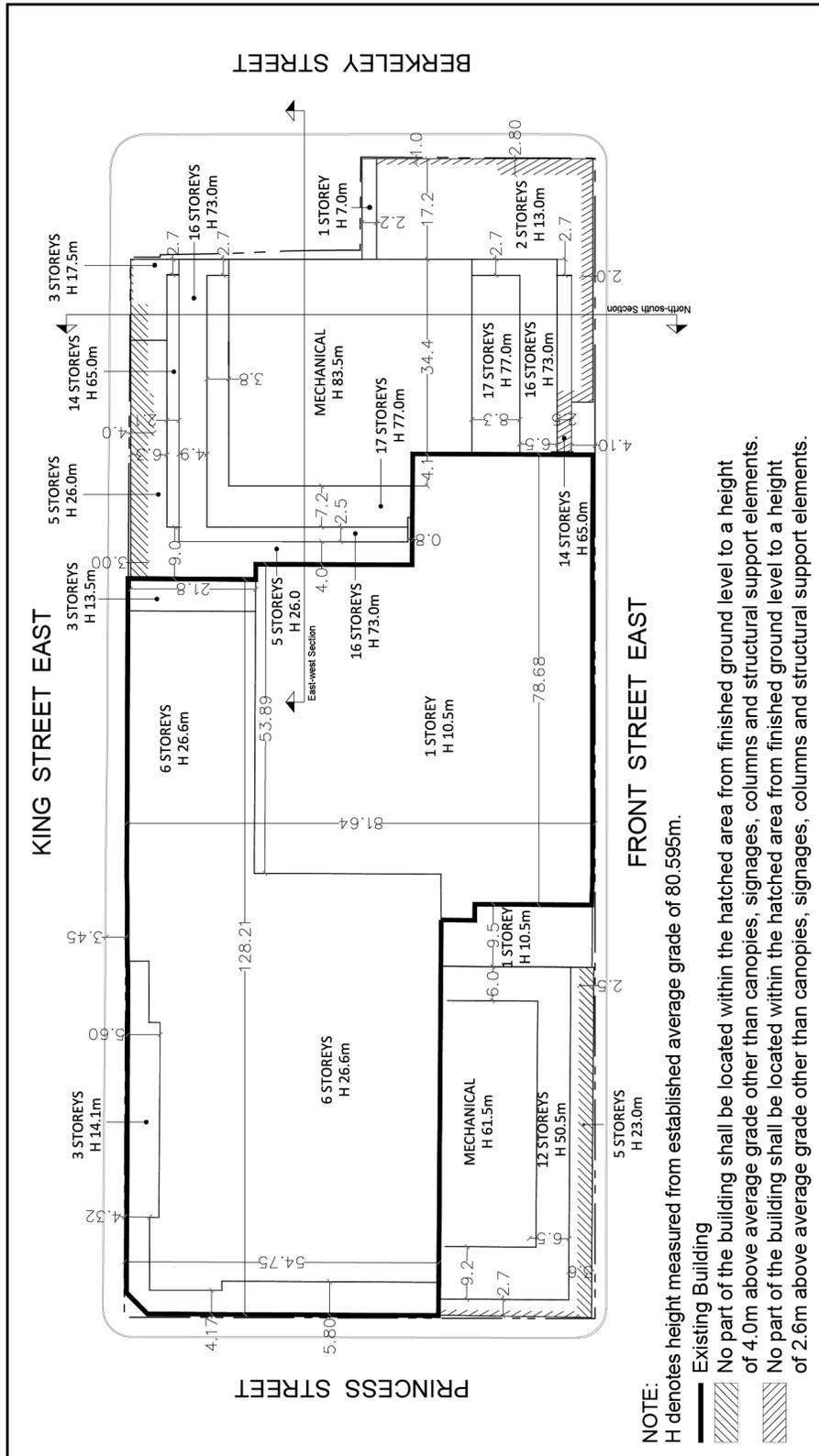
ENACTED AND PASSED this ~ day of ~, A.D. 2013.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Map 2

333-351 King Street East

File # 12 144494 0Z

↑
 Not to Scale
 04/25/2013

