

388 King Street West and 82 Peter Street - Zoning Amendment – Final Report

Date:	September 24, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	12 144710 STE 20 OZ

SUMMARY

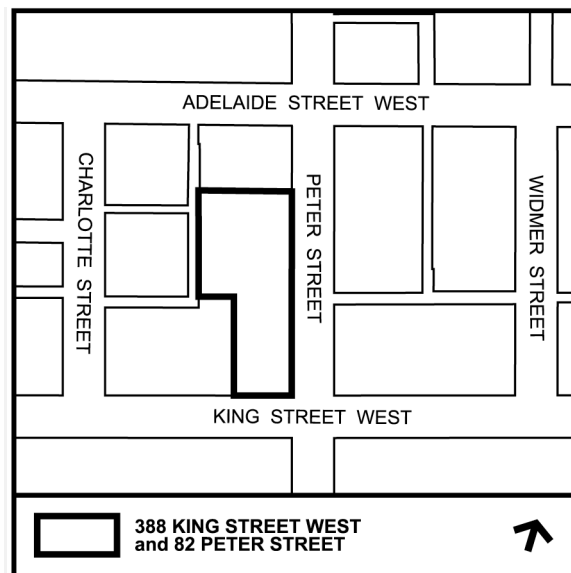
This application proposes to redevelop the site at 388 King Street West and 82 Peter Street with a 33-storey office building containing commercial uses at grade. The building will have a total height of 141.30 metres (146.30 metres to the top of the mechanical penthouse) and will contain 256 parking spaces.

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 388 King Street West and 82 Peter Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report dated September 24, 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 to enter into an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the City Solicitor to secure the following:
 - a. Prior to the enactment of Bills, a cash contribution of \$100,000.00 to be allocated to capital improvements to the playground at Ogden School, located at 33 Pheobe Street in Ward 20.
 - b. Prior to the issuance of the first above-grade building permit, a cash contribution in the amount of \$1,900,000.00 to be allocated to the following provisions:
 - i) \$500,000.00 for capital improvements to non-profit arts and cultural facilities in Ward 20, including but not limited to the Artscape facility at 21 Widmer Street;
 - ii) \$100,000.00 for capital improvements to the playground at Ogden School, located at 33 Pheobe Street in Ward 20; and
 - iii) \$1,300,000.00 for the provision of new affordable housing and/or non-profit arts and community facilities in Ward 20, including but not limited to sites within the Alexandra Park and Atkinson Co-op Revitalization Area.

The above noted cash contribution of \$2,000,000.00 is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposal is for a 33-storey office building with commercial uses at grade. The development will contain 73,329 square metres of office uses and 1,407 square metres of retail space for a total gross floor area of 74,736 square metres. A total of 256 parking spaces will be located within a four level below-grade parking garage. Bicycle parking, totalling 306 spaces, will be provided with the following breakdown: 153 for visitors and 153 for occupants. The majority of the bicycle parking will be provided within the P1 level of the parking garage with the exception of 19 spaces provided at grade at the west side of the property.

The height of the building is terraced with building elements that are 10, 15, 21 and 33 storeys for a total height of 141.3 metres (146.3 metres to the top of the mechanical penthouse). The streetwall height at the King Street façade is proposed to be nine storeys and is set back a little

over three metres from the property line. The building then steps back another 19.5 metres before going up to 21 storeys, and then steps back an additional nine metres before going up to the final height of 33-storeys. At the Peter Street façade, the ground floor is set back from the property line by three metres and the remainder of the building cantilevers over this set back starting at the second storey. The overall height of the building facing Peter Street ranges from 10, 21, 33 and 15-storeys with the tallest elements found in the middle of the building and the 10 and 15-storey elements located at the south and north ends of the building respectively. A series of vertical and horizontal insets have been incorporated into this façade to break up the mass of the building.

Along the north façade, the ground floor is set back 6.5 metres to allow room for vehicular and loading access to the site. The remainder of the building cantilevers over this set back from the second to the fifteenth storey, and then steps back nine metres before going up to a height of 33-storeys. As the north façade, starting from the second storey, is located on the property line and is three storeys taller than the adjacent Hilton Garden Inn Hotel, a lightwell is provided at floors 13 to 15 mirroring the lightwell located on the south façade of the hotel building to allow for better access to light for both buildings. Along the west façade, the portion of the building adjacent to a public lane is setback 10 metres from the centreline of the lane.

Please refer to the Application Data sheet (Attachment No. 8) for further details.

Site and Surrounding Area

This irregularly shaped site fronts both King Street West and Peter Street and measures approximately 3,460 m², with the wider portion being located at the northern half of the site. The site currently contains a two-storey commercial building located at the north-west corner of King Street West and Peter Street (at 388 King Street West). This building, constructed in 1941, contains a Shoppers Drug Mart at grade and office uses above. The site also contains a five-storey converted warehouse building (at 82 Peter Street) which dates back to the late 1920s and currently contains a night club at grade and office uses above. This building is connected to the adjacent building to the west at 19 Charlotte Street by a three-storey link starting at the second storey. Neither building is listed on the City's Inventory of Heritage Properties.

Land uses surrounding the site are as follows:

North: A 16-storey hotel building, the Hilton Garden Inn, is located immediately north of the site and to the north of this, fronting on Adelaide Street, is a six-storey office building. Along the east side of Peter Street are three and four-storey former warehouse buildings which now contain nightclubs at grade and office uses above, a surface parking lot which is subject to a development proposal for a 49-storey mixed-use building located at 81-87 Peter Street, and a 10-storey former warehouse building containing office uses. This building, known as the Commodore Building, is listed on the City's Inventory of Heritage Properties.

East: Located at the north-east corner of King Street West and Peter Street is the 20-storey Hyatt Hotel. Also on the north side of King Street towards John Street is the location of the TIFF Bell lightbox building. The south-east corner of King Street and Blue Jays Way, the southerly extension of Peter Street, contains a six-storey designated heritage building,

the Westinghouse, which is subject to an approved development proposal for a 42 and 47-storey mixed-use building. The remainder of the block towards John Street contains Restaurant Row – a line of two to three-storey heritage buildings housing ground floor restaurants with mixed-uses above.

South: A proposal for a 40-storey mixed-use building has been approved by the Ontario Municipal Board immediately south of the subject site at the south-west corner of King and Blue Jays Way. A site plan application is yet to be submitted for the site.

West: Just west of the subject site is a two-storey commercial building containing a Mountain Equipment Co-op Store, Charlie, a 34-storey mixed-use building and the Hudson, a 21-storey mixed-use building at the north-east corner of King and Spadina. On the south side of King Street, west of the subject site, is a five-storey commercial building, a proposal for a 15-storey mixed-use building, a 34-storey mixed use building known as M5V, a series of 2-3 storey heritage buildings and a development proposal at the south-east corner of King and Spadina for a 39-storey mixed-use building.

Provincial Policy Statement and Provincial Plans

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

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

Official Plan

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

Chapter Three – Building a Successful City identifies that most of the City's future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from

the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow and wind impacts on streets, open spaces and parks.

Section 3.1.3 Built Form – Tall Buildings contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings. Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street and which integrates with adjacent buildings, a middle with a floor plate size and shape with appropriate dimensions for the site, and a top that contributes to the skyline character. Policy 3.1.3.2 requires new tall development to address key urban design considerations, including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and/or planned context;
- taking into account the relationship of the site to topography and other tall buildings;
- providing high quality, comfortable and usable publicly accessible open space areas; and
- meeting other objectives of the Official Plan.

The site is also designated *Regeneration Area* in the Official Plan which permits the proposed commercial and office uses. Chapter 6.16 of the Official Plan contains the King-Spadina Secondary Plan. The King-Spadina Secondary Plan emphasizes the reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. In particular, the policies of Section 3 - Built Form specify that new buildings will 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.

King-Spadina Secondary Plan Review and Urban Design Guidelines

OPA No. 2 (By-law 921-2006), which is under appeal to the Ontario Municipal Board, proposed amendments to the King-Spadina Secondary Plan that are intended to further clarify and reinforce the fundamental intent of the Secondary Plan. The King-Spadina Urban Design Guidelines (2004) support the implementation of the King-Spadina Secondary Plan.

Section 2.5 contains the overall Guidelines and states that new development should reinforce the character and scale of the existing street wall, the base of the building should respond proportionally to the width of the street, and development should reinforce the existing streetscape and building rhythm of the street. Tall buildings, where appropriate, must meet the policies of the Official Plan and Urban Design Guidelines, achieve adequate light, privacy and views, and maintain the potential for adjacent sites to develop in a similar manner. New

development should reinforce a street wall height that reflects the character and scale of the area.

King-Spadina East Precinct Built Form Study

In April 2008, Council directed staff to undertake a study of the built form in the East Precinct of the King-Spadina Secondary Plan Area within which the subject site is located. The study, initiated in response to the large number of applications that continued to challenge the planning framework of the East Precinct area, is currently ongoing.

The original findings of the King-Spadina East Precinct Built Form Study included the principle that heights decrease generally from east to west (University Avenue to Spadina Avenue), and from south to north (Front Street to Queen Street). Within this general height trend are areas of localized conditions. The Built Form Study provides for a two-tier height approach.

Development proposals aiming to achieve the “Second Tier” height permissions are to be considered in light of the policy objectives in the King-Spadina planning framework as well as the built form standards that apply to any tall building development in the City, including but not limited to: respect for heritage in the immediate context; preservation of sunlight on important pedestrian streets (including King Street West); conformity with the King-Spadina Built Form Guidelines; and achieving a 25 metre tower separation and a maximum 750 square metre floor plate to address light, view and privacy.

The East Precinct Built Form Study was delayed to allow for further public consultation. Staff have recently re-started the process and a series of public meetings took place in June of this year to obtain public input as part of the study.

Heritage Conservation District Study

The King-Spadina Secondary Plan area contains many listed and designated heritage buildings. At its meeting on August 16, 2012 Toronto City Council directed Heritage Preservation Services staff to undertake Heritage Conservation District studies in five priority areas. One of these areas is the King-Spadina Secondary Plan area. The Request for Proposals for the King-Spadina Heritage Conservation District Study was issued and a team lead by Taylor-Hazell Architects has been chosen to undertake the study. It is anticipated that the initial study will be completed by the first or second quarter of 2014. The development of a Heritage Conservation District Plan and the recommendations regarding designation under Part V of the *Ontario Heritage Act* of one or more identified Heritage Conservation Districts will follow as the second part of the study.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines

serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 7). As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks.

The By-law permits a maximum height of 30 metres for the properties at 388 King Street West and 82 Peter Street. The By-law also requires a maximum height of 16 metres at the King Street lot line and a 20 metre height at the Peter Street lot line with a 3 metre stepback before the remainder of the permitted height can be applied.

The RA zone allows a range of uses including commercial, office, retail and residential. The requested uses are permitted under the By-law.

Site Plan Control

The subject site and development is subject to Site Plan Control. A site plan application has not been submitted at this time.

Reasons for Application

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 30 metres by approximately 111.3 metres (116.3 metres including the penthouse), resulting in a proposed building height of 146.3 metres inclusive of the mechanical penthouse. In addition, the proposed building does not comply with other restrictions that are in effect on the lands.

Community Consultation

A community consultation meeting took place on May 28, 2013. Two other development proposals were considered at this meeting, 81-87 Peter Street and 170 Spadina Avenue, and attendees were generally supportive of the subject proposal. Comments regarding built form were quite limited and focused primarily on matters such as maintaining appropriate sidewalk widths, format of retail and location within the building and pedestrian access through the site.

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 surrounding context.

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 and commercial) project that is transit supportive and pedestrian friendly. The proposal responds to the requirement of cultivating a culture of conservation through an appropriate built form and intensification of the site.

Land Use

The proposed office building with retail uses at grade is appropriate for the site. The *Regeneration Areas* designation in the Official Plan encourages the intensification of sites with employment uses, as do policies related to the Downtown. The commercial uses at grade will help to animate both King Street and Peter Street. Given the degree of residential development in the area, this proposal will contribute to creating a balanced land use mix.

Density, Height, Massing

The proposed development of a 33-storey building is suitable for the site. In order to provide transition to the heritage character of King Street, the height of the south façade has been reduced from thirteen to nine-storeys and a stepback of 19.5 metres, increased from 16.5 metres, is provided for floors 16 to 22 and a stepback of 28 metres is provided for floors 22-33. Additionally, the building is set back 3.1 metres from the property line at King Street in order to provide for a wide sidewalk. Likewise, a wider sidewalk will be provided along the Peter Street façade as the building is set back from the property line by three metres at the first storey. The remainder of the building cantilevers over this up to the property line, providing weather protection. To reduce the mass of the building as viewed from Peter Street, the stepback provided at the 16th storey has been increased from three to nine metres. As well, the east façade will contain a curtain wall of vertical solar shade glass fins that help to break up the mass of the building. Finally, to reduce the impact of this development on the buildings to the west, the building setback from the centreline of the public lane has been increased from 7.3 metres to 10 metres.

Sun, Shadow, Wind

A sun/shadow study has been prepared for the fall and spring equinoxes (September 21 and March 21) and well as for June 21 and December 21. This study was revised from the original version based on the amendments made to the building and shows that during the equinoxes, there would be no incremental shadow impact created on King or Queen Streets or on any public park. There would be minor incremental shadows on Peter Street between 1 p.m. and 6 p.m., as well as on the south side of Adelaide Street West between 9 a.m. and noon.

On June 21, incremental shadow impact on King Street would be limited to the evening hours starting at 5 p.m. and impact on Peter Street would be the same as during the equinoxes, between 1 p.m. and 6 p.m. The south side of Adelaide Street will experience incremental shadow between 9 a.m. and noon.

A wind impact study has also been completed and it has been concluded that, due to various wind mitigation features such as building stepbacks, recessed entries, canopies and overhangs, the proposed building will have minimal impact on the surrounding area. Resulting wind conditions will be comfortable for standing in the summer and walking in the winter, with a potential for higher wind speeds along King Street and at the intersection of King and Peter Streets during windy winter days. Additionally, at the site plan stage, mitigation measures will have to be implemented for any roof-top amenity spaces as wind speeds here are higher than desired for amenity space.

City-wide Tall Building Design Guidelines

The proposal generally meets the intent of the city-wide Tall Building Design Guidelines. In order to provide some transition and scale (Guideline 1.3), the building has a streetwall height of nine-storeys to reflect a balance between the heritage character and base-building height of existing and approved buildings on King Street between John Street and Spadina Avenue. The mass of the building, which incorporates four building elements of varying heights ranging from 40.4 metres, 91.4 metres, 146.8 metres and 65.9 metres moving from the front of the building on King Street to the rear of the building along Peter Street, ensures that shadow impacts on surrounding streets are only incremental, thereby satisfying Guideline 1.4, Sunlight and Skyview. Additionally, the proposal meets Guideline 2.1 regarding Building Placement as the building is located to frame both King and Peter Streets and architecturally treats both of these streets as the building frontage. In order to improve pedestrian amenity, the building is setback such that a minimum of a six metre sidewalk zone will be provided on both King and Peter Streets, as per Guideline 2.2. Further, site servicing and parking is provided below-grade accessible at the rear of the building and therefore away from public realm and public view, in conformance with Guideline 2.3.

While Guideline 3.2.1 recommends a maximum tower floor plate size of 750 m², it recognizes that commercial-only buildings require a larger floor plate in order to achieve a functional interior layout. In this case, the floor plate size above the base height of nine-storeys is approximately 1,790 m². However, the floor plate size decreases to approximately 1,460 m² for floors 16 to 21 and is even further reduced, to 1,220 m², for the remainder of the building. The bulk of the floor plate is offset with the provision of a tower setback between 19.5 metres and 28 metres at the King Street frontage starting at the 10th storey and of nine metres starting at the 16th storey along the north façade. Additionally, the whole building is set back 10 metres from the centreline of the public lane to the west.

Traffic Impact and Vehicular Access

A traffic impact study was submitted by the applicant, the findings of which have been reviewed and accepted by Transportation Services. Traffic generated by this development is expected to result in 115 two-way vehicle trips during the morning and evening rush hour, which will result in an overall increase of three percent or less on overall operations of signalized intersections in the area. The consultant also concludes that traffic impact on surrounding un-signalized intersections will be minimal, and generally, the development will not change the operating conditions of both signalized and un-signalized intersections.

Parking and Loading

Parking will be provided in a four-level below-grade parking garage containing 256 parking spaces and will be accessed via a new driveway located at the very northern limit of the site. Based on the King-Spadina parking standards in By-law 438-86, between 226 and 574 parking spaces are required and in this case, 256 spaces are being provided. The spaces will be provided in the form of commercial parking, to ensure that opportunity exists for these to be occupied by the general public during the evening and weekends.

Loading will be located at the north-east corner of the site in the form of three Type-B and three Type-C loading spaces. While less than the requirements found in Exception 12(2)246 in Zoning By-law 438-86 governing the King Spadina Area, this complies with the downtown provisions of Section 4(8) of the By-law. This is acceptable to Transportation Services staff.

Bicycle Parking

Additionally, 306 bicycle parking spaces are proposed, of which half are for occupants of the building and the other half for visitors of the building. This exceeds the minimum number required number of spaces of 285 by 21. The majority of bicycle parking will be located on the P1 level of the parking garage, with the exception of 19 visitor spaces located at grade level at the west side of the site. Shower facilities, meeting the minimum standards of the Toronto Green Standard which requires 10 male and 10 female showers, will also be located on the P1 level of the garage adjacent to the area reserved for bicycle parking.

Servicing

Engineering and Construction Services has concluded that there are sufficient municipal services in the vicinity of the subject site to service the development. This conclusion was supported by the applicant's Functional Servicing Report, revised from the original submission to incorporate changes made to the development. The report identifies that there is adequate capacity in the City's storm and sanitary sewers for this project and available water pressure in the area which meets the minimum requirements of water supply for Public Fire protection. The consultant also reviewed pre and post-development flow rates into the combined sewer and identified that, post-development, the total from the site will actually be reduced from the current condition. Engineering and Construction services concurs with this determination.

Economic Impact

The City's Economic Development and Culture Division, Business Services staff have reviewed the application and expressed their support for the proposal. According to their review, this project represents approximately \$150,000,000 in new investment, will provide significant temporary construction-related employment and will allow for the collection of associated City fees and additional property tax revenue from the increased tax assessment. Once complete, the development will provide over 4,300 jobs in office employment with additional employment for retail and building maintenance. Additionally, a recently completed study by City Planning, "Sustainable Competitive Advantage and Prosperity – Planning for Employment Uses in the City of Toronto" concluded that the City requires a new focus on targeting office space construction to realize future employment growth potential. As well, the 2013 Economic Development and Culture Strategic Plan, "*Collaborating for Competitiveness*" calls for adding significant net new commercial office property assessment within the City annually.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The application proposes 74,736 square metres of non-residential uses on a site with a net area of 3,460 square metres. The non-residential use is subject to a 2% parkland dedication as per City Wide Parkland Dedication By-law 1020-2010. The total parkland dedication will be 70 square metres.

The applicant is required to satisfy the parkland dedication 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

A detailed streetscape plan will be submitted with the future site plan application. However, to ensure that appropriate building setbacks are being provided to allow for appropriate sidewalk width to accommodate required streetscape elements such as street lighting, tree planting and a pedestrian clearway, the applicant's most recent plan re-submission was accompanied by a concept streetscape cross-section upon the request of staff.

There are currently three City-owned trees situated within the Peter Street City road allowance adjacent to the subject site which are protected under the City's Street Tree By-law. Initially the applicant proposed to retain two of these three trees. However, Urban Forestry, Tree Protection and Plan Review staff concluded that it will not be possible to retain these trees due to the extensive work that will take place on the subject site and the surrounding streetscape.

In turn, the applicant proposes to plant three new trees within the King Street road allowance and six new trees within the Peter Street road allowance adjacent to the site. Greater detail regarding tree species and other streetscape details will be addressed at the site plan stage.

Environment

The building is proposed to contain Photovoltaic Panels on the rooftop and the south façade will be clad with horizontal shade fins while the east and west façades will be clad with vertical shade fins to help improve the energy efficiency of the building. The remainder of the building will be covered in fritted glass to reduce glare and heat infiltration. The remaining portions of the roof not containing the Photovoltaic Panels will be provided as green roof planted with low-maintenance, water efficient vegetation. The applicant has identified an intent to provide green roof coverage of at least 60% of the total roof area, which is the minimum requirement for buildings having a total gross floor area of 20,000 square metres or greater under the Green Roof By-law. It will be necessary for the applicant to provide more specific details of the green roof and the materials proposed at the site plan stage.

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.

The site specific zoning by-law will secure performance measures for cycling infrastructure and storage and collection of recycling material under Tier 1.

Other applicable TGS performance measures will be secured through the Site Plan Approval process. Some of the key TGS performance measures that will be secured through the site plan approval process include:

- location of shower/change facilities for bike parking;
- 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;
- on site stormwater retention for the first 5mm of each rainfall event;
- water efficient and native plant material for 50% of the proposed landscaping vegetation;
- minimum soil volume requirements for all new tree species;
- watering program for trees for the first two years after planting; and
- adherence to the bird-friendly guidelines for all glass within the first 12 metres above grade and adjacent to any green roof areas.

Section 37

The community benefits recommended to be secured in the Section 37 agreement are as follows:

1. Prior to the enactment of Bills, a cash contribution of \$100,000.00 to be allocated to capital improvements to the playground at Ogden School, located at 33 Pheobe Street in Ward 20.
2. Prior to the issuance of the first above-grade building permit, a cash contribution in the amount of \$1,900,000.00 to be allocated to the following provisions:
 - i) \$500,000.00 for capital improvements to non-profit arts and cultural facilities in Ward 20, including but not limited to the Artscape facility at 21 Widmer Street;
 - ii) \$100,000.00 for capital improvements to the playground at Ogden School, located at 33 Pheobe Street in Ward 20; and
 - iii) \$1,300,000.00 for the provision of new affordable housing and/or non-profit arts and community facilities in Ward 20, including but not limited to sites within the Alexandra Park and Atkinson Co-op Revitalization Area.

The above noted cash contribution of \$2,000,000.00 is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.

On September 10, 2013 Toronto and East York Community Council adopted recommendation No. 3 A. i. a) of the Final Staff Report dated August 15, 2013 (Item TE 26.9) regarding redevelopment of the Alexandra Park and Atkinson Co-op Revitalization Area, to allocate a S.37 cash contribution of \$5,000,000.00 for the construction of a 1,100 square metre community facility. The \$1,300,000.00 noted in item 2. iii) above is intended to be in addition to the \$5,000,000.00 previously secured, should the funds be directed for this purpose.

Conclusion

The proposed 33-storey office building will contain retail uses at grade along both the King and Peter Street frontages. The main office lobby is provided off of Peter Street and provides a pedestrian connection to the public laneway to the west of the site. This development is an appropriate intensification of the currently underutilized site containing a two-storey retail store, Shopper's Drugmart, at the south end of the site and a five-storey former- warehouse building with a nightclub on the ground floor and office uses above on the remainder of the site. The proposal conforms with Official Plan goals of revitalizing *Regeneration Areas* of the city and will make a significant addition to employment space in this part of the downtown. The applicant has made a number of amendments to the massing of the building in response to comments from City staff. With these design revisions in place, City Planning recommends that Council approve the proposed zoning by-law amendment which is attached as Attachment 9 to this report. A future site plan application will provide the opportunity to consider the design details of the building and surrounding site in greater detail.

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SIGNATURE

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Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: South Elevation

Attachment 3: East Elevation

Attachment 4: North Elevation

Attachment 5: West Elevation

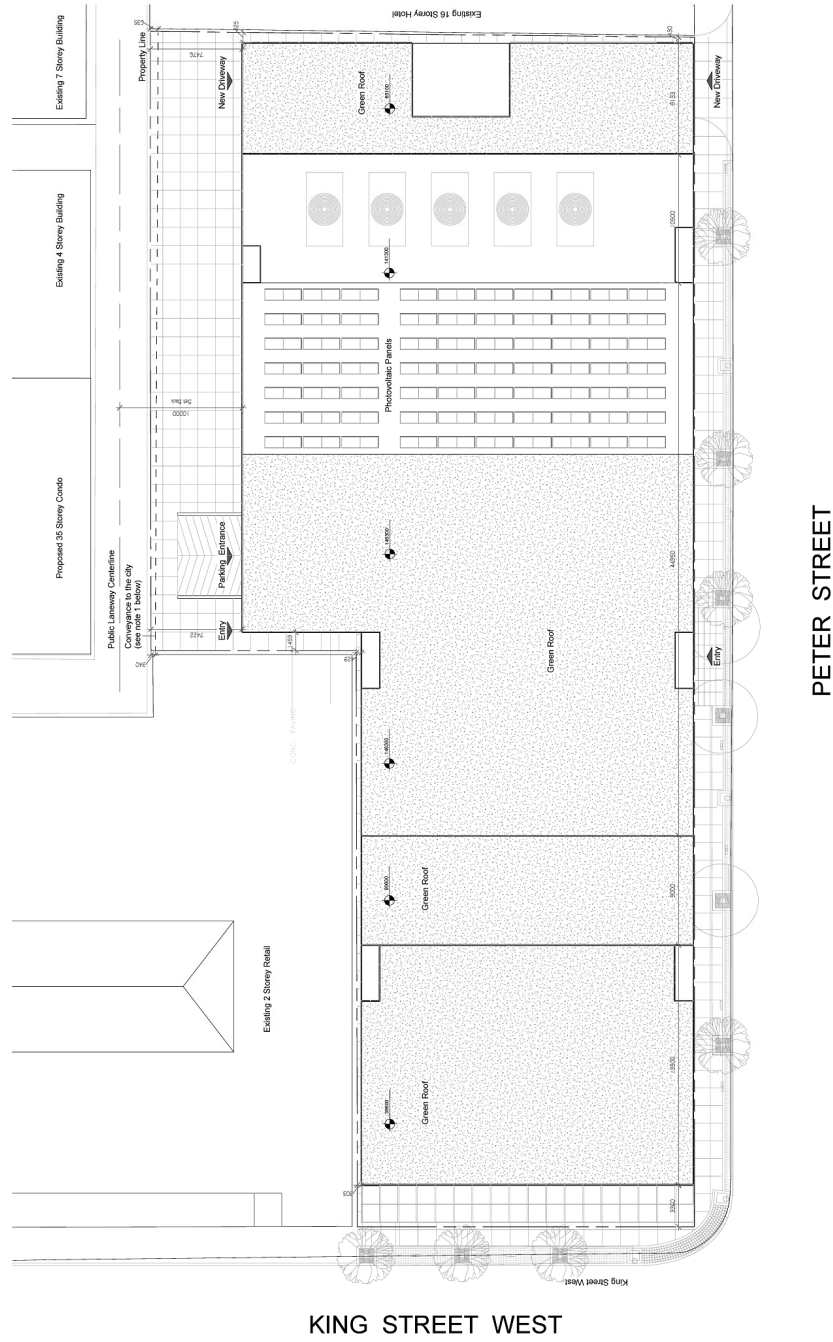
Attachment 6: Official Plan

Attachment 7: Zoning

Attachment 8: Application Data Sheet

Attachment 9: Draft Zoning By-law Amendment

Attachment 1 – Proposed Site Plan



Ground Floor Plan

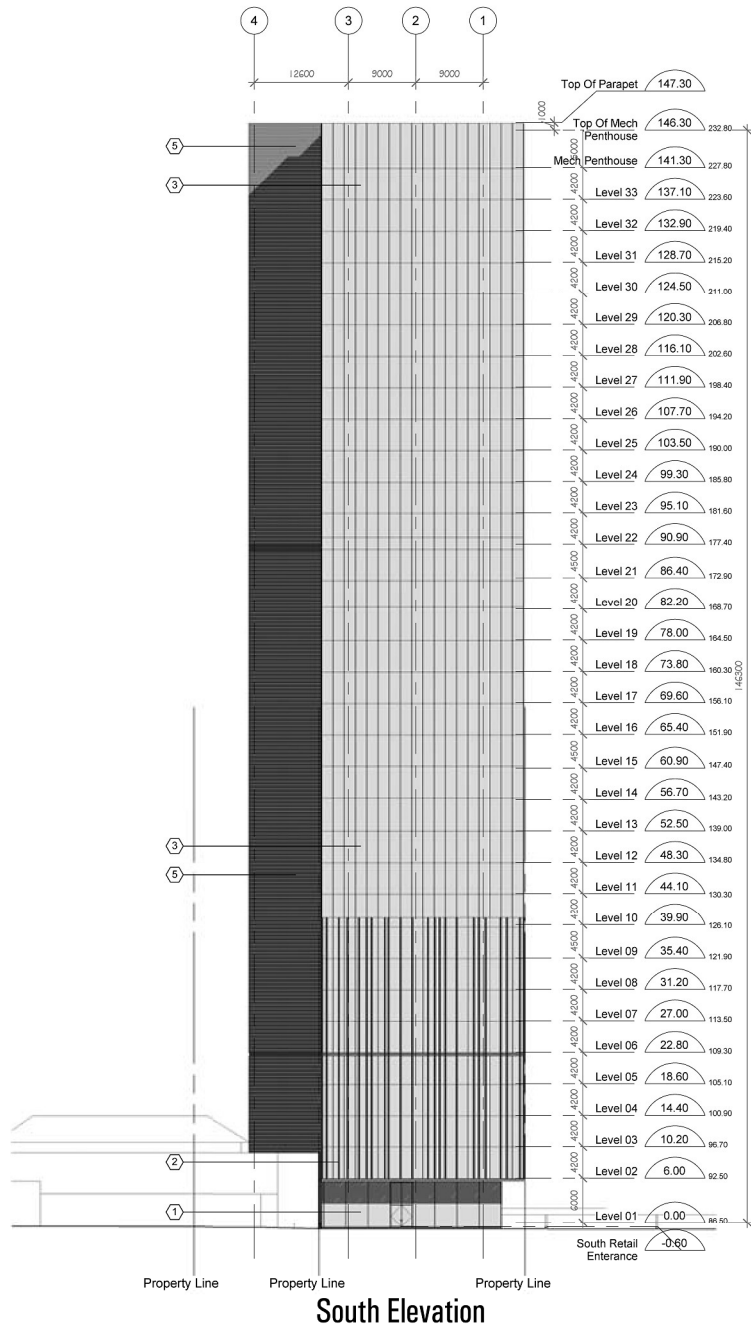
388 King Street West and 82 Peter Street

Applicant's Submitted Drawing

Not to Scale 
09/18/2013

File # 12 144710 0Z

Attachment 2: South Elevation



Elevations

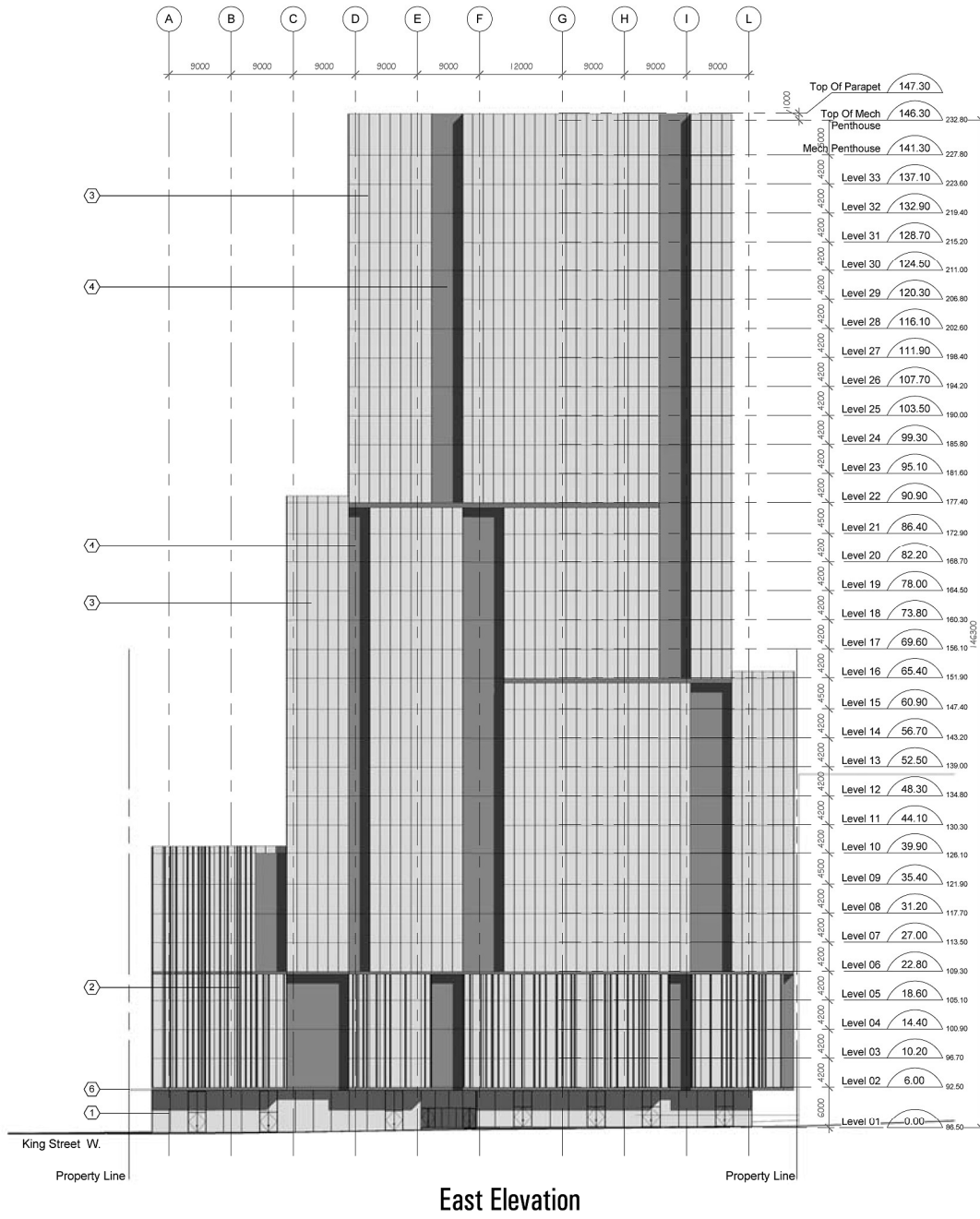
388 King Street West and 82 Peter Street

Applicant's Submitted Drawing

Not to Scale
09/18/2013

File # 12 144710 0Z

Attachment 3: East Elevation



Elevations

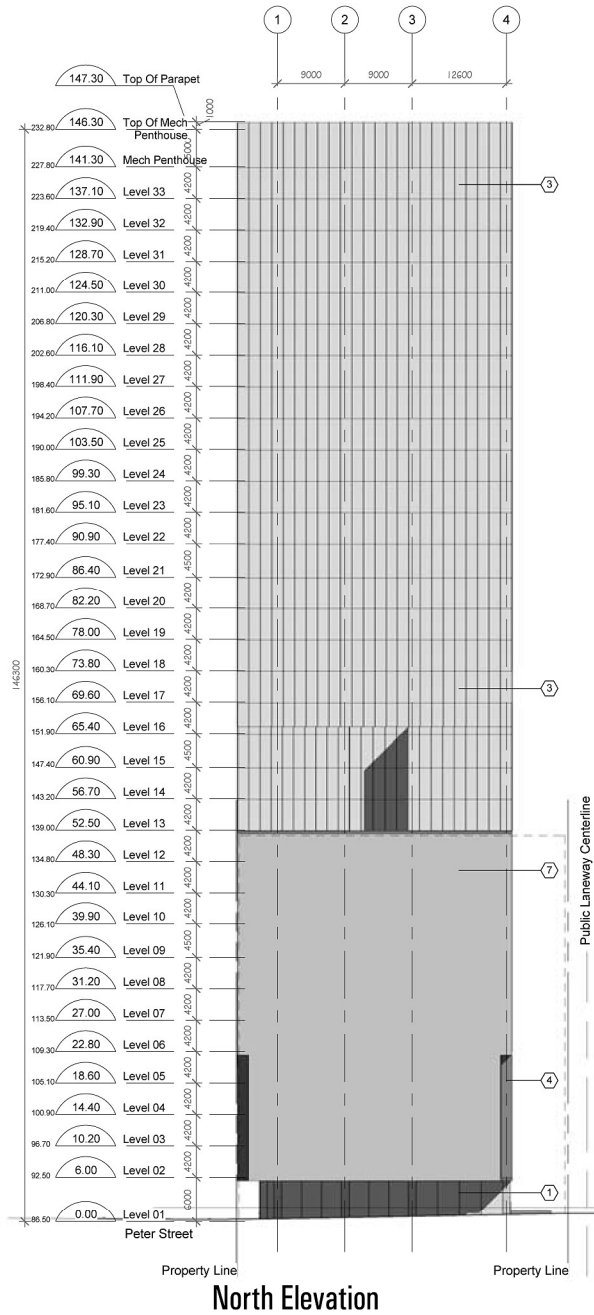
388 King Street West and 82 Peter Street

Applicant's Submitted Drawing

Not to Scale
09/18/2013

File # 12 144710 0Z

Attachment 4: North Elevation



Elevations

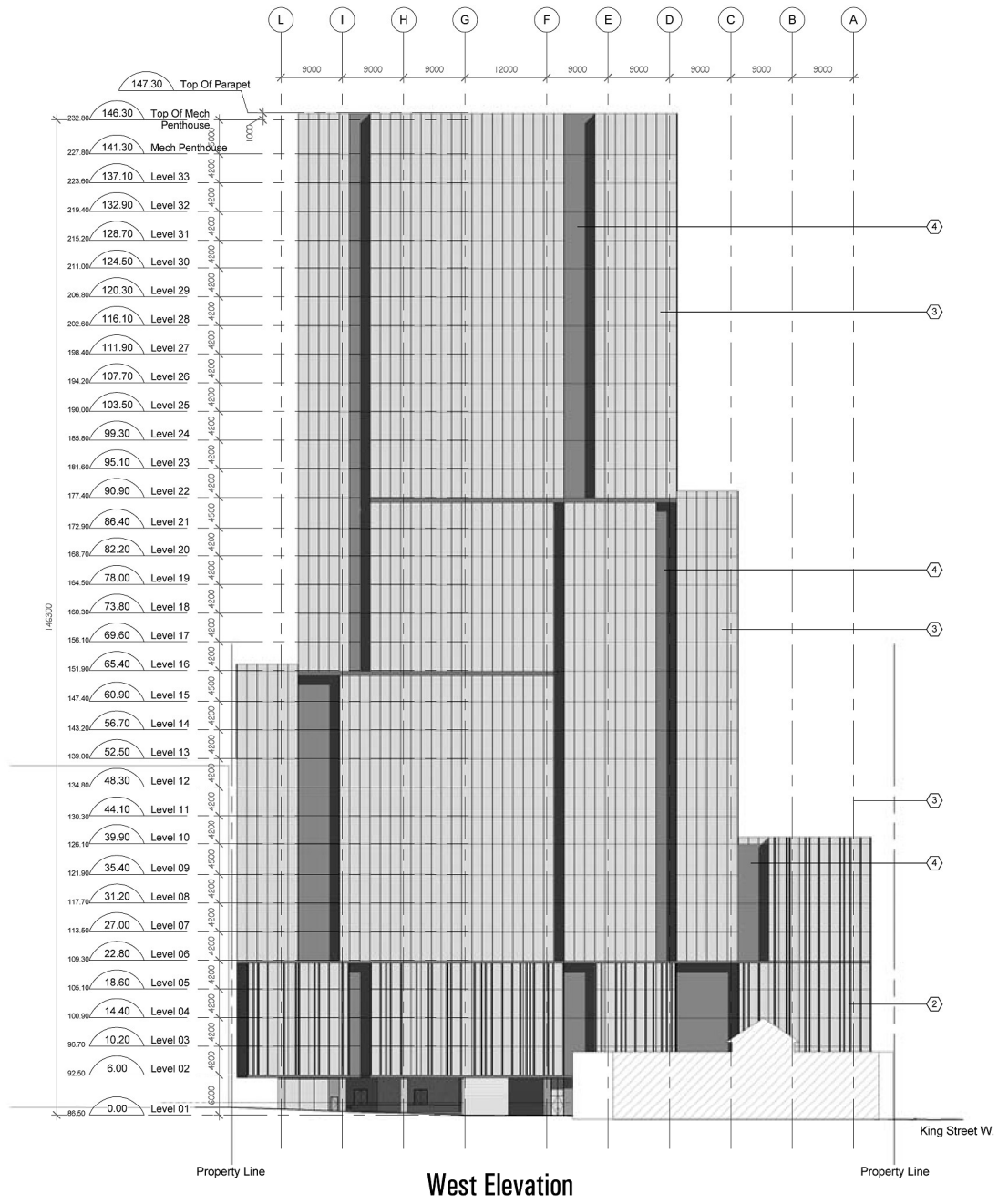
Applicant's Submitted Drawing

Not to Scale
09/18/2013

388 King Street West and 82 Peter Street

File # 12 144710 0Z

Attachment 5: West Elevation



Elevations

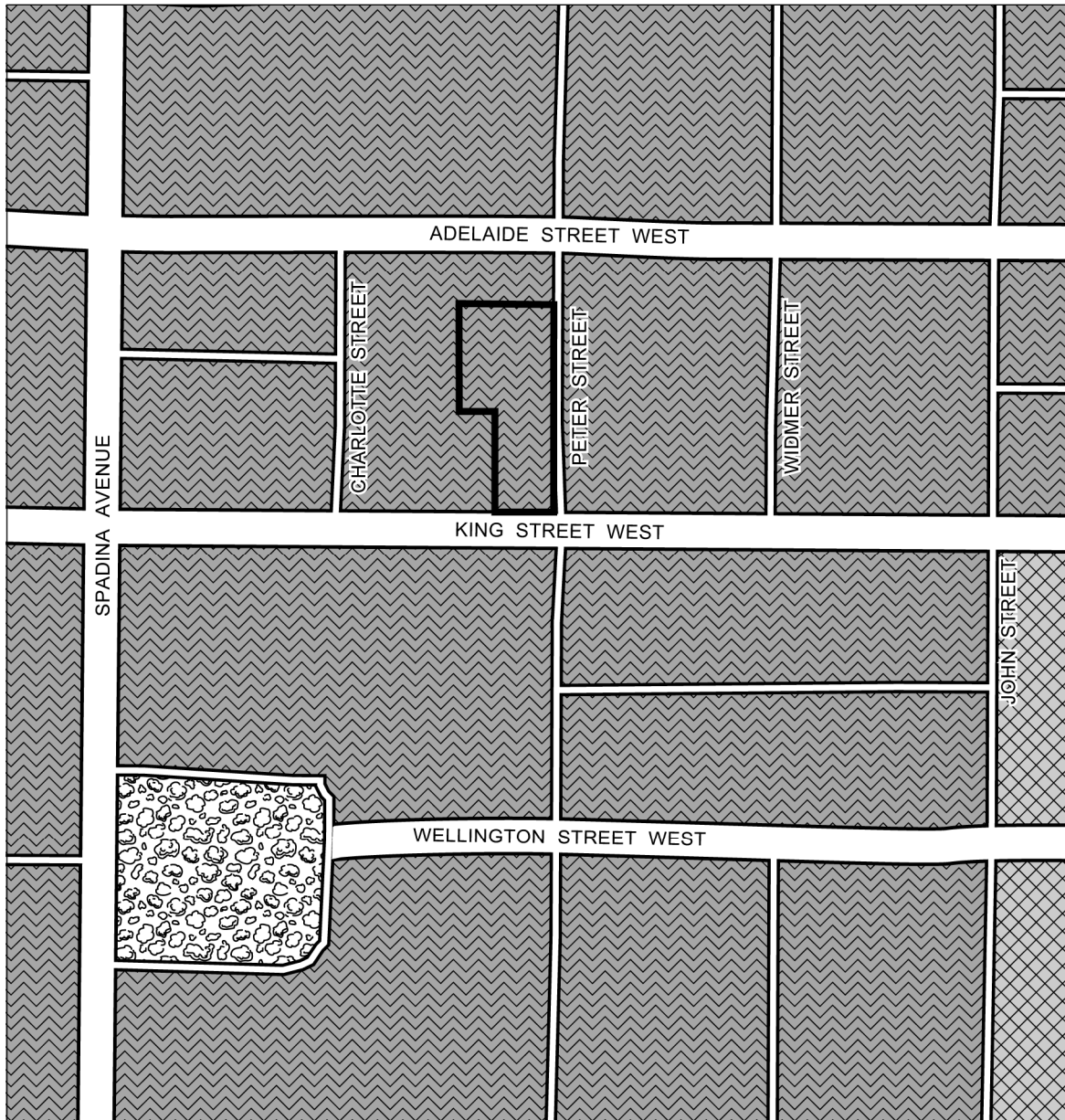
388 King Street West and 82 Peter Street

Applicant's Submitted Drawing

Not to Scale
09/18/2013

File # 12 144710 0Z

Attachment 6: Official Plan Designation



TORONTO City Planning
Official Plan

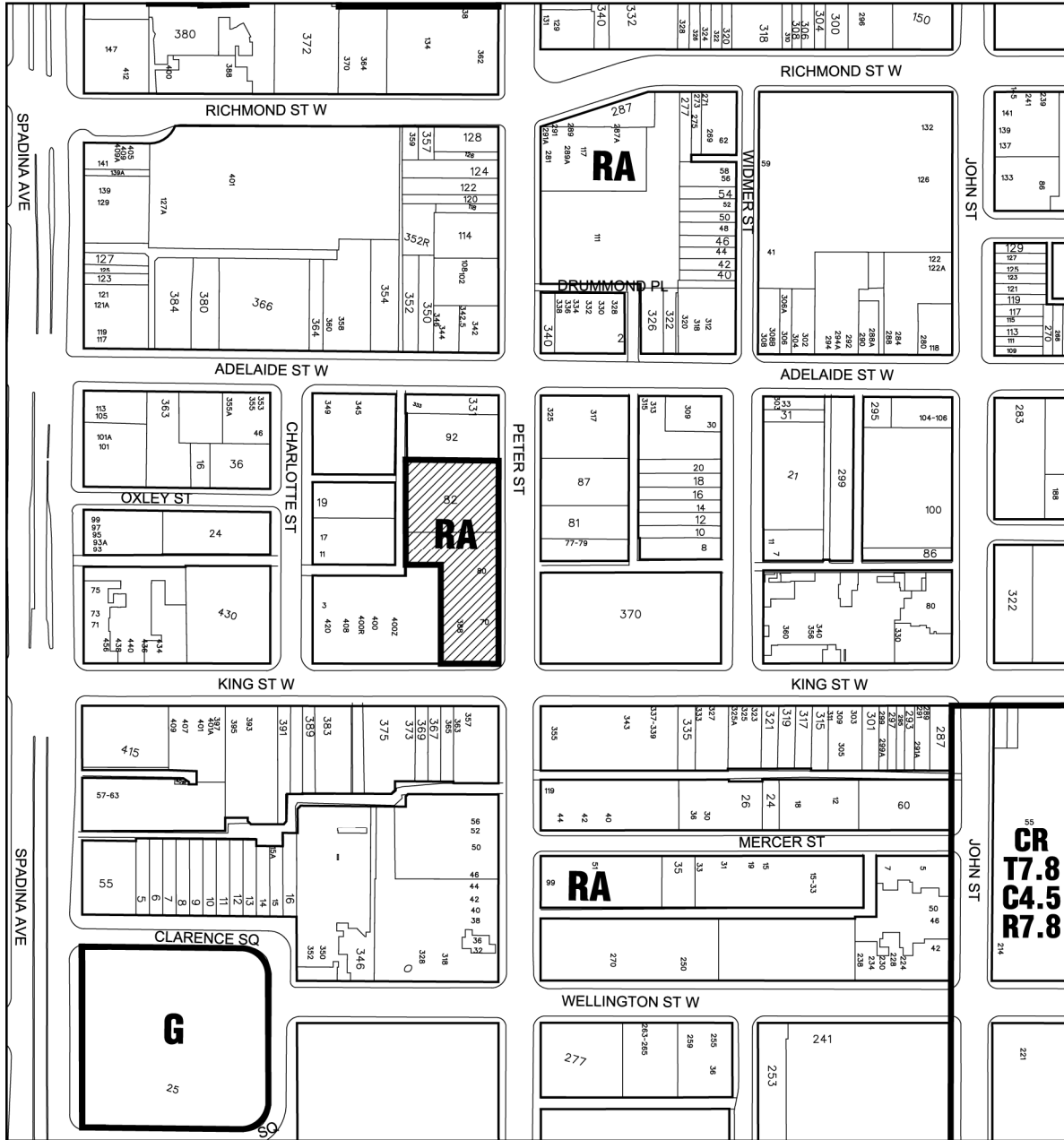
388 King Street West and 82 Peter Street

File # 12 144710 0Z

 Site Location	 Parks & Open Space Areas	 Institutional Areas	 Utility Corridors
 Neighbourhoods	 Natural Areas	 Regeneration Areas	
 Apartment Neighbourhoods	 Parks	 Employment Areas	
 Mixed Use Areas	 Other Open Space Areas		


 Not to Scale
 05/10/2012

Attachment 7: Zoning



388 King Street West and 82 Peter Street

File # 12 144710 0Z

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



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 05/10/2012

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	12 144710 STE 20 OZ
Details	Rezoning, Standard	Application Date:	March 28, 2012

Municipal Address: 388 KING STREET WEST AND 82 PETER STREET

Project Description: To construct a 33-storey office tower with retail uses at grade, containing a total gross floor area of 74,736m² and 256 parking spaces below grade. A building stepback of 19.5 m will be provided above the 9th storey at King Street and an additional 8.95 m above the 21st storey. Servicing and vehicular parking will be provided off the laneway at the north side of the property.

Applicant:	Agent:	Architect:	Owner:
C/O AIRD AND BERLIS, BARRISTERS & SOLICITORS	Bousfields Inc.	Hariri Pontarini Architects	82 PETER STREET GP LIMITED

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	RA	Historical Status:
Height Limit (m):	30, 0, 0	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	3460	Height:	Storeys:	33	
Frontage (m):	27.4		Metres:	146.3	
Depth (m):	96.9				
Total Ground Floor Area (sq. m):	2437				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	256	
Total Non-Residential GFA (sq. m):	81562		Loading Docks	6	
Total GFA (sq. m):	74736				
Lot Coverage Ratio (%):	70.4				
Floor Space Index:	23.6				

DWELLING UNITS

Tenure Type:	Freehold
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):	1407	0
Office GFA (sq. m):	73329	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Joanna Kimont, Planner
	TELEPHONE:	416-392-7216

Attachment 9: 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. ~-20~

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as, 388 King Street West and 82 Peter Street

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. None of the provisions of Sections 4(2)(a), 4(8), 4(10), 7(3) Part II 1(i), 7(3) Part III, 12(2)132 and 12(2)246(a), (c), (e) and (f) of Zoning By-law No. 438-86, of the former City of Toronto, as amended, 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", shall apply to prevent the erection or use of a *non-residential building* on the *lot* including a *commercial parking garage* provided that:
 - (a) the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the total *non-residential gross floor area* erected or used on the lot does not exceed 81,562 square metres, of which no more than 12, 826 square metres will be occupied by the *commercial parking garage*;
 - (c) subject to subsection (d) below, no portion of the building or structure erected or used above *grade* is located otherwise that within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 2, except the following which may extend beyond such heavy lines:
 - (i) lighting fixtures, ornamental elements, landscape and public art features, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, eaves or cornices, railings, awnings and canopies.
 - (d) the *height* of any building or structure, or portion thereof, including mechanical penthouse, does not exceed those *height* limits as indicated by the numbers following

symbol H on that attached Map 2, with the exception of the following:

- (i) railings, parapet walls, window washing equipment, elements of a green roof, landscape and public art features, photovoltaic panels, lightning rods, vents and exhaust flues, located above the *height* of each of the roof levels of the building, provided that such elements project no more than 0.5 metres above the height limits shown on Map 2; and
 - (ii) stair towers, provided that these project no more than 3.0 metres above the height limits shown on Map 2.
- (e) Three *loading spaces – type B* and three *loading spaces – type C* shall be provided and maintained on the lot. The number and type of *loading spaces* shall be amended accordingly in the event that the *non-residential gross floor area* changes from that identified in subsection 1(b) above in compliance with Section 4(8) of Zoning By-law 438-86, as amended.
- (f) A minimum of 306 *bicycle parking* spaces shall be provided and maintained on the lot in accordance with the following requirements:
- i) A minimum of 153 shall be for visitors of the *non-residential gross floor area*, of which a minimum of 19 will be located in an easily accessible area at finished ground level; and
 - ii) A minimum of 287 shall be located no lower *below-grade* than the P1 level of the parking garage.
- (g) A minimum of 20 *shower – change facilities* shall be provided and maintained on the lot in accordance with the following requirements:
- i) All of the *shower-change facilities* shall be located in an easily accessible area in proximity to the *bicycle parking* within the P1 level of the parking garage
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 of 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:
- i) Prior to the enactment of Bills, a cash contribution of \$100,000.00 to be allocated to capital improvements to the playground at Ogden School, located at 33 Pheobe Street in Ward 20.
 - ii) Prior to the issuance of the first above-grade building permit, a cash contribution in the amount of \$1,900,000.00 to be allocated to the following provisions:

- a) \$500,000.00 for capital improvements to non-profit arts and cultural facilities in Ward 20, including but not limited to the Artscape facility at 21 Widmer Street;
 - b) \$100,000.00 for capital improvements to the playground at Ogden School, located at 33 Pheobe Street in Ward 20; and
 - c) \$1,300,000.00 for the provision of new affordable housing and/or non-profit arts and community facilities in Ward 20, including but not limited to sites within the Alexandra Park and Atkinson Co-op Revitalization Area.
- iii) The cash contribution as set out in 2 i) and ii) above is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
 - iv) The owner shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure the matters set out in 2 i), ii) and iii) above.
3. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- "height" means the vertical distance between grade and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;
- "grade" means 86.25 metres in Canadian Geodetic Datum
4. Except as otherwise provided herein the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. 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.
6. By-law No. 553-86 of the former City of Toronto, is repealed.
7. 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.

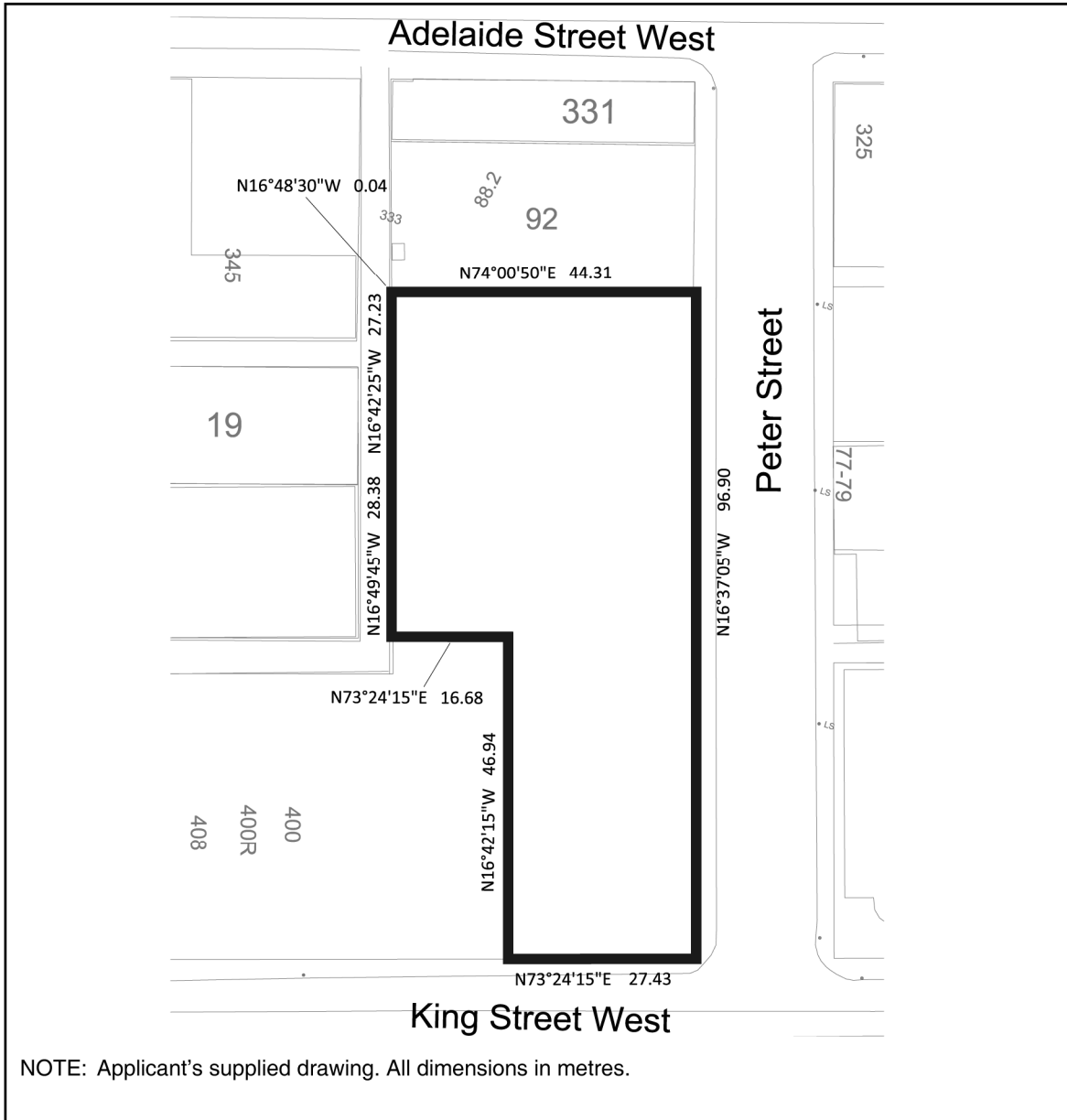
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Map 1



Map 2

