



STAFF REPORT ACTION REQUIRED

65-77 King Street East and 46 Colborne Street – Zoning Amendment Application - Preliminary Report

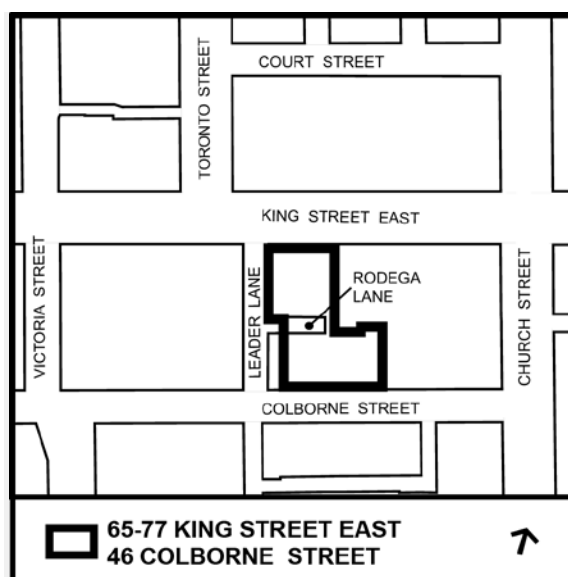
Date:	January 21, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	15 258720 STE 28 OZ

SUMMARY

This application proposes a 19-storey office building with ground floor retail and four levels of underground parking at 65-77 King Street East and 46 Colborne Street. The proposed building proposes to incorporate the façade of two designated heritage buildings located at 71-77 King Street East.

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

Staff recommend that a Community Consultation Meeting be scheduled for March/April 2016. Staff anticipate submitting a Final Report on the application to Community Council in the third or fourth quarter of 2016. These target dates assume that the applicant will provide all required information in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 65-77 King Street East and 46 Colborne Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

DECISION HISTORY

A rezoning application was submitted for 71-95 King Street East on March 29, 2012, to permit a 47-storey mixed-use building. A Preliminary Report was brought forward to Toronto and East York Community Council as Item TE17.54 on June 13, 2012. The application was subsequently put on hold to allow City Council and the Ontario Municipal Board to deal with proposed heritage designations for 71-95 King Street East as described below.

On October 2, 2012, City of Toronto Council adopted Item TE18.19, that placed the properties located at 71-95 King Street East on the Inventory of Heritage Properties and stated the Intention to Designate those properties under Part IV of the Ontario Heritage Act.

On September 30, 2015, City Council adopted Item CC9.6, to revise the reasons to designate the properties at 75-91 King Street East under Part IV of the Ontario Heritage Act. The revised reasons focused solely on exterior building features.

On December 9, 2015, City Council amended and adopted Item TE12.11 to enact the St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan under Part V of the Ontario Heritage Act. The boundaries of the HCD include the subject property.

Pre-Application Consultation

Two pre-application consultation meetings were held with the applicant. The first meeting was held on October 20, 2015, where the applicant presented a development proposal for a 19-storey office building very similar to what is shown in this application, except that the property located at 17 Leader Lane / 40 Colborne Street that is currently occupied by Tom Jones Steakhouse was included in the proposal. That property is no longer part of this application.

City staff raised concerns regarding heritage preservation. The second pre-application consultation meeting was held on November 2, 2015, where heritage preservation issues were further discussed.

ISSUE BACKGROUND

Proposal

The proposed rezoning is to allow a 19-storey (83.3 metres) office building with ground floor retail space that incorporates the façade of the existing heritage buildings at 71-77 King Street East. The net floor area of the proposed office space is 27,814 square metres and the retail floor area, which is divided into two units, is 707 square metres. The total gross floor area of the building is 30,295 square metres, resulting in a floor space index of 15.5 times the lot area. The floorplate gross floor area from the 7th floor to the 16th floor is 1,725 square metres.

The façade of the existing heritage buildings at 71-77 King Street East will be preserved and incorporated into the proposed building. The King Street East elevation has a 5-metre building step-back above the third floor, coinciding with the height of the heritage façade. Above the sixth floor the building step-back is reduced to 3 metres until the 17th floor where it steps back again to 5 metres.

The main entrance to the office building faces King Street East, adjacent to Leader Lane, and is setback five metres from the property line along King Street East. The heritage façade abuts the property line. The retail space is divided into two units: one fronting onto King Street East and the other fronting onto Colborne Street.

The subject property includes Rodega Lane, which is a public lane that runs from Leader Lane to a dead-end at 75-77 King Street East where the existing heritage building is located. The applicant is proposing to purchase this lane and extend it east to connect with an existing private lane that continues east to Church Street, which will be made possible through the demolition of the existing building at 75-77 King Street East. The underground parking would be built below the privatized Rodega Lane. The proposed building would be built above Rodega Lane, creating a tunnel at grade through the building to provide access to the parking and loading areas and a connection to Church Street via an existing private lane to the east.

The proposed building includes a five-level underground parking garage with 189 spaces and a loading area at grade with two Type 'B' loading spaces and one Type 'C' loading space. The loading area and the ramp to the underground parking garage are located on the south side of the proposed private lane near the east side of the site. Vehicular access to the private lane is from both Leader Lane and Church Street.

Bicycle parking consists of 68 short term spaces and 58 long term spaces, for a total of 126 spaces. The short term spaces are located along King Street East, along the private lane, and on P1 in a room that is accessed from a service elevator located at grade. The

long term parking spaces are entirely located on P2 and also accessed from the service elevator.

Site and Surrounding Area

The subject property is located at the southeast corner of King Street East and Leader Lane and extends south to Colborne Street. The property is an irregular shape with an area of 1,953 square metres, 29 metres of frontage on King Street East, 37 metres of frontage on Leader Lane, and 43 metres of frontage on Colborne Street. The property slopes very gently downwards from King Street East to Colborne Street.

The subject property is currently used as follows:

- 65 King Street East and 46 Colborne Street: surface parking lot.
- 71-73 King Street East: 3-storey commercial building that is designated in the City's inventory of heritage properties.
- 75-77 King Street East: 3½-storey commercial building that is designated in the City's inventory of heritage properties.
- Rodega Lane: public lane that runs between Leader Lane and 75-77 King Street East.

The earliest use of the subject property since Toronto was first settled was for a jail in a wooden building that was built in 1798 and stood until circa 1827 when a new jail was built on the north side of King Street East. The property was subdivided in the 1830s and in the 1840s Leader Lane and Colborne Street were established, forming the current boundaries of the subject property. By 1858 the heritage buildings at 71-77 King Street East had been constructed, forming part of "Victoria Row", a stretch of existing heritage buildings between Leader Lane and Church Street. By 1880, the subject property was fully built-out with brick buildings covering almost the entire site fronting onto both King Street East and Colborne Street. With the exception of the heritage buildings at 71-77 King Street East, the other buildings on the subject property, which were not ever part of "Victoria Row," were demolished circa 1930s.

The subject property is surrounded by the following uses:

North: Facing the subject property on the north side of King Street East is a 15-storey office building. A 17-storey mixed-use building with ground floor retail and residential uses on the upper floors is further east on the north side of King Street East.

East: Adjacent to the subject property on the south side of King Street East is a row of 4 and 5-storey mixed-used heritage buildings at 79-95 King Street East that, together with the on-site heritage buildings at 71-77 King Streets East, are collectively known as "Victoria Row." On Colborne Street the adjacent property, 60 Colborne Street, was a surface parking lot that was approved by the Ontario Municipal Board for a 25-storey mixed-use building with ground floor retail and

residential uses on the upper floors. St. James Cathedral is located further east at the northeast corner of Church Street and King Street East.

South: Facing the subject property on the south side of Colborne Street is a row of 4-storey commercial buildings that are listed in the City's Inventory of Heritage Properties. To the southwest is a 21-storey office building (32 Wellington Street East) and to the southeast is a 9-storey mixed-use building (30 Church Street) with ground floor retail and residential units on the upper floors.

West: The subject property partially surrounds a three-storey commercial building at the northeast corner of Colborne Street and Leader Lane (17 Leader Lane / 40 Colborne Street) that is occupied by Tom Jones Steakhouse. On the west side of Leader Lane is the 8 to 18-storey Omni King Edward Hotel, a designated heritage property. The closest entrance to King subway station is located further west along King Street East, approximately 145 metres from the subject property.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The PPS includes two policies regarding cultural heritage that are applicable to the proposed development. Policy 1.7.1(d) states that "long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*." Policy 2.6.1 states that "*Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*"

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

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

Official Plan

The subject property is within the *Downtown* as shown on Map 2—Urban Structure and located one block east of the *Financial District* as shown on Map 6—Downtown and Central Waterfront Boundaries. The site is designated *Mixed Use Areas* on Map 18—Land Use Plan. "*Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings" as stated in policy 4.5(1).

Policy 2.2(2) directs growth to the *Downtown, Centres, Avenues, and Employment Areas* in order to efficiently use existing infrastructure, create a concentration of jobs and people in areas well served by transit, and facilitate cultural and economic activity. Policy 2.2.1(1) provides a minimum density target of 400 jobs and residents per hectare for the *Downtown*, which represents the highest density target in the City. New development is to build "on the strength of the *Downtown* as the premier employment centre in the GTA" as per policy 2.2.1(1)(b).

General direction for built form is provided in Section 3.1.2, which includes policies stating that "new development will be located and organized to fit with its existing and/or planned context," will located and organize vehicle parking, vehicular access and service areas to minimize their impact on adjacent streets and properties, will be massed and "designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring street and properties."

Section 3.1.3 provides further built form direction specifically applicable to tall buildings. The policy preamble states that "tall buildings come with larger civic responsibilities and obligations than other buildings." Policy 3.1.3(1) provides design requirements and considerations for the three components of a tall building, namely the base building, middle (shaft), and top.

Section 3.1.5 provides policies regarding heritage conservation, which were recently updated through Official Plan Amendment No. 199 that is now in force and effect. Policy 3.1.5(5) states that proposed development "on or *adjacent* to, a property on the Heritage Register will ensure that the *integrity* of the heritage property's cultural heritage value and attributes will be retained." Policy 3.1.5(26) requires that "new construction on, or *adjacent* to, a property on the Heritage Register will be designed to *conserve* the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it. Similarly, with regard to Heritage Conservation Districts (HCDs), policy 3.1.5(32) states that the impact of new development within or *adjacent* to HCDs is to be "assessed to ensure that the *integrity* of the district's heritage values, attributes, and character are *conserved*."

Zoning

The subject property is zoned by both the former City of Toronto By-law 438-86 and the new city-wide Zoning By-law 569-2013. The portion of the subject property recognized as 71-77 King Street East is zoned *Commercial Residential (CR T4.0 C3.0 R4.0)* solely by By-law 438-86. This zone permits a maximum total density (i.e. gross floor area) of

4.0 times the lot area, a maximum commercial density of 3.0 times the lot area and a maximum height of 23 metres.

The remainder of the site, which includes 65 King Street East, 46 Colborne Street, and Rodega Lane, is zoned by By-law 569-2013 as *Commercial Residential (CR 4.0 (c3.0, r4.0))*, which specifies density and height permissions identical to those applicable to 71-77 King Street East as described above. Since the city-wide Zoning By-law 569-2013 is under appeal to the Ontario Municipal Board, the former City of Toronto By-law 438-86 technically remains in force and effect for the entire site.

Site Plan Control

The proposed development will require a Site Plan Control application, which has not yet been submitted.

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 they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>.

The subject site and adjacent streets are predominantly not identified in the guidelines as a location for tall buildings, however Table 5 describes King Street between Bay Street and Church Street as a High Street potentially suitable for canyon form buildings with heights up to 25 storeys or 77 metres. Between Yonge Street and Leader Lane, King Street East is consistently identified as a High Street potentially suitable for canyon form buildings with heights in the range of 15 to 25 storeys or 47 to 77 metres.

The guidelines refer to three mitigating factors that take precedence over heights assigned to the High Streets and override the ability to locate a tall building on a particular site if the factors are deemed to be negatively impacted. The three factors are:

- heritage properties located on or adjacent to the development site;
- views of prominent and heritage properties, structures and landscapes; and

- sunlight on parks and open spaces.

St. Lawrence Neighbourhood Heritage Conservation District Plan

The St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan applies to the oldest part of the city and includes the subject property. The area extends as far west as Yonge Street, as far south as The Esplanade, east to just beyond Parliament Street, and as far north as Richmond Street, although the boundaries are very site-specific and often follow mid-block property lines as opposed to streets.

The St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan was approved by City Council in December 2015, but it is not yet in effect because the OMB appeal period has not yet ended. The HCD Plan stems from a comprehensive study that commenced in mid 2013 and involved an architectural and historical analysis of all properties in the study area. The study concluded that the area merited designation as an HCD.

City Council adopted the HCD Plan on December 9, 2015. Despite the HCD Plan not yet being in effect, the policies and guidelines provided in the Plan represent a thorough planning analysis with an emphasis on heritage conservation and are relevant in evaluating development proposals. The HCD Plan is divided into six sub-areas, two of which are applicable to the subject property: the King – St. James Sub-Area, which applies to the north half of the site fronting onto King Street East, and the Flatiron Sub-Area, which applies to the south half of the site fronting onto Colborne Street. The HCD Plan describes the characteristics of these sub-areas and provides specific built form direction for these sub-areas.

Tree Preservation

There are two existing trees located along the south side of King Street East adjacent to the subject property that are proposed to be removed and replaced as part of redevelopment. There are no existing trees on the subject property.

Reasons for the Application

A site-specific rezoning is primarily required to permit the proposed height and density, which substantially exceed the maximum height and density currently permitted by Zoning By-laws 438-86 and 569-2013.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale Report
- Heritage Impact Assessment
- Functional Servicing & Stormwater Management Report
- Urban Transportation Considerations Report

- Qualitative Pedestrian Wind Assessment
- Incremental Shadow Study
- Tree Protection Plan
- Toronto Green Standards Checklist
- Stage I Archaeological Assessment (subsequently submitted on January 14, 2016)

A Notification of Incomplete Application issued on December 23, 2015, identified a Stage I Archaeological Assessment as an outstanding item required for a complete application submission. The Stage I Archaeological Assessment was subsequently submitted on January 14, 2016, and a Notification of Complete Application was issued the same day.

Issues to be Resolved

The following issues and concerns have been identified by City Planning:

- Heritage preservation for the on-site designated heritage buildings at 71-77 King Street East.
- Compatibility with adjacent and nearby heritage buildings listed or designated in the City's inventory of heritage properties, including the Omni King Edward Hotel at 37 King Street East, the row of four and five-storey buildings adjacent to the subject property at 79-95 King Street East, and a row of four-storey buildings on the south side of Colborne Street (41-55 Colborne Street).
- Applicability and conformity with the policies and guidelines provided in the St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan.
- Building step-backs from King Street East and Colborne Street.
- Setbacks and/or step-backs from the designated heritage buildings located at 79-95 King Street East.
- Setbacks and/or step-backs from the adjacent property located at 17 Leader Lane / 40 Colborne Street, which is a contributing property in the St. Lawrence Neighbourhood Heritage HCD Plan.
- Tower separation distance from the 25-storey building being constructed at 60 Colborne Street. The proposed tower separation distance is 15.0 metres.
- Separation distance from the Omni King Edward Hotel. The proposed separation distance is 9.0 metres.
- Height of proposed building.
- Proposed privatization of Rodega Lane.

- Sidewalk widths on King Street East, Colborne Street, and Leader Lane.
- Shadow impact on the forecourt of St. James Cathedral.
- Potential PATH connection via the Omni King Edward Hotel.

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

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

CONTACT

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E-mail: trees2@toronto.ca

SIGNATURE

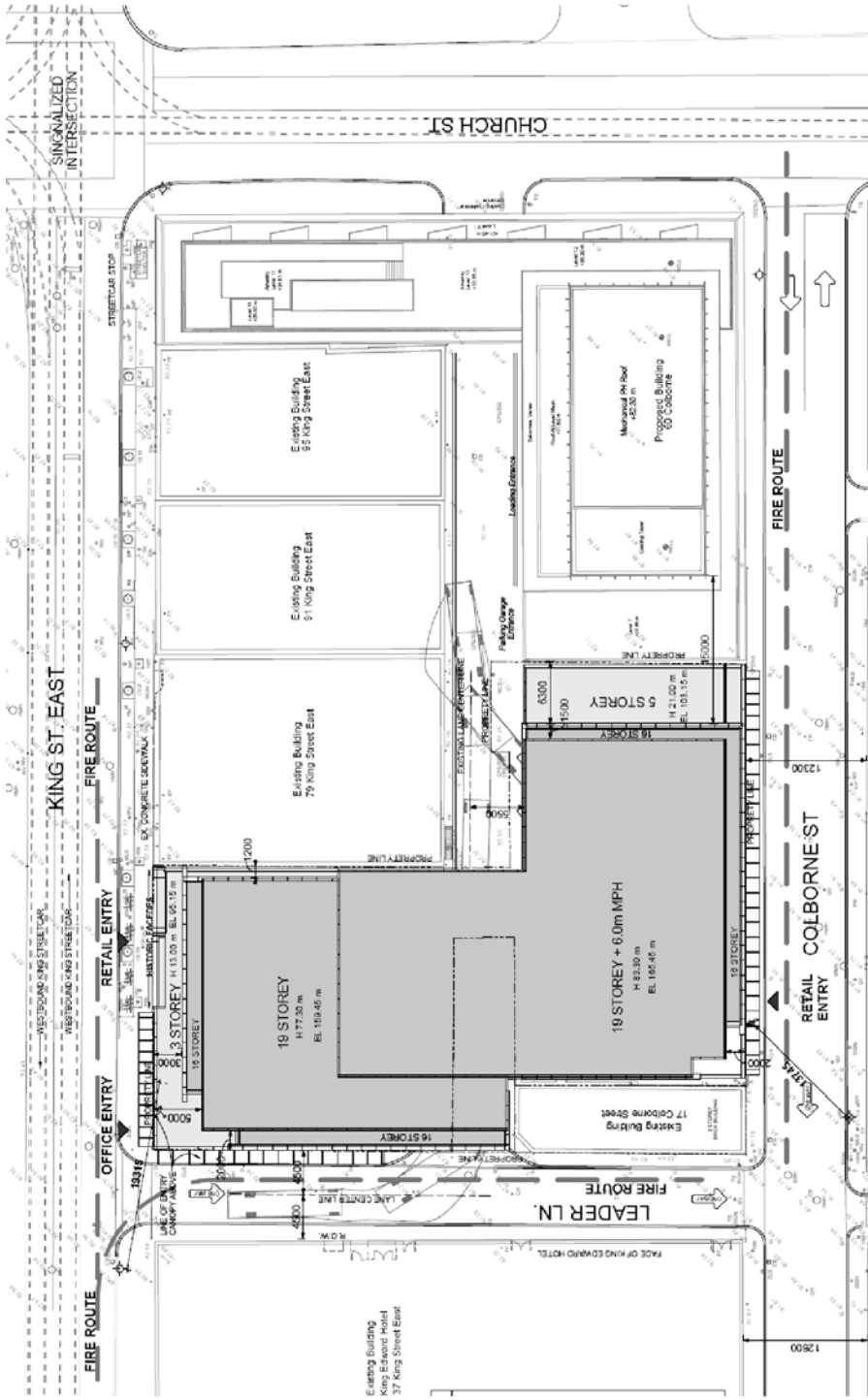
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan [as provided by applicant]
Attachment 2: Elevations [as provided by applicant]
Attachment 3: Rendering [as provided by applicant]
Attachment 4: Zoning
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
1/14/2014

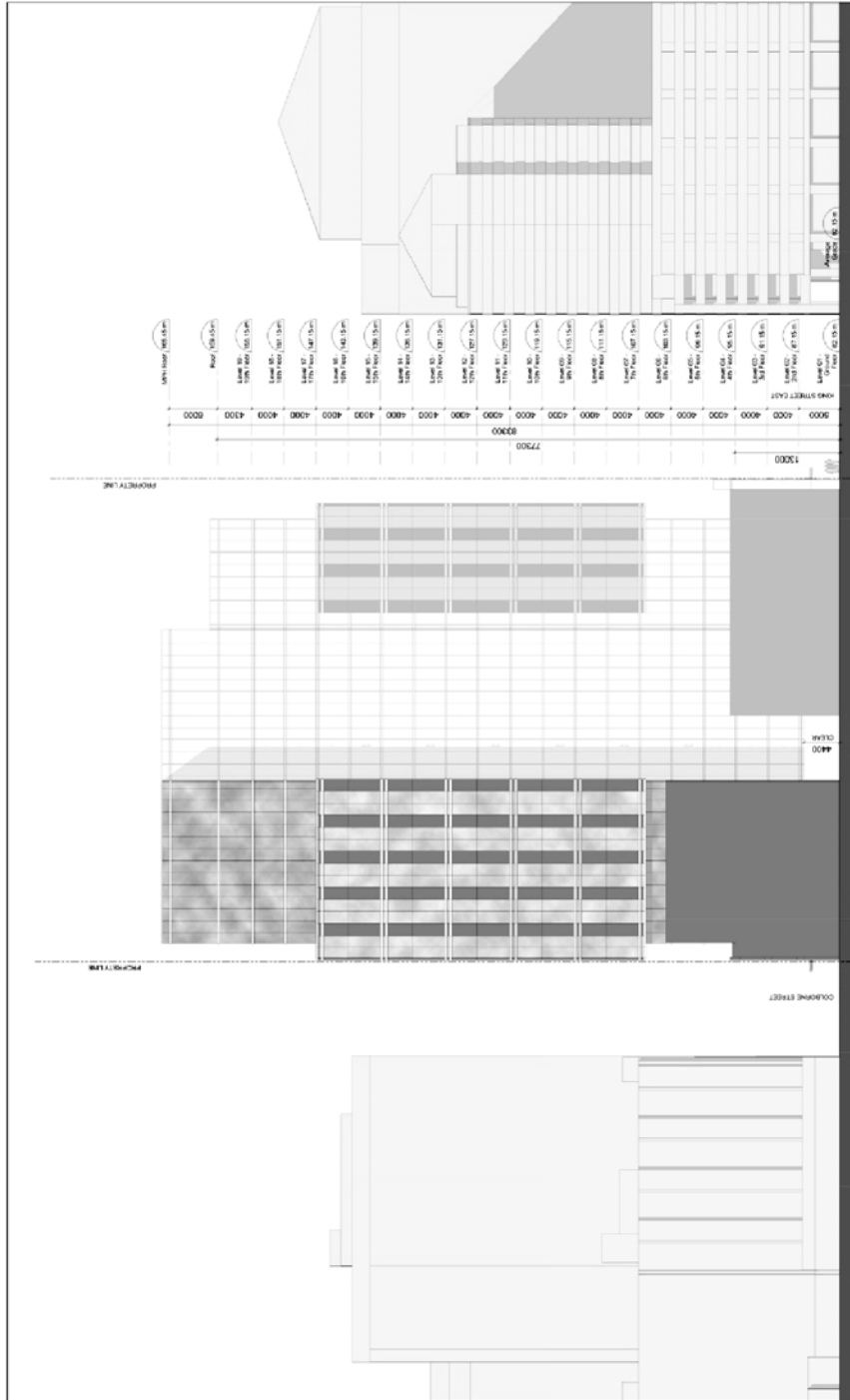


65-77 King Street East and 46 Colborne Street

File # 15_258720 STE 28.0Z

File # 15_258720 STE 28 0Z

Staff report for action – Preliminary Report – 65-77 King Street East and 46 Colborne Street 13

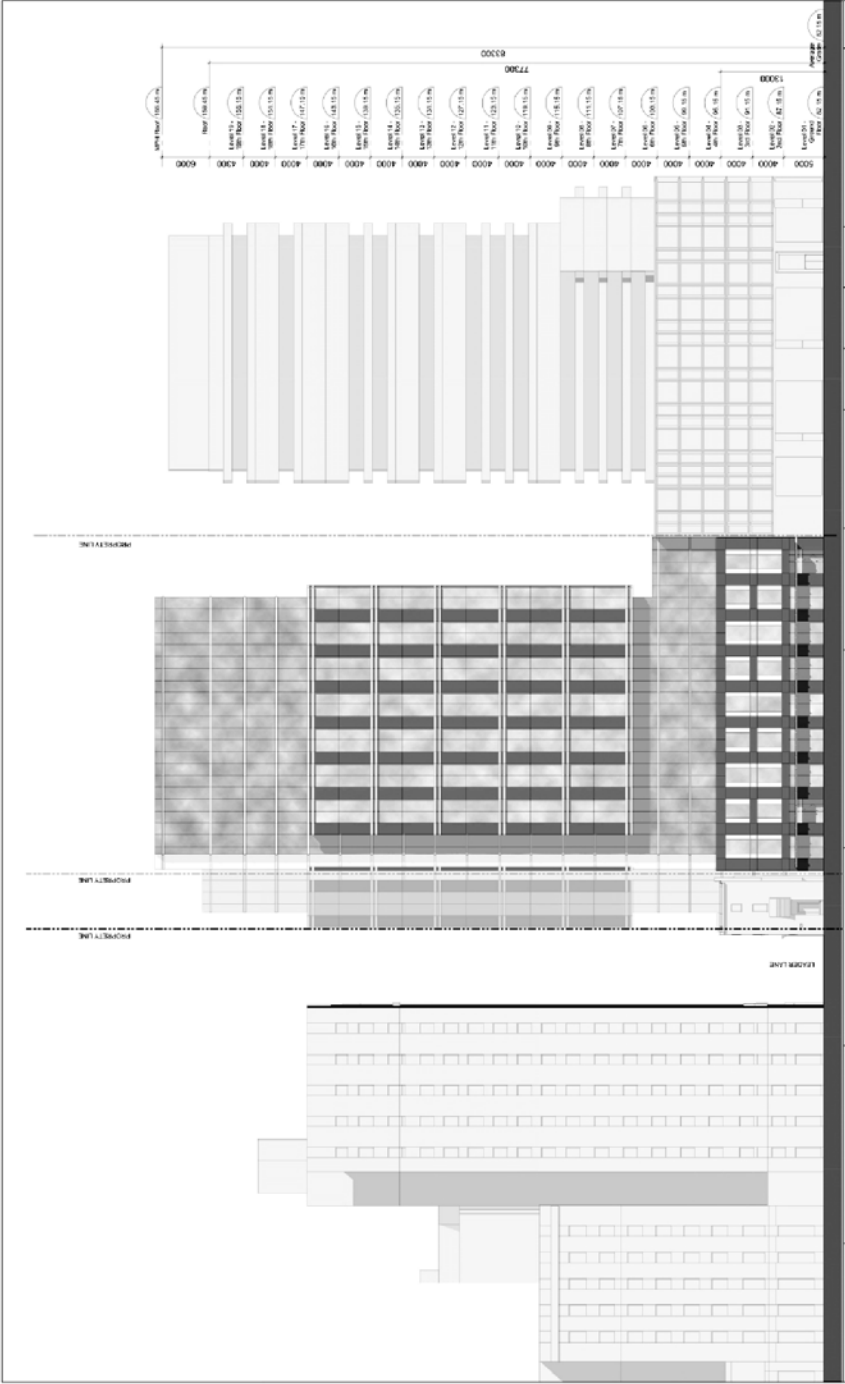


East Elevation
Applicant's Submitted Drawing
Not to Scale
1/14/2014

65-77 King Street East and 46 Colborne Street

File # 15_258720 STE 28 0Z

Attachment 2c: South Elevation

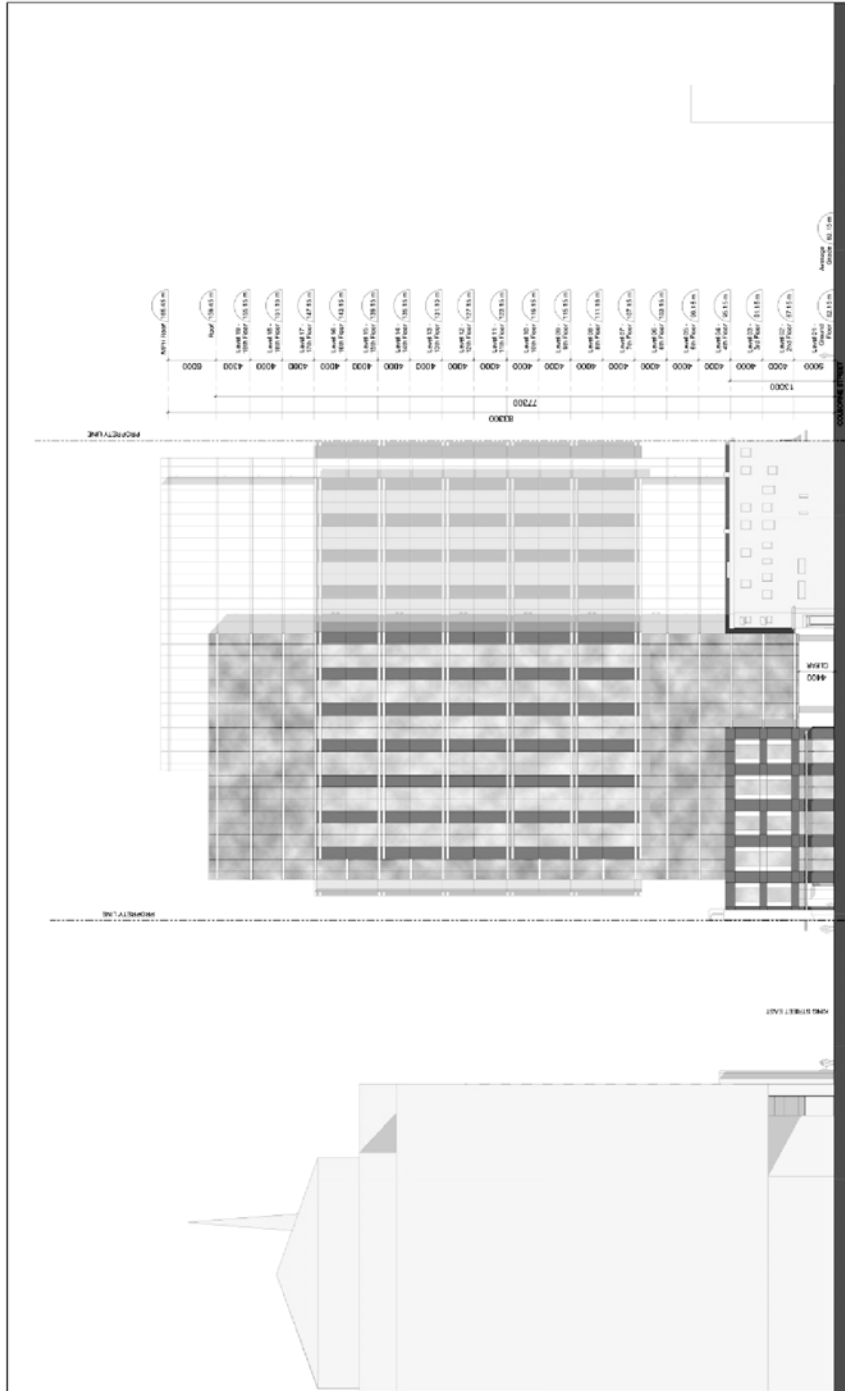


South Elevation
Applicant's Submitted Drawing
Not to Scale
1/14/2014

65-77 King Street East and 46 Colborne Street

File # 15_258720 STE 28 0Z

Attachment 2d: West Elevation



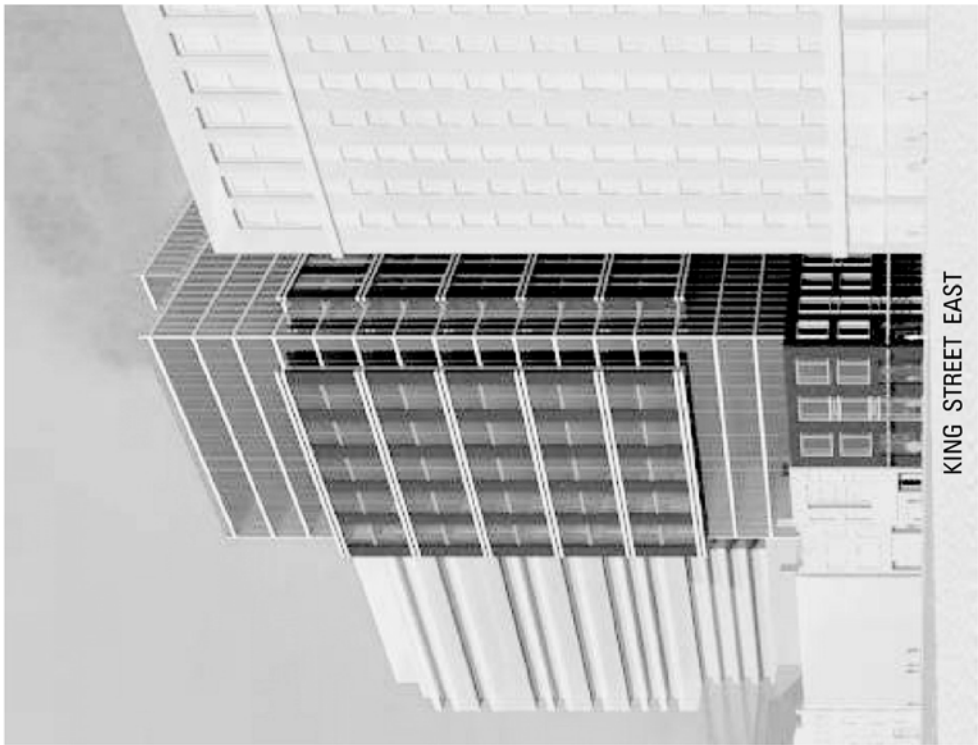
65-77 King Street East and 46 Colborne Street

West Elevation
Applicant's Submitted Drawing

Not to Scale
1/14/2014

File # 15_258720 STE 28.0Z

Attachment 3: Rendering Looking Southeast on King Street East



Rendering looking South-East on King Street East

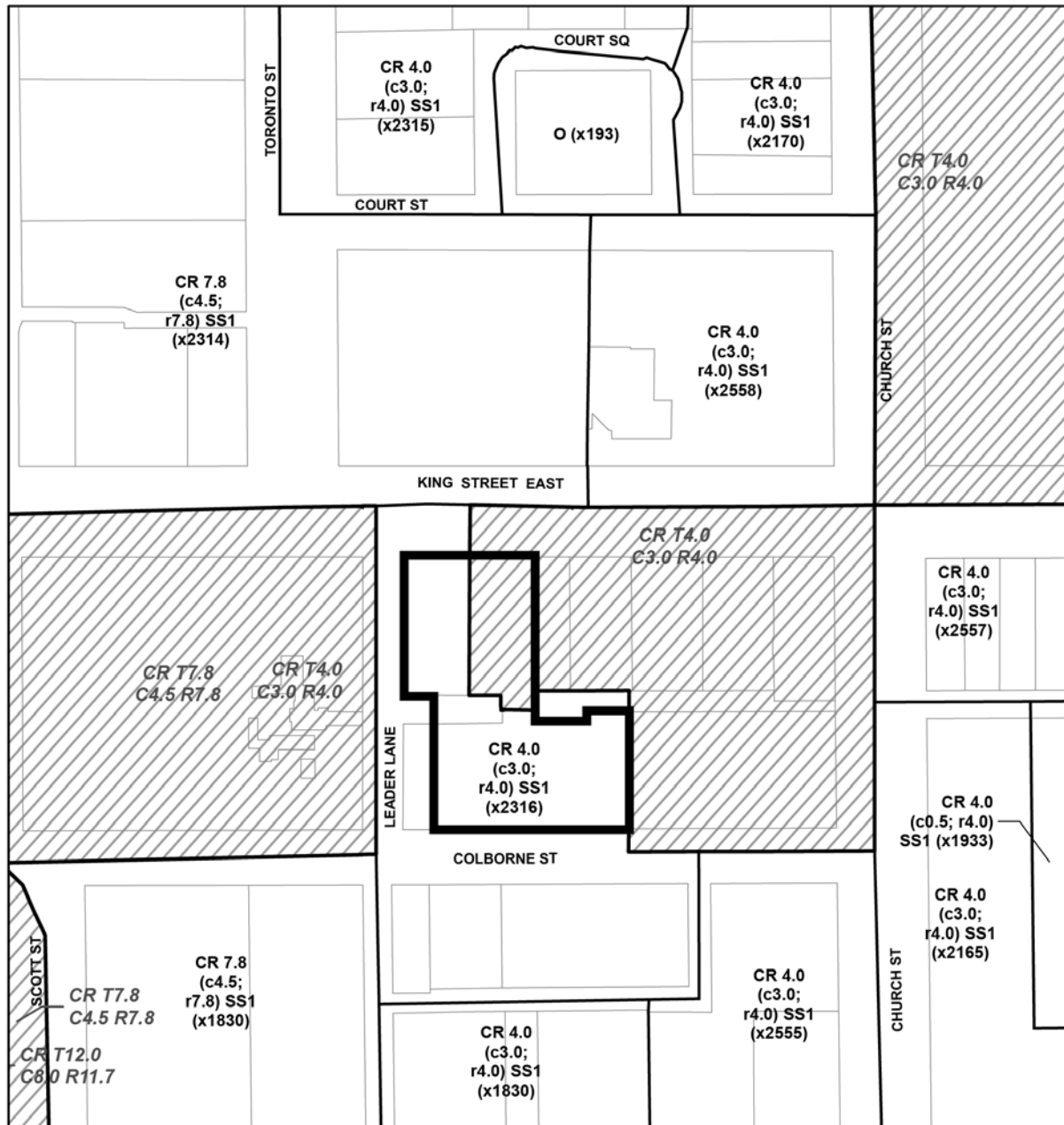
Applicant's Submitted Drawing

Not to Scale
1/14/2014

65-77 King Street East and 46 Colborne Street

File # 15_258720 STE 28.0Z

Attachment 4: Zoning



Zoning By-law 569-2013

65-77 King Street East and 46 Colborne Street

File # 15 258720 STE 28 02



Location of Application

CR Commercial Residential

O Open Space



See Former City of Toronto Bylaw No. 438-86

CR Mixed-Use District



Not to Scale
Extracted: 01/14/2016

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	15 258720 STE 28 OZ
Details	Rezoning, Standard	Application Date:	November 30, 2015
Municipal Address:	65-75 KING STREET EAST AND 40-46 COLBORNE STREET		
Location Description:	PLAN D151 LOTS 5 AND 6 RP 63R2322 PART 2 **GRID S2810		
Project Description:	Proposed 19 storey office development with retail uses at-grade, with a total gross floor area of 30,295 square metres including 707 square metres of retail space at grade, which retail space will front along both King Street East and Colborne Street. The main pedestrian entrance to the building will be located at the corner of King Street East and Leader Lane. The proposal includes a new 6 metre wide private lane that will connect to the existing private lane located to the east of the Site. A total of 189 parking spaces will be provided on the Site below grade, and a total of 126 bicycle parking spaces will be provided.		

Applicant:	Agent:	Architect:	Owner:
71-75 KING EAST LP	Adam J. Brown / Jessica Smuskowitz	Page + Steele IBI Group Architects	71-75 KING EAST LP CITIPARK INC.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 4.0 (c3.0; r4.0) SS1 (x2316)	Historical Status:	71-77 King St E - Designated
Height Limit (m):	23	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1952.6	Height:	Storeys:	19
Frontage (m):	28.8		Metres:	83.3
Depth (m):	60.1			
Total Ground Floor Area (sq. m):	1705			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	189
Total Non-Residential GFA (sq. m):	28731		Loading Docks	4
Total GFA (sq. m):	28731			
Lot Coverage Ratio (%):	87.3			
Floor Space Index:	14.7			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	917	0
1 Bedroom:	0	Office GFA (sq. m):	27814	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Thomas Rees, Planner
	TELEPHONE:	416-392-1791