

**284 King Street East – Zoning Amendment –
Refusal Report**

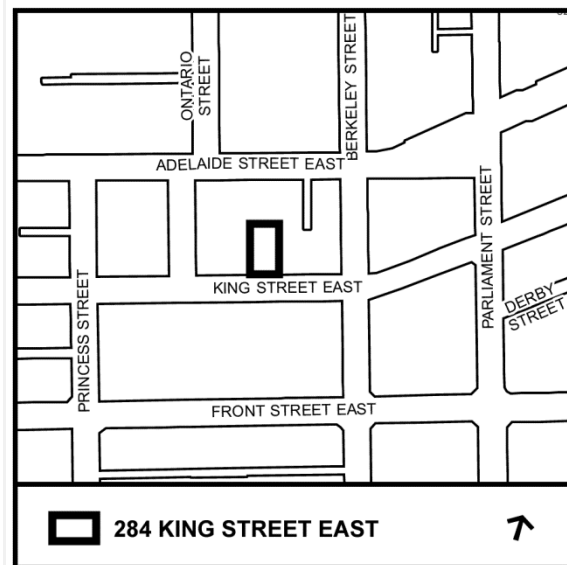
Date:	September 27, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	17 175826 STE 28 OZ

SUMMARY

This application proposes a 30-storey mixed-use building with 205 dwelling units and ground floor retail space at 284 King Street East.

The proposed development is inappropriate because the proposed height and tower setbacks would cause excessive negative impact on the adjacent 14-storey residential building to the east and its outdoor amenity space in terms of shadow, sky view, and privacy. The proposed development is also inappropriate because it would adversely impact the adjacent property to the west, does not provide new office space to replace the existing office space, does not provide a sufficient amount of indoor residential amenity space and does not provide a sufficient number of three-bedroom units. The proposal represents over-development of the site.

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application to amend the Zoning By-law for the lands at 284 King Street East because the proposal:
 - a. does not conform to Policies 2.2.2(4) and 2.2.3(2) of the Growth Plan for the Greater Golden Horseshoe (2017) regarding an appropriate type and scale of development and transition of built form to adjacent areas, regarding the support for *complete communities* considering the lack of replacement office space, and regarding the need for employment growth in an *urban growth centre*;
 - b. is not consistent with Provincial Policy Statement (PPS) Policy 1.1.3.3 because the proposed development cannot be suitably accommodated due to insufficient tower separation from the existing adjacent residential building to the east;
 - c. does not comply with existing Official Plan policies, including, but not limited to, the following:
 - i. Official Plan Policy 3.1.2(3) with regard to massing that fits into its existing and planned context, providing for adequate light and privacy and adequately limiting shadow impact on neighbouring properties;
 - ii. Official Plan Policy 3.1.3(2) with regard to demonstrating how the proposed tall building relates to its existing and planned context;
 - iii. King-Parliament Secondary Plan Policy 15.3.2 regarding the provision of adequate light, view and privacy for neighbouring properties and a compatible built form relationship with surrounding buildings through consideration of building height, massing, scale, setbacks, and step-backs;
 - d. does not meet the intent of Official Plan policies approved by City Council and under appeal to the Ontario Municipal Board, including, but not limited to, the following:
 - i. Official Plan Amendment No. 352, Policy B(ii), adopted by City Council on October 5, 6, and 7, 2016, and currently under appeal to the OMB, with regard to providing appropriate access to natural light, a reasonable level of privacy and views for occupants of tall buildings, and consideration for the development potential of other sites within the block; and
 - ii. Official Plan Amendment No. 231, Policy 3.5.1(9), adopted by City Council at its meeting on December 16, 17 and 18, 2013, and currently under appeal to the OMB, with regard to providing office space to replace the existing office space;

- e. is inconsistent with the St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan and the Tall Building Design Guidelines with regard to policies and guidelines that specify a maximum streetwall height of 16 metres and Policy 6.5.2 of the HCD Plan that requires a 45-degree angular plane above the street wall facing King Street East;
 - f. has excessive height, insufficient side yard setbacks, and insufficient tower separation that would result in excessive negative impact on neighbouring properties and future residents of the proposed building in terms of the cumulative impact on shadow, sky view and privacy;
 - g. represents over-development of the subject site; and
 - h. is inappropriate for the subject site for the reasons outlined in the Staff Report entitled 284 King Street East – Zoning Amendment – Refusal Report, dated September 27, 2017, from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and appropriate City staff to appear before the Ontario Municipal Board in support of Council's decision on the proposed Zoning By-law Amendment, in the event City Council adopts the staff recommendation to refuse this application and City Council's decision on this application is appealed to the Ontario Municipal Board (OMB).
 3. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council on the outcome, including proposed Section 37 contributions related to any revised proposal, as appropriate
 4. City Council direct the City Solicitor to request the OMB, in the event these applications are appealed to the OMB and the OMB allows the appeal and permits the proposed additional height or density, or some variation, to:
 - a. require the Owner to provide community benefits with the final allocation and distribution to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Office of the Ward Councillor, and further require the Owner to enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the Planning Act;
 - b. require the Owner to complete an investigation of noise impacts from the applicable existing and planned stationary sources of noise and prepare a noise mitigation strategy, which will be subject to a peer review at the Owner's expense, which would be implemented at the Owner's expense, including implementation on adjacent (source of noise) properties, to be secured in the Section 37 Agreement, that will allow the proposed development to comply with the Ministry of the Environment and Climate Change regulations;

- c. require the Owner to provide an air quality study, which will be subject to a peer review at the Owner's expense, to be secured in the Section 37 Agreement, that investigates potential impacts of emissions from the existing diesel generator located on the roof of the existing building at 280 King Street East and recommend mitigation measures if necessary, including mitigation measures on adjacent properties, which would be implemented at the Owner's expense;
 - d. withhold its Order allowing the appeal in whole or in part allowing the Zoning By-law Amendment until:
 - i. the Owner has entered into an Agreement under Section 37 of the Planning Act to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, and the Section 37 Agreement has been registered on title of the property to the satisfaction of the City Solicitor;
 - ii. the Owner has provided a Functional Servicing Report, Stormwater Management Report and Hydrogeological Investigation to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services; and
 - iii. the OMB has been provided with a proposed Zoning By-law Amendment by the City Solicitor together with confirmation the proposed Zoning By-law Amendment is in a form satisfactory to the City.
5. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Site Plan application for an eight-storey commercial building with ground floor retail was submitted in May 14, 2009, but was closed in 2015 due to inactivity and was not approved. An associated Minor Variance application to allow an eight-storey building was approved by the Committee of Adjustment on May 4, 2011.

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.

ISSUE BACKGROUND

Pre-Application Consultation

A pre-application consultation meeting was held on April 20, 2017, where the applicant presented a development concept for a 30-storey mixed-use building with ground floor retail and 205 dwelling units on floors 2 to 30. Staff advised the applicant that the subject site may not be suitable for a tall building due to the impact that the proposed height and tower separation would have on the existing adjacent 14-storey residential building on the east side of the subject site. Staff also raised concerns regarding: an inadequate tower step-back facing King Street East; a lack of office replacement; insufficient residential amenity space; an insufficient number of three-bedroom units; and non-conformity with the policies and guidelines in the St. Lawrence Neighbourhood Heritage Conservation District Plan.

The submitted proposal is very similar to the development concept presented on April 20, 2017, with one exception being the tower step-back above the eighth floor facing King Street East, which has been increased from 4.77 metres to 6.77 metres, excluding a 1.74-metre deep balcony.

Proposal

The proposed development is a 30-storey mixed-use building with 205 dwelling units and retail space on the ground floor. The height is 95 metres to the top of the 30th floor and 101 metres to the top of the mechanical penthouse. The tower floorplate is 491 square metres from floors 9 to 29. The residential gross floor area (GFA) is 14,622 square metres and the retail GFA is 177 square metres, for a total GFA of 14,798 square metres. The floor space index is 14.54 times the lot area. The residential units consists of 141 (69%) one-bedroom units, 63 (31%) two-bedroom units, and 1 (0.5%) three-bedroom unit.

The following table summarizes the development statistics.

Category	Proposed Development
Site Area	1,018 square metres
Building Height	30 storeys (95.05 metres excluding mechanical penthouse, 101.05 metres including mechanical penthouse)
Tower Floor Plate	491 square metres
Gross Floor Area	14,798 square metres
Floor Space Index	14.54
Number of Dwelling Units	205
Category	Proposed Development
Base Building Setbacks (floors 1-8)	
- South	0.0 metres (0.9 metres on floors 2-8)
- West	0.0 metres (not a party wall)
- North	0.0 metres (4.32 metres on floors 3-8, excluding balconies and side walls)
- East	0.0 metres (5.84 metres on floors 3-8)

Tower Setbacks (floors 9-29)	
- South	6.77 metres (5.03 metres including balcony and side walls)
- West	0.0 metres (not a party wall)
- North	8.44 metres (6.66 metres including balcony and side walls)
- East	5.5 metres
Sidewalk Width	
- King Street East	3.6 metres
Vehicle Parking	
- Residential Occupants	48
- Residential Visitors	0
- Retail	0
Bicycle Parking	
- Residential Occupants	185
- Residential Visitors	21
Residential Amenity Space	
- Indoor	252 square metres (1.23 square metres per unit)
- Outdoor	216 square metres (1.05 square metres per unit)

The base building has a height of 8 storeys and covers practically the entire site on the ground floor and mezzanine level. The second floor, which includes all of the proposed indoor and outdoor amenity space, has a 0.9-metre setback from King Street East, an east side yard setback of 6.08 metres, and a rear yard setback of 5.62 metres. Floors 3 to 8 have a slightly reduced east side yard setback of 5.84 metres and a reduced rear yard setback of 4.32 metres, excluding a 1.8-metre deep balcony and side walls. There is no west side yard setback and there are no balconies on the east or west sides of the building.

The tower from floors 9 to 29 is primarily defined by a 5.03-metre step-back above the base building facing King Street East, including 1.74-metre balcony projections and balcony side walls. The rear yard tower setback is 8.44 metres and the step-back above the 8th floor is 4.12 metres, excluding 1.75-metre deep balconies and balcony side walls. The setback on the east side of the tower is 5.50 metres with no step-back above the base building. The 30th floor is a three-bedroom penthouse unit with increased setbacks on all sides that provides for an exterior terrace that wraps around all sides of the unit.

The residential lobby entrance is located on the west side of the King Street frontage. The retail space is a single unit occupying the centre of the street frontage. The indoor residential amenity space is located in the rear half of the second floor and the outdoor amenity space wraps around the north and east sides of indoor amenity space. There is a total of 252 square metres of indoor amenity space (1.23 square metres per unit) and 216 square metres of outdoor amenity space (1.05 square metres per unit).

Vehicular access is from King Street East on the east side of the street frontage. The access leads to a Type 'G' loading space (13-metre length) on the ground floor and to a pair of automobile elevators that go down to 48 parking spaces for residents on levels P2, P3 and P4. Bicycle parking consists of 21 visitor spaces in bicycle stackers on the ground floor near the loading space and 185 residents' spaces located on P1 that are accessed by the main elevators.

The existing sidewalk width of approximately 3.6 metres is proposed to be maintained. Two street trees are proposed on King Street East adjacent to the curb in front of the retail unit.

Site and Surrounding Area

The subject site is a single property, rectangular in shape, with an area of 1,018 square metres, 24.5 metres of frontage on King Street East and a depth of 41.8 metres. The site slopes very gently downwards from north to south. There is an existing three-storey office building on the site with a gross floor area of at least 1,181 square metres, which would need to be demolished to accommodate the proposed development.

The subject property is located in the heart of Old Town Toronto and is within the St. Lawrence neighbourhood. More specifically it is part of the Town of York neighbourhood. The site is towards the east end of the King East Design District that runs along King Street East and Adelaide Street East from Church Street to Parliament Street, overlapping the St. Lawrence and Town of York neighbourhoods.

There is a wide variety of uses in the vicinity, including residential buildings, retail shops and services, restaurants, offices, entertainment, and George Brown College. The area is emerging as an area for office employment and a retail destination for contemporary interior design and furniture showrooms, supported by new restaurants, coffee shops, and other retail shops and services. The following uses surround the subject property:

North: Adjacent to the north side of the site is an outdoor amenity area for a 12 to 14-storey residential rental building owned by the Toronto Community Housing Corporation (TCHC), which wraps around the north and east sides of the amenity space and the subject site. The portion of the TCHC building north of the outdoor amenity space has a height of 12 storeys and is approximately 21 metres from the rear lot line of the subject site. Adelaide Street East is on the north side of the TCHC building.

East: Adjacent to the east side of the site is the 14-storey TCHC residential rental building that abuts the subject site on the lower floors and has a tower setback of approximately 5 metres from the east side of the subject site from floors 6 to 14. Further east along the north side of King Street East there are three low-rise retail/office buildings in the range of two to three storeys in height.

South: Facing the subject site on the south side of King Street East is a newly constructed 17-storey office building known as the Globe and Mail building. A 6-storey office building with ground floor retail is on the west side of the Globe and Mail building.

West: Adjacent to the subject site is an 8-storey office building, known as the SAS building, with ground floor retail fronting onto King Street East. To the northwest, on the north side of the SAS building, is a 2-storey office building fronting onto Ontario Street and Adelaide Street East (25 Ontario Street) that is designated under Part IV of the Ontario Heritage Act and is planned to be redeveloped as a 21-storey office building that retains the facades and portions of the existing heritage building.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

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

Official Plan

The subject property is located within the *Downtown* as shown on Map 2 – Urban Structure and is designated *Regeneration Areas* on Map 18 – Land Use Plan. *Regeneration Areas* provide for a broad mix of commercial, residential, light industrial, institutional, and recreational uses in order to revitalize underused lands, create new jobs and homes that use existing infrastructure, and restore existing buildings that are adaptable for re-use. New development in *Regeneration Areas* requires a Secondary Plan to be in place to help guide the revitalization.

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)(a) specifies a "minimum combined gross density target of 400 jobs and residents per hectare for the Downtown, which delineates the Urban Growth Centre for the purposes of the Growth Plan." 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). Policy 2.2.1(c) calls for a "full range of housing opportunities for *Downtown* workers" to reduce the demand for in-bound commuting.

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 locate 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 polices regarding heritage conservation, which were recently updated through Official Plan Amendment No. 199 that is now in force and effect. 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." With regard to Heritage Conservation Districts (HCDs), Policy 3.1.5(32) states that the impact of new development within or adjacent to HCDs will be "assessed to ensure that the integrity of the district's heritage values, attributes, and character are conserved." Finally, Policy 3.1.5(33) states that Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans.

Official Plan Amendment 231

At its meeting of December 16, 17 and 18, 2013, City Council adopted amendments to the Official Plan (OPA 231) to implement the results of the Official Plan and Municipal Comprehensive Review for Economic Health and Employment Lands Policies and Designations and Recommendations of Conversion Requests. Among other matters, OPA 231 introduced amendments aimed to stimulate the growth of new office space and maintain current concentrations of office space in the downtown and near rapid transit. The report and Council direction is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?Item=2013.PG28.2>.

OPA 231 was approved by the Minister of Municipal Affairs and Housing in July 2014. Portions of the amendment are under appeal at the Ontario Municipal Board. Although not in full force and effect, OPA 231 represents Council's long-term land use planning direction.

OPA 231 promotes new office development in transit rich areas of the City and includes a policy requiring the replacement of office space in certain circumstances. Specifically, Policy 3.5.1(9) applies to new development proposals with a residential component on lands in the *Downtown* where there is currently at least 1,000 square metres of office space. The policy requires new development to include more office space than currently exists. Office replacement may be located on a different site within a *Mixed Use Area* or *Regeneration Area* located in the *Downtown and Central Waterfront* if "site conditions and context do not permit an increase in non-residential office gross floor area on the same site" and provided the replacement office space on the second site is constructed "prior to or concurrent with the residential development."

Official Plan Amendment 352

A new Official Plan area-specific policy, OPA 352, which applies to tall buildings in the *Downtown*, was adopted by City Council on October 5-7, 2016, and is currently under appeal to the OMB. The policy refers to associated zoning bylaws (i.e. by-law nos. 1106-2016 and 1107-2016), also adopted on October 5-7, 2016, that includes the following minimum standards for tower setbacks that are intended to provide for a minimum separation of 25 metres between towers:

- minimum tower setback of 3.0 metres from a lot line that abuts a street; and
- minimum tower setback of 12.5 metres from a lot line not abutting a street.

Policy B(ii) in OPA 352 indicates that a proposed rezoning that does not comply with the above standards should demonstrate that adequate space between towers within a block will:

- b) consider development potential, where appropriate, of other sites within the block;
- c) provide appropriate access to sunlight on surrounding streets, parks, open spaces, school yards, and other public or civic properties;
- d) provide appropriate access to natural light and a reasonable level of privacy for occupants of tall buildings;
- e) provide appropriate pedestrian-level views of the sky between towers as experienced from adjacent streets, parks and open spaces; and
- f) encourage a reasonable level of views between towers for occupants of tall buildings.

Policy B(iii) asserts that not all sites in the Downtown can accommodate a tall building and that proposed tall buildings that do not fit within their existing and/or planned context and do not meet the intent of the criteria in Policy B(ii), as listed above, indicates that the site is "not considered suitable for tall building development."

King-Parliament Secondary Plan

The King-Parliament Secondary Plan applies to an area bounded by Jarvis Street to the west, Queen Street East to the north, the Don Valley to the east, and Front Street East, The Esplanade, and the Metrolinx-Lakeshore rail corridor to the south. The subject property is designated *Regeneration Area 'A' (Jarvis-Parliament)*, which is "an area targeted for significant growth, having a mix of compatible land uses including commercial, industrial, institutional, residential, live/work and entertainment uses within new buildings and existing ones, including the numerous historically and architecturally significant buildings in the area."

The subject property is part of an *Area of Special Identity*, being part of the *10 Original City Blocks* of the Old Town of York. Policy 15.3.1.4 requires new development to "implement urban design policies adopted by Council to protect the Areas of Special Identity, namely The Old Town of York." King Street East is identified as a *Significant Street* and a *Special Street* with unique physical characteristics. Policy 15.3.1.3 requires "the quality, role and character" to be "maintained and enhanced."

The following built form principles as per Policy 15.3.2 apply to new buildings and are meant to "ensure the maintenance and enhancement of public spaces that are attractive, pleasant, comfortable and inviting."

- Provide adequate light, view and privacy for neighbouring properties.
- Achieve a compatible built form relationship with surrounding buildings through consideration of building height, massing, scale, setbacks, step-backs, roof line, and architectural character.
- Minimize wind and shadowing impacts on adjacent streets, parks and open spaces.

King-Parliament Urban Design Guidelines

Section 2.2.1(6), which applies to the *Downtown*, states that "design guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context" in term of setbacks and heights. The King-Parliament Urban Design Guidelines pre-date the King-Parliament Secondary Plan and were used to inform some of the Secondary Plan policies. The guidelines identify the subject property as part of an *Area of Special Identity* known as The Old Town of York, which is defined as the original ten blocks bounded by Adelaide Street East, Berkeley Street, Front Street East, and George Street.

The original ten blocks "are still recognizable as having a special pattern of small, square blocks within generally larger, more rectangular blocks. Presently, the area lacks a separate or distinguishing built form character, and as such, it is important that design guidelines are adhered to."

"King Street East is characterized by relatively continuous frontages of 3 to 4 storey commercial and industrial buildings, from the late 19th and early 20th centuries." "New infill development will respect and reinforce the established built form character in terms of general building type and height along the street frontage and vertical and horizontal articulation."

Zoning

The subject property is zoned *Reinvestment Area (RA)* in Zoning By-law 438-86. The city-wide Zoning By-law 569-2013 does not currently apply to the subject site. The *RA* zone permits a wide range of residential, commercial, industrial, recreational and institutional uses. The maximum height is 26 metres.

A 3-metre front yard setback from King Street East is required for the portion of a building above a height of 16 metres. Dwelling units are required to be set back a minimum of 5.5 metres from the rear and side lot lines. The rear portion of the building that is greater than 25 metres from King Street East is required to have a minimum 7.5-metre setback from the side and rear lot lines.

The parking requirement is 119 spaces for residents and 12 spaces for visitors.

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.

City Council adopted the HCD Plan on December 9, 2015, but it is not yet in effect because it is subject to several appeals to the OMB. Despite the HCD Plan not yet being in effect, the policies and guidelines provided in the Plan are the outcome of a thorough planning analysis and are relevant in evaluating development proposals.

The HCD Plan is divided into six sub-areas, one of which is applicable to the subject property: the King – St. James Sub-Area. The HCD Plan describes the characteristics of this sub-area and provides the following built form policies and guidelines for the sub-area.

Streetwall height: New development and/or additions to a non-contributing property must maintain and enhance the continuity of the street wall of the block and/or the King – St. James Sub-Area. Establish the streetwall height of a non-contributing property by referring to the streetwall height of contributing properties located on the same block. Also consider that where there are no contributing properties located on the same block, the applicable streetwall height in the King – St. James Sub-Area is 16 metres.

Tower step-backs: If the total height of the non-contributing building exceeds the streetwall height, towers should step-back a minimum of 5 metres at the height of the street wall.

Angular plane: New development and/or additions to a non-contributing property must respect the context of the property's applicable Character Sub-Area and must protect the massing of that Character Sub-Area's street walls with angular planes where they apply. A 45-degree angular plane applies to the front of the building measured from the height of the established streetwall.

Articulation and materials: Apply the HCD Plan's policies and guidelines on streetwall composition (vertical and horizontal articulation) and on base building materiality.

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>.

Official Plan Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, 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.

Section 3.2.3 of the guidelines states that tall buildings should be set back 12.5 metres or greater from the side and rear lot lines. This setback provides for a minimum separation of 25 metres from other towers on the same block, which serves to protect for sky view, privacy and daylighting. Offset towers and/or non-parallel walls of adjacent towers can increase the perceived tower separation. Section 3.2.3 also indicates that minimum tower separation should be at least equal to the widest dimension of the widest adjacent tower floor plate. In this case the proposed tower has a length of approximately 30 metres and the existing TCHC building to the east has a length of approximately 74 metres.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines, which was adopted by City Council in July 2012. This document identifies potentially suitable locations for tall buildings in the 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 Downtown Tall Building Guidelines do not specify a street typology for King Street East and do not specify a vision height for the subject site because the maps in the Guidelines exclude all lands that are within the boundaries of the King-Parliament Secondary Plan.

TOcore: Planning Downtown

'TOcore: Planning Downtown' is an initiative to prepare a 25-year plan for Toronto's Downtown along with a series of five infrastructure-related strategies, which will address: parks and public realm, community services and facilities, mobility, energy, and water. This plan, working in tandem with its accompanying strategies, will provide a blueprint to manage the growth and intensification being experienced and anticipated to continue in the Downtown.

The Downtown study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east. A new Downtown Plan will be developed for the Downtown geography, establishing a renewed vision and local development policies to guide growth and development. The Downtown Plan will provide an integrated planning framework and structure addressing elements of land use, built form, housing, office, institutional, retail, parks and open spaces, community facilities, streets, transit, energy and water. Emphasis is being placed on keeping Downtown an inclusive and affordable place for vulnerable populations.

TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

On September 7, 2017, Planning and Growth Management Committee adopted a staff report titled "TOcore: Proposed Downtown Plan". Attached to the report were the Proposed Downtown Plan Policies. Planning and Growth Management Committee added a recommendation at its meeting, requesting City Planning staff consider the Proposed Downtown policies during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

Additional information is available on the study website at: www.toronto.ca/tocore.

Site Plan Control

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

Reasons for Application

A rezoning is required for the proposed development because of substantial non-compliance with the existing zoning by-law, including:

- an increase in maximum height from 26 metres to 105 metres;
- reductions in front, side and rear yard setbacks;
- a reduction in the minimum parking requirement; and
- a reduction in indoor and outdoor residential amenity space.

Application Submission

The following reports/studies were submitted with the application:

- Planning & Urban Design Rationale Report
- Community Services and Facilities Study
- Shadow Study
- Pedestrian Level Wind Study
- Heritage Impact Assessment
- Stage 1 Archaeological Assessment
- Public Consultation Strategy
- Arborist Report
- Noise and Vibration Feasibility Study
- Transportation Impact Study
- Toronto Green Standard Checklist
- Functional Servicing and Stormwater Management Implementation Report
- Geotechnical Report
- Geohydrology Assessment
- Energy Strategy
- Phase 1 Environmental Site Assessment

A Notification of Complete Application was issued on July 7, 2017, indicating that the application was deemed complete as of July 7, 2017.

Community Consultation

A Community Consultation Meeting was held on September 25, 2017. Approximately five local residents attended the meeting. The St. Lawrence Neighbourhood Association (SNLA) provided a letter dated July 12, 2017, with their comments and objections. The following is a summary of the feedback received from the community.

Height: The proposed height is excessive given the context of the site and should be reduced to the height of the adjacent 8-storey SAS office building at 280 King Street East.

Building Separation: The site is not suitable for the proposed residential building given the proximity to the SAS office building to the west, the planned 21-storey office building to the northwest, and the 14-storey TCHC residential building to the north and east.

Views and Privacy: The proposed dwelling units on the north side of the building will be very close to the planned 21-storey office building at 25 Ontario Street, which will impact the privacy of those units. The dwelling units facing north will feel claustrophobic given the proximity to the planned office building and the existing 14-storey TCHC residential building to the north and east. The proposed dwelling units facing south and east will have balconies very close to the outdoor amenity space on the eighth floor of the adjacent SAS office building at 280 King Street East.

Residential Amenity Space: The proposed residential outdoor amenity space on the second floor will rarely see sun and has little sky view, which is unfavourable for residents of smaller units who rely on the common amenity area. More indoor and outdoor amenity space should be provided. The amenity space should provide for pets.

Noise: The noise from the existing HVAC equipment on the roof of the SAS office building to the west needs to be mitigated.

Office Space: It is a disappointment that the proposal does not provide office space to replace the existing office space. The lower floors, including the ground floor, should be used for offices space.

Parking: The increasing population in the area combined with the loss of surface parking lots and increasing expensive parking garages is making it increasingly difficult to find parking, especially for visitors.

Vehicular Access: The vehicular entrance from King Street East should be "right in, right out" to minimize traffic congestion.

Sidewalk Width: The ground floor of the proposed building should have a setback similar to that provided on the westerly portion of the SAS office building in order to provide a wider sidewalk.

Family-sized Dwelling Units: It is a disappointment that there are no family sized units as per the St. Lawrence Neighbourhood Association Guidelines (http://www.slna.ca/uploads/1/0/0/0/100075950/slna_guidelines_revised_july_2014.pdf)

Heritage: The proposed development should do something to reflect the heritage of the area.

Agency Circulation

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

COMMENTS

This section provides an overview of planning considerations used in the evaluation of the proposed rezoning. The comments draw on input from City and agency staff, the community and local stakeholders, technical studies, applicable planning policies and guidelines, and an analysis of the proposed development, surrounding context and historical context.

Planning Act, Provincial Policy Statement and Provincial Plans

The Planning Act requires a planning authority such as City Council to have regard for matters of provincial interest that includes the promotion of built form that is well-designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible and vibrant, as specified in Part 1(2)(r)(i),(ii) and (iii) of the Act. This provincial interest is further detailed and implemented through the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and the City of Toronto Official Plan.

The proposed development represents *residential intensification* as defined by the Provincial Policy Statement (PPS) (2014). The proposal is not consistent with the PPS with regard to Policies 1.1.3.3

Policy 1.1.3.3 directs planning authorities, such as City Council, to "identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas." The proposed development does not provide sufficient tower separation to the existing adjacent residential tower to the east, therefore the proposal cannot be suitably accommodated.

The proposal represents *intensification* of a *built-up area* within an *urban growth centre* as defined by the Growth Plan for the Greater Golden Horseshoe (2017). The proposal does not conform with the Growth Plan with regard to Policy 2.2.2(4)(b) and (d).

Policy 2.2.2(4) requires municipalities to "develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will: (b) identify the appropriate type and scale of development and transition of built form to adjacent areas; and (d) ensure lands are zoned and development is designed in a manner that support the achievement of *complete communities*." The insufficient tower separation to the adjacent residential building to the east indicates that the proposal is not an appropriate development. The lack of office space to replace the existing office space implies that the proposed rezoning is not sufficiently contributing to *complete communities*, since Policy 2.2.3 requires *urban growth*

centres (UGC) to be planned "to serve as high-density major employment centres" and accommodate significant employment growth. The proposal is largely surrounded by existing and proposed office employment developments.

The Downtown *UGC* is identified in the Growth Plan for the Greater Golden Horseshoe. It is on track to exceed the *UGC* density target by 2031. The target is the average for the entire *Downtown UGC* area, and it is not for any one particular area within *Downtown*. The proposed development is not required in order to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

Tall Building Design Guidelines

The Tall Building Design Guidelines have been considered to the proposed development as a means to help interpret and quantify the tall building policies provided in Section 3.1.3 of the Official Plan. The proposed development substantially deviates from several important guidelines, including those regarding sunlight and sky view, base building scale and height, tower placement, and tower separation distances. The guidelines are further described and discussed subsequently in this report under the headings "Density, Height, Massing" and "Sun, Shadow."

Land Use

The proposed land uses, which comprise ground floor retail space and dwelling units on the upper floors, are suitable for the subject site. However, the proposed development should include office space and a greater number of three-bedroom dwelling units, as discussed below.

Office Replacement

The existing building includes more than 1,000 square metres of office space gross floor area. The proposed development does not include any office space. Official Plan Amendment 231, Policy 3.5.1(9), which was adopted by City Council in December 2013, before the rezoning application was submitted, requires the proposed development to increase the amount of office space on the site.

Although the policy is under appeal to the OMB and is not in force, the concept of ensuring that office employment remain in downtown Toronto is a Council-approved planning policy that should apply to the proposed development. It is a concept supported by Growth Plan Policies 2.2.3(1)(d) and 2.2.2(4)(d) that call for employment growth in an *urban growth centre* and new development that supports the achievement of *complete communities*. Office space on the subject site should be primarily located above the ground floor to allow for ground floor retail space.

Residential Units

A wide range of unit sizes is desirable in order to accommodate various types and sizes of households, pursuant to Official Plan Policy 2.2.1(1)(c) that calls for new development in the *Downtown* to "provide a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting." In particular, staff typically seek to secure a minimum of 10% three-bedroom units to accommodate families and households with three or more people. The proposed development includes only one three-bedroom unit, which represents 0.5% of the total number of dwelling units.

Density, Height, Massing

The 30-storey height (101 metres including mechanical penthouse) of the proposed tower is inappropriate because, in combination with the proposed tower separation of approximately 10.5 metres from the existing Toronto Community Housing Corporation (TCHC) residential rental building to the east, causes excessive negative impact on the west-facing dwelling units in the TCHC building in terms of privacy, sky view and shadow. The TCHC outdoor amenity space on the north side of the subject site is similarly impacted. The proposed height is excessive for its existing context as viewed from King Street East considering it is more than double the height of both the adjacent TCHC building to the east and the adjacent office building to the west.

The proposed 8-storey (29-metre) height of the base building is excessive as it substantially exceeds the policies and guidelines in the Tall Building Design Guidelines and the St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan, both of which specify a maximum base building height of 16 metres. The adjacent SAS office building to the west, which has a street wall height of approximately 29 metres, should not be used to justify a similar base building height for the proposed building because the SAS building street wall is taller than all other street walls and base buildings along King Street East in the vicinity of the subject site and therefore not reflective of the overall character of King Street East. The massing of the SAS building was approved through a Minor Variance in 2003, prior to the release of the Tall Building Design Guidelines and St. Lawrence Neighbourhood HCD Plan. The height of the base building should generally correspond with the height of the existing base building of the adjacent TCHC building to the east, which is less than 16 metres, or possibly be marginally higher to step up towards the 29-metre street wall of the SAS building.

A fundamental problem with the proposed development is the proposed tower separation of approximately 10.5 metres from the existing TCHC building to the east. As mentioned above, the proposed tower separation, in combination with the proposed height, causes excessive negative impact on the west-facing dwelling units in the TCHC building in terms of the cumulative impact on shadow, sky view and privacy. The minimal tower separation is particularly problematic because the buildings directly face each other for the entire 30-metre length of the proposed building. The proposed building would have 66 bedrooms and 84 living rooms directly facing the TCHC building, most of which would be overlooking the TCHC building. Such an excessive impact on privacy is inconsistent with Official Plan Policy 3.1.2(3) that requires new development to limit its impact on neighbouring properties by providing for adequate privacy. It's also inconsistent with the King-Parliament Secondary Plan Policy 15.3.2(d) that requires the provision of adequate privacy for neighbouring properties. As well, the privacy impact is inconsistent with Policy B(ii)(d) in Official Plan Amendment No. 352, currently under appeal to the OMB, that requires a proposed rezoning to provide for adequate space between towers to "provide appropriate access to natural light and a reasonable level of privacy for occupants of tall buildings."

The northwest corner of the proposed building would be abutting the southeast corner of the planned 21-storey office building at 25 Ontario Street. Although there would be no windows that directly face each other, the dwelling units near the northwest corner of the proposed building, as well as the north-facing balconies, would be extremely close to the office building.

There would be views from the office building windows to the primary windows of many dwelling units, which would significantly impact the privacy in those dwelling units.

Having the planned office building abutting the proposed building would also cause a significant impact on sky view for the south-facing units of the portion of the TCHC building to the north since there would be no view to the southwest between the office building and the proposed building. This impact is inconsistent with Official Plan Policy B(ii)(f) in OPA 352, that requires a proposed rezoning to "encourage a reasonable level of views between towers for occupants of tall buildings."

Sky view from the TCHC outdoor amenity space is a concern as it is already obstructed to the north, east by the TCHC building, obstructed to the southwest by the SAS office building, and will be further obstructed by the planned 21-storey office building at 25 Ontario St to the west. The proposed building would substantially obstruct to the sky view to the south, causing the outdoor amenity space to be entirely surrounded by tall buildings with minimal separation. This impact on sky view from the outdoor amenity space is inconsistent with Section 3.2.2 of the Tall Building Design Guidelines that calls for coordinated tower placement with other towers on the same block "to maximize access to sunlight and sky view" for surrounding open spaces and properties. If the subject site were developed with a substantially lower height than the 30-storey proposal, it would provide better sky view and light into the middle of the block.

The proposed building would abut the existing 8-storey office building to the west (SAS building at 280 King Street East) with no setback up to the 29th floor. The lack of setback impacts the office building in several ways. The office building has east-facing windows on floors 2 to 7 that would face a blank wall of the proposed building approximately 1.2 metres away. On the eighth floor of the office building there is an existing outdoor amenity space that wraps around the east side of the office space that would be 1.2 metres away from the windows of the west-facing dwelling units of the proposed building. The outdoor amenity space on the existing office building surrounds boardrooms on the eighth floor that include east-facing windows that would be less than six metres away from the proposed west-facing dwelling units. Maintenance of the proposed building, such as window washing equipment, may need to encroach into the east side yard of the adjacent office building considering the proposed tower would abut the property line.

From floors 9 to 29 of the proposed building, which are the floors above the seventh floor of the SAS office building to the west, there would be 42 dwelling units with primary windows facing west. Such a condition limits the redevelopment potential for the SAS office building as it assumes no future redevelopment. Vertical additions on the office building may also be limited. A vertical addition on the office building would also significantly impact the privacy, shadow and sky view of the west-facing dwelling units in the proposed building. The proposed rezoning does not meet the intent of Policy B(ii)(b) in OPA 352, currently under appeal to the OMB, because it does not adequately "consider development potential, where appropriate, of other sites within the block."

Overall, the lack of tower setback on the west side of the proposed building and the 5.83-metre setback on the east side of the building are both inadequate for a 30-storey building in a mid-block context. The proposed side yard setbacks do not comply with the Tall Building Design

Guidelines or Zoning By-law 1106-2016, both of which specify a minimum 12.5-metre setback from the side lot lines. The proposed tower does not achieve a compatible relationship with its built form context through the proposed height and tower setbacks as required by King-Parliament Secondary Plan Policy 15.3.2(e).

Sun, Shadow

The proposed development would cause a significant shadow impact on the existing 14-storey TCHC building adjacent to the north and east sides of the site. The portion of the TCHC building to the north would be in shadow during the spring and fall equinoxes starting at approximately 12:15 p.m. until approximately 3:00 p.m. The easterly portion of the TCHC building would be at least partially in shadow for over four hours, starting at approximately 2 p.m. until at least 6:18 p.m. Such a shadow impact on an existing residential building is a concern with respect to Section 1.4(c) of the Tall Building Design Guidelines that indicates a shadow study should demonstrate how the proposed tall building protects access to sunlight and adequately limits shadowing on neighbouring properties.

The private outdoor amenity space for the adjacent TCHC building located on the north side of the subject site will be surrounded by tall buildings on the east, north and west sides once the planned 21-storey office building at 25 Ontario Street is constructed. The cumulative shadow impact of these three buildings on the TCHC outdoor amenity space results in direct sunlight during the equinoxes being limited to approximately two hours between noon and 2:30 p.m. The subject site provides the only remaining opportunity to provide for sunlight and sky view for the TCHC outdoor amenity space and the middle of block in general. The proposed development would fully enclose the TCHC outdoor amenity space with tall buildings and place the outdoor amenity space in perpetual shadow for most of the year.

There is one public landscaped open space at the southwest corner of Parliament Street and Adelaide Street East that would be in shadow for up to approximately one hour at approximately 4:30 to 5:30 p.m. during the spring and fall equinoxes.

The location of the proposed residential outdoor amenity space is not preferable because most of the space would be in perpetual shadow from the proposed building and other surrounding buildings throughout the entire day during the spring and fall equinoxes.

Wind

A detailed pedestrian level wind study that included a meteorological analysis and wind measurements using a physical model in a wind tunnel has been completed. The study finds that the proposed development would not cause any excessive wind conditions on surrounding public streets, the TCHC outdoor amenity space adjacent to the north side of the subject site, or the proposed outdoor amenity space on the second floor.

Specifically, the sidewalks along both sides of King Street East from Ontario Street to Berkeley Street would typically have wind conditions suitable for sitting or standing throughout the year. Both the existing TCHC outdoor amenity space and the proposed second floor outdoor amenity space would have conditions suitable for sitting during all four seasons.

Streetscape

The ground floor frontage facing King Street East includes the residential lobby entrance and fire exit at the west end of the frontage, the retail unit occupying the centre of the frontage and the vehicular access at the east end of the frontage. Overall, the ground floor uses are well distributed as they give sufficient prominence to the retail space, which spans almost half of the total frontage. The proposed curb cut for the vehicular access has a width of 6.5 metres, which should be reduced to a maximum of 6.0 metres in order to minimize the impact on the pedestrian clearway and maximize space for street trees.

The proposed minimum sidewalk width in front of the retail space, where there is no front setback, is approximately 3.6 metres, which matches the existing condition in front of the subject site and in front of the adjacent buildings facing King Street East. The lobby entrance has a ground floor setback of approximately 1.1 metres that provides some weather protection and space for an outwards door swing.

The retail space and lobby entrance should have an increased setback to provide for a minimum 6-metre wide sidewalk along the entire site frontage, which would be consistent with the Tall Building Design Guidelines that specify a minimum sidewalk width of 6.0 metres along primary street frontages. The increased building setback would generally correspond with an existing ground floor setback on the westerly portion of the adjacent office building (SAS building) at 280 King Street East.

The proposed landscaping includes two in-ground street trees on King Street East in front of the retail space. Urban Forestry would like one more street tree added if possible.

Heritage

Heritage Preservation Services (HPS) staff have reviewed the Heritage Impact Assessment (HIA) prepared by Goldsmith Borgal & Company Ltd. Architects and submitted as part of the development application. The HIA finds that the development meets the intent of the St. Lawrence Neighbourhood Heritage Conservation District Plan. HPS staff do not agree with this assessment.

The Heritage Conservation District Plan includes specific policies that speak to maintaining and enhancing the continuity of the historic streetwall and protecting the massing of respective Sub-Areas' street walls. The proposal is not consistent with these policies as the proposed base building exceeds the historic streetwall height, and the proposed tower does not fit within a 45 degree angular plane measured from King Street East. As the proposal is not consistent with these policies, it does not conserve the cultural heritage values, attributes, character, nor does it sufficient mitigate visual impact on the St. Lawrence Neighbourhood Heritage Conservation District.

Residential Amenity Space

The proposed amount of indoor residential amenity space of 252 square metres (1.23 square metres per unit) is insufficient considering the City standard in the city-wide Zoning By-law 569-2013 is a minimum of 2.0 square metres per residential unit. There is ample opportunity to increase the indoor residential amenity space to comply with the City standard.

The proposed outdoor residential amenity space is 216 square metres (1.05 square metres per unit). There is only limited opportunity to increase the size of the outdoor amenity space since the subject site is relatively small.

Noise and Vibration

The Noise and Vibration Feasibility Study identifies significant noise impacts from both transportation sources, which is primarily from the traffic along King Street East, and from stationary sources, which includes heating, ventilation and air conditioning (HVAC) equipment on nearby buildings. Noise impact from the HVAC equipment on the roof of the adjacent office building (SAS building) to the west and the adjacent TCHC building to the east needs to be mitigated in order to comply with the Ministry of the Environment and Climate Change (MOECC) regulations. The SAS building operations rely on servers and other information technology (IT) equipment that requires a robust HVAC system that is louder than typically found on other office buildings of similar size. Noise complaints from future residents of the proposed building to the MOECC could jeopardize the operations in the SAS building.

The study indicates that at-source noise mitigation is necessary for the HVAC equipment on the SAS building to the west and may also be necessary for the HVAC equipment on the TCHC building to the east. The study recommends the following noise mitigation measures:

- modified HVAC equipment and other at-source mitigation measures on the SAS building and possibly on the TCHC building;
- approval of a Class 4 designation by the City of Toronto under the MOECC NPC-300 guidelines;
- 1.5-metre tall noise barrier at the south end of the outdoor amenity space on the second floor;
- central air-conditioning to allow windows to remain closed;
- acoustic glazing with a Sound Transmission Class (STC) – 36 rating or higher and primarily fixed glass; and
- warning clauses in purchase and sale agreements.

The planned 21-storey office building at 25 Ontario Street, adjacent to the northwest corner of the site, will include HVAC equipment on the roof that may also impact dwelling units in the proposed building. Further study by the applicant's noise and vibration consultant is necessary to determine the potential noise impact on the dwelling units.

Further investigation by the applicant's noise and vibration consultant is required to develop a detailed noise mitigation strategy to address the existing and planned adjacent stationary sources of noise. A peer review of the consultant's findings will also be necessary.

The Noise and Vibration Feasibility Study finds that vibration attenuation measures may be necessary to address the vibrations from streetcar traffic along King Street East. Specifically, the south foundation wall may require isolation material against it and other vibration isolation systems may need to be incorporated into the structural design. Vibration warning clauses are also recommended to be included in purchase and sale agreements. Vibration mitigation measures and warning clauses for purchase and sale agreements may be secured through the Site Plan Control process.

Air Quality

There is an existing diesel generator on the roof of the adjacent office building at 280 King Street East that is used periodically as part of the building operations. An air quality study should be prepared by the applicant to investigate potential impacts of emissions from the diesel generator on residents of the proposed building and recommend mitigation measures if necessary. The study will require a peer review.

Traffic Impact, Access, Parking, Bicycle Parking

The proposed location of the vehicular access on King Street East is appropriate since there are no other streets or lanes than can provide access to the site. The driveway is near the middle of the block and sufficiently far away from the intersections at Ontario Street and Berkeley Street. The proposed vehicular access would be an improvement over the existing condition since there are currently two separate driveways and curb cuts, one on either side of the existing building. If the subject site were consolidated with one or more adjacent properties, there would be opportunity to avoid vehicular access directly from King Street East, which would avoid conflicts with pedestrians using the sidewalk on King Street East.

The relatively small size of the subject site limits vehicular access to the underground garage to automobile elevators as there is insufficient to accommodate ramps. The use of the automobile elevators requires considerable training, meaning visitors cannot use them. The proposed development does not provide any parking for residential visitors, commercial occupants, or commercial visitors, which is a concern. Transportation Services has no objections to the anticipated traffic impact from the proposed 48 parking spaces or the proposed parking rate for residents of 0.23 spaces per dwelling unit.

Transportation Services requires a revised design for the proposed Type 'G' loading space to adequately provide for truck turning movements for City of Toronto bulk-lift collection trucks. Further information on the vehicle elevator is required to ensure there will not be excessive queues to use the elevator and to ensure it can accommodate the large majority of cars, SUVs, minivans, and small pick-up trucks.

The proposed amount of bicycle parking, comprising 185 spaces for residents and 21 spaces for visitors, is adequate as it complies with the city-wide Zoning By-law 569-2013 and the Toronto Green Standard, although the current zoning requirement under Zoning By-law 438-86 requires 31 spaces for visitors. Further information on the bicycle stackers for the visitor parking is required to determine if bicycle stackers are appropriate since visitors may not know how to use the upper level of the stackers.

Servicing

Development Engineering staff have raised concerns regarding the capacity of the combined sewer system and the analysis of the groundwater discharge into the sewer system. Specifically, the Functional Servicing and Stormwater Management Report states that the existing combined sewer system does not have capacity to accommodate dry weather flow and 2-year stormwater flow without surcharge and the report does not propose a solution for addressing the sanitary surcharge condition.

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 Toronto Official Plan shows local parkland provisions across the City. The subject site is in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people, which represents the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential portion of this proposal is subject to a 2% parkland dedication while the residential portion of this proposal is subject to a 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above-grade building permit.

Toronto Green Standard

In 2013, City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. 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. TGS performance measures may be secured through the Site Plan Control process.

Section 37

Section 37 community benefits have not been determined as the development proposal is not supported by staff. If the rezoning application is appealed to the Ontario Municipal Board (OMB) and the OMB ultimately approves an increase in height and/or density, recommendation 4(a) in this report is intended to provide an opportunity for staff to determine an appropriate allocation and distribution of community benefits, in consultation with the Ward Councillor, prior to the OMB issuing a final decision and Order.

Conclusion

Overall, the proposed development's combination of a 30-storey height and lack of appropriate tower separation to the east and west are inappropriate for the subject site. The proposal would cause excessive negative impact on privacy, sky view and shadow for the west-facing units in the adjacent TCHC residential rental building to the east, as well as the TCHC outdoor amenity space to the north. It would also limit the future development potential of the adjacent office building to the west. The proposed development does not fit within the existing and planned context, is inconsistent with the Official Plan, the Provincial Policy Statement, and the Growth Plan, and represents over-development of the site.

CONTACT

Thomas Rees, Planner
Tel. No. 416-392-1791
E-mail: thomas.rees@toronto.ca

SIGNATURE

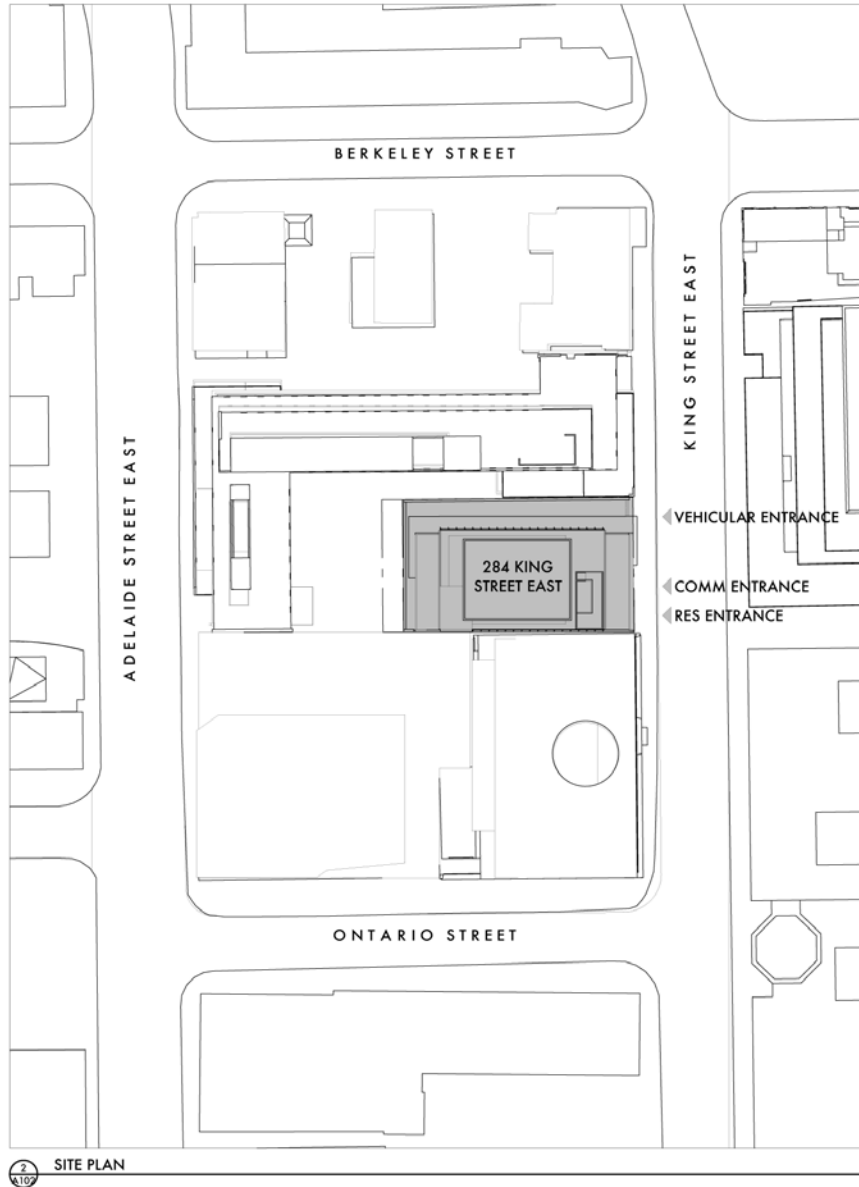
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Perspective Rendering
Attachments 3a-d: Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
08/30/2017



284 King Street East

File # 17 175826 STE 28 02

Attachment 2: Perspective Rendering



Rendering

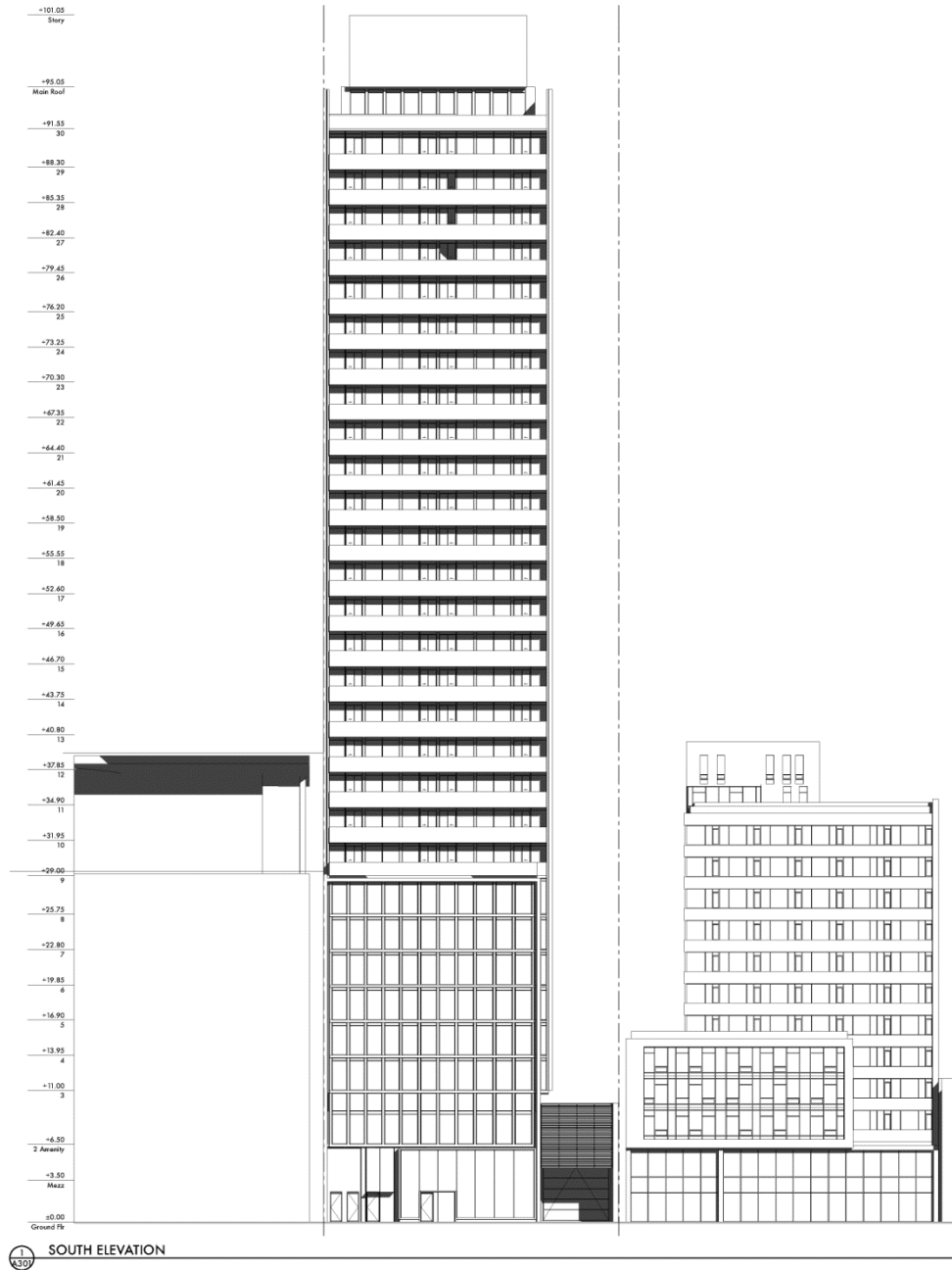
Applicant's Submitted Drawing

Not to Scale
08/30/2017 

284 King Street East

File # 17 175826 STE 28 OZ

Attachment 3a: South Elevation



South Elevation

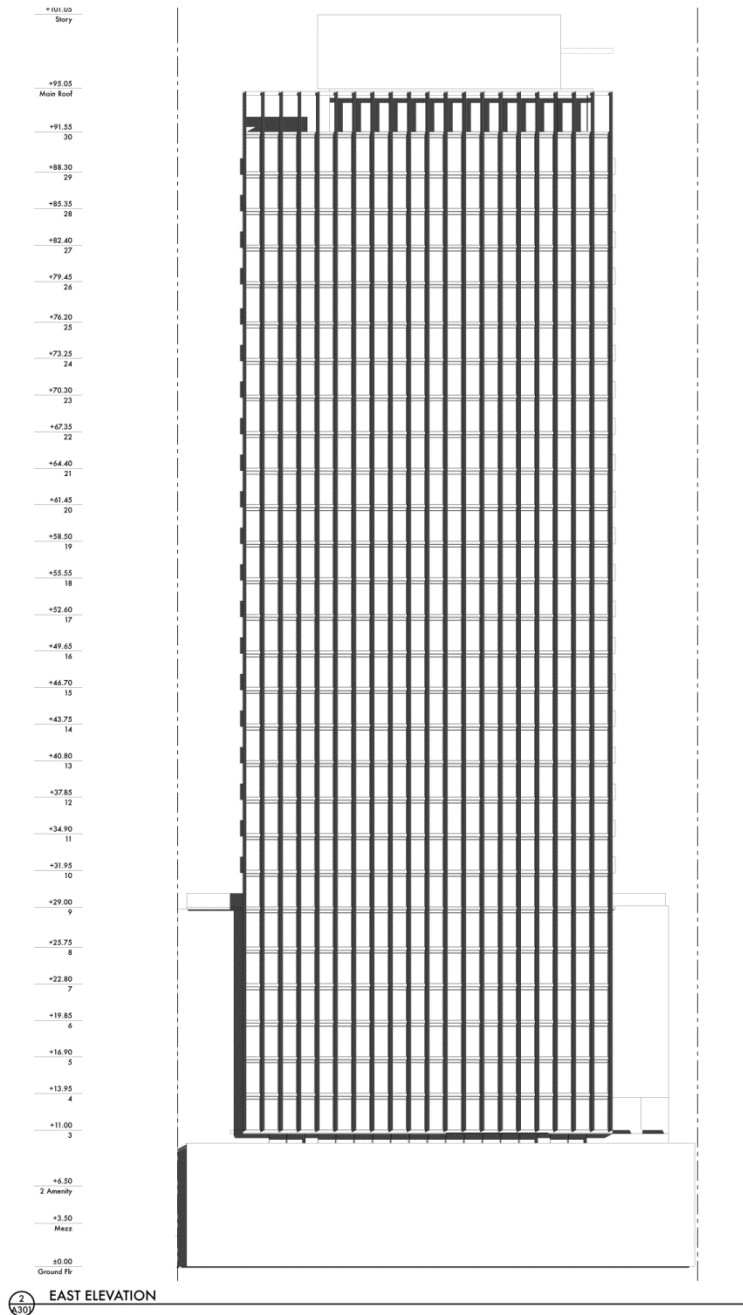
Applicant's Submitted Drawing

Not to Scale 
08/31/2017

284 King Street East

File # 17 175826 STE 28 OZ

Attachment 3b: East Elevation



East Elevation

Applicant's Submitted Drawing

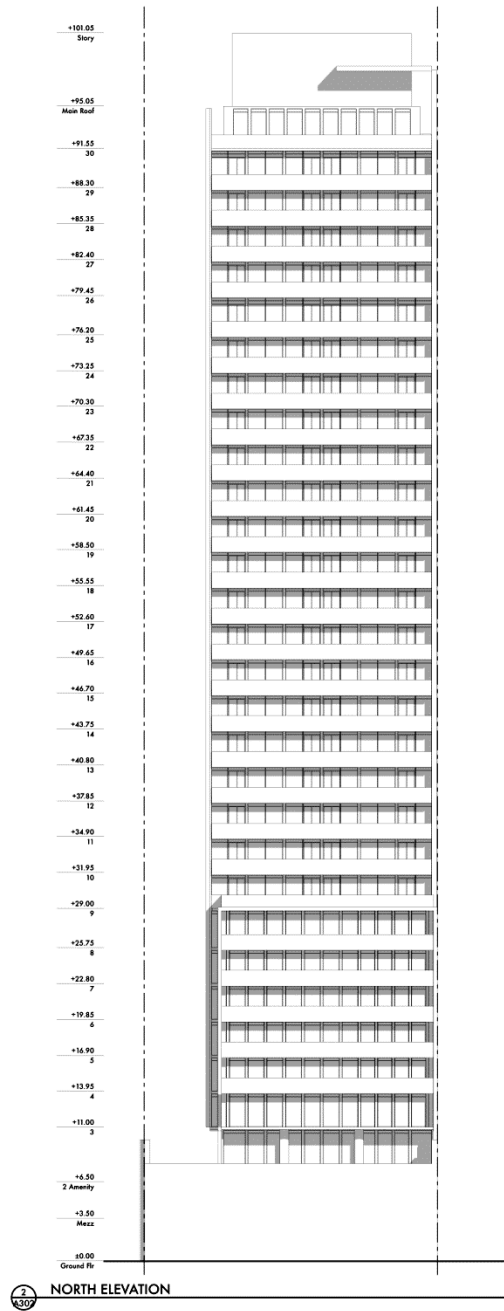
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284 King Street East

File # 17 175826 STE 28 OZ

Attachment 3c: North Elevation



North Elevation

Applicant's Submitted Drawing

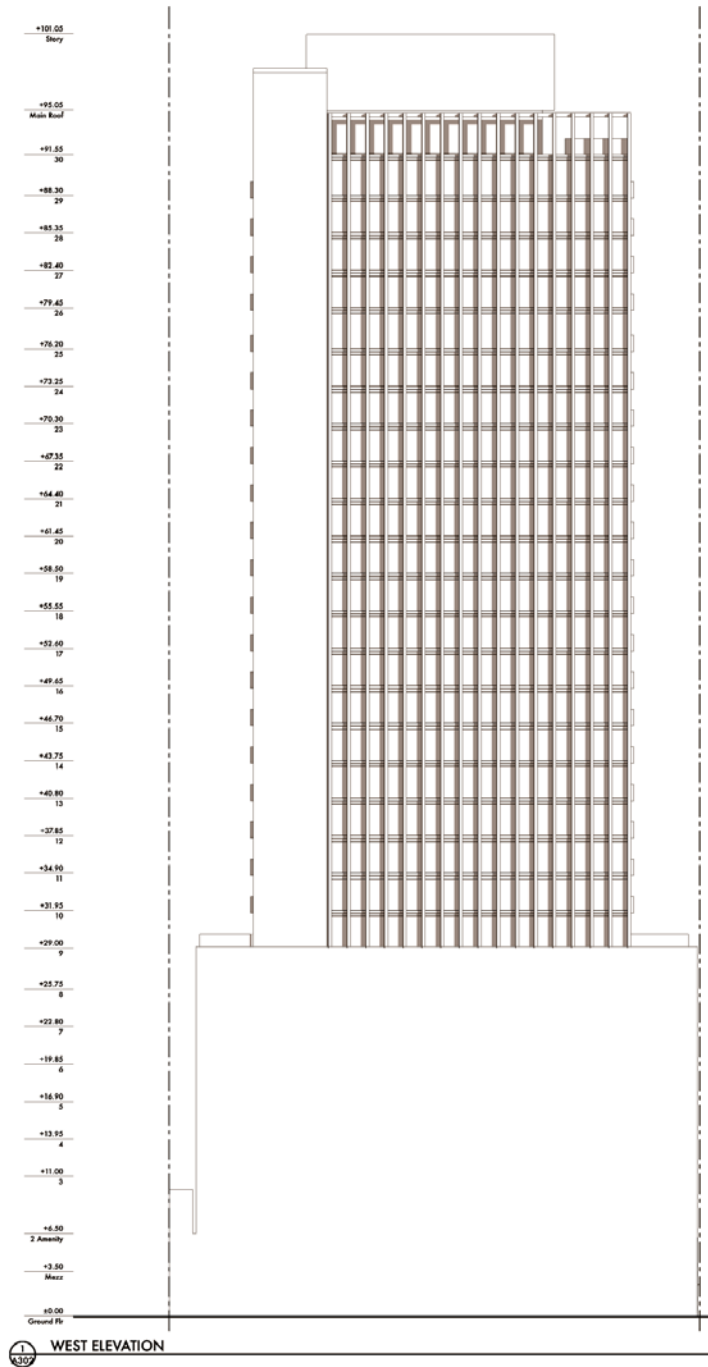
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08/31/2017



284 King Street East

File # 17 175826 STE 28 0Z

Attachment 3d: West Elevation



West Elevation

284 King Street East

Applicant's Submitted Drawing

Not to Scale 
08/31/2017

File # 17 175826 STE 28 OZ

Attachment 4: Zoning



Zoning By-Law No. 438-86

284 King Street East

File # 17 1755826 STE 0Z



Location of Application



See Former City of Toronto By-Law No. 438-86

CRE Commercial Residential Employment

RA Mixed-Use District



Not to Scale
Extracted: 08/30/2017

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	17 175826 STE 28 OZ
Details	Rezoning, Standard	Application Date:	June 8, 2017

Municipal Address: 284 KING STREET EAST
 Location Description: PLAN PT TOWN LOT 2 TO 3 **GRID S2808
 Project Description: Zoning By-law Amendment to permit the construction of a 30-storey residential mixed-use building, with a height of 95.05 metres (101.05 metres including the mechanical penthouse), containing 205 residential units and 177 square metres (1,905 square feet) of retail space on the ground floor.

Applicant:	Agent:	Architect:	Owner:
AIRD & BERLIS C/O KIM KOVAR		architectsAlliance	LAMB BAUHAUS INC.

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	1018	Height:	Storeys:	30	
Frontage (m):	24.54		Metres:	95	
Depth (m):	41.81				
Total Ground Floor Area (sq. m):	991				Total
Total Residential GFA (sq. m):	14622		Parking Spaces:	48	
Total Non-Residential GFA (sq. m):	177		Loading Docks	1	
Total GFA (sq. m):	14799				
Lot Coverage Ratio (%):	97.3				
Floor Space Index:	14.54				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	14622	0
Bachelor:	0	Retail GFA (sq. m):	177	0
1 Bedroom:	141	Office GFA (sq. m):	0	0
2 Bedroom:	63	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	0	0
Total Units:	205			

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