

34-50 King Street East and 2 Toronto Street - Zoning Amendment Application - Request for Direction Report

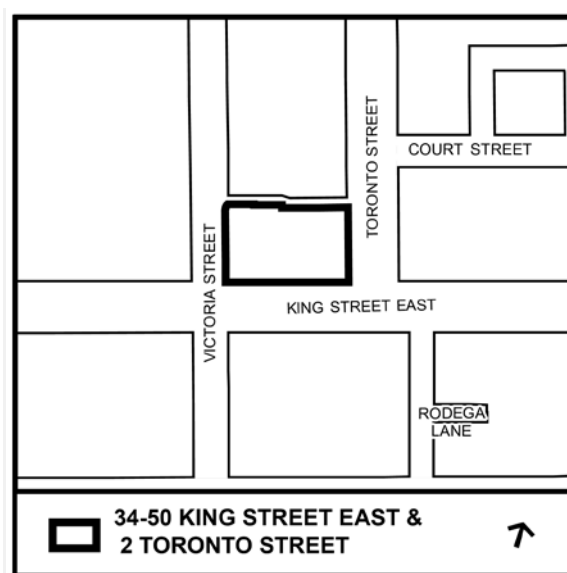
Date:	September 29, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	16 159562 STE 28 OZ

SUMMARY

The purpose of this report is to request direction from City Council on the application for the Zoning By-law amendment at 34-50 King Street East and 2 Toronto Street, which has been appealed to the Ontario Municipal Board (OMB). The application proposes a 33-storey mixed-use building consisting of 219 residential dwelling units, 10,006 square metres of office space, 255 square metres of retail space and 78 vehicular parking spaces in a 5-level underground garage. The Quebec Bank Building, a heritage designated building, is proposed to be conserved and integrated as part of the application.

The proposal's overall height and massing does not fit within its existing and planned context as required by the Official Plan. The proposal's massing is also not consistent with the policy direction of the St. Lawrence Neighbourhood Heritage Conservation District Plan in conserving the area's heritage resources.

On May 19, 2017, the application was appealed to the OMB by the applicant pursuant to Section 34(11) of the *Planning Act* due to the City's failure to make a decision within 120 days of the application deemed complete. It is recommended that the City oppose the application in its current form at the OMB. It is also



recommended that staff continue discussions with the applicant to achieve revisions to the proposal that address the issues identified in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and other appropriate staff, to oppose the Zoning By-law amendment application for 34-50 King Street East and 2 Toronto Street (file no. 16 159562 STE OZ), and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate.
2. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report.
3. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold its final Order approving the Zoning By-law Amendment until the owner enters into an Agreement under Section 37 of the *Planning Act* to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the Ontario Municipal Board.
4. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

On December 9, 2015, City Council designated the St. Lawrence Neighbourhood Heritage Conservation District Plan under Part V of the *Ontario Heritage Act*. The subject site is located within the boundaries of this Plan. The Quebec Bank Building is identified as a contributing building in the Plan. The decision and report can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE12.11>

On September 7, 2016, Toronto and East York Community Council approved the recommendations, with amendments, of the Preliminary Report on the application. The report identified various issues to be resolved, including: overall height of the building; building setbacks; heritage conservation on and adjacent to the site; and shadow impacts on St. James Park and St. James Cathedral Church. The decision and report can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.43>

ISSUE BACKGROUND

Proposal

The applicant is proposing to redevelop the site to construct a mixed-use building of 33-storeys (112.4 metres including the mechanical penthouse). The Quebec Bank Building at the eastern portion of the site is proposed to be conserved and integrated as part of the redevelopment. The existing 12-storey and 8-storey office buildings at the middle and western portion of the site are proposed to be demolished.

The proposal's breakdown of the gross floor area is summarized in the following table:

Gross Floor Area (sq.m.)	Office	10,006 sq.m. on the 2 to 10 th storey
	Residential	15,046 sq.m. on the 11 th to 33 rd storey
	Retail	255 sq.m. on the 1 st storey

The massing of the building represents a 'canyon form' typology along King Street East, with an average tower floor plate of 820 square metres. A setback of 3 metres on the 20th storey is proposed along King Street East and Victoria Street. A setback of 7.2 metres on the 8th storey, above the existing Quebec Bank Building is proposed along Toronto Street. Further, a reveal of approximately 1 metre in depth is proposed on the 6th and 7th storey along King Street East.

The proposal's setbacks are summarized in the following table:

Base Building Setbacks from Property Line (m.)	Victoria Street	0
	King Street East	0
	Toronto Street	0
	Old Post Office Lane	0 - 3.8
Tower Setbacks from Property Line (m.)	Victoria Street	3 at the 20 th storey
	King Street East	3 at the 20 th storey
	Toronto Street	13 at the 6 th storey 7.2 at the 8 th storey 13.1 at the 20 th storey 22.7 at the 30 th storey 31.3 at the 32 nd storey
	Old Post Office Lane	8.2 at the 11 th storey 8.2 – 14.5 at the 30 th storey 15 at the 32 nd storey

A total of 219 residential rental dwelling units are proposed starting on the 11th storey of the tower, consisting of: 20 bachelor units (9%); 148 one bedroom units (68%); 29 two bedroom units (13%); and 22 three bedroom units (10%).

Indoor amenity space of 461 square metres and outdoor amenity space of 181 square metres are proposed on the 11th storey. Zoning By-law standards require 2.0 square metres per dwelling unit each for indoor and outdoor amenity space. This standard translates to 438 square metres of indoor amenity space and 438 square metres of outdoor amenity space for the 219 residential unit proposal.

Pedestrian accesses to the development are proposed from King Street East for the office and retail uses and from Victoria Street for the residential use. The pedestrian sidewalk rights-of-way are proposed to have a width of 3.6 metres along King Street East, 4.5 metres along Toronto Street and 1.8 metres along Victoria Street.

Vehicular access is proposed from Victoria Street. The application proposes a 5-level underground parking garage that accommodates: 51 resident; 23 commercial; and 4 car-share parking spaces. Loading activity is accommodated by 2 Type 'B'/Type 'G' spaces and 2 Type 'C' spaces accessed from Victoria Street. Bicycle parking is proposed in the 1st and 2nd underground levels, consisting of 219 resident and 50 visitor parking spaces (refer to Attachment 6: Application Data Sheet).

Site and Surrounding Area

The site is a rectangular shaped parcel bordered by Victoria Street to the west, King Street East to the south, Toronto Street to the east, and Old Post Office Lane to the north. Three buildings are currently on site: a 12-storey office building with street-related retail uses at 34 King Street East; an 8-storey office building with street-related retail uses at 36 King Street East; and the 5-storey Quebec Bank Building that is included on the City's Heritage Register.

The surrounding uses are as follows:

West: On the west side of Victoria Street are: an 18-storey office building with street-related retail at 18 King Street; a 14-storey office building with street-related retail at 10 King Street East; and the 20-storey Royal Bank of Canada office building with street-related retail that is designated under Part IV of the *Ontario Heritage Act* by By-law 103-76 and included on the City's Heritage Register at 2 King Street East and 79-81 Yonge Street. The King Subway station entrance is located along King Street East, east of Yonge Street.

South: On the south side of King Street East are: the 8 and 18-storey Omni King-Edward Hotel at 37 King Street East, a designated building under Part IV of the *Ontario Heritage Act* by By-law 156-76 and included on the City's Heritage Register. Southeast is: Leader Lane; a surface commercial parking lot at 65 King Street East; a row of 4 to 5 storey mixed use buildings at 73 to 97 King Street East that are designated under Part IV of the *Ontario Heritage Act* by By-law 201-2016 and included on the City's Heritage Register; and a 3-storey commercial building at 40 Colborne Street. The lands at 65-89 King Street East and 46 Colborne Street are subject to an OMB approved Rezoning application for an 18-storey office building (file no. 15 258720 STE 28 OZ).

- East: On the east side of Toronto Street are: a 14-storey office building with street-related retail at 1 Toronto Street; and a 17-storey residential condominium at 92 King Street East. East of Church Street is St. James Cathedral Church and St. James Park. St James Cathedral is designated under Part IV of the *Ontario Heritage Act* by By-law 588-77 and included on the City's Heritage Register.
- North: On the north side of Old Post Office Lane are: the 2-storey Toronto Street Post Office, a National Historic Site and a designated building under Part IV of the *Ontario Heritage Act* by By-law 182-2006 and included on the City's Heritage Register.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the adequate provision of a full range of housing; the conservation of features of significant architectural, cultural, historical and archaeological or scientific interest; the appropriate location of growth and development; and a promotion of built form that is well-designed and encourages a sense of place.

The Provincial Policy Statement (2014) (the "PPS") 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 PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") 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 builds upon the policy foundation provided by the PPS 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 *Planning Act*, PPS and for conformity with the Growth Plan.

Official Plan

The Official Plan places the site within the *Downtown and Central Waterfront* on Map 2 – Urban Structure. The *Downtown* is a growth area and will continue to evolve as a healthy and attractive place to live and work.

Section 4.5 – "Mixed Use Areas" provides the development criteria for *Mixed Use Areas*. The site is designated *Mixed Use Areas* on Map 18 – Land Use Plan. Policy 1 indicates *Mixed Use Areas* are to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Policy 2 directs that development shall: locate and mass new buildings to provide a transition between areas of different development intensity and scale; locate and mass buildings to frame the edges of streets with good proportion; maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets; provide good access and circulation for vehicular activity; and provide indoor and outdoor recreation space for residents. Development in *Mixed Use Areas* should also: provide new jobs and homes on underutilized lands; provide access to schools, parks and community centres; and take advantage of nearby transit services.

Section 3.1.2 – "Built Form" directs that new development fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 3 requires new development to be massed to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to neighbouring buildings, providing for adequate light and privacy and framing adjacent streets and open spaces in a way that respects the street proportion. Policy 4 requires new development be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Section 3.1.3 – "Built Form – Tall Buildings" provides policy direction for tall buildings. Policy 2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure, taking into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.1.5 – "Heritage Conservation" provides policy direction on the conservation of heritage properties in the City's Heritage Register and on development adjacent to heritage properties. Policy 4 indicates that properties on the Heritage Register will be conserved and maintained consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Policy 5 indicates that any proposed alterations or development on or adjacent to a property on the Heritage Register will retain the integrity of the heritage property's cultural heritage value and attributes. Policy 6 encourages the appropriate adaptive re-use of properties on the Heritage Register consistent with the Standards and Guidelines. Policy 26 requires new construction on, or adjacent to a property on the Heritage Register to be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate the visual and physical impact on it, including consideration such as scale, massing, materials, height, building orientation and location relative to the heritage property. Policy 27 encourages the conservation of whole or substantial portions of buildings and structures on the Heritage Register. Policy 32 requires any proposal for alteration and development within a Heritage Conservation District to conduct an assessment to ensure that the integrity of

the districts' heritage values, attributes, and character are conserved. Policy 33 requires that Heritage Conservation Districts be managed and conserved by approving new development in accordance with respective Heritage Conservation District plans.

Section 5.6 – "Interpretation" provides guidance on the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Policy 1.1 indicates the goal of the Official Plan is to balance and reconcile a range of diverse objectives affecting land use planning in the City. Further, Section 1.5 – 'How to Read the Plan' indicates the Official Plan is a comprehensive and cohesive whole. The Official Plan can be accessed at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=03eda07443f36410VgnVCM10000071d60f89RCRD>

Official Plan Amendment 231

Official Plan Amendment 231 (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. OPA 231 was approved by City Council in December 2013, and portions were subsequently approved, with minor modifications, by the Minister of Municipal Affairs and Housing (MMAH) in July 2014. Portions of OPA 231 remain under appeal at the OMB. However, the concept of the importance of the retention of office space in order to provide complete communities is good planning and conforms with the PPS and the Growth Plan.

Specifically, OPA 231 amends Section 3.5.1 of the Official Plan by adding Policy 9 which requires the replacement and increase of office space on properties that have: more than 1,000 square metres of existing office space; the new development includes a residential component; and the property is located in a *Mixed Use Area* or *Regeneration Area* in the *Downtown and Central Waterfront*. This policy is under appeal at the OMB.

The MMAH approved OPA 231 can be accessed at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f9b552cc66061410VgnVCM10000071d60f89RCRD>

Zoning

Under Zoning By-law 438-86, the site is zoned CR T7.8 C4.5 R7.8 with a height limit of 61 metres. A density of 7.8 times the lot area is permitted, where the maximum commercial and residential densities of 4.5 and 7.8 of the lot area are permitted respectively. The CR designation permits a mixture of residential and non-residential uses. Permissions and exceptions applicable to the site include: the prohibition of commercial parking garages or private commercial garages.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. *Planning Act* applications submitted after May 9th, 2013 are subject to the new Zoning By-law. The site is zoned CR 7.8 (c4.5 r 7.8) SS1 (x2314) "Commercial Residential" with a height

limit of 61 metres. The permissions and exceptions that are applicable in By-law 438-86 for the site are carried over to By-law 569-2013 (refer to Attachment 4: Zoning).

TOcore

‘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 October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metres in height.

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 that 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 is subject to Site Plan Control. An application for Site Plan approval was submitted on September 19th, 2017 as file no. 17 235087 STE 28 SA.

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.

Policy 1 in Section 5.3.2 – ‘Implementation Plans and Strategies for City-Building’ of the Official Plan states 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 Official Plan related to the design and development of tall buildings in Toronto.

This application was reviewed against the city-wide Tall Building Design Guidelines, including sections on context analysis, fit and transition in scale, sunlight and sky view, views from the public realm, heritage properties and HCDs, floor plate size and shape, tower placement, separation distance, site servicing and access, pedestrian realm, and sustainable design. The analysis is provided in the Comments section of this report. The city-wide Guidelines can be accessed 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.

King Street East is identified as a High Street on Map 1 and within a Canyon Form Typology on Map 3, which allows for tall buildings to be constructed with a base building height consistent with the height of the existing high street wall. The height range for this High Street ranges from 15 to 25 storeys as identified on Map 2. However, Section 1.3 of the Guidelines identify mitigating factors that take precedence over the height range assigned for this section of King Street East, including: no net new shadows on St. James Park – a Signature Park, between 10:00 am to 4:00 pm during the spring/fall

equinoxes; and having regard to the policies and guidelines of the St. Lawrence Neighbourhood HCD Plan. The analysis is provided in the Comments section of this report. The Downtown Tall Buildings Guidelines can be accessed at: <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

St. Lawrence Neighbourhood Focused Area Urban Design Guidelines

The site is within the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines (St. Lawrence Guidelines). Policy 6 in Section 2.2.1 of the Official Plan indicates specific districts in the *Downtown* with historic and distinct character shall have guidelines to ensure development respect the context of such districts. In July 2005, City Council adopted the St. Lawrence Guidelines, a document intended to serve a number of functions including: to guide the development industry on the appropriate built form for new development proposals; to guide the City on prioritizing public realm enhancements; to assist in the preparation of the St. Lawrence Neighbourhood Community Improvement Plan; and to assist in the Heritage Conservation District study process.

The St. Lawrence Guidelines is separated into three areas of special identity. The subject site is at the northern border of the Berczy Park special identity area. The St. Lawrence Guidelines are further delineated into eight Corridors and Precincts, each with a distinct direction on appropriate built form, function and identity. The subject site is within the King Street Corridor where building heights are to gradually decrease from Yonge Street towards the east.

This application was reviewed against the St. Lawrence Guidelines and the Official Plan amendment study. The analysis is provided in the Comments section of this report. The St. Lawrence Guidelines can be accessed at: https://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/st_lawr_udg_full.pdf.

St. Lawrence Neighbourhood Heritage Conservation District Plan

On December 9 and 10, 2015 Toronto City Council adopted the St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan under Part V of the *Ontario Heritage Act*. City Council subsequently enacted by-law 1328-2015. This by-law is currently under appeal to the OMB. The owners of the subject property are among the appellants. Given Council's adoption of the HCD, staff evaluated the proposal for consistency with the Plan (refer to Attachment 5: St. Lawrence Neighbourhood Heritage Conservation District Plan).

The St. Lawrence Neighbourhood HCD's cultural heritage value is based on its historical significance as the birthplace of the Town of York, including its original ten blocks, its distinct physical character with an intact collection of 19th century commercial warehouse and industrial type buildings and its contextual, social and community significance due to the presence of numerous institutions and landmarks.

The overall objective of the Plan is to protect and conserve the cultural heritage value and interest of the District as manifested by its heritage attributes, in order to preserve these qualities for the benefit of current and future generations. The statement of objectives further identifies objectives that are linked to the identified values of the district.

While there are shared heritage values and physical character throughout the district, the Plan identifies six Character Sub-Areas. The Sub-Area framework provides a more nuanced and context-specific understanding of the district's character. This framework informs policies for new construction, including additions and infill, so that development will be more responsive to and compatible with the character of its immediate context. The subject property is located within the Court House sub-area. The analysis is provided in the Comments section of this report.

Reasons for Application

The proposal requires an amendment to the Zoning By-law to amend the current standards on: overall building height; maximum gross floor area; and minimum parking ratios, among other standards.

Community Consultation

A community consultation meeting was held on December 8, 2016. Approximately 30 members of the public attended, along with staff from the City and the Ward Councillor's office. There was general positive feedback on the mixture of uses being proposed and the heritage conservation measures for the Quebec Bank Building. However, concerns raised on the proposal include:

- The height and massing being too tall and massive for the area;
- The increase in vehicular traffic congestion;
- The need for community services to accommodate the increase in population; and
- The wind tunnel effect on King Street East.

Design Review Panel

The application was considered by the Design Review Panel on December 15, 2016, where the Panel unanimously voted for refinement. The Panel was supportive of the proposal and appreciated the gradation of the architectural elements and the sensitive incorporation of the Quebec Bank Building as part of the development. The Panel's suggestions include: simplifying the massing of the penthouse elements; and increasing the height of the ground floor in order to create a greater gesture on King Street East.

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 proposal provides for a mixture of uses that conform to the policy direction for the *Mixed Use Areas* designation. However, revisions in the proposal's height and massing

are required in order to conform to the built form policies of the Official Plan. The St. Lawrence Neighbourhood HCD Plan also requires that streetwall heights and massing conditions for this proposal to respect existing heritage resources, among other requirements. Although the HCD Plan is currently under appeal and not in full force and effect, it is a City Council adopted Plan. As such, the HCD Plan's guidelines and policies are relevant in the evaluation of this proposal.

Provincial Policy Statement and Provincial Plans

The PPS recognizes the local context is important and that a well-designed built form contributes toward overall long-term economic prosperity. Policy 1.1.3.3 indicates that planning authorities shall identify appropriate locations for intensification and redevelopment. In this regard, the proposal is consistent with the PPS. However, Policy 4.7 indicates that the Official Plan is the most important vehicle for implementation of the PPS. The Official Plan in turn directs buildings be massed to provide transition between areas of different intensity and scale, and to provide for adequate light and privacy. This proposal has not met the built form policy objectives of the Official Plan.

With regard to heritage conservation, Policy 2.6.3 of the PPS indicates planning authorities shall not permit development and site alteration on adjacent lands to protected heritage properties except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Policy 2.6.1 of the PPS requires that significant built heritage resources and significant cultural heritage landscapes shall be conserved. The Official Plan further refines the direction of the PPS to require appropriate built form to fit harmoniously into its existing and/or planned context and the conservation of heritage properties. This application is not consistent with the PPS as the proposal has not addressed an appropriate method to conserve the scale, form and massing and heritage attributes of the Quebec Bank Building, in particular in the proposal's streetwall height and setbacks.

The site is within the urban growth centre of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. In conjunction with the direction for intensification in the urban growth area, Policy 4b) in Section 2.2.2 of the Growth Plan directs the City to establish policies to identify appropriate scale of development. In this regard, the Official Plan and Urban Design Guidelines provide direction on the built form, massing and scale of development within this section of King Street East where the height of the building is to transition downwards from Yonge Street towards the east. Policy 3 in Section 4.2.7 of the Growth Plan indicates municipalities will develop and implement Official Plan policies and other strategies in support of cultural heritage conservation, including conservation of cultural heritage resources where feasible. This application is not consistent with the Growth Plan as the application deviates from the applicable heritage conservation policies and strategies in place and does not provide an appropriate scale of development as required in the Official Plan.

Land Use

The proposal consists of office, residential and retail uses. The proposed mix of land uses comply with the *Mixed Use Areas* designation of the Official Plan.

Policy 3.5.1.9 of OPA 231, currently under appeal to the OMB, requires the replacement and increase of office space on the subject site. The proposal contemplates a total of 10,006 square metres of office space development. City Planning staff will have further discussions with the applicant to address the proposal's conformity with OPA 231.

Height

The proposed building's height of 112.4 metres including the mechanical penthouse exceeds the current Zoning By-law permission of 61 metres. The proposed height also exceeds the height range of 47 to 77 metres in the Downtown Tall Building Guidelines for this section of King Street East. Further, the St. Lawrence Guidelines direct building heights to gradually decrease from the Financial District from the west towards the St. Lawrence neighbourhood to the east.

City Planning staff would support a tall building at this location provided that the overall height of the building continue the downward transition from the tall building typology in the Financial District towards the lower scale typology to the east along King Street East and was massed appropriately as described later in this report. City Planning staff will continue discussions with the applicant to achieve an appropriate building height along this section of King Street East.

Massing

The existing planning policy framework was analysed in respect to the proposal's massing and the resulting separation distance conditions. The Tall Building Design Guidelines direct proposals to: provide a maximum floor plate size of 750 square metres; transition to lower scale buildings; design tall buildings to respect and complement on-site heritage properties and HCDs; and provide a minimum 25 metres between tall buildings. The Downtown Tall Building Guidelines indicate that a 'canyon form' typology as an appropriate built form for this section of King Street East.

The floor plate of the proposal from the 1st to the 10th storey has an area of approximately 1,412 square metres. The Tall Building Guidelines provide direction that on a site specific basis, flexibility on floor plate size may be considered for commercial-only buildings. City Planning staff are satisfied with the floor plate area of the first 10 storeys given it is to be used for office purposes.

The floor plate of the proposal starting on the 11th storey is residential and has an area of 820 square metres. In order to provide adequate light, privacy and view for residents of the proposed building and occupants of surrounding tall buildings, a 750 square metre floor plate for the residential portion of the tall building is preferred. In conjunction with the need to reduce the floor plate size, an approximately 11.5 metre building setback starting on the 11th storey from the Victoria Street frontage and a 12.5 metre setback

starting on the 11th storey from Old Post House Lane are required in order to provide a distance of 25 metres between towers.

Shadow Impacts

A Sun & Shadow Study dated March 18, 2016 prepared by architectsAlliance was submitted in support of the application. The study assessed the proposal's shadow impacts on June 21st, September 21st and December 21st between 10:18 am to 6:18 pm. The proposal will cast shadows on the St. James Cathedral's open space and St. James Cathedral Church between 4:18 pm to 6:18 pm on September 21st.

The Official Plan stipulates that new development be massed to limit shadowing on open spaces, having regard for the varied nature of such areas. The Tall Building Guidelines indicate that tall buildings should be placed and massed to secure the greatest amount of sunlight and sky view. The Downtown Tall Building Guidelines identify St. James Park as a Signature Park where no net new shadows shall be cast between 10:00 am to 4:00 pm on September 21st. City Planning staff will continue discussions with the applicant to improve sunlight conditions on the surrounding open spaces.

Heritage Conservation

A Heritage Impact Assessment prepared by ERA Architects Inc. was submitted in support of the application. The HIA finds that the proposed development provides for the appropriate heritage conservation of the Quebec Bank Building. Staff do not agree with this assessment.

While the development does call for the restoration of the Quebec Bank Building and for its preservation as a whole building, the massing of the development on the King Street East elevation will have a negative impact on the scale, form and massing of the Quebec Bank Building as the tower lacks a step back at the height of the heritage building, and as the massing of the development partially cantilevers over the heritage building.

The City's Official Plan heritage policies call for new development to be designed to conserve the cultural heritage values, attributes and character of heritage properties and to mitigate visual and physical impact on them. The proposed development does not conserve the cultural heritage values of the Quebec Bank Building. It does not conform to the City's Official Plan Heritage Policies.

The objectives of the Council approved but not yet in full force and effect St. Lawrence Neighbourhood HCD Plan are to protect and conserve the cultural heritage value and interest of the District as manifested by its heritage attributes in order to preserve these qualities for the benefit of current and future generations. The statement of objectives are further defined through specific objectives and the Plan contains Policies and Guidelines that are intended to guide conservation and manage change.

The Quebec Bank Building is identified as a contributing building in the Plan. The policies in the Plan speak to respecting massing and street wall height. The proposed development is not consistent with the policies and the objectives of the St. Lawrence Neighbourhood HCD Plan.

Residential Amenity Space

Zoning By-law standards require 2.0 square metres per dwelling unit each for indoor and outdoor amenity space, or 4.0 square metres per dwelling unit in total. This standard results in 438 square metres each for indoor and outdoor amenity space for the proposed 219 dwelling unit development. The proposed indoor amenity space of 461 square metres, or 2.11 square metres per dwelling unit, exceeds the minimum required. However, the proposed outdoor amenity space of 181 square metres, or 0.83 square metres per dwelling unit is less than the minimum 2.0 square metres required.

Residential Unit Mix

The proposal provides over 75% of the residential units as bachelor or 1 bedroom units. The inclusion of a greater number of 2 and 3 bedroom units will allow a more diverse mix of households, including larger households and families with children. City Planning staff request that the proposal be revised to provide 25% of the residential units as 2 bedrooms or larger, including 10% of the units as 3 bedrooms or larger.

Traffic Impact, Vehicular Access and Loading Access

Vehicular and loading access is proposed on Old Post Office Lane. An Urban Transportation Considerations Report dated March 18, 2016 prepared by BA Group was submitted in support of the application. The report concluded the traffic activity generated by the development can be accommodated by the existing area road network. Transportation Services staff concurs.

To accommodate the proposal, Transportation Services staff requires a 1.47 metre widening on Old Post Office Lane in order to meet the 6 metre right-of-way width for public laneways. No lane widening is required on the portions of Old Post Office Lane that abut the Quebec Bank Building.

The Urban Transportation Considerations report indicated the 4 loading spaces are sufficient for the proposed uses, and also provided a series of vehicle manoeuvring diagrams to show the movements of refuse vehicles to and from the site. Transportation Services staff have reviewed the diagrams and request they be revised to show that certain delivery trucks will be able to manoeuvre in and out of the site.

Vehicular Parking

The Urban Transportation Considerations report submitted in support of the application indicates the proposed 78 vehicular parking spaces consisting of 51 spaces for residents, 23 spaces for occupants of the office use and 4 car-share parking spaces is adequate. Standards based on Zoning By-law 569-2013 require a total of 125 spaces for residential, 22 spaces for visitors and 28 spaces for occupants of the office use. Transportation

Services staff reviewed the documentation submitted and do not agree with the report's assessment. Transportation Services staff require the number of parking spaces be increased to conform to the Zoning By-law standards, or require the owner to provide a revised parking justification report that shows parking data obtained on proxy sites that are comparable in use, scale and area context. Staff will continue discussions with the applicant to provide for an appropriate number of parking spaces.

There are 12 proposed parking spaces that do not meet the minimum length dimension of 5.45 metres as stipulated in the Zoning By-law standards. Transportation Services staff have no concerns with the reduced dimension for the 12 parking spaces provided they are identified as "Small Car" spaces and included in appropriate clauses in all offers of purchase and sale and within the declaration of condominium.

Bicycle Parking

The proposal provides a total of 269 bicycle parking spaces, consisting of: 219 residential; and 50 visitor spaces. The proposed number of bicycle parking spaces meets the standard of the Zoning By-law and the provisions of the Toronto Green Standard. However, the proposal did not include shower and change facilities for the office use. City Planning staff will have continued discussions with the applicant to resolve this issue.

Servicing, Stormwater Management and Hydrogeological Impacts

A Functional Servicing and Stormwater Management Implementation Report dated March 2016 prepared by R.J. Burnside & Associates Ltd. was submitted in support of the application. The report concluded that the proposal can be adequately serviced by new connections to the existing 300mm combined sewer and the 300 mm watermain on Victoria Street. Engineering and Construction Services staff has reviewed the report and indicate revisions are required to ensure that there is sufficient capacity to service the proposal.

The R.J. Burnside report indicated stormwater management for the proposal will be met through connection to the combined 300mm sewer on Victoria Street, a stormwater management vault on the underground level and runoff on the streets. Detailed comments on stormwater management will be provided during the site plan application process should this application be approved in some form.

A Geotechnical Review letter dated March 16, 2017 prepared by exp Services Inc. was submitted in support of the application. The letter provided a preliminary assessment of existing soil and groundwater conditions and indicated the proposal can be accommodated. Engineering and Construction Services staff has reviewed the letter and indicate a comprehensive hydrogeological report is required, including a clear strategy for groundwater pumping and discharging. The discharging of ground water is subject to the provisions of the Sewer By-law.

Wind Impact

A Pedestrian Level Wind Study dated March 18, 2016 prepared by Gradient Wind Engineering Inc. was submitted in support of the application. The study concluded the grade level areas surrounding the subject site and the 11th storey outdoor amenity area will have acceptable wind conditions for its intended uses throughout the year.

Noise Impact

A Noise Feasibility Study dated March 16, 2016 prepared by HGC Engineering was submitted in support of the application. The study indicated the proposal will meet the Ministry of Environment's guidelines on sound level limits provided the necessary mitigation measures are implemented. City Planning staff reviewed the study and require additional assessment on stationary noise sources from the existing employment uses in the surrounding area. Noise mitigation measures to protect the existing employment uses from the proposed residential use are required should stationary noise sources be identified.

Streetscape

The site fronts on Victoria Street to the west, King Street East to the south, and Toronto Street to the east. The proposal provides a pedestrian sidewalk width of approximately 1.8 metres along Victoria Street to the east, 3.6 metres along King Street East to the south and 4.5 metres along Toronto Street to the east. City Planning staff request the sidewalk width along Victoria Street be increased to at least 3 metres to match the width of the sidewalk further north, and the sidewalk width along King Street East be increased to 6 metres except the portion that abuts the Quebec Bank Building. No increase in sidewalk width is requested along Toronto Street as it abuts the Quebec Bank Building.

Urban Forestry

There are 6 trees on and within 6 metres of the site. The proposal does not contemplate removal of any trees. An Arborist Report and a Tree Protection Plan was submitted in support of the application. Urban Forestry staff reviewed the submitted documentation and indicated that the tree protection plan does not meet the City's Tree By-laws. The owner will need to ensure the proposal conforms to the City's Tree By-laws should this application be approved in some form.

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 lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 2,290 square metres or 315% of the site area. However, for sites that are less than 1 hectare in size, a cap of

10% of the development site is applied to the residential use, while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 105.5 square metres or 6.73%.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 105.5 square metres is not a suitable size to develop a programmable park within the existing context of this development site. At the same time, the site does not abut an existing city park which would be expanded through this dedication.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS. City Planning staff will continue discussions with the applicant to meet Tier 1, and on the possibility of achieving Tier 2 of the TGS.

Section 37

The proposal in its current height and density would normally be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits were not discussed in the absence of an agreement on the proposal's height and density. Should this proposal be approved in some form by the OMB, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor. Potential benefits may include: the implementation of the Heritage Interpretation Master Plan for Old Toronto and the Heritage Lighting Master Plan for Toronto's Old Town; the redevelopment of the Jack Layton Ferry Terminal; local streetscape and parkland improvements; and affordable housing units on or off-site.

CONCLUSION

The proposal meets the policy objectives of the Official Plan in providing a broad array of uses within an already vibrant area in *Downtown*. However, the proposal fails to achieve the appropriate transition of a tall building towards neighbouring areas with different scales and the appropriate heritage conservation resources on site. Also, additional discussions will be needed with the applicant to address the office replacement policies of OPA 231, currently under appeal to the OMB. For these reasons, among others, City Planning staff cannot support the proposal and recommends Council direct the City Solicitor and appropriate City staff to attend the OMB in opposition to the

application in its current form. City Planning staff further recommends continued discussions with the applicant on resolving the outstanding issues.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

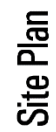
Attachment 3: Official Plan

Attachment 4: Zoning

Attachment 5: St. Lawrence Neighbourhood Heritage Conservation District Plan

Attachment 6: Application Data Sheet

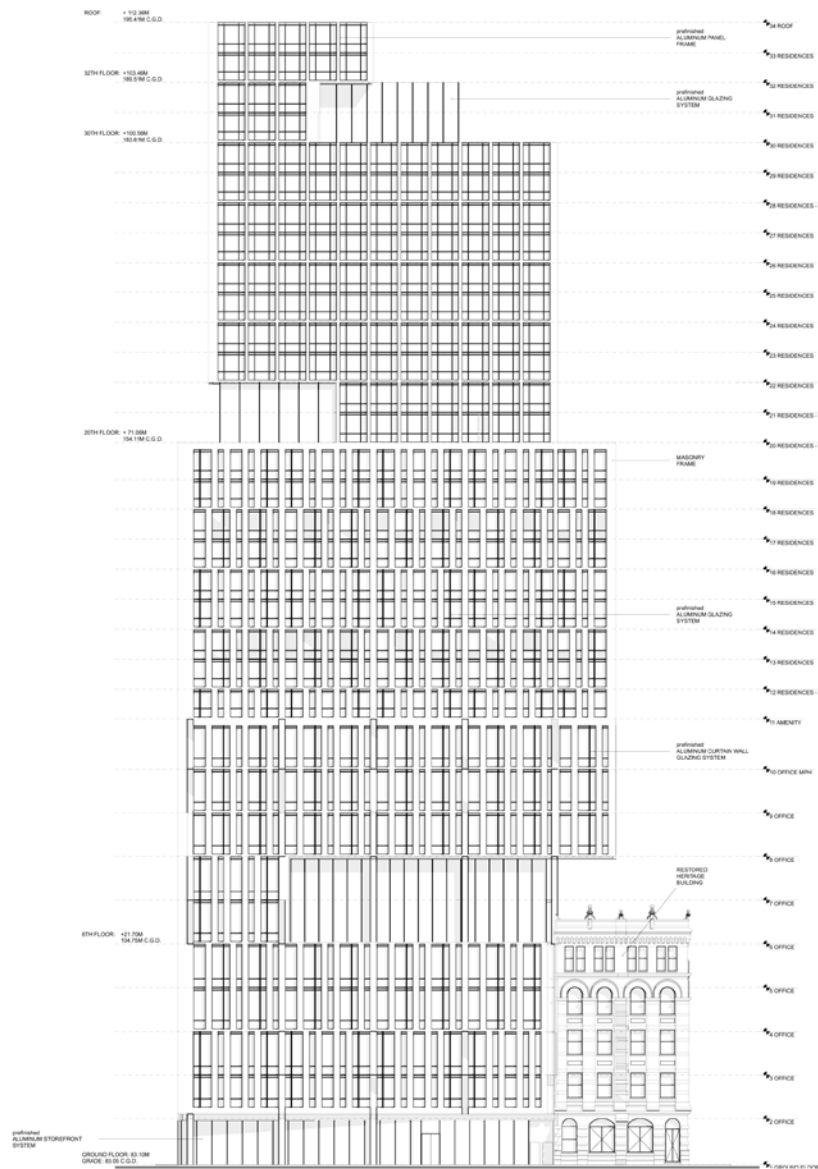
Staff report for action – Request for Direction - 34 – 50 King Street East and 2 Toronto Street 21



Not to Scale
07/08/2016

34-50 King Street East & 2 Toronto Street

Attachment 2a: South Elevation



South Elevation

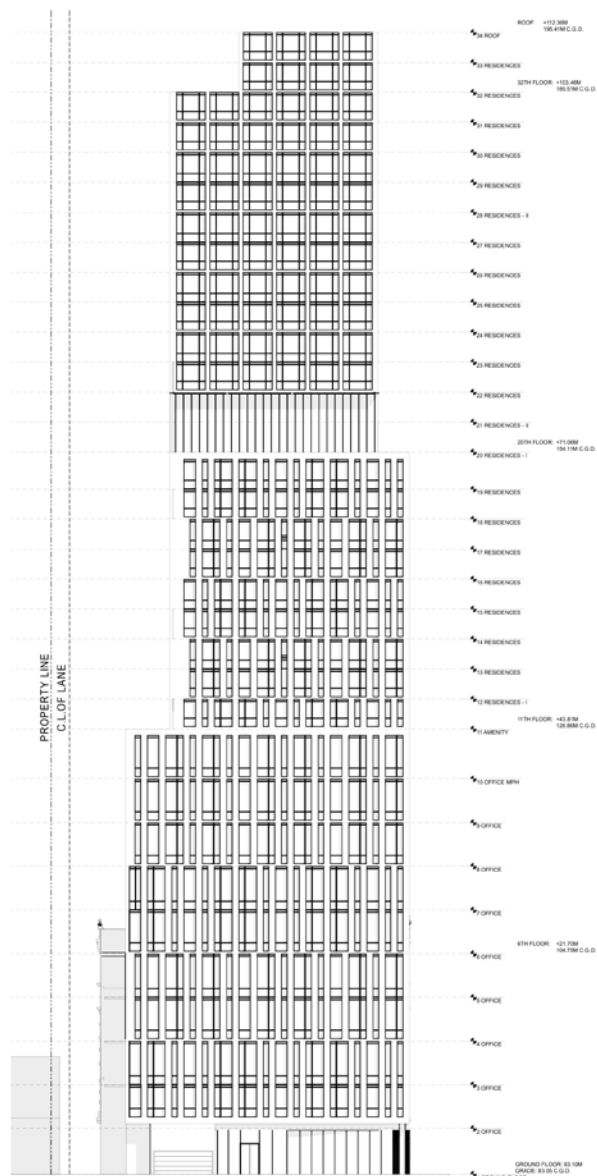
34-50 King Street East & 2 Toronto Street

Applicant's Submitted Drawing

Not to Scale
07/08/2016

File # 16 159562 STE 28 02

Attachment 2b: West Elevation



West Elevation
Applicant's Submitted Drawing
Not to Scale
07/08/2016

34-50 King Street East & 2 Toronto Street

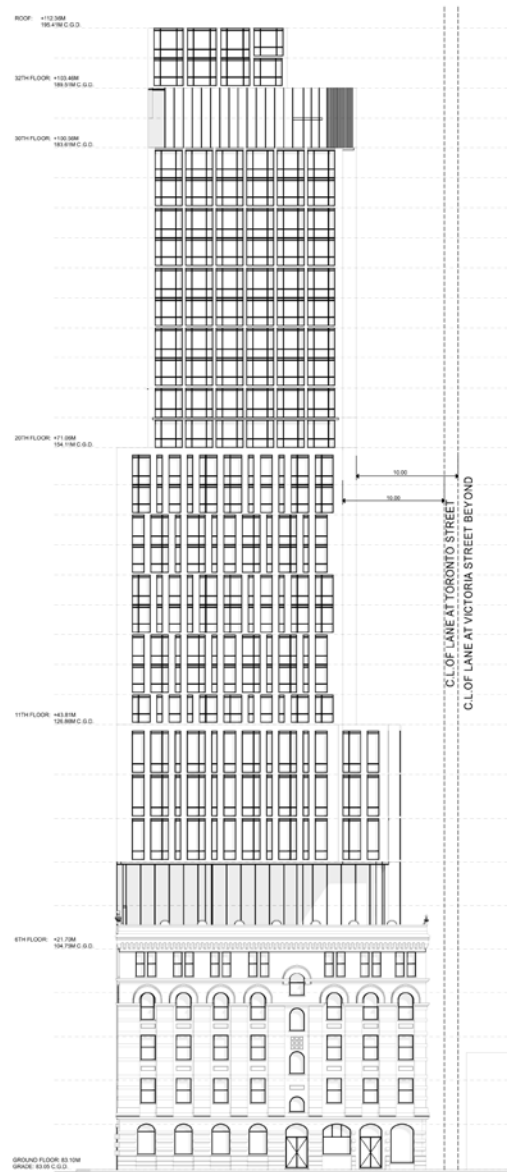
File # 16 159562 STE 28 02

North Elevation

34-50 King Street East & 2 Toronto Street

File # 16 159562 STE 28 OZ

Attachment 2d: East Elevation



East Elevation

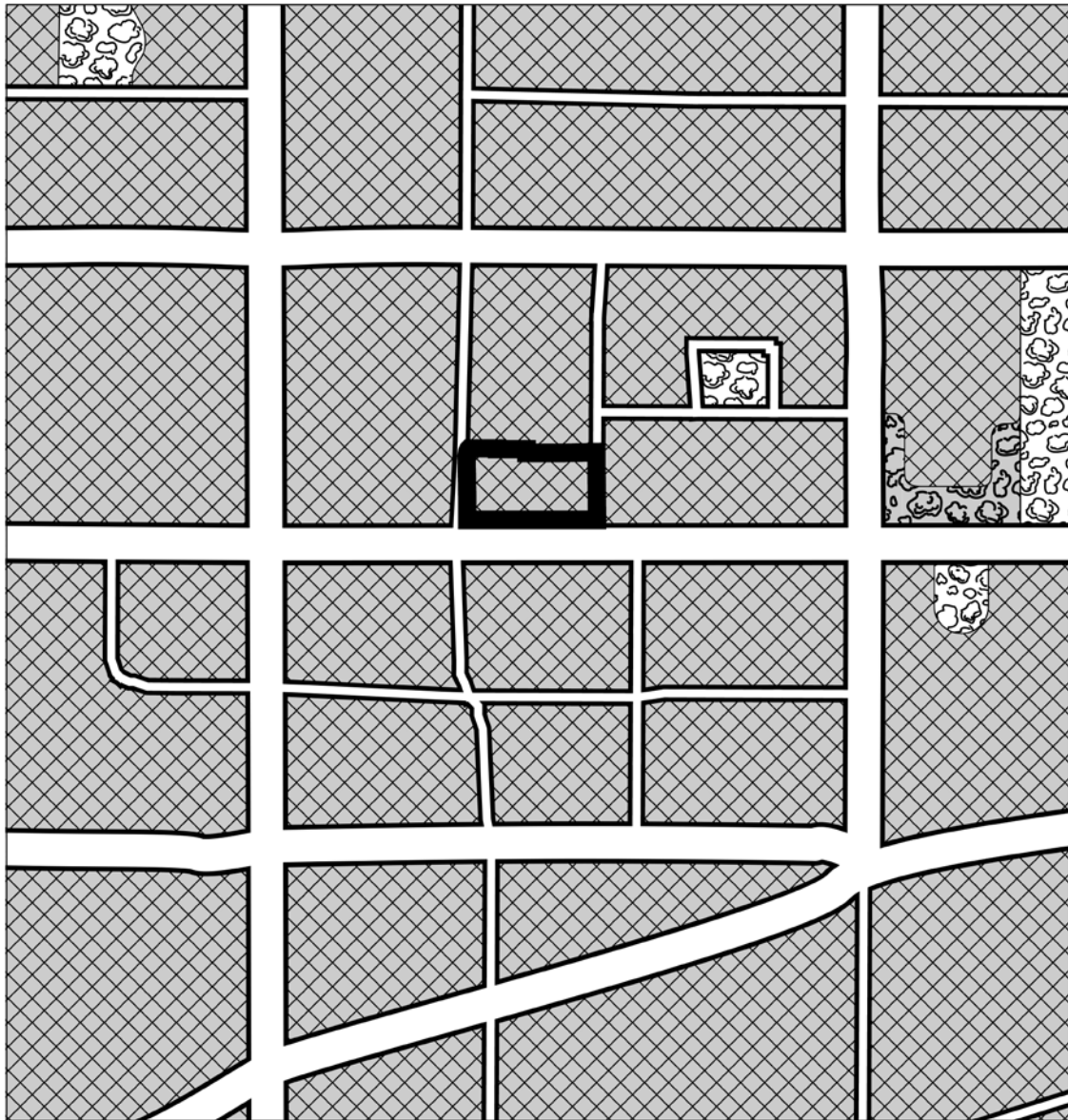
34-50 King Street East & 2 Toronto Street

Applicant's Submitted Drawing

Not to Scale
07/08/2016

File # 16 159562 STE 28 02

Attachment 3: Official Plan



Extract from Official Plan

34-50 King Street East & 2 Toronto Street

File # 16 159562 STE 28 0Z

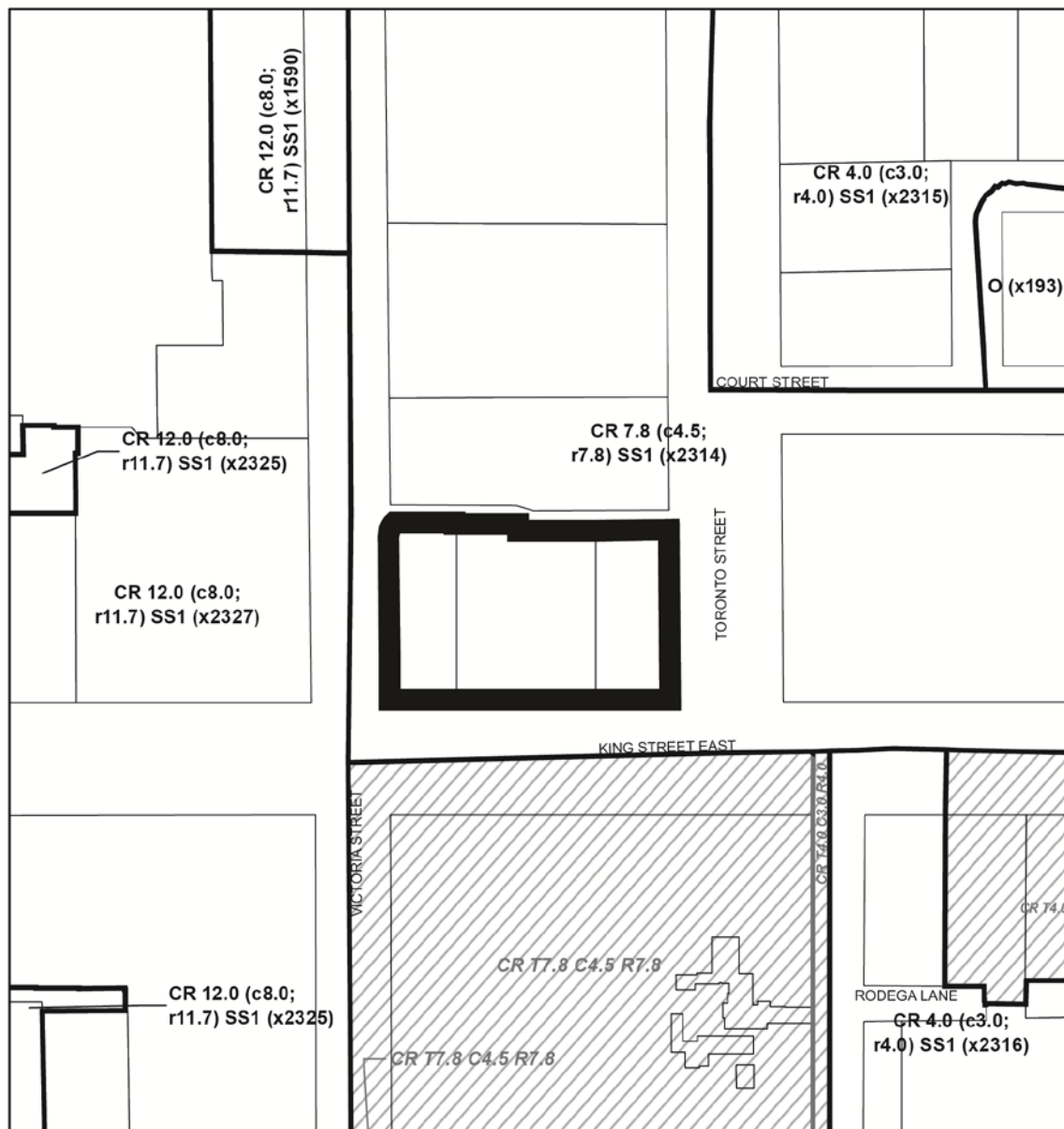


Parks & Open Space Areas



↑
Not to Scale
07/08/2016

Attachment 4: Zoning



Zoning By-Law No. 569-2013

34-50 King Street East & 2 Toronto Street

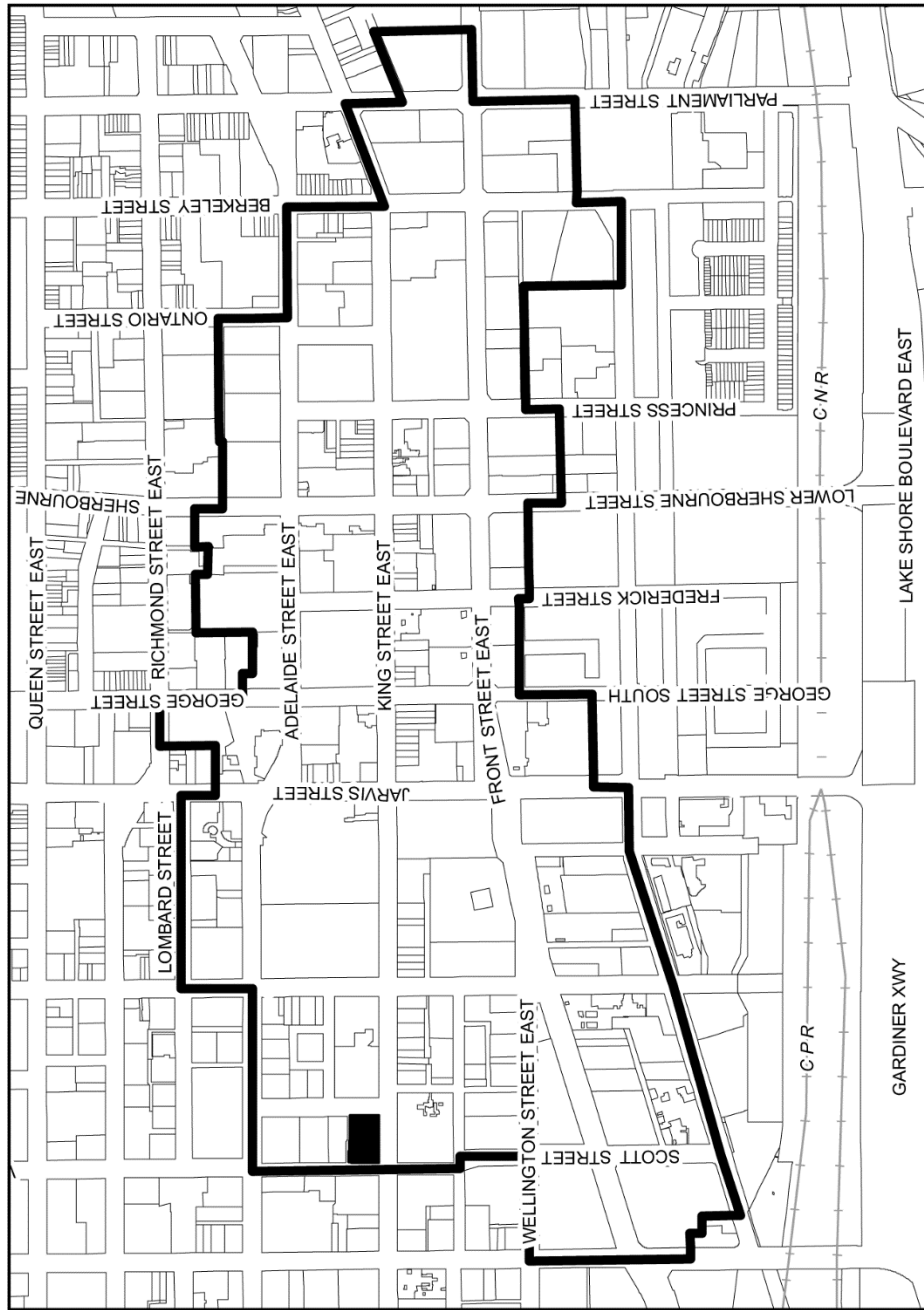
File # 16 159562 STE 28 02

Location of Application
CR Commercial Residential O Open Space

See Former City of Toronto By-Law No. 438-86
CR Mixed-Use District

Not to Scale
Extracted: 07/08/2016

Attachment 5: St. Lawrence Neighbourhood Heritage Conservation District Plan



Plan Boundary

Subject Site



Not to Scale
09/06/2017

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	16 159562 STE 28 OZ
Details	Rezoning, Standard	Application Date:	May 20, 2016
Municipal Address:	34 TO 50 KING STREET EAST AND 2 TORONTO STREET		
Location Description:	PLAN TOWN OF YORK PT LOT 2 **GRID S2810		
Project Description:	Rezoning application to permit a 33-storey mixed-use office and residential building with ground floor retail. The proposal include: 219 residential rental units; 10,261 square metres of non-residential space; 78 parking spaces in a 5-level underground garage; and 269 bicycle parking spaces. The proposal also includes the conservation of the existing 5-storey heritage listed Quebec Bank Building on-site as part of the development.		

Applicant:	Agent:	Architect:	Owner:
LARCO Investments Ltd.		Architects Alliance	34 King St. E. Ltd. Partnership et. al.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 7.8 (c4.5; r7.8) SS1 (x2314)	Historical Status:	Yes
Height Limit (m):	61	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1,569	Height:	Storeys:	33
Frontage (m):	49		Metres:	133
Depth (m):	32			
Total Ground Floor Area (sq. m):	1,176			Total
Total Residential GFA (sq. m):	15,046	Vehicular Parking Spaces:	78	
Total Non-Residential GFA (sq. m):	10,419	Loading Docks:	4	
Total GFA (sq. m):	25,465	Bicycle Parking Spaces:	269	
Lot Coverage Ratio (%):	75			
Floor Space Index:	16.2			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	15,046	0
Bachelor:	20 (9%)	Retail GFA (sq. m):	255	0
1 Bedroom:	148 (68%)	Office GFA (sq. m):	10,006	0
2 Bedroom:	29 (13%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	22 (10%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	219 (100%)			

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	EMAIL:	henry.tang@toronto.ca