
| Date:     | December 20, 2016 |
| To:       | Toronto and East York Community Council |
| From:     | Director, Community Planning, Toronto and East York District |
| Wards:    | Ward 28 – Toronto Centre-Rosedale |
| Reference Number: | 16 188179 STE 28 OZ |

SUMMARY

This application proposes a 49-storey tower on the northeast corner of Parliament Street and the Metrolinx Lake Shore East rail corridor. The proposal consists of: 495 residential dwelling units; 404 square metres of commercial gross floor area, of which 369 square metres are located in an underground level; 201 vehicular parking spaces within a 3-level underground garage and the first 3 storeys above grade; and 632 bicycle parking spaces within the first underground level, at grade and on the 5th storey.

This proposal represents over-development. The application does not conform to the objectives of the Official Plan and the King-Parliament Secondary Plan.

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

The City Planning Division recommends that:

1. City Council refuse the Official Plan Amendment application, for the lands at 31 Parliament Street (file no. 16 188179 STE 28 OZ) because the proposed development:
   (a) does not fit within the existing or planned context;
   (b) is not mutually compatible and complementary to the King-Parliament Area;
   (c) does not provide sufficient transition in height towards the St. Lawrence Neighbourhood; and
   (d) does not provide adequate pedestrian connections.

2. City Council refuse the Zoning By-law Amendment for the lands at 31 Parliament Street (file no. 16 188179 STE 28 OZ) because the proposed development:
   (a) does not fit within the existing or planned context;
   (b) is not mutually compatible and complementary to the King-Parliament Area;
   (c) does not provide sufficient transition in height towards the St. Lawrence Neighbourhood;
   (d) does not provide adequate pedestrian connections;
   (e) causes excessive shadow impact on the site of Canada's First Parliament buildings and the Distillery District; and
   (f) has excessive above-grade parking that detracts from the pedestrian realm.

3. City Council authorize the City Solicitor, together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event the decision is appealed to the Ontario Municipal Board.

4. City Council authorize the Director, Community Planning, Toronto and East York District in consultation with the Ward Councillor, to ensure services, facilities and/or matters pursuant to section 37 of the Planning Act, as may be required by the Chief Planner are secured, should the proposal be approved in some form by the Ontario Municipal Board.

5. In the event this decision is appealed to the Ontario Municipal Board (OMB) and the OMB approves some form of development, City Council authorize the City Solicitor, to request the Ontario Municipal Board to withhold its order until a revised functional servicing report and a revised hydrogeological report have been submitted and reviewed to the satisfaction of the Executive Director, Engineering and Construction Services.

6. In the event this decision is appealed to the Ontario Municipal Board (OMB) and the OMB approves some form of development, City Council authorize the City
Solicitor, to request the Ontario Municipal Board to place a holding symbol "H" on the amending Zoning By-law until the flood proofing measures are approved by the Province and the appeal period has expired.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
On June 14, 2016, Toronto and East York Community Council adopted a status report on the built form study for the Triangle Lands, the Distillery District and portions of the West Don Lands (built form study) and the resulting draft OPA 304. The status report provided an overview of the existing planning framework, decision history, the study process, existing development applications within the study area and the proposed amendment. The emerging policy direction of OPA 304 includes permission for a tall building of up to 30 storeys within the western portion of the Triangle Lands, provided all parameters are met. The subject site is within the western portion of the Triangle Lands. The decision document and report can be accessed at:
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE17.65

On September 7, 2016, TEYCC approved the recommendations of the preliminary report on the application with amendments. The report indicated the proposal represents over-development and does not conform to the emerging policy direction of OPA 304. The report also identified many significant issues with the proposal, including: height, location and massing of the tower; height and massing of the base building; lack of pedestrian connectivity to the Distillery District; percentage of three bedroom units; shadow impacts to the surrounding open spaces; above-grade vehicular parking; impacts to the rail corridor to the south; lack of vehicular parking spaces; and impacts to the existing transportation network, to name a few. The decision document and report can be accessed at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.44

On December 7, 2016, the Toronto Preservation Board endorsed City Planning's decision to proceed from the Study Phase to the Plan Phase of the proposed Distillery District HCD, including its recommended boundary and the recommendation to proceed to district designation. The subject site is within the boundary of the Distillery District HCD Study. The endorsement document and report can be accessed at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PB19.9

ISSUE BACKGROUND

Proposal
The applicant is proposing a 49-storey residential building (173 metres including the mechanical penthouse) consisting of a 7-storey base building and a 42-storey tower. The massing of the tower proposes incremental stepbacks and projections on the west and east building walls respectively starting on the 44th storey, resulting in three massing blocks that stagger and shift towards the east. The tower floor plate has an area of approximately 694 square metres. The proposal has a total gross floor area of 39,040
square metres, of which 36,636 square meters is residential space and 404 square metres is retail space (refer to Attachment 1: Site Plan and Attachment 2a-d: Elevations).

The proposed building's setbacks (with the exclusion of the staggering massing blocks starting on the 44th storey) are summarized in the following table:

<table>
<thead>
<tr>
<th>Base Building Setbacks from Property Line (m)</th>
<th>North</th>
<th>East</th>
<th>South</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0 at the 1st storey</td>
<td>0 at the 1st storey</td>
<td>0 at the 1st storey</td>
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<tr>
<td></td>
<td>3.1 at the 4th storey</td>
<td>1 to 2 at the 6th storey</td>
<td>1 at the 1st storey</td>
<td>2 at the 6th storey</td>
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<tr>
<td></td>
<td>6 at the 6th storey</td>
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<table>
<thead>
<tr>
<th>Tower Setbacks from Property Line (m)</th>
<th>North</th>
<th>East</th>
<th>South</th>
<th>West</th>
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<tbody>
<tr>
<td></td>
<td>12.5 at the 7th storey</td>
<td>30 at the 7th storey</td>
<td>1.5 at the 7th storey</td>
<td>7 at the 7th storey</td>
</tr>
</tbody>
</table>

A tower setback of 30 metres starting on the 7th storey to the east property line is proposed, with the exception of cantilevered upper floors from floors 44 to 49 that reduce the tower setback to 17.1 metres. This will allow for a minimum separation distance of at least 25 metres between towers should the site to the east be able to accommodate the development of a tall building.

The application proposes a total of 495 residential dwelling units consisting of: 325 (65%) one bedroom units; 162 (33%) two bedroom units; and 8 (2%) three bedroom units.

Indoor amenity space of 1,378.7 square metres and outdoor amenity space of 991.5 square metres are proposed on the 4th to 7th storeys.

Pedestrian access to the residential lobby is proposed from Parliament Street. Pedestrian access to the underground retail space is proposed on Parliament Street via an elevator and a stairway. The pedestrian sidewalk along Parliament Street is proposed to have a width ranging from 3 to 6 metres (refer to Attachment 1: Site Plan).

Vehicular access is proposed from Parliament Street. A 6-level garage comprising of 3 underground levels and 3 above-grade storeys is proposed to accommodate: 188 resident; 8 car-share; and 5 visitor parking spaces. Two loading spaces comprising of: 1 Type G; and 1 Type C are proposed to be accessed from Parliament Street. An east-west driveway is proposed to serve this proposal and the proposal to the east at 31R Parliament Street (file no. 14 174007 STE 28 OZ). Bicycle parking spaces are proposed to be located within the underground garage, at-grade and on the 5th storey to accommodate: 576 residential; 50 residential visitor; and 6 retail spaces (refer to Attachment 7: Application Data Sheet).
**Site and Surrounding Area**

The subject site is generally rectangular with an area of 2,379.7 square metres with a frontage of 35.1 metres on Parliament Street. Currently, the site is occupied by a 1-storey industrial building and a private parking lot. A 6.1-metre wide easement that provides vehicular access to the landlocked parcel to the east at 31R Parliament Street is situated along the south property line.

The surrounding uses are as follows:

**North:** Two 1-storey commercial/industrial buildings at 33 and 37 Parliament Street. Further north is the Distillery District – a National Historic Site of Canada, currently a mixed-use community consisting of various buildings designated under Part IV of the *Ontario Heritage Act* by By-law 156-76 and included in the City's Heritage Register. The Distillery District is also comprised of a privately owned, publicly accessible laneway system that functions as a network of pedestrian open space areas and occasional servicing corridors. There are also 6 existing residential condominium buildings ranging from 12 to 40 storeys.

**East:** A surface commercial parking lot at 31R Parliament Street, 370 and 370R Cherry Street, currently subject to an Official Plan and Zoning By-law Amendment application to permit a 57-storey tower and a 1-storey addition to the previously approved 4-storey 'Ribbon Building', file no. 14 174007 STE 28 OZ. The application at 31R Parliament Street, 370 and 370R Cherry Street is currently under appeal to the Ontario Municipal Board.

**South:** The Metrolinx Lake Shore East rail corridor. Further south is the Gardiner Expressway and the waterfront planning precincts along Queens Quay East.

**West:** Across Parliament Street is a series of 2 to 9-storey cooperative residential buildings that are part of the Harmony Cooperative in the St. Lawrence neighbourhood. Further northwest is Parliament Square Park and the site of Canada's First Parliament buildings.

**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, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historical interest; the adequate provision of employment opportunities; the protection of public health and safety; the appropriate location of growth and development; and 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, attractive and vibrant.
The Provincial Policy Statement (PPS), 2014, provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities by accommodating a range and mix of uses; wise use and management of resources; protecting significant built heritage resources; and protecting public health and safety. In particular, the PPS is now aligned with the Ontario Heritage Act by not permitting development on adjacent lands to protected heritage properties except where the proposed development and site alteration has been evaluated and has been demonstrated that the attributes of the heritage property will be conserved. The PPS recognizes that local context and character is important. Tourism development is recognized as a means to support long-term economic prosperity. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that Provincial interests are upheld. The PPS identifies the Official Plan as the most important vehicle for the implementation of the PPS. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Downtown is identified as an urban growth centre, which is required to achieve a combined minimum gross density of 400 residents and jobs per hectare by 2031. City Council’s planning decisions are required to conform, or not conflict with the Growth Plan for the Greater Golden Horseshoe.

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

**Official Plan**

The site is identified within the Downtown and Central Waterfront area in Map 2 – Urban Structure of the Official Plan. The Downtown is a growth area and will continue to evolve as a healthy and attractive place to live and work. However, growth is not envisioned to spread uniformly throughout the Downtown.

The site is designated Mixed Use Areas in Map 18 – Land Use Plan of the Official Plan. Section 4.5 indicates Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses. Policy 2 provides development criteria for Mixed Use Areas which directs that development shall: locate and mass new buildings to provide a transition between areas of different intensity and scale; locate and mass buildings to frame the edges of streets with good proportion; maintain sunlight and comfortable wind conditions; provide good access and circulation for vehicular activity; and provide recreation space for residents. Development on underutilized lands within Mixed Use Areas shall also provide: new jobs and homes for our growing population; access to schools; access to parks and community centres; and access to transit services (Refer to Attachment 3: Official Plan).
Section 3.1.2 – “Built Form” directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 2 requires new development to integrate above-grade parking structures to have usable building space at grade facing adjacent streets. 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 to 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 includes: demonstrating how the proposal will contribute to and reinforce the overall City structure; taking into account the relationship of the site to 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 5 requires proposed alterations or development on or adjacent to a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. Policy 26 requires new construction on, or adjacent to a property on the Heritage Register 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.

Section 5.6 – "Interpretation" provides guidance as to 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. Further, Section 1.5 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This application was reviewed against all policies of the Official Plan. The Official Plan can be accessed at: http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf

Lower Don Special Policy Area
The site is within the Lower Don floodplain and is identified within the Downtown Spill Zone of the Lower Don Special Policy Area (SPA) in the former Municipality of Metropolitan Toronto Official Plan. The Lower Don SPA permits development provided that flood proofing measures are implemented. Any changes to the boundaries and/or policies of a SPA require Provincial approval. On October 30, 2012, City Council adopted City-initiated Official Plan Amendment 394 (OPA 394), an amendment to
remove the lands within the *Downtown Spill Zone* from the *Lower Don SPA*, after the risk of flooding was eliminated by the construction of the Flood Protection Landform on the West Don Lands east of the site. OPA 394 is not in full force and effect until it is approved by the Province and the appeal period expires.

**King-Parliament Secondary Plan**

The site is within the boundary of the King-Parliament Secondary Plan, which forms part of the Official Plan. The main objective of the Secondary Plan is to encourage reinvestment in the area for a mixture of uses that reinforces the historic built form and public realm, while ensuring growth is mutually compatible and complement the existing built form character and scale of the area.

The site is designated *Mixed Use Area ‘C’ (Triangle Lands)* in the Secondary Plan, where a mixture of uses is permitted, provided that: the massing, siting and design of any new development is complementary and sensitive to the heritage character of the Distillery District; and the height of any new development is consistent with the heights of the neighbouring portions of the St. Lawrence Neighbourhood. (Refer to Attachment 4: Secondary Plan).

Other built form policy directions are provided in Section 3 – "Urban Structure and Built Form" of the Secondary Plan where new development shall: provide adequate light, view and privacy to neighbouring properties; achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, roof line and profile and architectural character and expression; provide appropriate proportional relationships to adjacent streets to minimize wind and shadowing impacts; and provide streetscape and open space improvements.

Policy direction on promoting a vibrant pedestrian environment is provided in Section 5 – "Pedestrian Environment, Transportation and Parking" of the Secondary Plan. Vehicular parking spaces proposed for any new development should be provided below grade.

Policy direction on heritage conservation is provided in Section 4 – “Heritage and Community Improvement” of the Secondary Plan. Heritage buildings are identified as essential elements of the physical character in the King-Parliament area. Policy 4.4 states "New buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as building height, massing, scale, setbacks, roof line and profile and architectural character and expression."

This application was reviewed against all policies of the Secondary Plan, which can be accessed at: http://www1.toronto.ca/static_files/CityPlanning/PDF/15_king_parliament_dec2010.pdf
Zoning
The site is zoned IC D2 N0.5 under Zoning By-law 436-86, with a height limit of 23 metres. This zoning designation permits various non-residential uses of an industrial and commercial nature. The maximum density is 2 times the lot area with a maximum commercial density of 0.5 times the lot area. The site is subject to certain exception provisions, including: the prohibition of a commercial parking garage or a private commercial garage; and a maximum gross floor area of 8,000 square metres for a single retail use (Refer to Attachment 5: Zoning).

Site Plan Control
The application is subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

King-Parliament Urban Design Guidelines
The King-Parliament Urban Design Guidelines provide urban design direction to the policy intent of the King-Parliament Secondary Plan. The site fronts on Parliament Street, identified as a Special Street, where the creation of new buildings along the street edge shall be consistent in general character and scale with the existing heritage industrial buildings.

This application was reviewed against the King-Parliament Urban Design Guidelines, which can be accessed at:

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 of the Official Plan - “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.
The 49-storey tower was reviewed against the city-wide Tall Building Design Guidelines, including sections on fit and transition in scale, sunlight and sky view, views from the public realm, heritage properties and heritage conservation districts, floor plate size and shape, tower placement, separation distance, site servicing and access, pedestrian realm, publicly accessible open space, and sustainable design. The city-wide Guidelines can be accessed at:

Official Plan Amendment 304
As directed by Toronto and East York Community Council (TEYCC), City Planning staff initiated a built form study bounded by Parliament Street, properties on the north side of Mill Street, Cherry Street and the railway corridor. The study boundary is consistent with the study area boundary for the Distillery District Heritage Conservation District (HCD). The purpose of the built form study is to better inform how the remaining developable sites within this area, including the subject site, can be accommodated, while conserving the cultural heritage value of the Distillery District.

A draft OPA 304 was brought forward to the TEYCC at its meeting of June 14, 2016, outlining the emerging policy direction. Feedback on the draft OPA 304 was obtained from the community at a community consultation meeting held on November 7, 2016. A Final Report on OPA 304 is scheduled to be considered by TEYCC in the first quarter of 2017.

The draft direction in OPA 304 is that the western portion of the Triangle Lands, where the subject site is located, may accommodate one tall building of up to 30 storeys provided certain parameters are met, including: providing an adequate height transition down towards the St. Lawrence Neighbourhood; minimize incremental shadows on the surrounding public realm; that the massing, site and design conserve and complement the heritage character of the Distillery District; and to expand the publicly accessible pedestrian network of the Distillery District.

Distillery District Heritage Conservation District Study
City Council prioritized the Distillery District Heritage Conservation District (HCD) study to be initiated in 2016. The purpose of the HCD Study was to identify if the study area contains cultural heritage value and warrant designation as an HCD under Part V of the Ontario Heritage Act.

As indicated in the Decision History section of this report, the Toronto Preservation Board endorsed City Planning’s recommendation to proceed from the study phase to the plan phase of the proposed Distillery District HCD, including the recommended boundary, objectives and heritage attributes. The subject site is within the boundaries of the HCD study area, and has been identified as a non-contributing area (Refer to Attachment 6: HCD Study Area). It was included based on its contextual and historical values relating to the operation of the Gooderham & Worts distillery complex.
TOcore
TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies.

City Council adopted the TOcore Proposals Report on December 15, 2016, which provides proposed policy directions that will inform the development of a draft Downtown Secondary Plan. The report also provides updates on the Phase 2 public consultations, population growth projections for the Downtown and the status of infrastructure strategies underway that will support the implementation of a new Downtown Secondary Plan.

The Proposals Report presents the Vision for the Downtown Secondary Plan, the five Guiding Principles and 128 draft Policy Directions. The draft Policy Directions will be the subject of the next round of public and stakeholder consultations to inform the development of the plan. The consultation will begin in January 2017 and will continue through the first quarter of 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. The implementing by-law (no. 1105-2016) was enacted on November 9, 2016. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of a tall building in the Downtown which would be implemented through an area specific Zoning By-law. The intent is that these policies would ensure that future growth positively contributes to the liveability, sustainability and health of Toronto's Downtown. More specifically, policies establish the reasoning for tower setbacks, recognize that not all sites can accommodate tall buildings and addresses base building heights.

Reasons for Application
The proposal requires an amendment to the Official Plan and Zoning By-law. The proposal requires an amendment to policy 12.1(b) of the Official Plan (King-Parliament Secondary Plan) to allow a building height that is not consistent with building heights of the neighbouring portions of the St. Lawrence Neighbourhood to the west.

The proposal requires an amendment to the Zoning By-law for: the residential use; increase in maximum density; increase in building heights; and reduction in parking spaces, among others.

Community Consultation
A community consultation meeting was held on November 30, 2016. Approximately 40 members of the public attended, along with the Ward Councillor and City staff. Concerns raised at the meeting and through written submissions include:

- the massing of the base building is too overwhelming;
- the height of the base building is too tall;
- the height of the tower is too tall for the area and does not transition down appropriately to the waterfront communities;
- the location and shape of the tower will block views towards Lake Ontario;
- the architecture of the proposal does not fit contextually with the existing character of the surrounding area;
- the proposed tower will cast significant shadows on Parliament Square Park during the spring and fall equinoxes;
- lack of 3-bedroom units and family friendly units;
- the need for affordable housing units;
- increased traffic congestion for the area from the increased traffic generated by the proposal; and,
- insufficient parking spaces for the density proposed.

Design Review Panel
The application was considered by the Design Review Panel on December 15, 2016. The Panel voted unanimously for redesign of the proposal. The Panel noted that the site is too small to accommodate the proposal and recommended the site be consolidated with the sites to the north in order to achieve a single tall building. The Panel were concerned the negative impacts of the proposal's height, massing and shadow on the Distillery District.

In regard to the tower, Panel members noted the height and the elongated floor plate will significantly increase shadow impacts on the surrounding open spaces. Many members noted the architecture of the proposal does not fit contextually in the area compared to the existing tall buildings within the area, which blends in with the historical character of the Distillery District.

In regards to the base building, Panel members noted the scale and mass of the building will sterilize the lands to the north, with both the south and north separation distances needing improvement. Panel members also noted the base building disregards the fine grain pedestrian network within the Distillery District and suggests better pedestrian connectivity will be required. Also, Panel members noted the lack of active uses at grade along Parliament Street. They also stated that an indicator of over-development occurs when vehicular parking spaces need to be accommodated above grade.

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 application represents over-development for the site and does not meet the current planning framework for the area. The proposed Official Plan Amendment to permit a tall building that is significantly higher than the building heights of the St. Lawrence Neighbourhood has not met the overall objectives of the Official Plan including the King-Parliament Secondary Plan. This proposal is not compatible with and does not complement the existing built form character and scale of the area, does not maintain the
existing physical character of the area and does not contribute towards more open spaces in creating an inviting community.

The application pre-dates OPA 304, which has not yet been adopted by City Council. As such, OPA 304 is not directly applicable to the proposal. Nevertheless, the draft OPA is relevant as it represents City Planning's vision for the emerging context for the area. The proposal does not meet that emerging policy direction which provides a comprehensive and balanced framework for accommodating additional density for the developable sites within the Triangle Lands, Distillery District and portions of the West Don Lands while conserving the cultural heritage value of the Distillery District.

**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 4.7 indicates that the Official Plan is the most important vehicle for implementation of the PPS. Policy 1.1.3.3 indicates that planning authorities shall identify appropriate locations for intensification and redevelopment. In this regard, the proposal has not met the overall objectives of the Official Plan and the King-Parliament Secondary Plan.

With regard to heritage conservation, Policy 2.6.3 indicates planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property 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. 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 heritage attributes of adjacent heritage properties.

With regard to protection from flooding hazards, Policy 3.1.4 indicates that development may be permitted within flood hazard areas where an SPA is approved. The SPA on the subject site requires flood proofing measures to be approved by the Province. OPA 394 to the former City of Toronto Official Plan, an amendment that addresses flood proofing measures has not been approved by the Province. If development of any form is approved by the OMB, a holding symbol ("H") should be placed on the amending Zoning By-law until the flood proofing measures are approved by the Province and the appeal period has expired.

Policy 1.7.1 (g) of the PPS states that long term economic prosperity should be supported by providing opportunities for sustainable tourism development. The proposal, located adjacent to the Distillery District, a major tourist destination in the province, is not compatible with the district and reduces opportunities for sustainable tourism development by proposing an over-development of the site. It reduces the sustainability of the tourist destination by introducing development which is not in keeping with the historic and pedestrian nature of the district.
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 6 in Section 2.2.3 of the Growth Plan directs the City’s Official Plan and supporting documents to establish policies to identify the appropriate scale of development. In this regard, the King-Parliament Secondary Plan is part of the City’s Official Plan and is in force and effect. The Secondary Plan, in conjunction with the Zoning By-law, provides direction on the built form, massing and scale of development within this section of Queen Street East. Policy 1(e) in Section 4.2.4 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 existing and applicable heritage conservation policies and strategies in place and does not provide an appropriate scale of development as required in the Official Plan.

The Downtown urban growth centre is on track to exceed the Growth Plan's density target of 400 jobs and residents per hectare by 2031. It is noted that the target is the average for the entire Downtown urban growth centre area and it is not for any one particular area within Downtown. The proposed development is not required to meet or contribute to the minimum density target for the Downtown urban growth centre.

**Land Use**

The proposal consists of residential and commercial uses. Although the proposed mix of uses is permitted by the Mixed Use Area 'C' designation of the King-Parliament Secondary Plan, the configuration of the uses are not supported by City Planning staff. The proposed retail unit is located underground and accessed via an elevator from the ground floor. Section 3.1.2 of the Tall Building Guidelines indicates base buildings shall dedicate a minimum 60% of the street frontage to active retail uses. City Planning staff require the retail component of any proposal to be at grade in order to animate the streetscape.

**Residential Unit Mix**

The proposal consists of 495 residential units, of which 8 three bedroom units are provided, or 2% of the total unit count. The lack of three bedroom units is not consistent with Official Plan policies that require a "full range of housing." In an effort to provide for a mix of residential unit types and sizes to accommodate the City’s growing population, a minimum 10% of the total residential unit mix for a proposal should be 3-bedrooms or larger.

**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 990 square metres each for indoor and outdoor amenity space for the proposed 495 residential units. The proposed indoor and outdoor amenity space of 1,379 square metres and 992 square metres respectively exceeds the Zoning By-law standard.
**Height**

The proposal's overall height of 167 metres (173 metres including the mechanical penthouse) exceeds the Official Plan (King-Parliament Secondary Plan) policy direction that requires development to be consistent in height with the neighbouring St. Lawrence Neighbourhood. The proposed height also exceeds the Zoning By-law height limit of 23 metres. The Official Plan directs lands within Mixed Use Areas to locate and mass buildings to provide transition between areas of different intensity and scale. The King-Parliament Secondary Plan indicates that new development must be complementary and compatible with its surrounding area. Specifically, Policy 3.2(c) requires new buildings to achieve a compatible relationship with their built form context through consideration of such matters as building height. The proposed height of the proposal will negatively impact the existing and planned context of the area as it provides an inappropriate and unmitigated building height transition towards the lower-scale area of the St. Lawrence Neighbourhood to the west, and the industrial heritage Distillery District to the north. City Planning staff is not in support of the overall building height in this instance as it does not meet the General Built Form Principles section and Major Objectives of the King-Parliament Secondary Plan and thus the in-force Official Plan.

Policy 3 of Section 5.3.1 of the Official Plan indicates that when a site-specific Official Plan Amendment is being considered, the review shall examine whether the application should be considered within the immediate context or whether a broader review and possible area-specific policy are appropriate. A city-initiated built form study was undertaken on the Triangle Lands and surrounding area based on the Official Plan Amendment application for a 57-storey building at 31R Parliament Street submitted in 2014. The built form study resulted in OPA 304, which is based on an examination of conceptual massing studies, a review of the existing planned context and a review of the existing policy framework. The current draft of OPA 304 permits a tall building of up to 30 storeys within the western portion of the Triangle Lands, where the subject site is located. A building of up to 30 storeys introduces new development while providing a more gradual transition in building height towards the St. Lawrence Neighbourhood to the west, is complementary and compatible with its surrounding area and will not adversely impact the utility of the surrounding open spaces by casting significant shadows.

**Massing**

The proposed floor plate dimensions have a depth of 45 metres from west to east, resulting in an elongated floor plate. The King-Parliament Secondary Plan requires new buildings to achieve a compatible relationship with their built form context through consideration of such matters such as massing and scale. Further, the Secondary Plan requires new buildings to be sited and massed to provide adequate light, view and privacy for neighbouring properties. Section 1.4 of the Tall Building Guidelines provide direction for tall buildings to be slender in order to reduce the size and length of time shadows will be cast. Further, Section 3.2.1 of the Guidelines indicate the tower floor plate shall be organized and articulated to minimize shadow impacts and loss of sky view from the public realm. The proposed shape of the floor plate unnecessarily increases the size of the shadow cast from the proposal, as opposed to a slender point tower in a square
shaped floor plate. Floor plates of recently constructed towers in the vicinity are considerably smaller than the proposed tower floor plate.

The proposed base building height of 28.5 metres exceeds the Zoning By-law permission of an overall building height of 23 metres. Also, the overall massing of the base building creates a 0 setback condition for the first 3 storeys to the north property line, a 0 metre setback to the 5th storey to the east property, a 0 metre setback to the south property line, and a 0 to 3 metre setback fronting on Parliament Street. The height and minimal setback conditions presented by the base building does not conform to the Built Form policies of the Official Plan. In particular, the base building does not frame Parliament Street in good proportion, does not provide ground floor uses to have access to adjacent open spaces, and does not offer usable building spaces at grade facing streets and open spaces. The proposed base building also does not conform to Section 3.2 of the King-Parliament Secondary Plan. Specifically, the proposal: does not animate the edges and increase surveillance opportunities; does not enhance the public nature of streets, open spaces and pedestrian routes; does not provide adequate light, view and privacy for neighbouring properties; and does not provide for additional open spaces. Fundamentally, the blank wall conditions presented by the north, east and south facing walls will create a ‘bunker’ effect on the pedestrian realm which will create an incompatible relationship with the existing and planned context including the pedestrian environment of the Distillery District which does not conform to the PPS.

Although the current ‘IC’ Zoning By-law standards allow for an industrial building mass to be constructed to the lot line, the standards are not applicable in this instance as the proposal is for residential uses. Building setbacks from the property lines allow for views, light and better living conditions for residents. The massing of the base building does not provide adequate separation distance to neighbouring properties and may negatively impact the availability for future residents’ access to natural light and views. Further, the Tall Building Guidelines provide direction on an appropriate building typology for a residential tall building. Section 3.1.1 of the Guidelines indicates a base building height of 80% of the street right-of-way, which equates to 16 metres in this instance. This proposal for a 28.5-metre base building exceeds the base building height suggested by the Guidelines.

The draft direction in OPA 304 is for any redevelopment within the Triangle Lands to provide a base building of 16 metres, a policy direction that is consistent with the Tall Building Guidelines. OPA 304 also directs new development to continue the publicly accessible pedestrian network to the Distillery District. The proposed base building does not conform to this emerging policy direction.

**Shadow Impact**

A Shadow Study was submitted in support of the application. The study shows the shadows cast from the proposal on the surrounding open spaces during March 21st, June 21st and September 21st. The proposal will cast new net shadows on: Parliament Square Park and the site of Canada’s First Parliament buildings from 10:18 a.m. to 11:18 a.m. during the spring and fall equinoxes; and Trinity Street and Trinity Square, which are
popular pedestrian destinations in the Distillery District, from 3:18 p.m. to 4:18 p.m. Due to the shape of the floorplate of the proposed tower overall, the proposal will also cast a wider shadow from 10:18 a.m. to 2:18 p.m. on the various open spaces north of the site, including Parliament Street, Mill Street, Gristmill Lane and the private outdoor amenity spaces at 33 Mill Street and 39 Parliament Street, which all comprise the distinct character of the Distillery District.

The Official Plan directs new development to adequately limit shadowing on streets, properties and open spaces, having regard for the varied nature of such areas. The King-Parliament Secondary Plan directs development to maintain the quality of publicly accessible areas within the Distillery District. This proposal with its height and elongated floor plate has not adequately addressed the policy direction of the Official Plan and Secondary Plan in regards to limiting shadows on surrounding open spaces.

The Distillery District has emerged as a unique tourist destination that dramatically repurposes the Victorian industrial building complex as a mixed-use pedestrian "village" with distinctive shops, galleries, restaurants, and theatres. The Distillery District is now an area that epitomizes the city and significantly contributes to economic activity. The character and conditions of the area that have made contributed to its success need to be protected from the negative impacts of new development in accordance with the PPS.

Draft OPA 304 directs development to minimize new net shadows from 10:18 a.m. to 5:18 p.m. during the spring and fall equinoxes on: Parliament Square Park; the site of Canada's First Parliament Buildings; the potential parklands northeast of Mill Street and Parliament Street; and Trinity Street and Trinity Square within the Distillery District. City Planning staff anticipate a certain amount of incremental shadow will be cast on the open spaces through development on the Triangle Lands. However, the impact of such incremental shadows is to be minimized to preserve the utility of the open spaces and achieve a good balance of outcomes. This proposal does not adequately preserve the utility of Parliament Square Park and the site of Canada's First Parliament Buildings, nor Trinity Street and Trinity Square.

**Heritage Conservation**

A Heritage Impact Assessment (HIA) was submitted in support of the application. City Planning staff have reviewed the document and are of the opinion the proposal has not adequately proposed a strategy to conserve the adjacent historic Distillery District, where most of the buildings are designated under Part IV of the *Ontario Heritage Act* and included in the City's Heritage Register.

**Archaeological Potential**

A Stage 1 Archaeological Assessment was submitted for the application, which indicated that there is archaeological potential on the site. Heritage Preservation Services staff requests conditions be imposed to provide a strategy to document and preserve any archaeological remains on site, should the application be approved in some form.
Wind Impact
A Pedestrian Level Wind Study was submitted in support of the application. The report concluded the proposal will provide acceptable wind velocity levels for the intended uses within and immediately surrounding the development. The report also indicated Parliament Street, the area southeast of the proposal at grade and various locations within the private outdoor amenity spaces will experience moderately high wind speeds to uncomfortable wind conditions during the colder months of the year. City Planning staff reviewed the report and requests further mitigation measures be implemented to improve wind conditions.

Noise and Vibration Impact
A Noise and Vibration Feasibility Study was submitted in support of the application due to the site's proximity to the railway, the Gardiner Expressway and other stationary sources of noise. In regard to noise impacts, the report concluded the proposal will meet the applicable noise standards and guidelines provided appropriate mitigation measures are provided and warning clauses are included in development agreements. In regard to vibration impacts, minor excesses of vibration will be experienced but no mitigation measures are required.

Air Quality
An Air Quality Study was submitted in support of the application. The report noted various industrial uses within 1000 metres of the subject site and predicted that there would be no air emission impacts on the proposal.

Traffic Impact, Access and Loading
A Transportation Considerations Report 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 has reviewed the report and concur with its conclusions. However, given the concerns expressed by members of the public on traffic volumes, Transportation Services staff is requesting the report be updated with current traffic counts.

The location of the driveway access to the proposal on Parliament Street is acceptable to Transportation Services. However, the proposed design of the driveway is not acceptable as it is not designed to the City’s standard.

Two loading spaces: 1 Type ‘G’ and 1 Type ‘C’ space, are proposed to serve the development. Transportation Services staff have no concerns with the number and location of the proposed loading spaces.

Vehicular Parking
A total of 201 vehicular parking spaces, consisting of 196 spaces for residents (8 of which are car-share spaces) and 5 spaces for commercial/residential visitors, are proposed for the development. Based on the standards of Zoning By-law 436-86, a minimum of 305 parking spaces are required, consisting of 271 residential, 30 visitor and 4 retail
spaces. The Transportation Considerations Report submitted in support of the proposal concluded that the reduced number of parking spaces is appropriate in this instance based on an analysis of other developments that provided a lower parking supply ratio and the availability of existing commercial parking spaces in the area.

Transportation Services staff does not concur with the analysis of the report and requests the minimum number of parking spaces as stipulated in the Zoning By-law be provided, or that the applicant submit a parking study that includes a parking utilization survey of a proxy site, preferably from the occupied residential buildings in the Distillery District.

In regard to the proposed car-share parking spaces, Transportation Services staff will allow the provision of car-share spaces as a means to reduce the total number of residential parking spaces required for the proposal, to be based on the following formula: $4 \times (\text{Total No. of Units} / 60)$, rounded down to the nearest whole number.

The proposed vehicular parking spaces are to be accommodated within a 6 level garage comprising 3 underground levels and 3 above-grade storeys. Policy 15.5.3 of the Official Plan (King-Parliament Secondary Plan) requires new parking spaces for any development to be provided below grade. City Planning is not in support of the proposal to permit above-grade parking as it does not contribute to an inviting pedestrian realm.

**Bicycle Parking**

The proposal provides a total of 632 bicycle parking spaces consisting of 576 residential; 50 residential visitor; and 6 retail spaces. The proposed number of bicycle parking spaces meets the standard of the Zoning By-law and the provisions of the Toronto Green Standard.

**Rail Corridor**

The subject site abuts the Metrolinx Lake Shore East rail corridor to the south. The proposal provides a crash barrier along the southern property line parallel to the rail corridor. Portions of the indoor amenity space, locker storage, bicycle parking spaces and the parking garage are proposed along the southern portion of the base building abutting the rail corridor. A 1.5-metre setback from the south property line, abutting the rail corridor after the 7th storey is proposed for the residential use. This application was circulated to Metrolinx for comments but no comments have been received at the time of this report. City Planning staff are concerned of the proposed sensitive land use's proximity to the rail corridor, and will continue to consult with Metrolinx.

Metrolinx is in the preliminary stages of conducting an Environmental Assessment (EA) process for improvements to the rail corridor that may involve widening the rail corridor. Such a widening may affect the development potential on the subject property.

**Servicing, Stormwater Management and Hydrogeological Impacts**

A Functional Servicing and Stage 1 Stormwater Management Report was submitted in support of the application. The report concluded the proposal can adequately be serviced with new connections to the existing 300 mm sanitary sewer and 300 mm watermain on
Parliament Street. Engineering and Construction Services staff has reviewed the report and indicate additional analysis is required to confirm that there is sufficient capacity to service this proposal.

In regard to stormwater management, the Functional Servicing and Stage 1 Stormwater Management Report indicated stormwater runoff will be managed by connection to the existing 375 mm storm sewer on Parliament Street, an underground storage tank to control water quantity and a green roof and cistern to achieve water balance objectives. Engineering and Construction Services staff has reviewed the report and indicate additional analysis is required to ensure the proposal meets the City’s Wet Weather Flow Management Guidelines. Engineering and Construction Services staff also noted the subject site is adjacent to the Parliament Street underpass and may be subject to impact from overland flows. An assessment of this impact is required.

A Hydrogeological Investigation report was submitted in support of the proposal. This application was circulated to Toronto Water for comments but no comments have been received at the time of this report.

**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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest 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.

The application is for a 49-storey mixed use building that will consist of 404 square metres of retail use and 495 residential units. 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 6,600 square metres or 280% 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 236 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication and the site would be encumbered with below-grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit, should the proposal be approved in some form.

A comprehensive planning and development strategy for the entire Triangle Lands would provide more opportunity for parkland dedication on or adjacent to the subject property as opposed to cash-in-lieu from site-specific redevelopment proposals.
Streetscape and Pedestrian Realm
The site fronts on Parliament Street to the east, where a 4.9 to 5.9-metre wide pedestrian sidewalk is proposed. Street trees are proposed along the section of Parliament Street fronting the site.

The proposal does not provide provisions to improve the pedestrian connections within the Distillery District. OPA 304 directs development within the Triangle Lands to continue the publicly accessible open space system of the Distillery District by providing courtyards, lane and open spaces as appropriate. The proposed base building essentially provides a blank concrete wall to the north and a driveway access to the east. This proposed pedestrian realm condition is unacceptable given its proximity to the heavily used pedestrian network of the Distillery District.

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.

Section 37
The Official Plan includes policies pertaining to the exchange of community benefits for increased height and density for new developments pursuant to Section 37 of the Planning Act.

There has been no discussion with the applicant regarding Section 37 community benefits since the application's proposed increase in density and height over the existing Zoning By-law standards does not meet the overall policy objectives of the Official Plan and is therefore not consistent with the Plan. However, in the event this proposal is appealed and approved in some form by the Ontario Municipal Board, City staff request the Ontario Municipal Board to withhold its final order until an appropriate community benefits package is secured in consultation with the Ward Councillor.

Conclusion
The proposed application represents over-development and is not supported by City Planning staff. The tall building does not fit within its existing or planned context, is not mutually compatible and complementary to the King-Parliament area and does not conform to the existing in-force policy of providing a transition down in height towards the St. Lawrence Neighbourhood. The base building also does not fit within its existing or planned context, is not mutually compatible and complementary to the King-Parliament area, does not enhance the public realm and does not provide adequate pedestrian connections within a highly pedestrianized environment. This proposal disregards the local context being adjacent to the St. Lawrence Neighbourhood and Distillery District by "turning its back" towards its neighbours.
Beyond the non-conformity to the Official Plan and King-Parliament Secondary Plan, other issues the proposal has not resolved include: shadow impact on the site of Canada's First Parliament buildings and the Distillery District, an appropriate number of vehicular parking spaces to accommodate the development, the proposed above-grade parking, the percentage of 3-bedroom units; traffic impacts; appropriate wind mitigation measures, safety impacts to the rail corridor; and sufficient servicing to accommodate the proposal.

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SIGNATURE

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

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2a-d: Elevations
Attachment 3: Official Plan
Attachment 4: King-Parliament Secondary Plan
Attachment 5: Zoning
Attachment 6: HCD Study Area
Attachment 7: Application Data Sheet
Attachment 2b: North Elevation
Attachment 2c: West Elevation

West Elevation

Applicant’s Submitted Drawing

Not to Scale

31 Parliament Street

03/03/2016

File # 16 188179 STE 27
Attachment 4: King-Parliament Secondary Plan
Attachment 5: Zoning

Zoning By-Law No. 438-86

31 Parliament Street
File # 16 186179 STE 28 QZ

Not to Scale
Extracted 08/06/2016
Application Type: Official Plan Amendment & Rezoning
Details: OPA & Rezoning, Standard

Application Number: 16 188179 STE 28 OZ
Application Date: July 11, 2016

Municipal Address: 31 PARLIAMENT STREET
Location Description: PLAN 108 PT OF WATER LOT C **GRID S2813
Project Description: Application to amend the Official Plan and Zoning By-law to permit a 49-storey mixed-use building consisting of 495 residential dwelling units, 404 sq.m. of retail space, and 201 vehicular parking spaces within a 3-level underground garage and on the first 3 storeys.

Applicant: Goldberg Group
Agent: Arquitectonica and Kirkor Architects
Owner: 1150782 Ontario Inc. c/o Brett Smith

PLANNING CONTROLS
Official Plan Designation: Mixed Use Areas
Zoning: IC D2 N0.5
Height Limit (m): 23

PROJECT INFORMATION
Site Area (sq. m): 2,379.74
Frontage (m): 35.1
Depth (m): 82.2
Total Ground Floor Area (sq. m): 2,285.76
Total Residential GFA (sq. m): 38,636.26
Total Non-Residential GFA (sq. m): 404.07
Total GFA (sq. m): 39,040.33
Lot Coverage Ratio (%): 96
Floor Space Index: 16.41

DWELLING UNITS
Tenure Type: Condo
Rooms: 0
Bachelor: 0
1 Bedroom: 325 (65%)
2 Bedroom: 162 (33%)
3 + Bedroom: 8 (2%)
Total Units: 495 (100%)

FLOOR AREA BREAKDOWN (upon project completion)

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