

25 Ontario Street and 280 King Street East – Application to Lift Holding Provisions "(h)" – Final Report

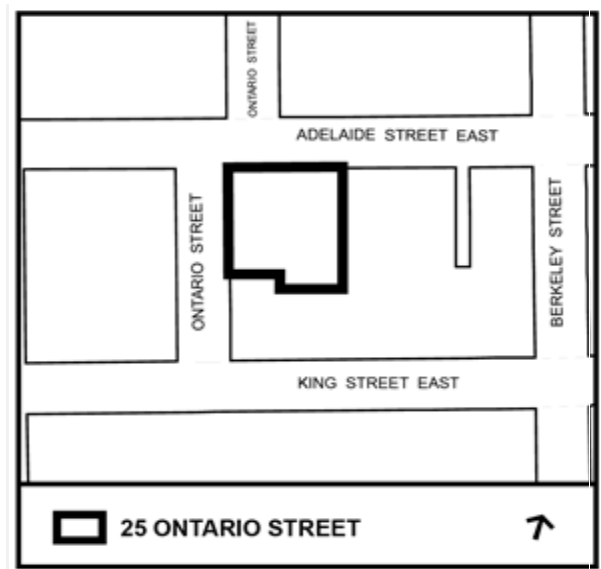
| | |
|--------------------------|---------------------------------------------------------------------|
| Date: | May 18, 2018 |
| To: | Toronto and East York Community Council |
| From: | Acting Director, Community Planning, Toronto and East York District |
| Wards: | Ward 28 – Toronto Centre-Rosedale |
| Reference Number: | 18 119622 STE 28 OZ |

SUMMARY

The purpose of this report is to recommend the holding provisions “(h)” symbol tied to the subject site at 25 Ontario Street and a portion of 280 King Street East be lifted. The lifting of the “(h)” on the subject site will permit the 23-storey office building with 41,239 square metres of non-residential gross floor area previously approved by City Council at its meetings of October and December, 2017. The holding provisions requires that prior to the lifting of the “(h)” the owner submit a revised Functional Servicing Report and a revised Hydrogeology Report to the satisfaction of the City. These conditions have been satisfied.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 1474-2017, for the lands at 25 Ontario Street and a portion of 280 King Street East to remove the holding provisions substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to this report.
2. City Council amend City of Toronto Zoning By-law 1475-2017 for the lands at 25 Ontario Street and a portion of 280 King Street East to remove the holding provisions substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On October 2-4, 2017, City Council adopted, with amendments, the recommendations from City Planning to approve the Zoning By-law amendment to permit a 23-storey office building at 25 Ontario Street and a portion of 280 King Street East, file no. 11 327900 STE 28 OZ. The decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.11>

At the December 5, 2017 meeting of City Council, the amending by-laws were further tailored prior to enactment to implement holding provisions "(h)" to limit the uses existing on the site until revised functional servicing and hydrogeological reports were submitted to the satisfaction of the City to ensure the office building can be accommodated. The decision document can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.11>

The current application was submitted and deemed complete on February 21, 2018.

ISSUE BACKGROUND

Proposal

This application proposes to lift the "(h)" symbol on site specific By-law nos. 1474-2017 and 1475-2017 in order to permit the 23-storey (105.2 metres including the mechanical penthouse) Class A office building with a gross floor area of 41,239 square metres. The holding provisions stipulated in the site specific By-laws require the owner to:

- Submit a revised Functional Servicing Report demonstrating sufficient capacity to accommodate the servicing demand for the 23-storey office building, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and,

- Submit a revised Hydrogeological Report and enter into a sanitary discharge agreement for discharging to the sanitary sewer in accordance with Toronto Municipal Code Chapter 681-6, By-law 868-2010, if required, to the satisfaction of the General Manager, Toronto Water.

Site and Surrounding Area

The site is a square shaped parcel that fronts on Ontario Street to the west and Adelaide Street East to the north. The site is occupied with the 2-storey red brick and limestone Drug Trading Company Administrative Office building, designated under Part IV of the *Ontario Heritage Act* by By-law 1339-2013, is subject to a Heritage Easement by By-law 1239-2017, and included in the City's Heritage Register.

The surrounding uses are as follows:

North: Across Adelaide Street East are 2 and 4-storey commercial buildings and two mixed use buildings currently under construction (19 and 21 storeys respectively).

East: A 14-storey residential building with a courtyard and an existing 3-storey office building (there is an application to rezone the property to permit a 30-storey residential tower with a mixed-use base building that is currently under appeal at the Local Planning Appeal Tribunal (LPAT), file no. 17 175826 STE 28 OZ).

South: An 8-storey office building and across King Street East is a 6-storey office building and an 18-storey office building.

West: Across Ontario Street is a 5-storey office building designated under Part IV of the *Ontario Heritage Act* by By-law 855-88 and included in the City's Register (there is an application to amend the Official Plan and rezone the property to permit two residential towers of 34 and 36-storeys with a mixed-use base building that is currently under appeal at the LPAT, file no. 16 232831 STE 28 OZ).

Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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.

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.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the report.

Official Plan

The Rezoning application for a 23-storey office building that resulted in site specific By-law nos. 1474-2017 and 1475-2017 addressed all of the Official Plan and the King-Parliament Secondary Plan policies as part of that application. This Lifting of "(h)" application is intended to resolve the remaining items as follows:

Chapter 5 – Implementation: Making Things Happen

Section 5.1.2 Holding By-laws: The Official Plan recognizes that there are instances where development of lands should not take place until specific facilities are in place or conditions are met. Policy 1 of this Section indicates a holding provision may be placed on lands where the desired use of the lands is specified but cannot take place until conditions set out in the by-law are satisfied. Policy 2 of this Section indicates conditions to be met prior to the removal of the holding provision may include servicing improvements.

The City of Toronto Official Plan can be accessed at:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

TOcore: Planning Downtown

At its May 1, 2018 meeting, Planning and Growth Management (PGM) Committee held a Special Public Meeting pursuant to Section 26 of the *Planning Act* and adopted a staff report entitled 'TOcore: Downtown Plan Official Plan Amendment', as amended, that recommended adoption of the Downtown Plan Official Plan Amendment (OPA). The recommended OPA includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once the OPA comes into force and effect. The Committee's recommendations have been submitted for City Council consideration at its May 23-25, 2018 meeting and can be accessed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>.

The Committee also directed staff to meet as appropriate with deputants and report directly to City Council with any further recommendations.

This recommended OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm and community services and facilities that were also adopted as separate items at the same Committee meeting – is the result of a three-year study called TOcore: Planning Downtown. The TOcore study area is generally 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.

After a decade of unprecedented growth and development that has transformed Downtown into one of Canada's most desirable places to live and work, an updated planning framework is required to ensure that growth and the timely provision of infrastructure is addressed so that Downtown remains liveable and economically competitive. The Downtown Plan serves as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It provides detailed direction on the appropriate scale and location of future growth. It also links this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the PPS and the Growth Plan.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, the Downtown Plan Official Plan Amendment (OPA) is a component of the work program to bring the Official Plan into conformity with the Growth Plan. The OPA is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan and has regard to matters of provincial interest under Section 2 of the *Planning Act*. It will be submitted to the Minister of Municipal Affairs for approval pursuant to Section 26 of the *Planning Act*.

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.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to the Downtown Plan Official Plan Amendment. At that meeting, Council directed Staff to consider the policies contained with the Proposed Downtown Plan in the review of all development applications within the Downtown going forward. This direction was reiterated by PGM Committee at its May 1, 2018 meeting, with a recommendation that City Council direct the Chief Planner and Executive Director, City Planning to use the Downtown Plan policies to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister of Municipal Affairs.

Further background information can be found at www.toronto.ca/tocore.

Zoning

The subject site is zoned RA "Reinvestment Area" under Zoning By-law 438-86 and is subject to site specific By-law 1474-2017 that allows for the 23-storey office building.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. *Planning Act* applications submitted after May 9, 2013 are subject to the new Zoning By-law. The subject site is zoned CRE "Commercial Residential Employment" under Zoning By-law 569-2013 and is subject to site specific By-law 1475-2017 to allow for the 23-storey office building.

Site Plan Control

A revised Site Plan Application submission to permit the proposal was submitted on May 8, 2018, file no. 11 327912 STE 28 SA.

Reasons for Application

The application to lift the "(h)" symbol is required in order to accommodate the 23-storey office building as stipulated in site specific By-law nos. 1474-2017 and 1475-2017, where the conditions to be resolved pertain to servicing and groundwater impacts.

Application Submission

The following reports/studies were submitted in support of the application:

- Revised Functional Servicing Report;
- Revised Hydrogeological Report; and,
- Engineering Plans.

Copies of the submitted documents are available on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Agency Circulation

The application together with the applicable documents noted above have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Community Consultation

Community consultation is not required for the proposed application to lift the holding provisions.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Policy 1.1.1 c) of the PPS directs that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Policy 1.6.6.1 d) of the PPS also directs planning for servicing be integrated with land use considerations at all stages of the planning process. This application has addressed groundwater impacts and servicing issues in order to accommodate the 23-storey office building, and is therefore consistent with the PPS policies noted above.

The subject site is within the Downtown urban growth centre identified by the Growth Plan. This application resolved outstanding groundwater and servicing issues pertaining to the permission for a major office use within the Downtown urban growth centre. The proposal for a 23-storey office building helps to contribute to the achievement of the 400 residents and jobs per hectare density target for this area as contemplated by Policy 2.2.3.2 a). This application does not conflict with the Growth Plan.

Land Use

This application has been reviewed against the Toronto Official Plan as a whole. The application to lift the holding provisions on the subject site to permit a 23-storey office building continues to provide a balance of a mix of uses in creating a complete community in the King-Parliament area.

This application to lift the holding provisions in site specific By-laws for a 23-storey office building also conforms to the emerging policy direction of the Downtown Plan in contributing to the diversity of office uses in the King-Parliament area.

Servicing Impact

A revised Functional Servicing Report was submitted to address the condition of the holding provisions. Engineering and Construction Services staff have reviewed the submitted documentation and are satisfied outstanding concerns in relation to servicing have been resolved in order to accommodate the office development.

Hydrogeological Impact

A revised Hydrogeological Impact Report was submitted to address the condition of the holding provisions. Toronto Water Services staff have reviewed the submitted documentation and are satisfied that the outstanding concerns in relation to groundwater impacts have been resolved in order to accommodate the office development.

CONCLUSION

The application has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the Toronto Official Plan, the King-Parliament Secondary Plan and the emerging policy direction of the Downtown Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2017). The conditions of the holding provisions in site specific by-law nos. 1474-2017 and 1475-2017 have now been resolved to permit the 23-storey office building. Staff recommends that Council approve the application.

CONTACT

Henry Tang, Senior Planner

Tel. No. (416) 392-7572

E-mail: Henry.Tang@toronto.ca

SIGNATURE

Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC\13526801057doc) - jg

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment to By-law 1474-2017

Attachment 2: Draft Zoning By-law Amendment to By-law 1475-2017

Attachment 1: Draft Zoning By-law Amendment to By-law 1474-2017

Authority: Toronto and East York Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No. 1474-2017, to remove the holding symbol (h)
with respect to the lands known municipally in the year 2018 as
25 Ontario Street and Part of 280 King Street East**

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (h) and to remove the holding symbol (h) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the use of Holding "(h)" symbol with conditions in the zoning by-law;

WHEREAS Council has provided notice of the intent to pass this By-law;

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

1. By-law No. 1474-2017 is amended by removing the holding symbol (h) from the lands shown on the attached Map '1'.

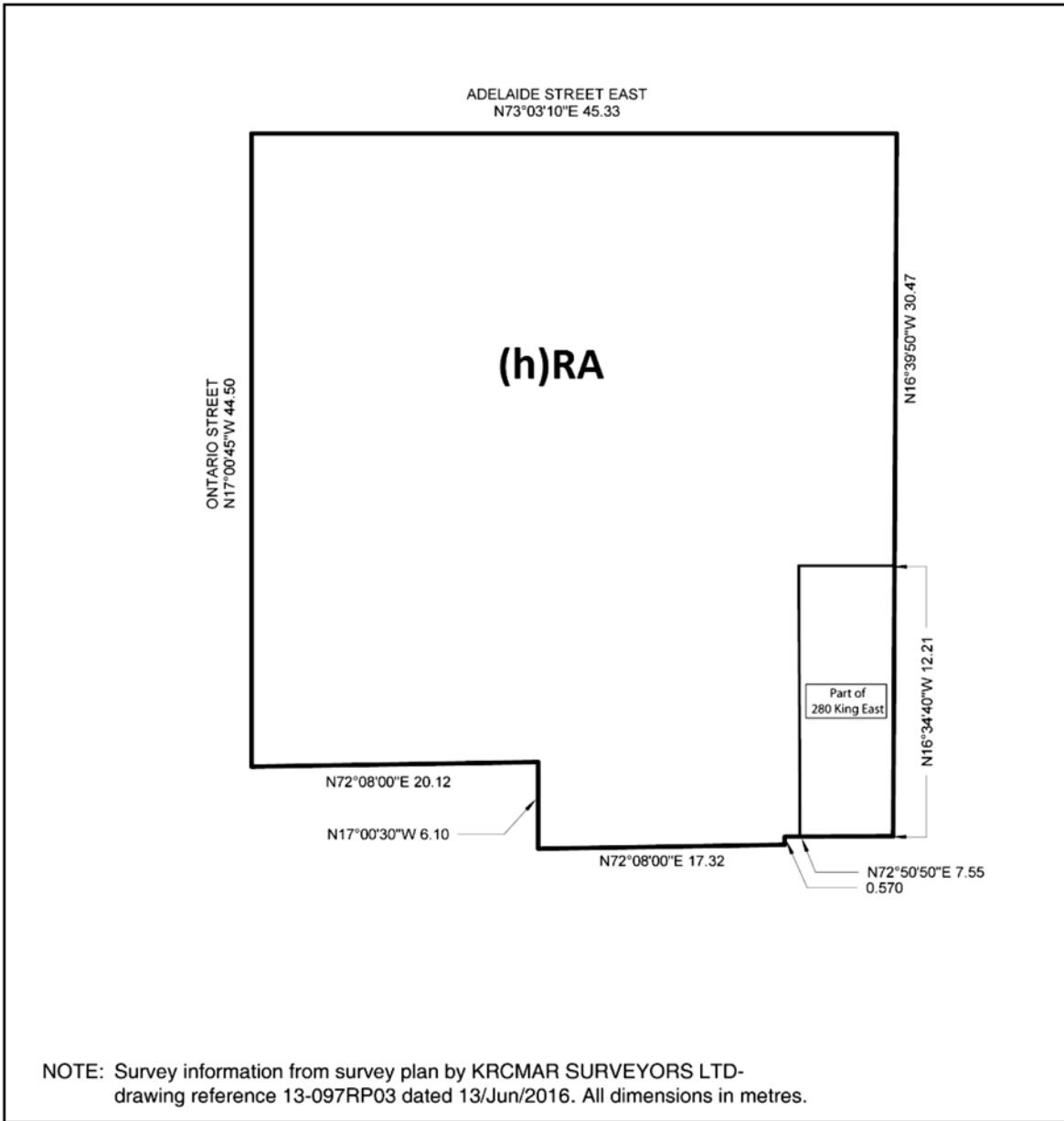
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Map '1'



25 Ontario Street and Part of 280 King Street East

File # 18 119622 STE 28 0Z

City of Toronto By-Law 438-86
Not to Scale
05/11/2018

Attachment 2: Draft Zoning By-law Amendment to By-law 1475-2017

Authority: Toronto and East York Community Council ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2018]

To amend Zoning By-law No. 1475-2017, with respect to the lands municipally known in the year 2018 as 25 Ontario Street and Part of 280 King Street East

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the use of Holding "(h)" symbol with conditions in the zoning by-law;

WHEREAS Council has provided notice of the intent to pass this By-law;

The Council of the City of Toronto enacts:

1. By-law No. 1475-2017 is amended by removing the holding symbol (H) from the lands shown on the attached Diagram 2;

Enacted and passed on month ##, 20##.

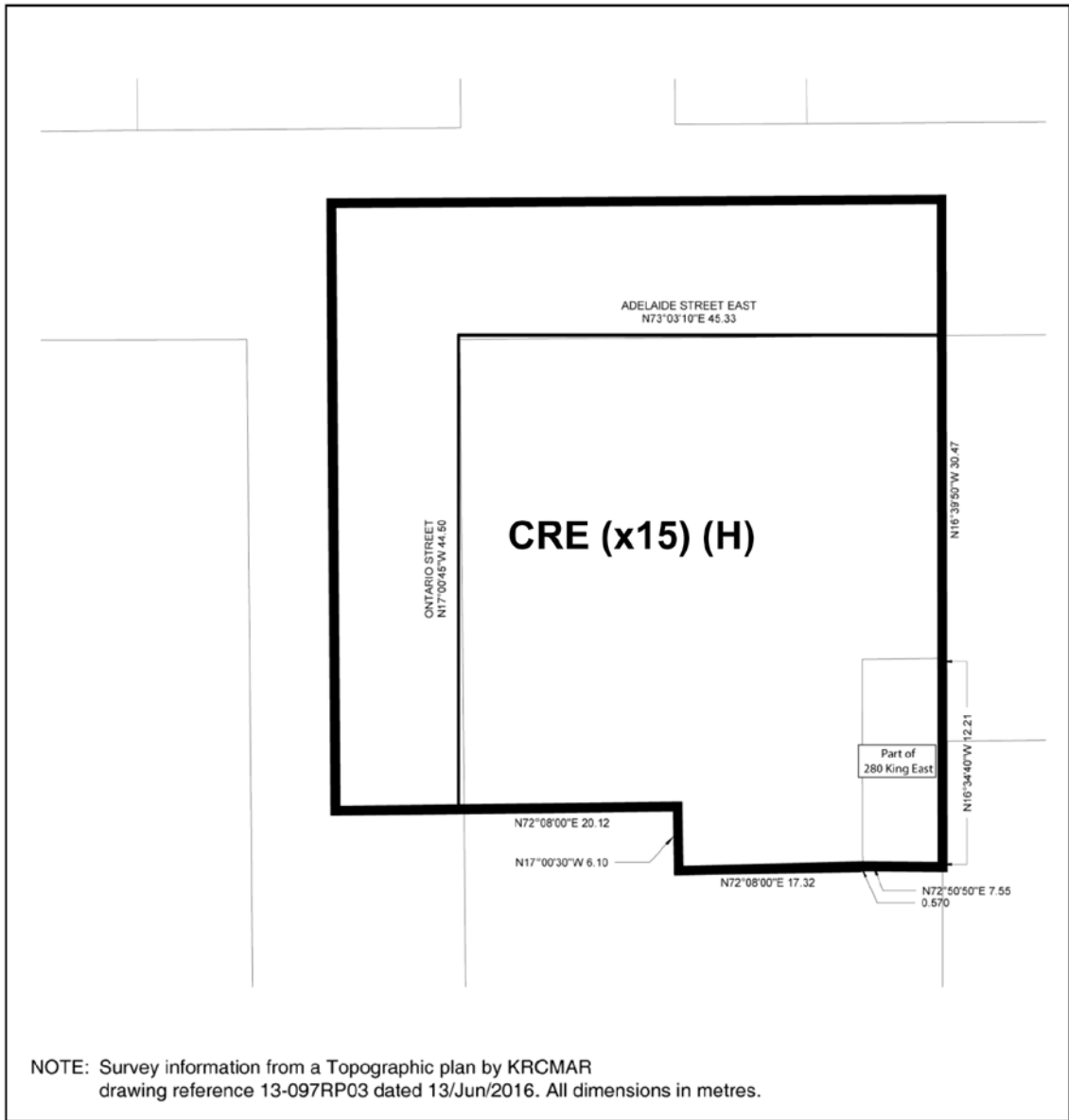
Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Diagram 2



25 Ontario Street and Part of 280 King Street East

File # 18 119622 STE 28 0Z

City of Toronto By-Law 569-2013
 Not to Scale
 05/11/2018