

234-250 King Street East and 162 Princess Street – Zoning By-law Amendment Application – Request for Direction Report

Date: November 3, 2021
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 13 - Toronto Centre

Planning Application Number: 20 233160 STE 13 OZ

SUMMARY

On December 22, 2020, a Zoning By-law Amendment application was submitted to permit a 40-storey (132.9 metres tall including mechanical penthouse) mixed-use building with ground floor retail uses and 514 residential dwelling units at 234-250 King Street East and 162 Princess Street. The Zoning By-law Amendment application was deemed complete on January 21, 2021.

On July 14, 2021, the applicant appealed the applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame under the *Planning Act*.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the Zoning By-law Amendment appeal for the lands at 234-250 King Street East and 162 Princess Street for the reasons set out in the report (November 3, 2021) from the Director, Community Planning, Toronto and East York District, and to continue discussions with the owner in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request that the issuance of any final order be withheld until such time as the City Solicitor advises that:
 - a) the draft Zoning By-law Amendments are in a form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b) the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application, to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services;
 - c) the owner has submitted a Revised Heritage Impact Assessment that includes a conservation strategy for the on-site significant heritage resources to the satisfaction of the Senior Manager, Heritage Planning;
 - d) if the properties at 234-236, 240 and 242 King Street East are designated under Part IV, Section 29 of the *Ontario Heritage Act*, the owner has entered into a Heritage Easement Agreement with the City for the properties at 234-236, 240 and 242 King Street East, to the satisfaction of the Senior Manager, Heritage Planning including execution and registration of such agreement to the satisfaction of the City Solicitor;
 - e) the owner provides a detailed Conservation Plan, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Revised Heritage Impact Assessment required by recommendation 2.c. above, to the satisfaction of the Senior Manager, Heritage Planning;
 - f) the owner has entered into, and registered on title to the lands, an agreement with the City pursuant to section 37 of the *Planning Act*, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing community benefits and other matters in support of the development; and
 - g) the owner withdraw its appeal of Official Plan Amendment 525, being the King-Parliament Secondary Plan, and the associated Zoning By-law 393-2021, as they relate to the subject lands.
3. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

Pre-application meetings were held with the applicant on July 27, 2020 and September 17, 2020 to discuss the proposed development concept and identify application requirements. Staff discussed the applicable policy framework and identified concerns, including: conformity with the Downtown Plan and King-Parliament Secondary Plan policies; compliance with the St. Lawrence Neighbourhood Heritage Conservation District Plan; building height and massing; tower floorplate, setbacks, setbacks and separation distance; heritage conservation; proposed mix of uses; public realm improvements; amenity space; and visitor parking.

A Preliminary Report on the application was adopted by Toronto and East York Community Council on April 21, 2021 authorizing staff to conduct a community consultation meeting. The preliminary report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE24.33>.

A Final Report including an Official Plan Amendment, and Zoning By-law Amendment to implement the King Parliament Secondary Plan was received by Toronto and East York Community Council On April 21, 2021. On May 5, 2021, City Council adopted the King-Parliament Secondary Plan, which can be accessed using the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE24.11>. The applicant subsequently appealed the King-Parliament Secondary Plan and implementing zoning by-law.

SITE AND SURROUNDING AREA

Site Description and Dimensions: located on the northwest corner of King Street East and Princess Street. The site is generally rectangular, with an area of 1,949 square metres, and has frontages of 52.9 metres on King Street East and 35.8 metres on Princess Street.

Existing Use on Site: 3-storey commercial building (ground floor restaurant with office above) at 234-236 King Street East; 3-storey commercial building (office) at 238 King Street East; 1- and 2-storey commercial building (restaurant) at 240-242 King Street East; 1-storey vacant building at 244 King Street East and 162 Princess Street; 2-storey commercial building (restaurant) at 246 King Street East; and 2-storey commercial building (cannabis store) at 248-250 King Street East.

The property at 234-236 King Street East is listed on the City's Heritage Register. This property, as well as the properties at 240 King Street East and 242 King Street East, are identified as contributing in the St. Lawrence Neighbourhood Heritage Conservation District Plan ("St. Lawrence Neighbourhood HCD Plan"). The properties at 238 King Street East, 244 King Street East & 162 Princess Street, 246 King Street East, and 248-250 King Street East are identified as non-contributing in the Plan. The St. Lawrence Neighbourhood HCD Plan is currently under appeal.

Surrounding uses include:

North: On the north side of the public lane are a 5-storey office building and a one-storey commercial building. To the northeast is a 5-storey residential building. On the north side of Adelaide Street East are a 22-storey mixed-use building with ground floor retail and residential units on the upper floors, and a mixed-use development with two residential towers, 19 and 21-storeys, and ground floor retail.

East: On the east side of Princess Street is a recently approved mixed-use development consisting of two towers, 34 and 36 storeys. The block east of Ontario Street contains a mix of uses and building types including a 9-storey office building with ground floor retail fronting onto King Street East, a 2-storey office building fronting onto Ontario Street and Adelaide Street East, a 14-storey residential building further east, various 2-storey and 3-storey retail/office buildings, and a 3-storey theatre at the corner of Berkeley Street and Adelaide Street East.

South: At the southwest corner of King Street East and Princess Street is a 13-storey mixed-use building with ground floor retail and residential units on the upper floors. At the southeast corner is a 6-storey office building with ground floor retail. Further east along King Street East is a newly constructed 17-storey office building.

West: Immediately west of the site is a 17-storey mixed-use building with ground floor retail and residential units on the upper floors.

THE APPLICATION

Application Description

Height: 40-storeys (132.9 metres including mechanical penthouse).

Density: Floor Space Index (FSI) of 17.25 times the area of the lot.

Uses: Mixed use building containing retail uses at grade and residential dwelling units.

Unit count: 514 dwelling units, of which 32 (6%) are studio units, 352 (68%) are one-bedroom units, 78 (15%) are two-bedroom units, and 52 (10%) are three-bedroom units.

Heritage: the principal elevation of the property at 234-236 King Street East, which is included on the City's Heritage Register, and 240 and 242 King Street East, which are noted as contributing properties within the St. Lawrence Neighbourhood HCD Plan, are proposed to be retained.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Additional Information

See Attachments 1 to 5 of this report for the location map, Application Data Sheet, three dimensional representations of the project in context, and site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

Reasons for the Application

The Zoning By-law Amendment Application has been submitted in order to amend City-wide Zoning By-law 569-2013 and Former City of Toronto Zoning By-law 438-86 to permit an increase in the overall height and density on the site and to modify various performance standards such as those for setbacks and parking.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application was submitted on June 28, 2021.

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

Official Plan Designation: The site is designated *Mixed Use Areas*. The site is also designated *Mixed Use Areas 2 – Intermediate* in the Downtown Plan, and is subject to the King-Parliament Secondary Plan and is located in the Old Town Policy Area..

Zoning: The site is zoned Commercial Residential Employment CRE (x41) under the City's harmonized Zoning By-law 569-2013, with a permitted building height of 30.0 metres. The site is also subject to former City of Toronto Zoning By-law 438-86, under which it is zoned Reinvestment Area (RA).

As part of the recent King-Parliament Secondary Plan Review, By-law 393-2021 rezoned the site from CRE (x41) to CR SS1 (x339) and increased the permitted building height to 90.0 metres. By-law 393-2021 is currently under appeal.

Additional information

See Attachment 6 for applicable policy documents.

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on April 26, 2021. Approximately 102 people participated, as well as the Ward Councillor. Following a presentation by City staff and the applicant, the following comments and issues were raised by attendees:

- non-conformity with the planning policies for the area;
- appropriateness of the proposed height, density and massing;

- compatibility and fit with adjacent properties, including transition, setbacks, built form and streetscape;
- insufficient setbacks and step backs;
- insufficient heritage resource preservation/conservation;
- loss of light, privacy and sky view;
- loss of existing businesses and concerns with the proposed size and configuration of retail space;
- appropriateness of the proposed building materials;
- lack of public realm improvements;
- traffic generated as a result of the proposed development;
- pedestrian safety;
- construction impacts;
- the need for affordable housing; and
- sustainability of the proposed development.

COMMENTS

The proposal has been reviewed against the *Planning Act*, PPS, Growth Plan and Official Plan policies, as well as City planning studies and design guidelines.

Planning Act

In making a decision on this application, Council must have regard for the relevant matters of provincial interest set out under section 2 of the *Planning Act*.

Provincial Policy Statement (2020)

Planning staff have reviewed the current proposal against the policies of the PPS (as described in Attachment 6: Policy Considerations) and find that while the proposed intensification and land use is generally consistent with the PPS, the proposal is not consistent with PPS policies concerning appropriate development standards. These inconsistencies include the proposed built form and heritage conservation.

Growth Plan (2020)

Planning staff have reviewed the current proposal against the policies of the Growth Plan (as described in Attachment 6: Policy Considerations) and find the proposal does not conform to policies relating to complete communities, built form and heritage conservation, and the implementation of appropriate development standards through the Official Plan and other supporting documents.

Land Use

The proposed mix of uses, including residential and retail, aligns with the *Mixed Use Areas* designation of the site. The proposed land uses also conform to the *Mixed Use Areas 2 – Intermediate* designation in the Downtown Plan and the King-Parliament Secondary Plan.

Built Form

Planning staff have reviewed the proposed built form, including height, massing, and transition, against the policies of the Official Plan, the Downtown Plan, the King-Parliament Secondary Plan and implementing by-laws, OPA 352 and implementing by-laws, as well as the relevant City design guidelines identified below and in Attachment 6: Policy Considerations.

Height

The proposed 40-storey building is too tall and does not conform to the policies of the Official Plan, Downtown Plan, King-Parliament Secondary Plan and implementing by-laws, or the Tall Building Guidelines.

The proposed building's height of 132.9 metres including mechanical penthouse exceeds the Zoning By-law permission of 90 metres, as prescribed in the recently approved Zoning By-law 393-2021, and is greater than any existing or planned tall buildings within a block of the subject property. Further, the proposed building does not provide adequate transition to the historic low-rise character of King Street East.

Reductions to the building height are required to improve compatibility with the surrounding context and improve the transition to King Street East.

Massing

The proposed building massing, including setbacks, step backs, separation distances and floor plate size, is not acceptable and does not achieve the policies of the Official Plan, Downtown Plan, King-Parliament Secondary Plan and implementing by-laws, or the Tall Building Guidelines.

The base building height for the proposed development ranges from one to six storeys and incorporates the one, two and three storey heritage building facades. Portions of the base building are too tall, particularly along Princess Street. Staff are also concerned with the irregular base building setbacks along the King Street East frontage.

Above the base building, the tower step backs range from 3.7 to 5.0 metres along King Street East. The proposed step backs are insufficient given the site's frontage along historic King Street East and location within one of the original ten blocks of the Town of York. One of the objectives of the King-Parliament Secondary Plan is to enhance the historic main street character of King Street East which has been implemented in the recently approved By-law 393-2021 which requires a minimum step back of 10.0 metres from King Street East.

The western portion of the tower is 11-storeys in height, partially abuts the west lot line and party wall at 230 King Street East, and is partially set back 5.5 metres where the building contains openings. The proposed mass of this element, in combination with the remaining portion of the tower farther east and the existing streetwall of 230 King Street

East, will create one tall continuous mass along the entire block facing King Street East and result in undesirable loss of light, view and privacy for residents of the adjacent property.

The tower portion of the building is proposed to be angled resulting in a misalignment with the street grid. The primary facades of prominent buildings should be situated parallel to the street frontages. Further, the proposed tower floorplate of 821 square metres does not conform with the Official Plan, Downtown Plan or Tall Building Guidelines.

Shadow Impact

Shadow Studies were submitted in support of the application, showing net new shadows cast on March 21, June 21 and September 21. The proposal will cast shadows on the surrounding streets and sidewalks, existing and proposed open spaces, and adjacent residential properties throughout the day.

Wind

The Pedestrian Wind Study submitted with the application indicates that wind speeds are predicted to be suitable for the intended uses on and around the subject site.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of 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 priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

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

In the event that the OLT allows the appeal in whole or in part, the value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade building permit.

Heritage Impact & Conservation Strategy

The development proposal involves the partial retention of the contributing buildings at 234-236, 240, and 242 King Street East and demolition of the non-contributing buildings at 238, 244, 246, and 248-250 King Street East to allow the development of a tower. The facades of the partially retained buildings will be incorporated into the new base building.

The applicant has submitted a Heritage Impact Assessment ("HIA") in support of the application. Heritage Planning staff have reviewed the HIA and architectural plans and have concerns related to the heritage conservation strategy including: insufficient tower stepback above the retained heritage buildings; the massing of the 11-storey portion of the tower abutting the west lot line; the heights of new portions of the base building in relation to the heritage buildings; materiality of the tower and new portions of the base building; and conformity with the St. Lawrence Neighbourhood HCD Plan.

Transportation

Road Widening

A 0.70 metre lane widening is required along the rear of the site to satisfy the requirement of a 6.0-metre wide lane right-of-way. The application proposes to widen the rear lane, Duke Mews, by 0.75 metre to a total width of approximately 5.35 metres. An additional setback will be provided at the ground floor level of the building, with a minimum vertical clearance of 4.4 metres, so that the effective width of the laneway is increased to 6.0 metres. The application also proposes a surface conveyance over the rear portion of 234-236 King Street East to extend public access and use of Duke Mews westward.

Traffic Impact

The applicant submitted a Urban Transportation Considerations Study report in support of the application. The study concludes that the site impacts will be negligible under future conditions within the site environs. Transportation Services accept the conclusions of the submitted report.

Driveway Access and Site Circulation

Vehicular access to the site will be provided via the public lane, Duke Mews, to the north of the site. The proposed vehicular access is generally acceptable. Additional comments related to site access arrangement, site circulation, and the layout and design of the proposed site entrance driveways will be provided through the site plan review process.

Parking

By-law 569-2013 requires a total of 328 vehicle parking spaces, consisting of 280 residential and 48 non-residential (48 residential visitor and 0 retail) spaces to support the proposed development. The application proposes to provide a total of 119 parking spaces, consisting of 87 residential and 32 non-residential (29 spaces for residential visitors and retail, and 2 car share spaces), which equates to a parking supply ratio of 0.17 resident parking spaces per dwelling unit and 0.06 visitor parking spaces per dwelling unit.

A total of 515 bicycle parking spaces are proposed for residents and visitors.

Transportation Services staff have reviewed the proposed parking supply, the applicant's submitted parking justification, and approved parking variances for other developments in the City with a similar site context and number of residential units, and have determined that the proposed parking supply is acceptable.

Loading

Zoning By-law 569-2013 requires a minimum of one Type G, one Type C and one Type B loading spaces to serve the proposed development. However, as per the Zoning By-law sharing provisions for the proposed site uses, the loading requirement can be reduced to one Type G and one Type C loading spaces.

The application includes one Type G and one Type C loading spaces within a consolidated loading area at ground floor. The submitted report includes vehicle manoeuvring diagrams for all of the loading spaces, illustrating the movements of heavy vehicles entering and exiting the site and the public right-of-way in a forward motion. In principle, the loading space layout is acceptable to Transportation Services.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report and associated plans in support of the application. Engineering and Construction Services staff have reviewed the submitted materials and require revisions to the Functional Servicing and Stormwater Management Report, Hydrological Review Summary Form, Servicing Report Groundwater Summary, and relevant plans as outlined in the memorandum from Engineering and Construction Services dated April 16, 2021.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

Indoor/Outdoor Amenity Space

Zoning By-law 569-2013 requires a combined indoor and outdoor amenity space of 4.0 square metres per unit. The application is proposing a total of 1,037.1 square metres (2.0 square metres per unit) of indoor amenity space and 606.6 square metres (1.2 square metres per unit) of outdoor amenity space on floors 2 and 7.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard ("TGS"), although the applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and of achieving net-zero emissions by 2050 or sooner. Should the Zoning By-law Amendment appeal be approved by the OLT in any form, some performance measures for the Tier 1 development features would be secured in the site-specific zoning by-laws and others through a future Site Plan Control application.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to section 37 of the *Planning Act*.

Section 37 benefits have not been discussed with the applicant because staff are of the opinion that the proposal, as currently constituted, is not good planning. Should the Zoning By-law Amendment appeal be approved in some form by the OLT, it is recommended that City Council authorize City staff to negotiate an appropriate agreement for section 37 benefits with the applicant, in consultation with the Ward Councillor.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, including the Downtown Plan and King-Parliament Secondary Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the proposal does not conform to the PPS, Growth Plan, Official Plan, Downtown Plan, King-Parliament Secondary Plan, and Tall Building Design Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the applications in their current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning, Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map

Attachment 2: Application Data Sheet

Attachment 3: 3D Model of Proposal in Context Looking Northwest

Attachment 4: 3D Model of Proposal in Context Looking Southeast

Attachment 5: Site Plan

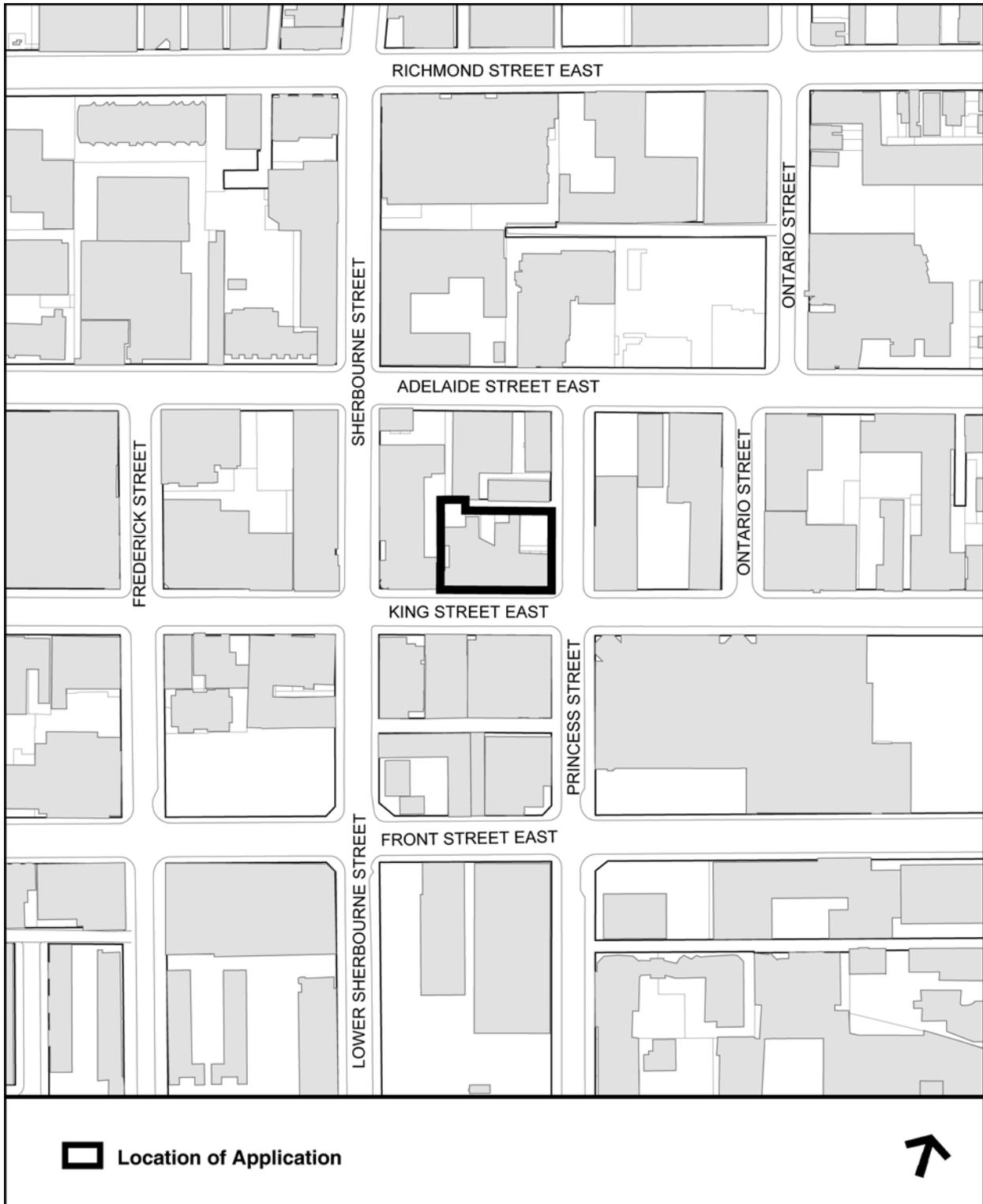
Attachment 6: Policy Considerations

Attachment 7: Official Plan Land Use Map

Attachment 8: Downtown Plan Land Use Map

Attachment 9: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 234-250 King St E **Date Received:** December 22, 2020
and 162 Princess St
Application Number: 20 233160 STE 13 OZ
Application Type: Rezoning
Project Description: 40-storey mixed-use building

Applicant	Agent	Architect	Owner
Emblem Developments	Bousfields Inc.	IBI Group	1721623 Ontario Limited

Existing Planning Controls

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	SASP 517
Zoning:	CRE (x41)	Heritage Designation:	Y
Height Limit (m):	30	Site Plan Control Area:	Y

Project Information

Site Area (sq m): 1,950 Frontage (m): 53 Depth (m): 36

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,796		1,677	1,677
Residential GFA (sq m):			33,135	33,135
Non-Residential GFA (sq m):	3,391		566	566
Total GFA (sq m):	3,391		33,701	33,701
Height - Storeys:	3		40	40
Height - Metres:	11		132	132

Lot Coverage Ratio (%): 86.02 Floor Space Index: 17.29

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	33,135	
Retail GFA:	566	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			514	514
Other:				
Total Units:			514	514

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		32	352	78	52
Total Units:		32	352	78	52

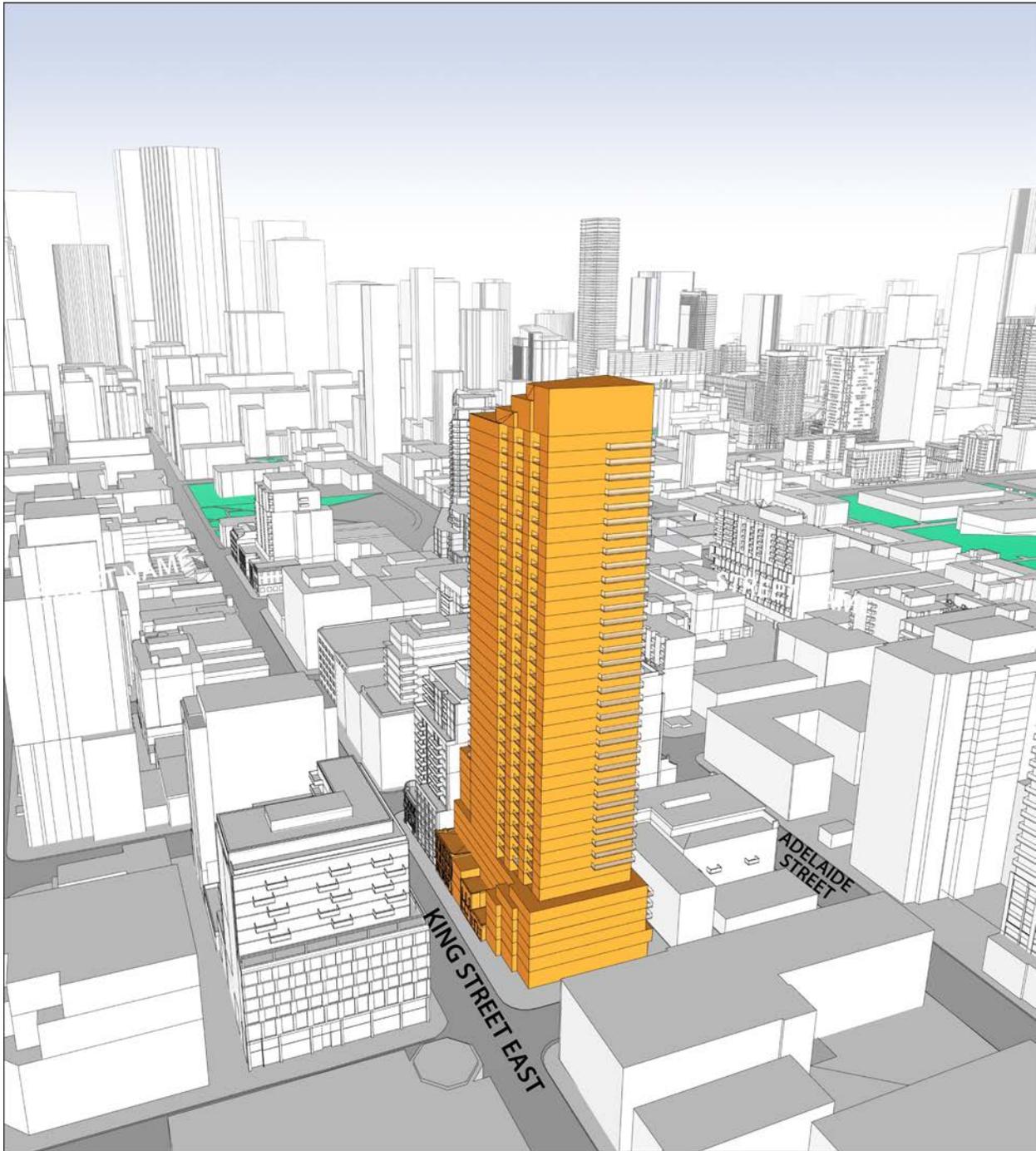
Parking and Loading

Parking Spaces: 117 Bicycle Parking Spaces: 515 Loading Docks: 2

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Attachment 3: 3D Model of Proposal in Context Looking Northwest



View of Applicant's Proposal Looking Northwest



03/17/2021

Attachment 4: 3D Model of Proposal in Context Looking Southeast

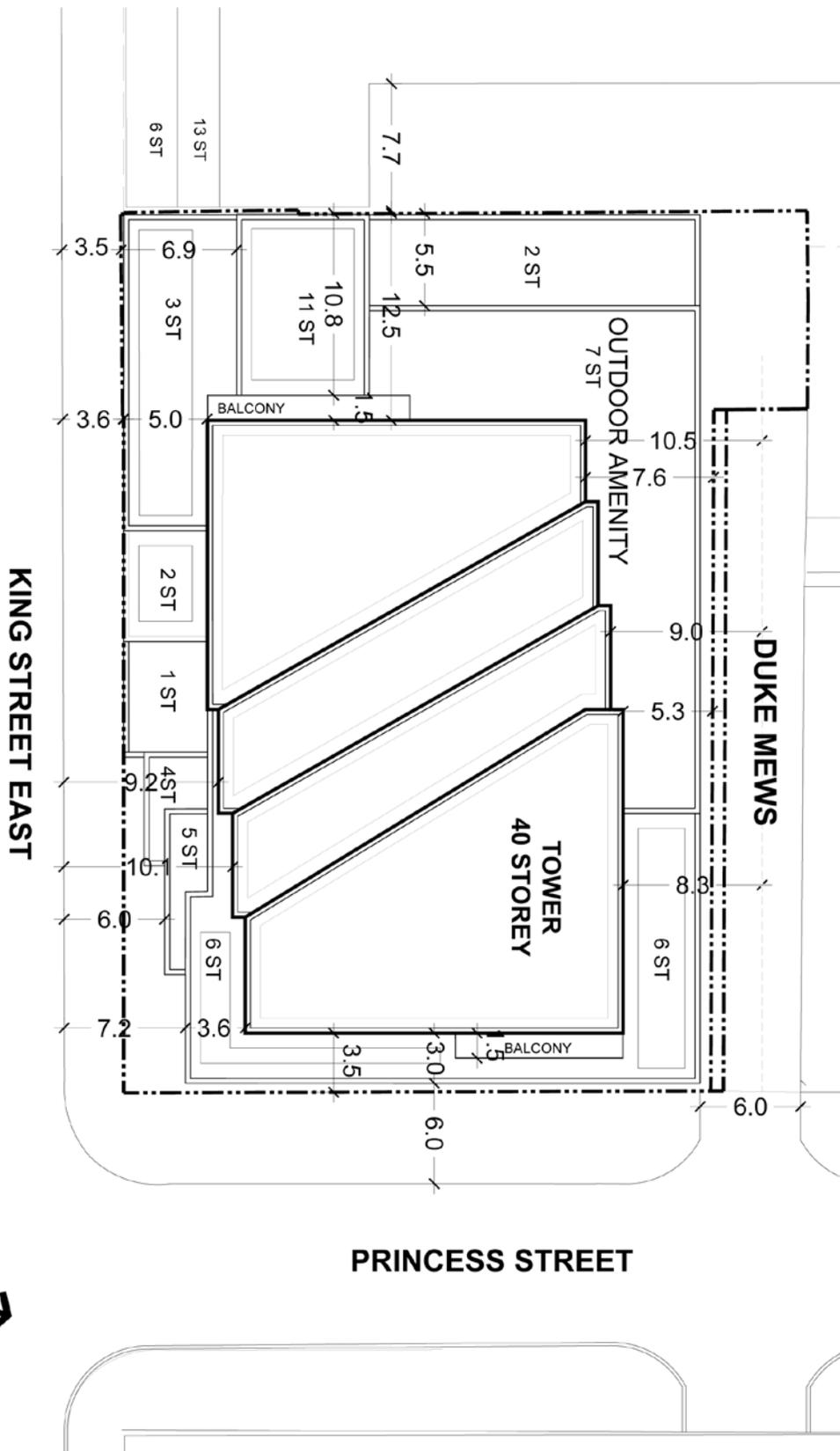


View of Applicant's Proposal Looking Southeast



03/17/2021

Attachment 5: Site Plan



Provincial Land-Use Policies: 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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 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."

Provincial Plans

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.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Conserve cultural heritage resources in order to foster a sense of place and benefit communities, particularly in strategic growth areas;
- 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.

Conformity with Growth Targets and Density Targets

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the Province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

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. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are provided for the various urban growth centres in the City at a rate of 400 people/jobs per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto Urban Growth Centre area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates the growth and growth in density of the Urban Growth Centre.

Table 1: Downtown Toronto Urban Growth Centre

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto Urban Growth Centre area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet built (see Profile Toronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as

occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2019). In addition, there would remain an additional ten years for additional approved development to occur.

Planning for Major Transit Station Areas

The Growth Plan contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSA"s) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Toronto Official Plan

The City of Toronto Official Plan (the "Official Plan") is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also provides for the use of section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities.

The site is designated *Mixed Use Areas* as shown on Land Use Map 18. See Attachment 7 of this report for the Official Plan Land Use Map.

Downtown Plan

Official Plan Amendment 406 ("OPA 406" or the "Downtown Plan") is now in force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019. The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the midtown rail corridor and Rosedale Valley Road to the north and the Don River to the east.

Map 41-3-B designates the eastern portion of the site as *Mixed Use Areas 2 - Intermediate*. Development within *Mixed Use Areas 2* will include building typologies

that respond to their site context including mid-rise and some tall buildings, with scale and massing of buildings will be compatible with the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type.

The Downtown Plan identifies King Street East as both a Great Street and a Priority Retail Street. The site is also located within the Old Town – St. Lawrence – Distillery Parks District, a Cultural Precinct and the Downtown Film Precinct.

The in-force Downtown Plan may be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

See Attachment 8 for the site's Downtown Plan *Mixed Use Area* designation.

King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan ("KPSP"). The main objectives of the KPSP 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 complements the existing built form character and scale of the area.

The site is designated Regeneration Area 'A' (Jarvis Parliament) on Map 15-1 - Land Use Plan. The area designated Regeneration Area 'A' in the KPSP, generally bordered by Jarvis Street, Queen Street East, Power Street, The Esplanade and Front Street East is targeted for significant growth, having a mix of compatible land uses including commercial, industrial, institutional, residential, live/work and entertainment uses within new buildings and existing ones, including the numerous historically and architecturally significant buildings in the area.

The King-Parliament Secondary Plan can be found here:

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

King-Parliament Secondary Plan Review

On May 22, 2018, City Council directed staff to undertake a review of the King-Parliament Secondary Plan and the area north of Queen Street East between Jarvis Street and River Street. The review focuses on three themes being built form, public realm and heritage. On October 29, 2019, City Council directed staff to apply the policies of the proposed King-Parliament Plan on current development applications.

On May 5, 2021, City Council approved the updated King-Parliament Secondary Plan and supplementary Zoning By-laws. The applicant has appealed both the Secondary Plan and the supplementary Zoning By-law.

The updated King-Parliament Secondary Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/king-parliament-secondary-plan-review/>

Official Plan Amendment 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. 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, which provide the detailed performance standards for setbacks and separation distances for buildings taller than 36 metres.

The Official Plan Amendment and associated Zoning By-law Amendments can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Heritage

The property at 234-236 King Street East is listed on the City's Heritage Register. This property, as well as the properties at 240 King Street East and 242 King Street East are identified as contributing in the St. Lawrence Neighbourhood HCD Plan. The properties at 238 King Street East, 244 King Street East & 162 Princess Street, 246 King Street East, and 248-250 King Street East are identified as non-contributing in the St. Lawrence Neighbourhood HCD Plan.

Zoning By-laws

The site is zoned Commercial Residential Employment CRE (x41) under the City's harmonized Zoning By-law 569-2013. This zone permits a wide range of residential, commercial, industrial, recreational and institutional uses. The current zoning permits a height of 30.0 metres. New buildings and additions to existing buildings on heritage sites require a minimum 3.0-metre setback above the height of the existing heritage building. The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/citygovernment/planning-development/zoning-by-law-preliminary-zoning-reviews/zoningby-law-569-2013-2/>

The site is also subject to former City of Toronto Zoning By-law 438-86, under which it is zoned Reinvestment Area (RA), which is substantially the same with respect to use and height as the provisions under Zoning By-law 569-2013.

Both By-laws include a number of Restrictive Exceptions that provide additional zoning provisions for the site. These provisions include: base height at lot line and angular plane requirements (Section 12(2) 260); and amount of non-residential floor area and size of retail units (Section 12(2) 270).

The site was recently rezoned from CRE (x41) to CR SS1 (x339) under the City's harmonized Zoning By-law 569-2013 as part of the recent King-Parliament Secondary Plan Review. The amending by-law (By-law 393-2021) updated zone categories for the Old Town policy area to be consistent with existing and planned Mixed Use Areas land use designations in the Downtown Plan as well as maximum permitted building heights. This zone permits a wide range of residential, commercial, and institutional uses and a

height of 90.0 metres. Amending By-law 393-2021 may be found here:
<https://www.toronto.ca/legdocs/bylaws/2021/law0393.pdf>

See Attachment 9 of this report for the existing Zoning By-law Map.

Urban Forestry/Environment

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- King-Parliament Urban Design Guidelines;
- City-wide Tall Building Design Guidelines;
- Downtown Tall Buildings Vision and Supplementary Design Guidelines;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Growing Up Urban Design Guidelines; and
- Retail Design Manual.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-planguidelines/design-guidelines/>

King-Parliament Urban Design Guidelines

The King-Parliament Urban Design Guidelines correspond to the policy direction of the King-Parliament Secondary Plan. The site is within the Old Town of York Area of Special Identity. New development shall respect the historical and urban design significance of the area. The King-Parliament Urban Design Guidelines can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/08/8fde-Toronto-Urban-Design-Guidelines-King-Parliament.pdf>

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development Applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines may be found here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

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. 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 Downtown tall building proposals.

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>

Growing Up Guidelines: Planning for Children in New Vertical Communities

In July 2020, City Council adopted updated Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future city-wide and area-based planning frameworks. The objective of the Growing Up Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The link to the Growing Up Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studiesinitiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The link to the guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/pet-friendly-designguidelines-for-high-density-communities/>

Retail Design Manual

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The Retail Design Manual can be found here:

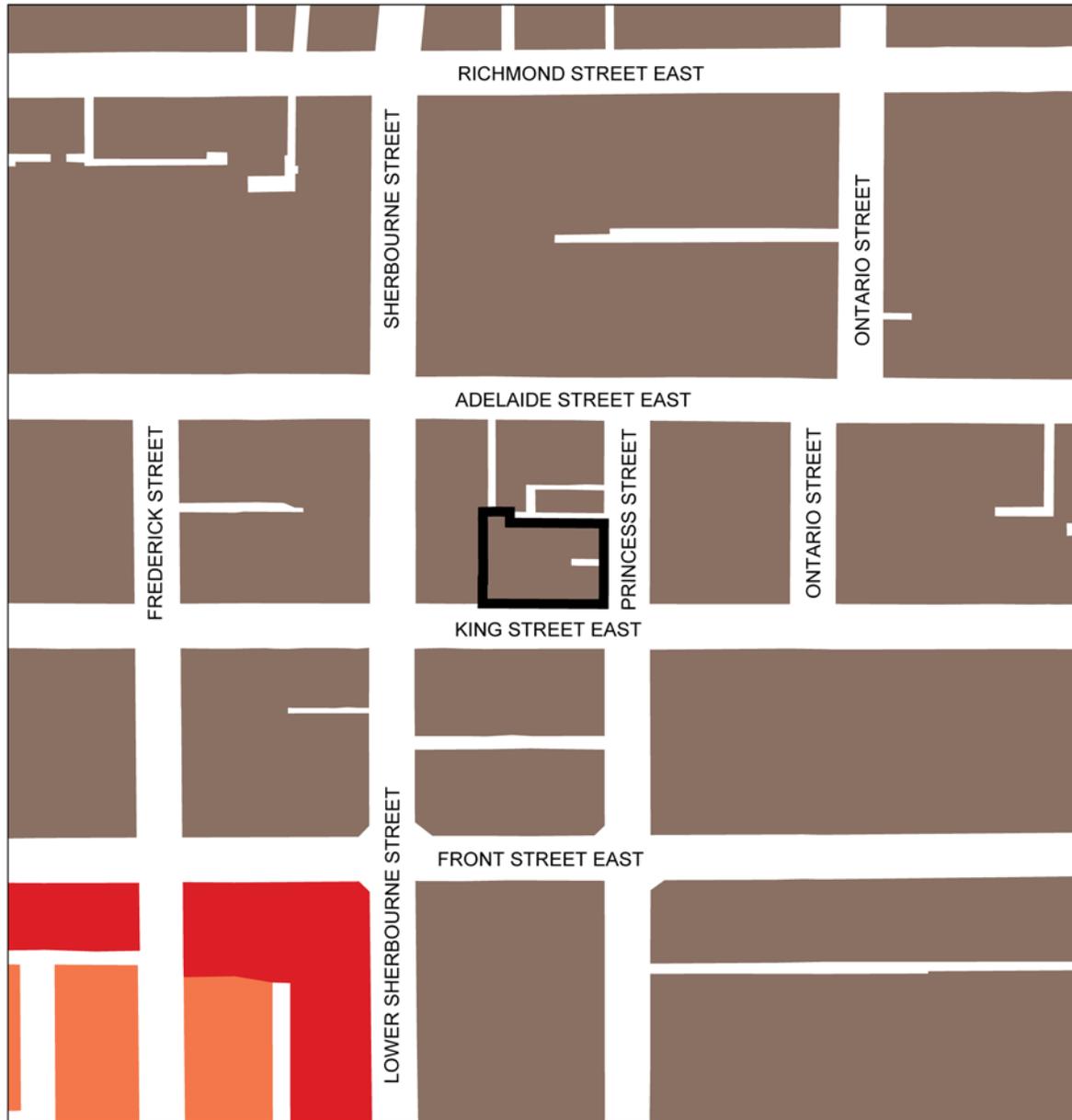
<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard ("TGS"). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application. TGS Version 3.0: new applications submitted on or after May 1, 2018. Visit <https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requirements/>.

Attachment 7: Official Plan Land Use Map



Official Plan Land Use Map #18

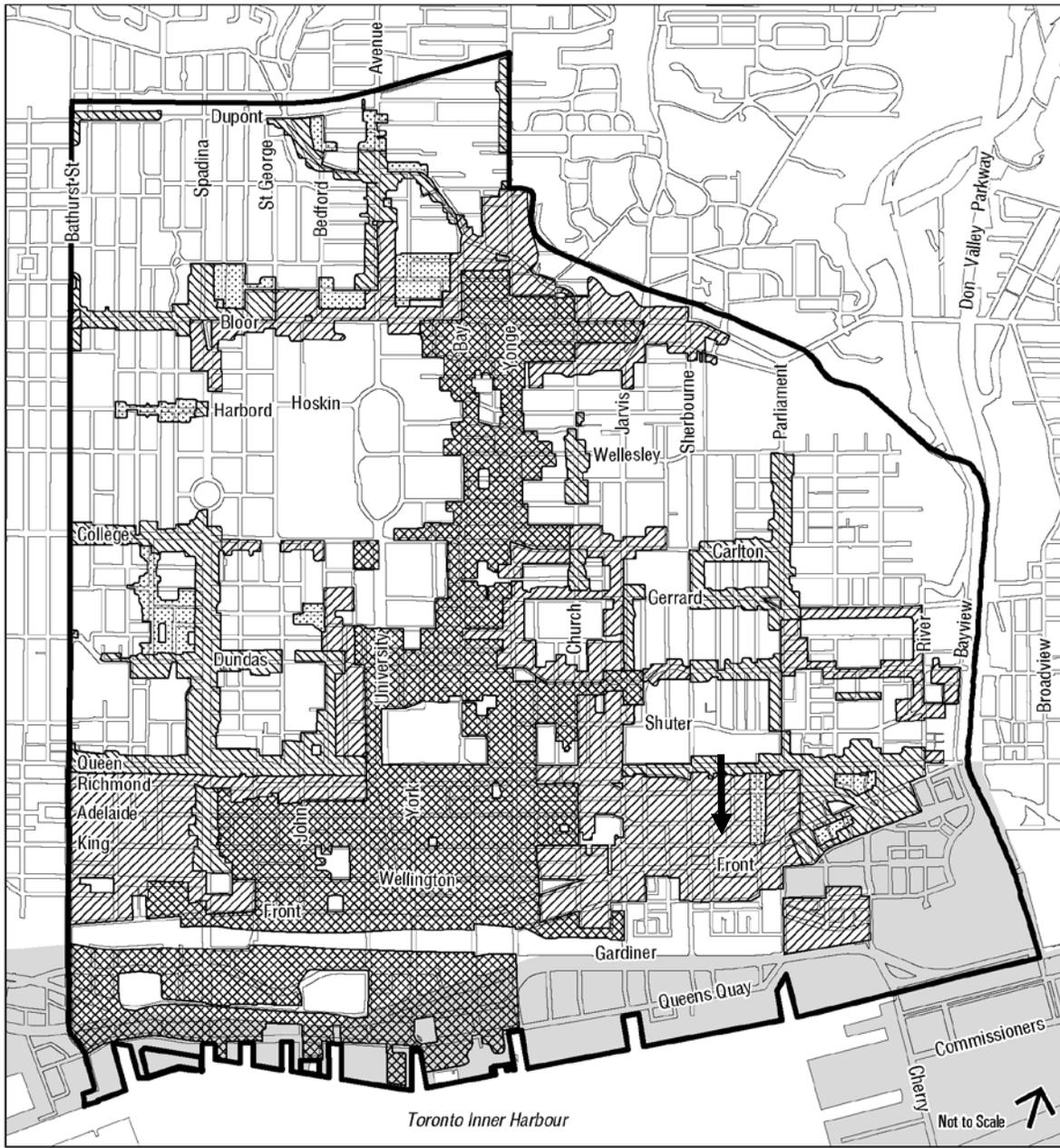
234-250 King Street East And 162 Princess Street

File # 20 233160 STE 13 0Z

- Location of Application
- Apartment Neighbourhoods
- Mixed Use Areas
- Regeneration Areas

Not to Scale
 Extracted: 03/11/2021

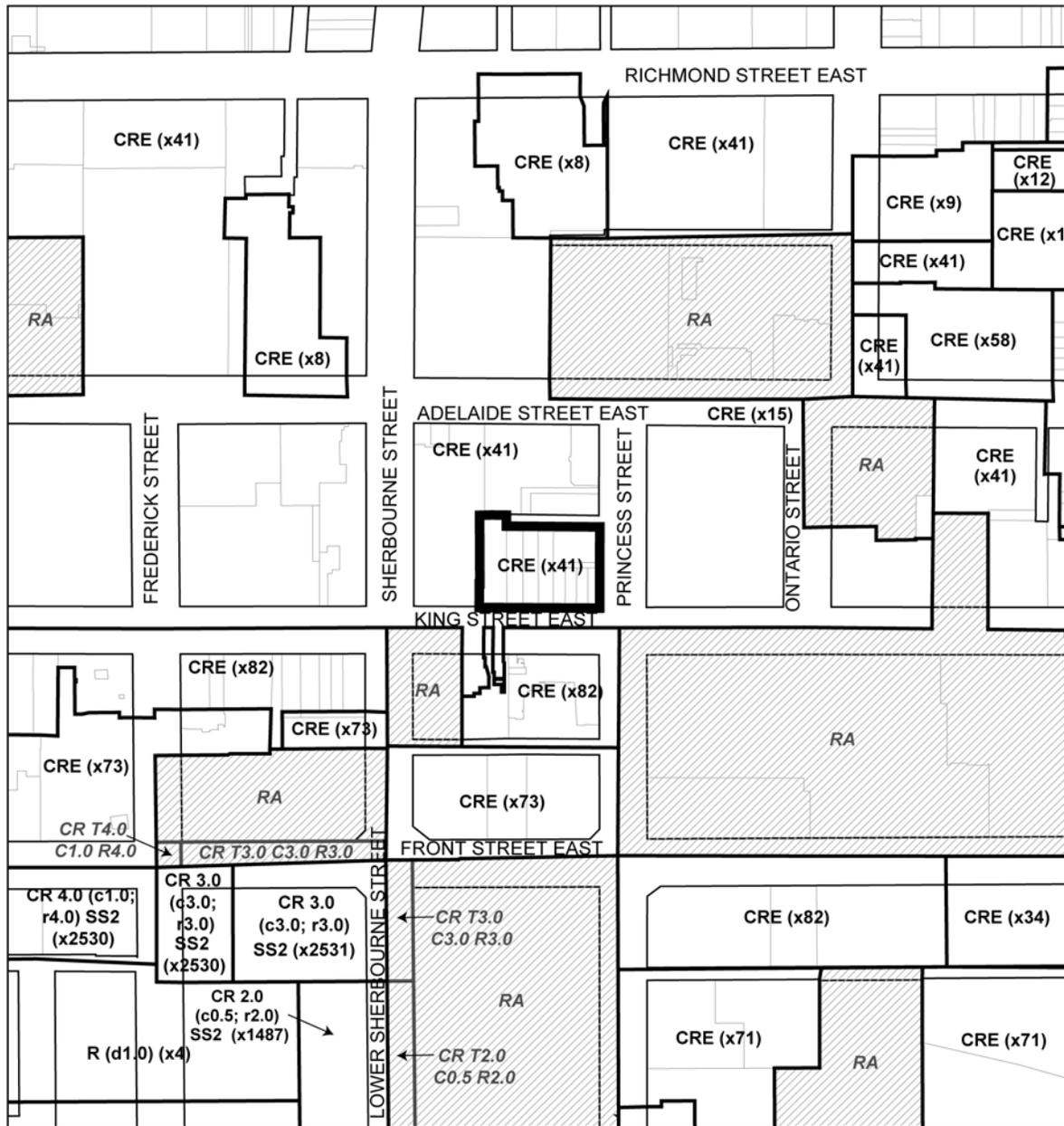
Attachment 8: Downtown Plan Land Use Map



Downtown Plan
MAP 41-3 Mixed Use Areas

-  Downtown Plan Boundary
-  Central Waterfront Secondary Plan
-  Mixed Use Areas 1 - Growth
-  Mixed Use Areas 2 - Intermediate
-  Mixed Use Areas 3 - Main Street
-  Mixed Use Areas 4 - Local

Attachment 9: Zoning By-law Map



234-250 King Street East And 162 Princess Street

Zoning By-law 569-2013

File # 20 233160 STE 13 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- CRE** Commercial Residential Employment

-  See Former City of Toronto By-law No. 438-86
- RA** Mixed-Use District
- G** Parks District
- CR** Commercial Residential


 Not to Scale
 Extracted: 03/11/2021