

## **175-185 King Street East – Zoning By-law Amendment Application – Appeal Report**

Date: August 31, 2023

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 13 - Toronto Centre

**Planning Application Number: 22 189358 STE 13 OZ**

### **SUMMARY**

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On August 18, 2022, a Zoning By-law Amendment application for 179-185 King Street East was submitted to permit a 33-storey mixed-use building with 7,600 square metres of non-residential gross floor area and 190 dwelling units above. Portions of the facades of the existing designated heritage buildings were proposed to be integrated into the development.

On March 24, 2023, the applicant appealed the application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame in the Planning Act. Following the appeal, the applicant acquired 175 King Street East and submitted a revised Zoning By-law Amendment application on August 14, 2023. The revised application for 175-185 King Street East is for a 35-storey mixed-use building with 500 square metres of non-residential gross floor area and 394 dwelling units above.

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**

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The Director, Community Planning, Toronto and East York District, recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Zoning By-law Amendment appeal for the lands at 175-185 King Street East and to continue discussions with the applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

a) the final form and content of the draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) the owner has provided confirmation of water, sanitary and stormwater, and traffic capacity to the satisfaction of 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;

c) the owner has submitted a revised Heritage Impact Assessment that includes an appropriate conservation strategy for the on-site heritage resources, to the satisfaction of the Chief Planner and Executive Director, City Planning; and

d) The owner has provided a detailed Conservation Plan, prepared by a qualified heritage consultant that is substantially in accordance with a conservation strategy set out in an acceptable Heritage Impact Assessment, both of which are to the satisfaction of the Chief Planner and Executive Director, City Planning.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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

## **THE SITE**

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**Description:** Located on the southwest corner of George Street and King Street East, the site has an area of 1,344 square metres and frontages of 43.5 metres on George Street and 34.1 metres on King Street East.

**Existing Uses:** The site contains five, three-storey mixed use buildings with commercial uses at grade and offices above. There are two rental dwelling units located on the subject site. The site is listed on the City of Toronto Heritage Register and designated under Part V of the Ontario Heritage Act.

## THE APPLICATION

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**Description:** A 35-storey (123.47 metres, including mechanical penthouse) mixed-use building with 478 square metres of retail space on the ground floor and 394 residential units.

**Heritage:** The site contains five, three-storey brick commercial warehouse buildings constructed between 1833 and 1855: 175, 179, 181, 183 and 185 King Street East. The properties are designated under Part V of the Ontario Heritage Act as part of the St. Lawrence Neighbourhood Heritage Conservation District Plan and are identified as contributing properties.

**Density:** 18.51 times the area of the lot.

**Dwelling Units:** 394 dwelling units, of which 30 are studio units (8%), 268 are one-bedroom units (68%), 60 are two-bedroom units (15%), and 36 are three-bedroom units (9%).

**Access, Parking, and Loading:** 0 vehicle parking spaces, 440 bicycle parking spaces (357 long-term spaces and 83 short-term spaces) and one Type G loading space are proposed. The loading space would be accessed from George Street.

### Additional Information

See Attachments 2, 3 and 6 of this report for a three-dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. 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/185KingStE>.

### Reason for the Applications

The Zoning By-law Amendment Application has been submitted to amend Zoning By-law 569-2013 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:** A Site Plan Control application was submitted on August 18, 2022.

## POLICY CONSIDERATIONS

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### Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

## **Official Plan**

The site is located on lands within the Downtown and Central Waterfront area and is designated Regeneration Areas. See Attachment 4 of this report for the [Official Plan Land Use Map](#). The site is also subject to the Official Plan heritage policies.

## **Downtown Plan**

The site is designated Mixed Use Areas 2 - Intermediate and located within a Cultural Precinct. King Street East is identified as a Priority Retail Street and a Great Street. The site is also subject to the [Downtown Plan](#) heritage policies.

## **King Parliament Secondary Plan**

The site is subject to the policies of the [in-force King Parliament Secondary Plan \(KPSP\) \(1996\)](#), and designated as Regeneration Areas 'A' (Jarvis-Parliament). An [updated KPSP](#) was adopted by City Council on March 5, 2021 and is currently under appeal. The site falls within the Old Town policy area in the updated KPSP.

## **St. Lawrence Neighbourhood Heritage Conservation District Plan**

The [St. Lawrence Neighbourhood Heritage Conservation District Plan](#) includes policies and guidelines for alterations to the built environment, the public realm, and archaeological resources. The Plan establishes an understanding of the cultural heritage value of the area and provides direction to guide growth and change while conserving the unique historic character of one of Toronto's oldest neighbourhoods.

## **Zoning**

The site is zoned Commercial Residential (CR SS1 (x339)). This zoning category permits a wide array of uses commercial, residential, and institutional uses. See Attachment 5 of this report for the existing Zoning By-law Map.

## **Design Guidelines**

The following [design guidelines](#) have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Downtown Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines; and
- Retail Design Manual.

## **Toronto Green Standard**

The [Toronto Green Standard](#) 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.

## **Parks Canada Standards and Guidelines**

The [Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada](#) assists in guiding planning, stewardship and conservation approaches for listed and designated heritage resources in Toronto.

## **COMMUNITY CONSULTATION**

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A virtual Community Consultation Meeting was hosted by City staff on January 26, 2023. Approximately 130 people participated, as well as the Ward Councillor and the applicant. At the meeting, City staff and the applicant's team provided presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting.

Issues raised at the meeting and through written comments and phone calls include:

- The height of the proposal is too tall for the context;
- The proposal does not fit with the heritage character of the area;
- Need for better conservation of heritage properties;
- Vehicular access, circulation, traffic impacts, and parking;
- Preference for ground floor retail instead of the hotel lobby from the original submission;
- Amenity space for children is deficient;
- Need for more family-sized units;
- Concerns about the cumulative impact of all development approvals in the area;
- Desire for increased density on the site;
- Shadow impacts from the proposed development on the surrounding area;
- Concerns about construction noise impacts on adjacent properties; and
- Need for additional street tree planting along George Street.

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Both documents establish standards for the conservation of heritage, which have not been satisfied by the proposal.

## **Land Uses**

City Planning staff will continue to review the proposed mix of uses on the site of the revised proposal. The proposed provision of 478 square metres of retail space does not replace the existing non-residential gross floor area on the site as required by the policies of the updated KPSP, which is currently under appeal.

## **Heritage Impact**

The proposed conservation strategy requires revisions to appropriately conserve the Part V designated heritage properties and address the policies in the St. Lawrence Neighbourhood Heritage Conservation District Plan. These revisions are to provide an appropriate tower stepback above the heritage buildings, minimize the heritage impact of the proposed cantilever, and improve the detailed conservation scope. Council approval is required for the proposed alterations to the heritage properties in accordance with Section 42 of the Ontario Heritage Act.

## **Built Form**

City Planning staff have concerns with the proposed building mass and height in relation to the size and configuration of the site and the relationship with neighbouring properties. Key issues include the 0-metre tower setback proposed from the west property line and tower separation distances to potential future development to the west, as well as the proposed blank wall on the west elevation.

City Planning staff will continue to review the built form of the revised proposal and work with the applicant to ensure the proposal is consistent with the built form objectives of the Official Plan.

## **Streetscape**

City Planning staff will continue to work with the applicant to ensure the proposed streetscape is consistent with the public realm objectives of the Official Plan.

## **Tree Preservation**

The proposed development would result in the removal of 10 street trees. Materials have not been submitted to determine if the proposed replacement tree planting locations are viable. City staff will continue to work with the applicant to ensure that street trees are preserved or replaced where possible.

## **Shadow**

The Sun/Shadow Study submitted in support of the application show the proposed building casts shadows on St. James Park, a Sun Protected Park in the Downtown Plan, from 9:18AM to 11:03AM on March 21, and 9:18AM to 10:48AM on September 21. Staff will continue to work with the applicant on changes to the building massing to reduce the impact of the shadows on the Park.

## **Wind**

A revised Pedestrian Level Wind Impact Study prepared by The Boundary Layer Wind Tunnel Laboratory and dated May 2023, shows that the proposed development has a modest influence to wind speeds on and around the site compared to existing conditions. The wind conditions in the Level 3 outdoor amenity areas and main entry doors may be improved through mitigation measures to achieve the desired comfort level year-round.

## **Parks**

In accordance with Chapter 415, Article III of the Toronto Municipal Code, Parks, Forestry and Recreation staff have requested that the applicant satisfy the parkland dedication requirement through cash-in-lieu.

## **Amenity Space**

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. The application is proposing 788 square metres (2.0 square meters per unit) of indoor amenity space, and 115 square metres (0.3 square meters per unit) of outdoor amenity space. City Planning staff will continue to work with the applicant to increase the amount of amenity space provided in the revised proposal.

## **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are being reviewed by Engineering and Construction Services.

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.

## **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 deputations 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, City 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.

## **CONTACT**

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## **SIGNATURE**

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Oren Tamir  
Acting Director, Community Planning  
Toronto and East York District

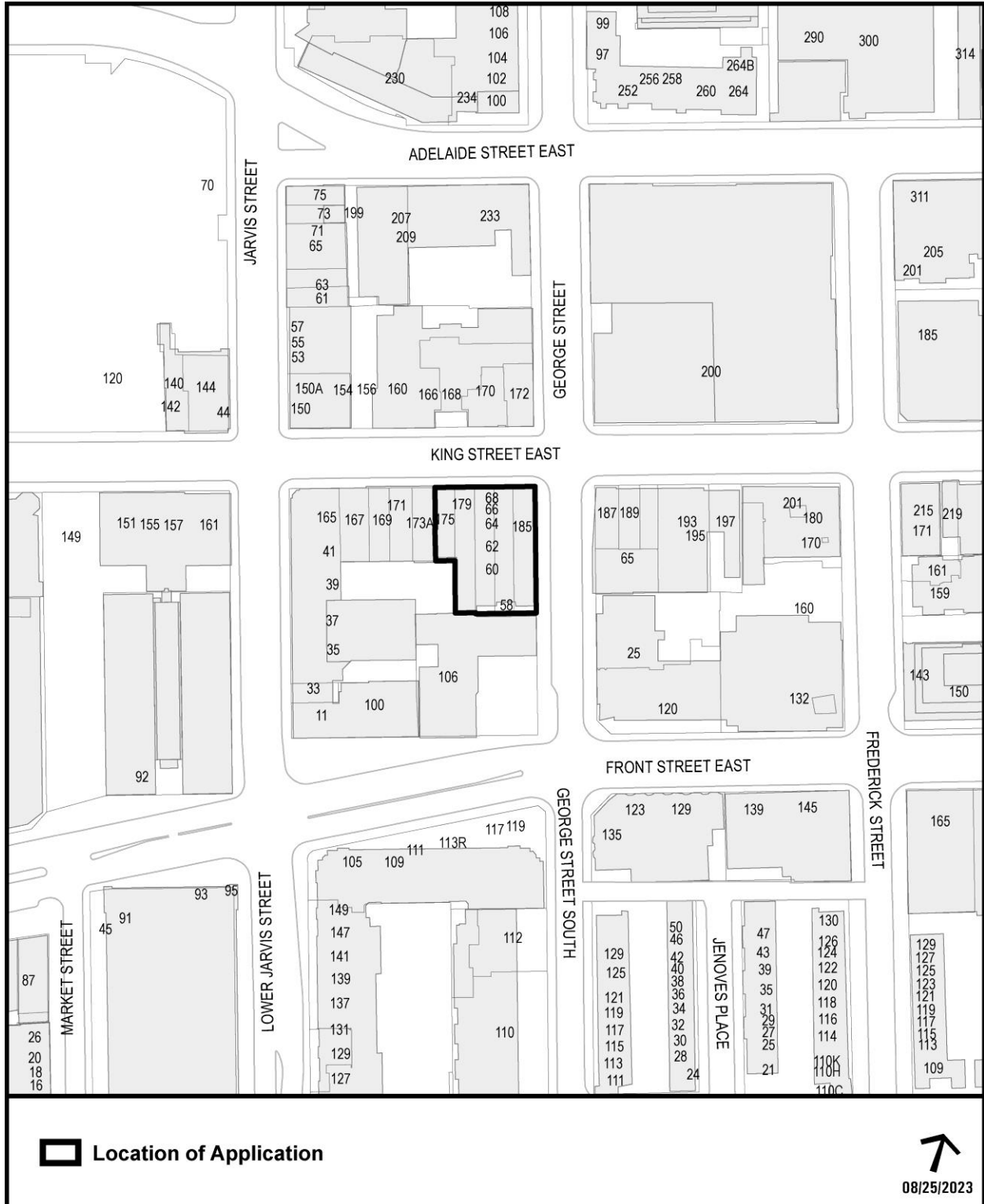
## **ATTACHMENTS**

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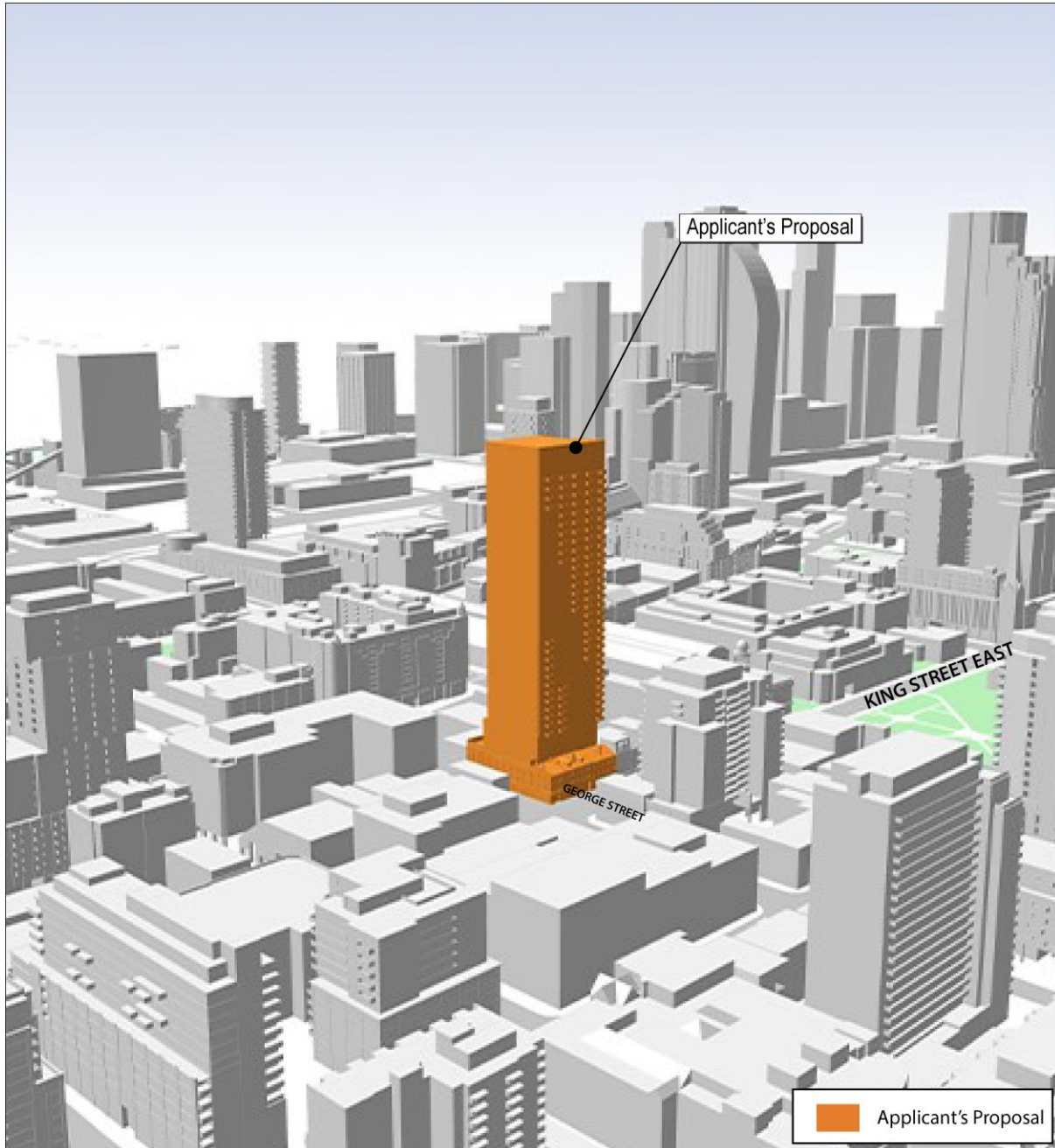
Attachment 1: Location Map  
Attachment 2: 3D Model of Proposal in Context  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map  
Attachment 5: Zoning By-law Map  
Attachment 6: Application Data Sheet



# Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context

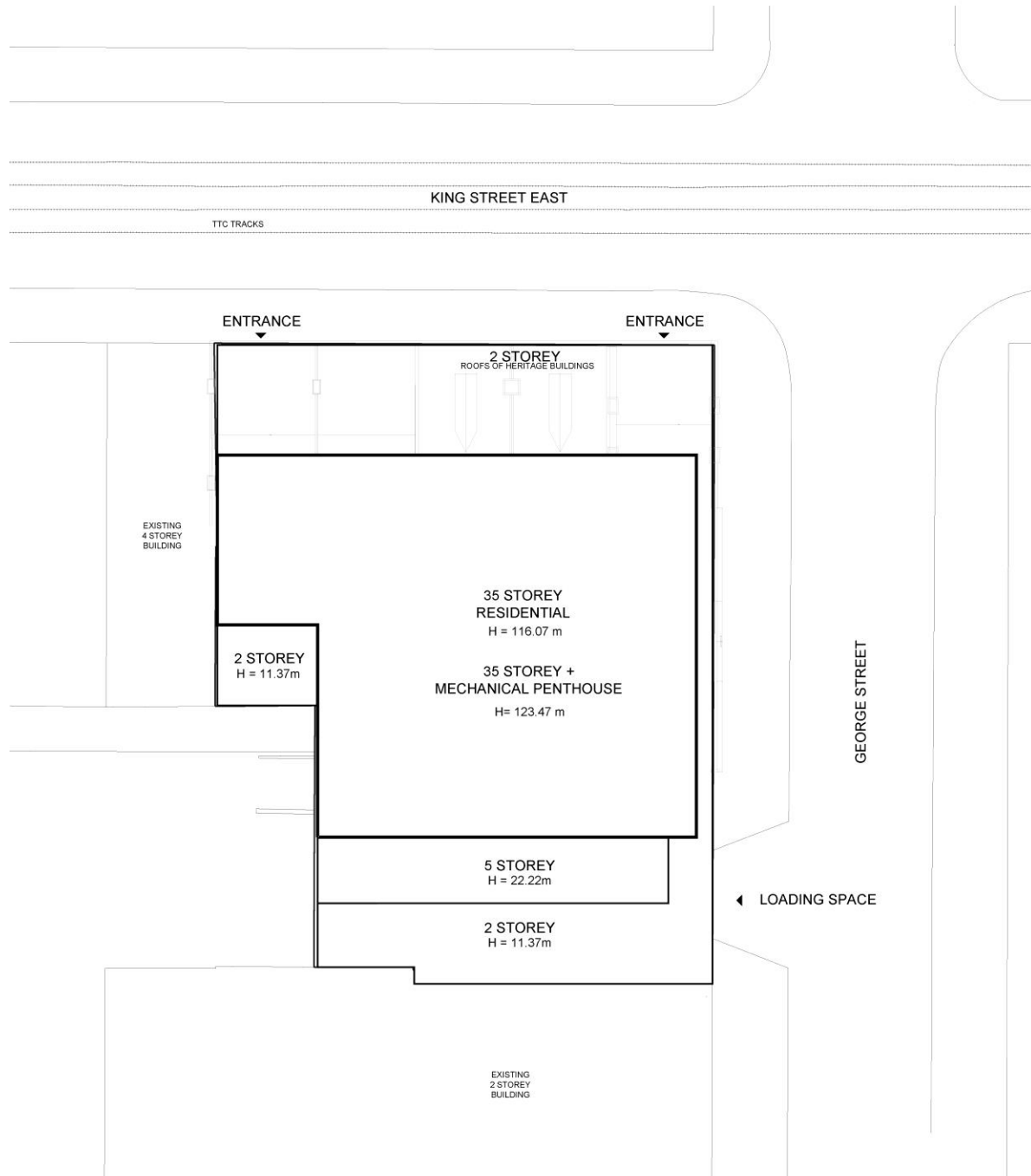


**View of Applicant's Proposal Looking Southwest**



08/25/2023

# Attachment 3: Site Plan



Site Plan



Attachment 4: Official Plan Map



175 -185 King Street East

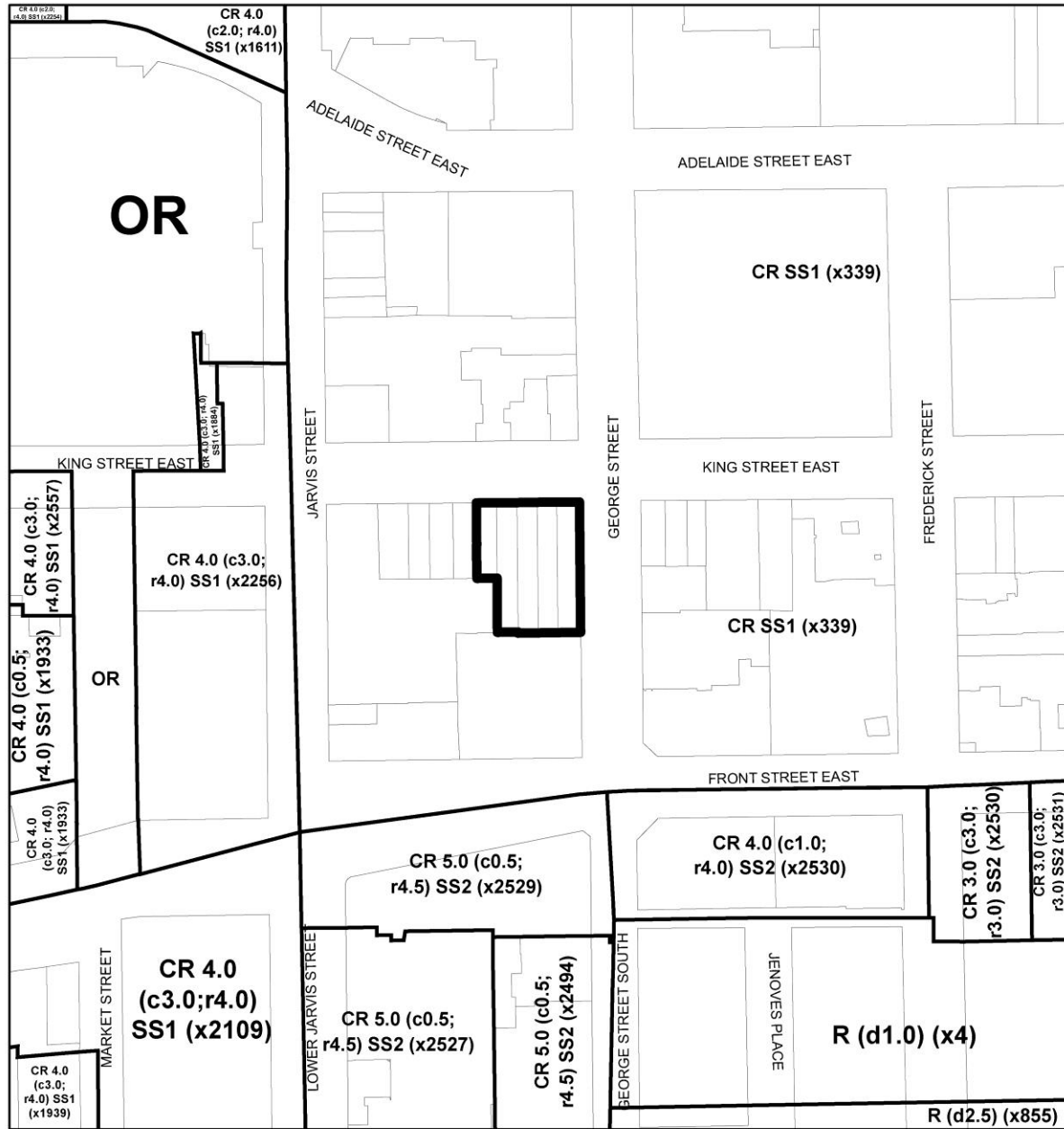
Official Plan Land Use Map #18

File # 23 189358 STE 13 OZ



↑  
Not to Scale  
Extracted: 08/25/2023

# Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

175 - 185 King Street East

File # 23 189358 STE 13 0Z

Location of Application

R Residential    CR Commercial Residential  
 OR Open Space Recreation

Not to Scale  
 Extracted: 08/25/2023

## Attachment 6: Application Data Sheet

Municipal Address: 175-185 King Street East Date Received: August 14, 2023

Application Number: 22 189358 STE 13 OZ

Application Type: Rezoning

Project Description: A 35-storey (123.47 metre) mixed-use building including 394 residential units and 478 square metres of retail space on the ground floor.

Applicant	Agent	Architect	Owner
Aird & Berlis LLP	Eileen Costello	IBI Group	185 King Developments Inc.

### EXISTING PLANNING CONTROLS

Official Plan Designation: Regeneration Areas Site Specific Provision: N

Zoning: CR SS1 (x339) Heritage Designation: Y

Height Limit (m): 90, 16 Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 1,344 Frontage (m): 34 Depth (m): 44

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,100		1,279	1,279
Residential GFA (sq m):			24,406	24,406
Non-Residential GFA (sq m):			478	478
Total GFA (sq m):			28,606	28,606
Height - Storeys:	3		35	35
Height - Metres:			123	123

Lot Coverage Ratio (%): 95 Floor Space Index: 18.51

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	24,406	
Retail GFA:	478	
Office GFA:		

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	2	0		
Freehold:				
Condominium:			394	394
Other:				
Total Units:			394	394

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		30	268	60	36
Total Units:					

Parking and Loading

Parking Spaces:	0	Bicycle Parking Spaces:	440	Loading Docks:	1
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