

154 Front Street East - Zoning Amendment and Site Plan Applications - Request for Direction Report

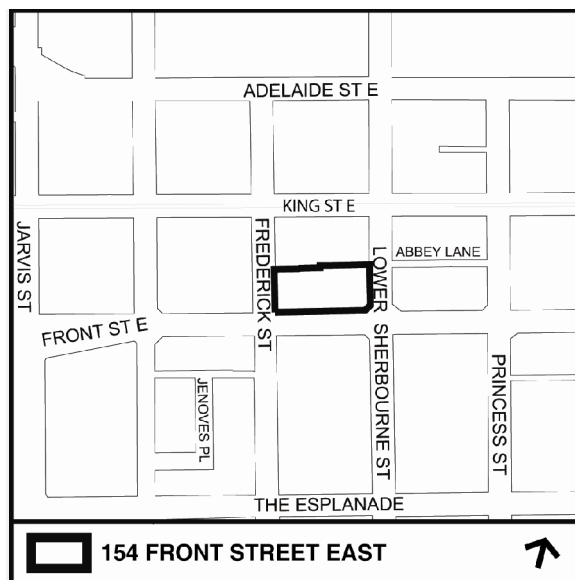
Date:	March 22, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	11 146719 STE 28 OZ and 11 146730 STE 28 SA

SUMMARY

This application proposes a mixed-use development at 154 Front Street East, consisting of two 26-storey residential condominium towers connected by a common podium with retail uses on the ground floor. A total of 477 residential units and 284 below-grade parking spaces are proposed.

This proposal represents an overdevelopment of the property that is not consistent with the planning framework and evolving character of the area. The proposal's height significantly exceeds the zoning by-law permissions and its scale and massing do not achieve any type of compatible relationship with the surrounding built form context. This proposal does not respect or respond to the historical and urban design significance of the Old Town of York Area of Special Identity and the immediate vicinity. Its approval would set a negative precedent for future development that would fundamentally alter the urban structure of the King-Parliament area.

The applicant has appealed the Zoning By-law amendment to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the application within the time allotted under Section 34 of the *Planning Act*. The purpose of this report is



to seek City Council's direction for the City Solicitor, together with appropriate City staff, to oppose the proposal at the OMB.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law Amendment and Site Plan Approval applications for 154 Front Street East (File #s 11 146719 STE 28 OZ and 11 146730 STE 28 SA), and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are needed in support of the position recommended in this report.
2. City Council authorize the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.
3. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

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

DECISION HISTORY

Pre-Application Consultation

City Planning staff met with Build Toronto (the site's former owner) staff on two occasions in October 2009 and May 2010 to discuss massing possibilities for the property in advance of its sale. It was pointed out that Build Toronto was looking for an outright sale of the property and would not be partnering with a potential bidder nor including any height or built form conditions in the agreement of purchase and sale. Staff advised that although the parcel was a prime re-development site, any proposal would need to be cognizant of the planning framework and the emerging built form in the area. They were advised that the site is within the original ten blocks of the Old Town of York, has a strong prevailing heritage context and is surrounded by buildings with height ranges from four to ten storeys, with some approvals up to 17 storeys in the vicinity.

In preparation for the sale and to advise potential bidders, Build Toronto produced a report titled, "154 Front Street East, Market and Planning Review", which made two key conclusions:

1. There is little precedence for development of similarly located buildings for heights over 17 storeys; and

2. That the site is likely too small for a two tower approach, while maintaining an adequate separation distance between towers.

Staff first met with the current applicant to discuss development on this property in August 2010. The applicant presented five models of potential built forms for the property, all of which contained 400,000 square feet of gross floor area, including:

1. a generic point tower/podium' scheme with a 40-storey single tower and 10-12 storey podium;
2. a two-tower option with two 24-storey towers and a 10-12 storey podium;
3. a 'fractured block' concept with a 20-storey tower connected to a 26-storey tower by a bridge element, and an 8-10 storey podium;
4. a more slab-oriented, 20-storey tower with a 10-12 storey podium and 'articulated boxes' above; and
5. a 'stack of books' concept of a 20-storey slab building with shifting floorplates throughout the building.

Staff expressed a clear preference for options 4 or 5, as they were more in-keeping with the warehouse character of several of the existing historic buildings in the vicinity and most of the contemporary buildings in the area. Staff also expressed concern with the taller heights suggested, as there was little precedent for heights of this magnitude within the King-Parliament area.

A pre-application consultation meeting was held with the applicant in November 2010 to discuss complete application submission requirements. At this meeting, the applicant was informed that the high heights and densities being contemplated were not supportable in this historic neighbourhood, where the evolving built form has not exceeded 15-17 storeys.

Two developer-led invited stakeholder meetings were also held in December 2010 and March 2011. There were about 15 participants at each meeting and Planning staff and staff from the Ward Councillor's office also attended. At the first meeting, the applicant presented the same five models that were presented to staff in August 2010. Comments and issues raised at the first meeting included: concern about the high number of units and the gross floor area being considered, excessive height with three of the options, preference for innovative design, providing for family size units, potential impacts on the adjacent residential building to the north, providing for larger retail stores, greening of streets, and the use of high quality building materials.

At the second developer-led consultation meeting, the applicant presented the design proposed in the original application, with two towers at 24 storeys each. Invited

stakeholders provided the following comments: concern with building height and density; clarification on the shadow impacts; the applicant should reduce the number of units and provide for larger, family-oriented units; concern with two as opposed to one tower; provide for increased setbacks of the towers from the podium along Front Street East; consider a sustainability strategy for the project including LEED or TGS objective; and orientation of the loading space, particularly for the retail units should be re-examined. Participants noted that the innovative design, the treatment of the podium and the flexibility in the retail space to provide for a larger retailer were all positive elements of the project. Comments on the proposed building materials varied: some participants preferred the limestone proposed, while others felt this material was not complementary to the historic brick buildings found throughout the area.

ISSUE BACKGROUND

Correspondence with the Applicant

Prior to the submission of the revised application in November 2011, the applicant submitted a 'bare bones' version of the revised proposal in August 2011 for comment. Staff sent a response to the applicant dated September 13, 2011 in which it was re-iterated previously identified concerns related to height, density and built form in relation to the surrounding context, the inappropriateness of Section 37 discussions at this stage in the review process and the City's preferred approach to development of the site with a more slab-oriented, contextual building.

Original Proposal

The original application submitted in March 2011 proposed a mixed-use building with 537 residential condominium units above 1,020 square metres of ground floor retail space for a total gross floor area of 39,018 square metres or a density of 12.1 times the area of the lot. The proposed building consisted of a podium ranging in height from five to seven storeys (19 to 25 metres) with two residential towers above situated at the east and west ends of the podium along Frederick Street and Sherbourne Street respectively. The east tower had a height of 34 storeys (108 metres), with a seven metre mechanical penthouse proposed above for a total height of 115 metres. The west tower had a height of 24 storeys (76 metres), with its mechanical penthouse incorporated into the tower design.

Setbacks for the podium from the property lines were proposed at zero to three metres along Sherbourne Street, three metres along Front Street East, 7.5 metres along Frederick Street and five to seven metres along the north property line. This would have resulted in sidewalk widths of approximately four to seven metres on Sherbourne Street, 5.5 metres on Front Street East and three to 10.5 metres on Frederick Street (including proposed open space). The towers were proposed to be stepped back from the podium 3 metres on the Sherbourne Street frontage, zero metres on Front Street East, negative 5 metres on Frederick Street (this was a proposed cantilever) and zero metres on the north side of the building. A bridge was also proposed to extend from the roof of the west tower to the 25th floor of the east tower and included interior and exterior amenity space. The separation distance between the proposed towers was approximately 20.4 metres.

The proposed unit mix consisted of: 4 bachelors (1%), 449 one-bedrooms (84%) and 84 two-bedroom suites (15%). A total of five levels of underground parking with 361 parking spaces were proposed for residents (328 spaces) and visitors (33 spaces). Fifty-eight outdoor bicycle parking spaces were proposed for visitors on the north side of the building with 488 bicycle parking spaces for residents in the parking garage. Access to loading and parking was proposed off both Sherbourne and Frederick Streets from a 7.2 metre wide driveway at the north end of the site.

Proposed common amenity space included 1,078 square metres within the building and 1,241 square metres outdoors. Balconies and terraces of varying sizes were also proposed for most units. An outdoor open space area of 202 square metres was proposed on the ground level at the northeast corner of Frederick Street and Front Street East. The west tower of the building above the podium was proposed to cantilever above this open space by about 3 metres. The building was proposed to be setback three metres from the Front Street East property line. Twenty-three street trees were proposed to be planted along the Front Street East, Frederick Street and Sherbourne Street frontages. Additional site and development statistics from the original proposal are included in the Original Application Data Sheet, Attachment 14.

Current Proposal

The revised application, submitted in November 2011 (and the subject of the OMB appeal) proposes a similar built form in a mixed-use building with 477 residential condominium units above 1,127 square metres of ground floor retail, for a total gross floor area of 37,322 square metres or 11.5 times the area of the lot. The proposed development is comprised of a three to nine-storey podium (13 to 32 metres) with two residential towers above. The eastern most tower at the corner of Front Street East and Sherbourne Street is proposed at 26 storeys (82 metres) plus a seven metre mechanical penthouse above (89 metres total). The proposed height for the western tower at Front Street East and Frederick Street is 22 storeys (70.5 metres) with a four-storey bridge above (incorporating the mechanical equipment) connecting to the eastern tower for a total height of 26 storeys (82 metres).

Setbacks for the podium from the property lines are proposed at zero to three metres along Sherbourne Street, three metres along Front Street East, zero metres along Frederick Street and seven to nine metres along the north property line. This would create proposed sidewalk widths of approximately four to seven metres on Sherbourne Street, 5.5 metres on Front Street East and three metres on Frederick Street. The towers are proposed to be stepped back from the podium 5 metres on the Sherbourne Street frontage, zero metres on Front Street East, 3.4 metres on Frederick Street and zero metres on the north side of the building. The proposed separation distance between the towers is 20 metres. See Attachments 1-6 for proposed site plan, applicant's rendering and elevations.

The proposed unit mix for the revised proposal is: 48 bachelors (10%), 325 one-bedrooms (68%) and 104 two-bedroom suites (22%). As with the original proposal, five

levels of underground parking are proposed, now with 284 parking spaces, 255 for residents and 29 for visitors. Fifty-two outdoor bicycle parking spaces were proposed for visitors at the ground level, with 52 visitor spaces in the P1 level. A total of 391 resident bicycle parking spaces are located in levels P2 to P5. Access to loading and parking was proposed from both Sherbourne and Frederick Streets via a drive aisle at the north end of the site, varying in width from five to nine metres.

Proposed common amenity space includes 954 square metres within the building and 644 square metres outdoors. Most units have some form of balcony or terraces of varying size. The building continues to be proposed to be setback three metres from the Front Street East property line, although the ground level open space along the Frederick Street frontage has been eliminated. Thirteen street trees are proposed to be planted along the Front Street East and Sherbourne Street frontages. Additional site and development statistics from the original proposal are included in the Revised Application Data Sheet, Attachment 15.

Site and Surrounding Area

The site is located on the north side of Front Street East and extends the full block from Frederick Street to Sherbourne Street. It is 3,221 square metres in area, rectangular in shape and generally flat. There are approximately 84 metres of frontage along Front Street East, 38 metres along Frederick Street and 40 metres along Sherbourne Street. The site was occupied by a two storey Greyhound courier bus station and associated surface parking and loading areas until the building was demolished in November 2011. It is currently vacant, surrounded by perimeter fencing. There are six trees along the north property line that are proposed to be removed. The site is located in the St. Lawrence Market Neighbourhood Business Improvement Area and fronts on the proposed Pan Am Games Pedestrian Promenade on Front Street East.

Surrounding uses include:

South: The Young People's Theatre situated at the southeast corner of Frederick Street and Front Street East is opposite a portion of the site. This four-storey building, formerly the Toronto Street Railway Stables, is designated as historically significant under the *Ontario Heritage Act*. The former William Davies & Company meat packing plant and J & J Taylor Safeworks building, also designated under the *Ontario Heritage Act* is opposite the theatre, on the southwest corner of Frederick Street and Front Street East. A four-storey mixed-use commercial and residential building occupies the remainder of the block on the south side of Front Street East opposite the site.

West: There is a 10-storey mixed-use building opposite the site on the west side of Frederick Street with commercial uses at grade and residential uses above. On the north side of Front Street East further west are older mixed-use buildings of 3 to 5 storeys with retail uses at grade and residential uses above.

North: Adjacent to the site is a 10-storey residential condominium building that fronts onto Frederick Street and a 2-storey commercial building that fronts onto Sherbourne Street. Further north of the site along King Street East, are 1 to 4-storey commercial and institutional buildings. A number of these buildings are listed on the City's Inventory of Heritage Properties for their historical or architectural significance.

East: There is a car dealership with associated surface parking on the southeast corner of Front Street East and Lower Sherbourne Street and a grocery store further east on the south side of Front Street East. Across from the subject property at the northeast corner of Sherbourne Street and Front Street East is a gas station and a 3-storey commercial building north of the gas station. A 17-storey mixed-use residential and commercial building has been approved for the southeast corner of King Street East and Sherbourne Street (file: 08 186000 STE 28 OZ).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is located in the *Downtown* on Map 2 - Urban Structure and is designated *Regeneration Areas* on Map 18 – Land Use Plan (See Attachment 7). It is also within the King-Parliament Secondary Plan area. As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the *Downtown* that: builds on the strength of the area as an employment centre, provides for a range of housing opportunities and supports and enhances speciality districts. The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives: it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, promotes mixed use development to increase opportunities for living close to work and to encourage walking and cycling, improves air quality and reduces greenhouse gas emissions by reducing reliance on the private automobile, all in keeping with the vision for a more liveable Greater Toronto Area.

This re-urbanization strategy recognizes that although growth is expected to be accommodated *Downtown*, the level of growth will not be uniform across the *Downtown* given its diversity. In the section on *Downtown*, Policy 2.2.1.6 identifies the requirement for design guidelines specific to districts of historic and distinct character to be developed to ensure that new development respects the context of such districts in terms of its fit with existing streets, setbacks, heights and relationship to landmark buildings.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2.3 seek to ensure that new development is massed and designed to fit harmoniously into its existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things, this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring existing or planned buildings; providing for adequate light and privacy; and adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets and properties. Ensuring adequate access to sky view for the proposed and future use of adjacent streets is a requirement within Policy 3.1.2.4 for all new development. Policy 3.1.2.5 requires new development to provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians by providing landscaped open space within development sites.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1.3 provide additional direction on how they fit into the existing and planned context and how they are designed. The plan states that although tall buildings are desirable in the right places they don't belong everywhere and are only one form of intensification. Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street that integrates with adjacent buildings, a middle with a floor plate size and shape having appropriate dimensions for the site in relationship to the base and adjacent buildings, and a top that contributes to the skyline character. Policy 3.1.3.2 requires new tall development to address key urban design considerations, including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and planned context;
- taking into account the relationship of the site to other tall buildings;
- providing high quality, comfortable and usable publicly accessible open spaces; and
- meeting the other goals and objectives of the Official Plan.

Section 3.1.5 deals with the City's heritage resources. Policy 3.1.5.1 seeks to conserve significant heritage resources through listing or designating properties, and designating

areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character.

Policies for Regeneration Areas

A broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses are permitted within *Regeneration Areas* to promote reinvestment and revitalization.

The policies of Section 4.7.2 for *Regeneration Areas* require that the framework for new development in these areas be set out in a Secondary Plan. Section 5.2.1.1 provides that secondary plans are intended to apply to defined areas and adapt and implement the objectives, policies, land use designations, and overall planning approach of the Official Plan to fit the local context. Section 5.2.1.3 of the Official Plan provides that Secondary Plans will promote a desired type and form of physical development for the area, and plan for an appropriate transition in scale and activity between neighbouring districts.

Section 4.7.2 gives direction on the intent of Secondary Plans for *Regeneration Areas* and provides that they will guide revitalization through matters such as:

- urban design guidelines related to the unique character of the area,
- strategies to promote greening and community improvements,
- a heritage strategy identifying important heritage resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources,
- transportation policies that encourage transit, walking and cycling in preference to private automobile use; and
- environmental policies ensure that contaminated lands are cleaned up and appropriate for new development.

The Official Plan is available on the City's website at:

www.toronto.ca/planning/official_plan/introduction.htm

King-Parliament Secondary Plan

As mentioned above, the subject property is located in the King-Parliament Secondary Plan Area and within a sub-area of King-Parliament identified as the Jarvis-Parliament Regeneration Area (See Attachment 8). The King-Parliament Secondary Plan provides a framework for reinvestment and development, intended to encourage a wide range of uses that are mutually compatible and complement the existing built form character and scale of the area. Within this framework, the Jarvis-Parliament Regeneration Area is intended as an area targeted for significant growth providing for a mix of compatible land uses. The site is also situated within the Old Town of York, an area of special identity within King Parliament (See attachment 10). Encompassing the original ten blocks of the City of Toronto, the Old Town of York is referenced in Section 3.1.4 of the Secondary Plan, which calls for new development that will implement urban design policies to protect this area of special identity.

General Built Form Principles identified in Section 3.2 require that new buildings will be sited and massed to provide adequate light, view and privacy for neighbouring properties and achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression. The Plan states that buildings adjacent to streets, parks or open spaces will be massed to provide appropriate proportional relationships and designed to minimize the wind and shadowing impact on the streets, parks or open spaces. Further requirements include new developments providing comprehensive, high quality, co-ordinated streetscape and open space improvements to promote greening and landscape enhancement within King-Parliament. These high quality open spaces are intended for the use of residents, visitors and area workers.

Heritage policies in Section 4.4 of the Plan reiterate the contextual built form provisos identified above, requiring new buildings to achieve a compatible relationship with heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile, and architectural character and expression.

Map 15-2 of the King-Parliament Secondary Plan identifies locations of building sites with potential for building features or landscape treatments to identify view termini (See Attachment 9).

The King-Parliament Secondary Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/pdf_secondary/15_king_parliament_dec2010.pdf

King-Parliament Urban Design Guidelines

In conjunction with the City's Official Plan and King-Parliament Secondary Plan policies, the urban design guidelines for King-Parliament seek to reinforce the physical character and identity of the area. The site is within the Old Town of York, one of three 'Areas of Special Identity' identified in the King-Parliament planning framework. This area was the original ten blocks of the grid for the future City of Toronto. The guidelines provide that new development will respect the historical and urban design significance of the area and that new buildings will reinforce the scale and continuity of the street wall enclosure along the streets.

The King-Parliament Urban Design Guidelines are available on the City's website at:
www.toronto.ca/planning/urbdesign/pdf/14kingparliament.pdf

King-Parliament Community Improvement Plan

The Community Improvement Plan (CIP) for King-Parliament provides a framework for streetscape improvements and building enhancements within the area to attract new investment. Areas of Special Identity such as the Old Town of York are noted as deserving special attention in order to highlight their heritage and historic importance. Potential 'gateways' and 'places' are highlighted on Map 7 within the CIP as area worthy of special consideration.

Tall Building Guidelines

The City's 'Design Criteria for the Review of Tall Building Proposals' provide guidelines for the design and evaluation of tall buildings in the City. Aimed to implement the built form policies of the Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals. The introduction on Tall Building Form states that new tall buildings will be designed to:

- avoid big, boxy, dominant massing and
- step back the building mass to maintain an appropriate scale at street level.

This section goes on to state that applicants will illustrate and describe how the massing of the proposed tall building is integrated into surrounding development and how it creates an elegant rather than bulky form. Further criteria and indicators are related to four main areas; site context, site organization, building massing and the pedestrian realm.

In considering site context, a tall building proposal must address concerns related to transitions between taller buildings and lower scale features nearby. Section 1.2 states that new development will be massed to fit harmoniously into its existing planned context and will limit its impacts on surrounding areas by creating appropriate transitions in scale to neighbouring existing buildings. Measures such as setbacks, stepbacks and angular planes are used to achieve appropriate transitions in scale and the protection of sunlight and sky views. In particular, the guidelines speak to transition being achieved through the placement of taller building elements on a site to reduce their visible impact from streets and neighbouring properties. One of the recommended methods is a stepback of the taller building from its base to allow for the reading of the base as the primary definition of the street.

Criteria related to site organization address issues of, among others, enhancement of adjacent streets and open spaces, and respect for heritage buildings. Section 2.4 on Open Space requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing landscaped open space within the development site. Addressing heritage issues, the Guidelines state that any new tall building proposal should demonstrate that the area's character and the appearance of heritage buildings will be preserved and enhanced.

Building massing is an important consideration in assessing tall buildings. The scale of the base building is discussed in Section 3.1, where the guidelines identify that the appropriate scale of the stepback from the base building for taller building elements is determined by the relationship of the scale of the taller building to the base. The taller the building in relationship to the base, the larger the stepback required to reduce the negative impact of the taller element on the street proportion and context. The Guidelines recommend that the minimum stepback of the taller building parts from the street edge of the base building will be five metres. The scale of the base component of a tall building should also have good street proportion to maintain access to sunlight and

sky views along the street and should integrate with adjacent buildings. Section 3.2 discusses Tall Building Floor Plates and states that smaller floor plates and building articulation are recommended to break down the mass of the building, cast smaller shadows, permit better views between buildings and through the site, and allow for more sun penetration. Spatial Separation is discussed in Section 3.3. This section highlights the importance of adequate space between tall building elements to allow appropriate light and privacy for existing and new buildings, as well as providing appropriate sunlight, wind and sky view to adjacent streets and properties. Conditions beyond the required by-law minimums are often required to achieve appropriate light, view and privacy. The criteria include a minimum spacing of 25 metres between the shafts of tall building elements and on compact sites where a tall building is proposed, the shaft of the tall building must be located a minimum of 12.5 metres from the property line or centreline of a public lane.

New tall buildings are expected to enhance the pedestrian realm by limiting impacts related to sun penetration, shadows, sky view and wind. Tall building designs should maximize access to sun and sky views, as well as minimize shadow impacts on public streets and adjacent buildings (Section 4.3). Pedestrian Level Wind Effects are discussed in Section 4.4 in which requirements for appropriate wind studies and mitigation measures are presented.

The Design Criteria for the Review of Tall Building Proposals is available on the City's website at:
www.toronto.ca/planning/urbdesign/pdf/tallbuildings_udg_aug17_final.pdf

St. Lawrence Heritage Conservation District

In 2005, Toronto City Council identified a study area for the St. Lawrence Heritage Conservation District, to include areas west of George Street. The study area was expanded to include the subject property and the rest of the original ten blocks of the Old Town of York in 2009. New guidelines for the preparation of Heritage Conservation District studies and plans were presented to City Council in early 2012, with the St. Lawrence HCD identified as a priority. It is expected that this study will commence in the second quarter of 2012.

Zoning

The subject property is zoned Reinvestment Area (RA) District in Zoning By-law 438-86 (See Attachment 12). A wide range of residential, retail, commercial, institutional, recreational and industrial uses are permitted within this zone. The maximum building height permitted on this site is 30 metres (See Attachment 13), with an additional 5 metres permitted for rooftop mechanical elements. A setback of zero metres is permitted from the front and side lot lines to a maximum depth of 25 metres from the lot line, beyond which it must be setback a minimum of 7.5 metres from the lot line. A minimum 7.5 metre setback from the rear lot line is also required. Section 12(2)246 of By-law 438-86 requires a minimum setback of 3 metres is along all street frontages for the portion of a building higher than 20 metres.

Site Plan Control

The proposed development is subject to site plan control. A site plan control application (file #: 11 146730 STE 28 SA) was submitted concurrently with this rezoning application and has also been appealed to the Ontario Municipal Board.

Reasons for Application

The proposed building height of 82 metres exceeds the maximum height of 30 metres permitted in the zoning by-law by more than 50 metres. Additional areas on non-compliance with the zoning by-law include:

- the minimum building setback from the rear (north) property line of 7.5 metres has not been provided (proposed setback is 6.9 metres from the north property line);
- the minimum building stepback of three metres for a tower above 20 metres has not been provided;
- the minimum required outdoor amenity space of 2 square metres per unit (954 square metres total) has not been provided (1.35 square metres of outdoor amenity space per unit is proposed, 644 square metres total);
- deficiency in loading spaces;
- deficiency in the size of some of the vehicular parking spaces; and
- deficiency in the type of some of the bicycle parking spaces.

Ontario Municipal Board Appeal

On December 14, 2011, the City Clerk's Office received notification that the applicant filed an appeal of both the Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board, citing Council's failure to make a decision on the applications within the prescribed timelines of the *Planning Act*.

Community Consultation

The original proposal was presented to the Development Committee of the St. Lawrence Neighbourhood Association in May 2011. The Committee presented a number of concerns in response to the application, namely: the underlying density being sought, the proposed height well beyond 17 storeys which is the comparable height cap for the area, and the lack of family-sized units. They provided encouragement for the applicant to pursue: innovative architecture, materials reflective of the area's historic character, the recommended three metre setback along Front Street East, LEED Gold or Toronto Green Standard Tier Two for sustainability, large retail units, upper-level stepbacks for any tower above the podium, servicing to the rear, reduced vehicular parking, car share facilities and enhanced bike parking.

Two City-led community consultation meetings were held on this application: the first, based on the original proposal took place in June 2011 and the second, based on the revised proposal, occurred on January 16, 2012. The developer also conducted an additional invitation only meeting in December 2011, as a follow-up to their two pre-application, invitation only meetings in December 2010 and March 2011.

The first community consultation meeting went forward despite inadequate notification from a Canada Post strike. Although approximately 100 members of the public were in attendance, residents were assured that a subsequent meeting would take place with proper notification. More than 25 pieces of correspondence were also received from constituents relating to the original proposal. Comments and concerns raised at the meeting and in writing included:

- Height – proposed height is well-beyond zoning permissions, existing buildings and recent approvals in the vicinity;
- Density – proposed density is way beyond the as-of-right allowable gross floor area;
- Precedent – proposed height and density would create a precedent for new development on soft sites in the area;
- Built Form and Neighbourhood Fit– height, scale and design do not integrate into the existing fabric of the surrounding buildings;
- Heritage – building scale and character out of place with adjacent heritage buildings and original 10 blocks of the Old Town of York;
- Sun Exposure – proposed building will block sunlight access to the immediate area and buildings to the north;
- Shadows – will create adverse impact on surrounding area to the north;
- Design – some support expressed for the modern approach of the proposal;
- Setbacks – appreciate the podium setback from Front Street East;
- Tower Stepbacks – not enough setback of the tower above the podium on all three street frontages;
- Overlook – proposed building will overwhelm the sidewalk and surrounding buildings;
- Retail – some support expressed for the large ground floor retail units;
- Amenities – building should provide more space (indoor or outdoor) for use by the community;
- Open Space – small landscaped area on Frederick Street is too small to be effective;
- Quality of Life – how much density is too much for an area? Need to consider cumulative impacts of additional residents on transit, parks, community services, schools, etc.;
- Unit Mix – too many one-bedroom units, not enough two and three bedroom units to encourage families;
- Transit – existing King Street streetcar is well beyond capacity;
- Parking – proposal will exacerbate existing on-street parking problems;
- Traffic – concerns over proposed Frederick Street entrance and high traffic levels on this non-arterial street; and
- Sustainability – the building should seek to achieve LEED Gold or Toronto Green Standard Tier Two.

A second community consultation meeting was held to receive comments on the revised proposal on January 16, 2012. More than 150 members of the public were in attendance and 24 pieces of written correspondence were submitted. Issues identified included:

- Height – still too high, with no rationale for excess height provided;

- Context – no buildings in the vicinity near 26 storeys;
- Precedent – every new approval becomes a precedent for future development;
- Built Form – can the site accommodate two towers? Why the bridge element?
- Podium – too bulky and high; density of original proposal has just been re-allocated;
- Heritage – Old Town of York dates to 1793, what relationship does this building have with respect to built form, materials, etc.; historic area not being respected with this proposal;
- Density/Crime Rates – St. Lawrence Neighbourhood and area is known as a mid to low density area with low crime rates – not a coincidence;
- Design Review Panel – Panel voted to redesign the building; their comments have not been addressed: density should not be the driver of design, building is not appropriate for its context;
- Upper level setbacks – at least 3 metres should be provided on all sides;
- Materials – should be some brick component to the building, not all glass and steel;
- Open Space – proposal lacks any space at grade to break up the building and provide pedestrian amenity; why was the open space on Frederick Street removed?
- Rear Laneway – concerns with noise, vibration, and exhaust from rear lane vehicles and loading;
- Uses – proposal should contain more of a mix in housing types, income levels, ownership types – we have enough condominiums;
- Family-sized Units – still not being provided
- Transit capacity – local streetcar and buses already carrying maximum volumes;
- Traffic – has there been an assessment of traffic volumes and requirements for additional signalized intersections?
- Parking – not enough parking provided for the area;
- Sustainability – such a large project should pursue a higher level of green building certification through TGS Tier Two or LEED Gold;
- Collaboration – several residents expressed disdain for the lack of collaboration from the developer with the City and local residents on this proposal; and
- OMB – lots of questions about the OMB appeal and potential mediation process.

At the developer-led consultation meeting in December 2011, similar concerns were raised about the proposal's excessive height and density, lack of family-sized units, need for increased upper-level setbacks, inappropriate building design, no relationship to surrounding context, parking and sustainability. Additional issues, which had not previously been heard, included the following:

- Retail loading facilities are inadequate – trucks will use Front Street East;
- Retail spaces should be aimed at a larger retailer;
- Community benefits and Section 37 agreement – what is this proposal providing for the residents of the area in exchange for a significant increase in height;
- Interior atrium – interesting architecture, but what does it provide for neighbours? and
- Section 37 Benefits – what has been discussed?

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

City of Toronto Design Review Panel

The original application was presented to the City's Design Review Panel in July 2011. The Panel voted 7 to 1 for the applicant to redesign the building. Comments provided by the Panel included:

- Placed within the Old Town context and measured against the regulatory framework, it does not represent a good fit of the site;
- Density objectives appeared to be the primary driver of the built form and suggested that this should never be the case in the exercise of city building;
- The original 10 blocks of the Old Town of York was not a place for a tower and intensification should be sought by other means;
- Members were unconvinced as to why the qualities of this site were so different that they would warrant such a dramatic increase in height beyond that specified by the regulatory framework;
- Panel was unanimous in suggesting that the proposal would be precedent setting and expressed concerns over the negative impact that this would have on the area;
- Given the site's historic context, this precedent was described as being dangerous, problematic and dramatic;
- The current proposal was too aggressive in terms of its density and too high in terms of the planned context for King-Parliament;
- The site is more suitable for a fabric building as opposed to a tall building; some members suggested that a mid-rise building form would be most suitable for the site;
- Some expressed concern that the proposal would read as one large slab building, given the bridge element, the tower alignments and site configuration; and
- Panel felt that the proposed design carried little relationship to its site and context; the proposal should exhibit greater consideration to its unique historic context.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS, as it represents intensification on an under-used lot in an area with existing servicing.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe, as the site is within an identified Urban Growth Centre, an area intended to accommodate future intensification that is transit and pedestrian-friendly.

One significant item to note however, is that the Growth Plan specifies a minimum gross density target of 400 residents and jobs combined per hectare for Downtown Toronto by 2031. Planning Policy staff have informed Community Planning staff that the development pipeline data indicates that the City's population has been growing an

average of 27,500 people per year between 2006 and 2010. With our Growth Plan population target of 3.08 million by 2031, the City only has to grow at an average of about 17,000 per year to reach that target. (See June 2011 'Profile Toronto' report at: http://www.toronto.ca/planning/pdf/grow_jun2011.pdf).

Based on these historical patterns the City is well on its way to exceeding its population targets under current growth patterns. The intensification of the site and growth plan conformity, because of the reasons contained within this report, cannot be used as rationale to justify a development proposal well beyond the as-of-right permissions. A 10-storey, as-of-right building on this site would be consistent with the PPS and conform to the Growth Plan intensification targets.

Land Use

The proposed mix of retail and residential condominium uses is consistent with the land use provisions of the Official Plan, King-Parliament Secondary Plan and Zoning By-law.

Height

The existing maximum height permission is 30 metres. The proposed building height of 82 metres exceeds the zoning permission in place by more than 50 metres. Although the building height has been revised from two towers of 24 and 34 storeys to two towers of 26 storeys each, the proposed heights are still well beyond what would be considered appropriate, given the context of the area. The subject property is surrounded by buildings ranging in height from two to ten storeys, with another building approved at 17 storeys. The proposal's height significantly exceeds all built and approved buildings in the King-Parliament area between Jarvis and Parliament Streets.

The Official Plan requires new buildings to be designed to fit harmoniously into the area's existing/planned context. The King-Parliament Secondary Plan states that new buildings will achieve a compatible relationship with their built form context through consideration of, among other matters, height. The site is located in the original ten blocks of the Old Town of York, an Area of Special Identity specifically noted as requiring new development to respect the historical significance of the area. It is not apparent how this building's proposed height 'fits' with the existing or planned context, as it has no relationship to the surrounding buildings, aside from nominal gestures with the varying podium heights. The overall height of the proposed building is incompatible with the scale of adjacent buildings and does not in any way relate to the historical significance of the Old Town of York.

Neither the site nor the proposal have any locational or internal attributes that warrant the significant heights proposed. Height increases beyond the as-of-right permissions have been granted within King-Parliament in exceptional circumstances in the past for, among other reasons: heritage retention and rehabilitation; open space creation, view terminus enhancement, employment uses, affordable units, family-sized units, sustainability efforts, community services or facilities, etc., while still achieving the built form objectives of the King-Parliament Secondary Plan. This proposal is not at an identified view terminus, 'gateway' or 'place', does not have any on-site, built heritage attributes and

is not proposing any unique or sought-after uses such as employment, community facilities, or affordable units. Its approval could set a precedent for comparable heights on properties with similar contextual attributes, which can be found throughout the area.

Density

Although the zoning provisions for the King-Parliament area do not specify a density limit, it is still a useful tool to evaluate the size and scale of a building. The proposed revised density of 11.5 times the area of the lot would be the second highest density in the King-Parliament area, and the project with the highest density (251 King Street East) involved the retention of a prominent heritage building.

At the first pre-application meeting in August 2010, and on several subsequent occasions, staff were made aware that it was the applicant's objective to create a building with 37,160 square metres (400,000 square feet) of gross floor area. The application was originally submitted at 39,018 square metres (420,000 square feet) and the revised submission proposed 37,322 square metres (402,000 square feet). Despite concerns about the building's density raised by staff, the community and the Design Review Panel, the revised proposal's density has not been reduced from the original 37,160 square metre (400,000 square foot) objective. The Panel specifically warned against using density objectives as a driver for built form, stating that this should never be the case with city building. Clearly density has been, and continues to be, the driver for this proposal. Approval of a building with this height and density would encourage over-intensification and the erosion of the unique, historic nature of the King-Parliament neighbourhood.

Built Form / Massing

As identified in the Official Plan, new development is required to fit in and respect the character of the surrounding area, while achieving appropriate transitions in scale to neighbouring buildings. The site is surrounded by buildings that are much lower in scale. They inherently require significant measures from surrounding developments to create proportional relationships so as not to overwhelm them. The massing of this proposal does not respond to any of its neighbours, particularly the low-rise designated buildings to the north and south. The proposed height and lack of adequate upper-level stepbacks are two main areas of concern that speak to the application's inappropriate relationship with the existing and planned context.

The King-Parliament Secondary Plan requires new buildings to be sited and massed to provide adequate light, view and privacy for neighbouring properties and achieve a compatible relationship with their built form surroundings. The revised proposal provides very little reference for how it achieves a compatible relationship with its neighbours when considering matters such as massing, scale, stepbacks, and architectural character. Further it completely dominates both adjacent buildings to the north, particularly the 10-storey residential building.

Policy 2.2.1.6 of the Secondary Plan specifically identifies the need for design guidelines specific to districts of historic or distinct character. The Old Town of York Area of Special Identity identified in both the King-Parliament Secondary Plan and King-

Parliament Urban Design Guidelines is not an area defined by one common built form or massing, as in Cabbagetown or the Distillery District. Yet it contains several buildings listed or designated as having significant heritage value and it still possesses a low and mid-rise character that has not been broken by recently built or approved developments. Contemporary buildings in the area are contextual in nature and for the most part, respect the historical significance of the original ten blocks of the City of Toronto from 1793, the City's first grid layout of streets. The current proposal represents a built form and massing, with excessive heights and nominal setbacks above the podium that will certainly erode that prevailing heritage character.

There are several areas in which the revised proposed built form and massing fail to adequately address the Tall Building Design Guidelines. The Guidelines specifically require new tall buildings to avoid big, boxy and dominant massing, as well as to step back the building mass to maintain an appropriate scale at street level. The following is a comparative table of what the applicant is proposing versus what the Tall Building Guidelines expect with respect to built form and massing:

	Applicant Proposal	Urban Design Guidelines
Podium height	3-9 storeys (13-32 metres)	6 storeys (20 metres) maximum based on 4.5 metre minimum ground floor height and 3 metres per floor (20 metre height based on all abutting right-of-ways being 20 metres in width)
Tower setbacks from podium	-5 metres on Sherbourne St -zero metres on Front St E -3.4 metres on Frederick St -zero metres on the north side of the building	5 metres on all frontages
Tower separation between towers on site	20 metres	25 metres
Tower separation from adjacent properties	7-9 metres	12.5 metres

When viewed from the ground level, the lack of stepback above the Front Street East street wall and the presence of two towers with the bridge, gives this building the appearance of one large slab building, as identified in the Design Review Panel's comments. Quantitatively, the minimum five metre stepback for a tower above a podium, 25 metre separation between towers and 12.5 metre separation from adjacent properties are all criteria not being achieved with this proposal.

Heritage

Heritage Preservation Services staff have identified the presence of several listed and designated heritage buildings in the vicinity of the subject property, as well its location

within the original ten blocks of the Old Town of York. The heritage buildings in the area are all in a height range of three to four storeys. Staff have indicated that the forthcoming Heritage Conservation District study and plan for the St. Lawrence area will include this site in its study area. They also advised that the proposed 26-storey tower would exceed the height of any other existing or approved building within the original ten blocks.

Official Plan Policy 3.1.3.2 requires new tall development to address key urban design considerations, including demonstrating how the proposed building and site design relate to the existing and/or planned context. The King-Parliament Secondary Plan Policy 4.4 requires that new buildings achieve a compatible relationship to the heritage buildings within their context through consideration of matters including height, massing, scale, setback, setbacks, roof line and profile, and architectural character and expression. Each of these features within this development proposal bear little relation to the heritage context in the vicinity.

The King-Parliament Urban Design Guidelines have specifically identified the original ten blocks of the Old Town of York as an Area of Special Identity requiring that new development respect the historical and urban design significance of the area. It is not clear to Planning staff how this proposal, for the highest and second-most dense proposal in King-Parliament, that does not involve any on-site heritage preservation, is warranted. There is no heritage preservation or rehabilitation proposed as part of the project which is one of the criteria that has been used in the past for approvals of buildings exceeding the as-of-right height limits.

Sun, Shadow

The shadow studies produced by the applicant demonstrate significant March/September shadow on the north side of King Street East. There is an angular plane provision for buildings on the south side of King Street East, requiring buildings to be stepped back at a 44-degree angle from a street wall height of 16 metres. This condition was introduced throughout the downtown on important mixed-use retail streets, as a means to ensure sunlight penetration on certain sidewalks during the spring and fall equinox periods. Although the angular plane requirement has been broken for King Street East on the block to the east with the development of the East Lofts at 275 King Street East and the recent King Plus condominium approval at 251 King Street East, it has not yet been pierced on this block. There is no reason why a building fronting on Front Street East to the south should be permitted to shadow King Street East.

Open Space, Outdoor Amenity Space

The Official Plan, King-Parliament Secondary Plan and Tall Building Design Guidelines all reference the requirement for new development to provide amenity for pedestrians, including high quality, comfortable and usable landscaped open space within development sites that are publicly accessible. The subject property is also within an area of the city identified as being in the lowest quintile of current provision of parkland and is therefore in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007. As a result, even if dedicated parkland is not able to be provided, it is the

City's goal to try to secure at least some space on the ground level for publicly accessible landscaped open space, within those development sites that have the capacity.

Aside from the setback of the building and widening of the sidewalk along Front Street East by three metres and the southerly section of Sherbourne Street by three metres, the revised proposal is not providing any additional landscaped open space. There is no reason that a property of this size cannot allocate more space on the ground level to an area for public amenity. The original development scheme proposed a nominal space on the Frederick Street frontage that was an appreciated gesture, even if it was not large enough to be deemed 'usable'. The revised plans eliminated this space. Several projects in the King-Parliament area, even on smaller sites than the subject property, have provided publicly accessible landscaped open space as a means of conforming to the Official Plan open space requirements as well as satisfying the local community through the provision of a tangible public amenity. Examples of such projects include 406 Adelaide Street East, 105 George Street, 311 Adelaide Street East and 333 Adelaide Street East.

In addition to publicly accessible open space, the applicant is required to provide at least two square metres of outdoor amenity space for the exclusive use of building residents. The revised application proposes 1.35 square metres per unit or 644 square metres, whereas as 954 square metres are required. This application is not providing adequate outdoor space for either the surrounding community or future building residents.

Pedestrian/Cycling Amenity

City Council has provided direction on the Front Street Pedestrian Promenade Plan, Sherbourne Street Pedestrian Promenade Plan and Sherbourne Street protected bike lane. The pedestrian promenade plans, specific to this site, recommend pedestrian improvements including widened sidewalks, intersection bulb-outs, street tree planting, and street lighting improvements. There is also reference to continuous pedestrian weather protection, with a minimum depth of three metres, being required for all street frontages. Aside from some adherence to sidewalk widening, the other pedestrian amenities identified in the promenade plans are not being provided with the current proposal.

The City's Guidelines for the Design and Management of Bicycle Parking Facilities, as well as the Toronto Green Standard, require 100% of visitor bike parking to be located in a highly visible and easily accessible location at grade. The current proposal provides only 43% of the required visitor bike parking at grade. In addition, at least 5% of resident bike parking is to be located in a weather protected, secure area with controlled access at grade. In its current form, the application provides no resident bike parking at grade.

Given that this is a parkland deficient area of the City and this application is proposing a density of 11.5 times the lot area and close to 500 units, staff have significant concerns that the site cannot accommodate the proposed density and unit count with the mentioned

deficiencies in the provision of open space, outdoor amenity space, pedestrian amenity, and bike parking.

Transit, Traffic, Parking and Access

The capacity of existing transit infrastructure to service this development was raised as a concern at both public consultation meetings. Planning staff considered these comments and requested comment from the TTC on the issue. TTC staff provided comment on the ground level landscaping in relation to the Sherbourne Street bus stop at the corner of Front Street East and Sherbourne Street, but did not provide comment on transit capacity.

The applicant supplied a traffic impact study, including an assessment of the parking/loading facilities, for the original and revised development proposals, both of which have been reviewed by Transportation Services staff. While the applicant's consultant has concluded that the proposal will not have a significant impact on the surrounding road network, staff have requested that additional analysis and documentation be provided in order for them to accept this conclusion.

Transportation Services staff have also requested that the applicant increase their parking supply from the proposed 284 total spaces (255 resident and 29 visitor) to 306 spaces (259 resident and 47 visitor) to be more in-keeping with staff research on appropriate ratios for parking spaces in the Downtown area.

The current proposal indicates a one-way access from Sherbourne Street with two-way access and egress to Frederick Street. Transportation Planning staff have expressed a preference to limit the site access to Frederick Street only, to minimize pedestrian/vehicular conflicts on the more-travelled Sherbourne Street. Residents of the building to the north have also expressed concern about the impacts of noise, vibration and exhaust from the rear laneway. An appropriate solution to these concerns would be to enclose this area within the building, thus minimizing adjacent impacts from loading and vehicular activities.

Planning staff are confident that issues of traffic impact, parking ratios, vehicular access to the site and the built form of the rear lane area can be resolved through discussion with the applicant once an agreement on appropriate built form and massing has been reached. Each of these problems would be at least partially alleviated with a revised development proposal that was significantly scaled down in density and unit count.

School Infrastructure

The Toronto District School Board has advised that there is insufficient space at the local schools to accommodate students anticipated from this proposed development. They have recommended that the developer advise potential purchasers that school space is not available in the immediate vicinity and that signage be erected within the development to advise of such. It was also recommended that the community be made aware that children from new developments will not displace existing students at local schools. Again, a significant reduction in the scale of this development proposal would help to reduce the over-capacity issue on area infrastructure, including schools.

Unit Mix

The proposed development contains a majority (78%) of units that are one bedroom or less, with the remaining 22% being two bedroom units. There are also no three bedroom units proposed. City Council, Planning staff and local residents have been encouraging developers to provide more large sized units in an effort to attract families and less transient residents in residential condominium buildings throughout the City, and particularly in the Downtown area. The emerging practice is for buildings to contain a minimum of 25% two-bedroom units and 10% three-bedroom units. This application would need to be revised to achieve this mix, likely involving a lowering in the total unit count, which among things, would align with the goal of creating units for families.

Tree Preservation

There are six privately-owned trees along the north property boundary that are proposed to be removed. A total of 13 new street trees are proposed along Front Street East and Sherbourne Street. No street trees are proposed along Frederick Street. Urban Forestry staff have requested minor revisions to the landscape plan, but are generally satisfied with the proposed ground level landscape concept.

Toronto Green Standard

The applicant is proposing to pursue the minimum Tier One targets of the Toronto Green Standard. Environmental Planning staff have indicated that the revised proposal still contains deficiencies with respect to bicycle parking, stormwater retention, bird-friendly design and energy modelling.

Section 37

In two separate emails, dated September 7th, 2011 and September 12th, the applicant presented a proposal for Section 37 benefits. Staff responded in writing to both proposals that it was inappropriate to discuss Section 37 matters until there was some level of comfort on the height and density of the proposal. Until staff had received a proposal that was deemed to be 'good planning' then such discussions were considered premature.

It is recommended that staff be authorized to negotiate an appropriate package of Section 37 benefits, in consultation with the Ward Councillor, if this proposal is approved in some form by the Ontario Municipal Board. Staff would request that should the OMB approve the proposed development in some form, that it withhold its order until:

- Section 37 benefits have been agreed upon;
- Benefits have been appropriately incorporated into a Zoning by-law amendment; and
- a Section 37 agreement has been entered into between the applicant and the City and registered to the City Solicitor's satisfaction.

Development Charges

It is estimated that the development charges for this project would be approximately \$3,941,525. This is an estimate. The actual charge is typically assessed and collected upon issuance of a building permit.

Conclusions

The proposal represents an inappropriate development for the following reasons:

- It represents an over-intensification of the site, and one that is not required by the Growth Plan;
- The proposed height, density and massing do not provide an appropriate scale of development for the area context;
- It does not conform with nor maintain the intent of the Official Plan policies, including policies related to built form, tall buildings or heritage, particularly with respect to a harmonious fit with its existing/planned context;
- It does not conform with nor maintain the intent of the King-Parliament Secondary Plan, including the objectives for ensuring new development is compatible with the built form and heritage character of the area context, and ensuring that massing provides appropriate proportional relationships;
- It does not comply with the King-Parliament Urban Design Guidelines, namely the historical respect required for sites within the original 10 blocks of the Old Town of York, one of three Areas of Special Identity within King-Parliament;
- The tower portions of the proposal do not provide adequate setbacks above the podium, are not adequately separated from each other and do not provide a transition to adjacent lower-scale development, further to the Tall Buildings Guidelines;
- The height and massing of the proposal, if approved, have the potential to set a negative precedent for other applications within King-Parliament, and could undermine the goals of preserving the remaining heritage character and ensuring that new development is compatible in scale with surrounding buildings, including the remaining heritage fabric;
- The shadow impacts on the north side sidewalk of King Street East, an identified retail-oriented, mixed-use pedestrian street, are unacceptable; and
- This proposal creates no tangible benefits in exchange for the amount of height and density being proposed.

It is readily apparent that appropriate intensification and development of under-utilized sites are planning goals in King-Parliament. City Planning staff are prepared to consider development on the site but only in a manner that is respectful of the existing planning policy framework and evolving built form context. Sensitive infill, complementary to the heritage character of the Old Town of York and at the scale of the local environment, is supported by the King-Parliament Secondary Plan and King-Parliament Urban Design Guidelines. The proposed height and massing overwhelm the streetscape and are detrimental to the character of King-Parliament. The proposal is inappropriate and does not represent good planning. It is therefore unsupportable.

CONTACT

Willie Macrae, Planner
Tel. No. 416-392-7572
Fax No. 416-392-1330
E-mail: wmacrae@toronto.ca

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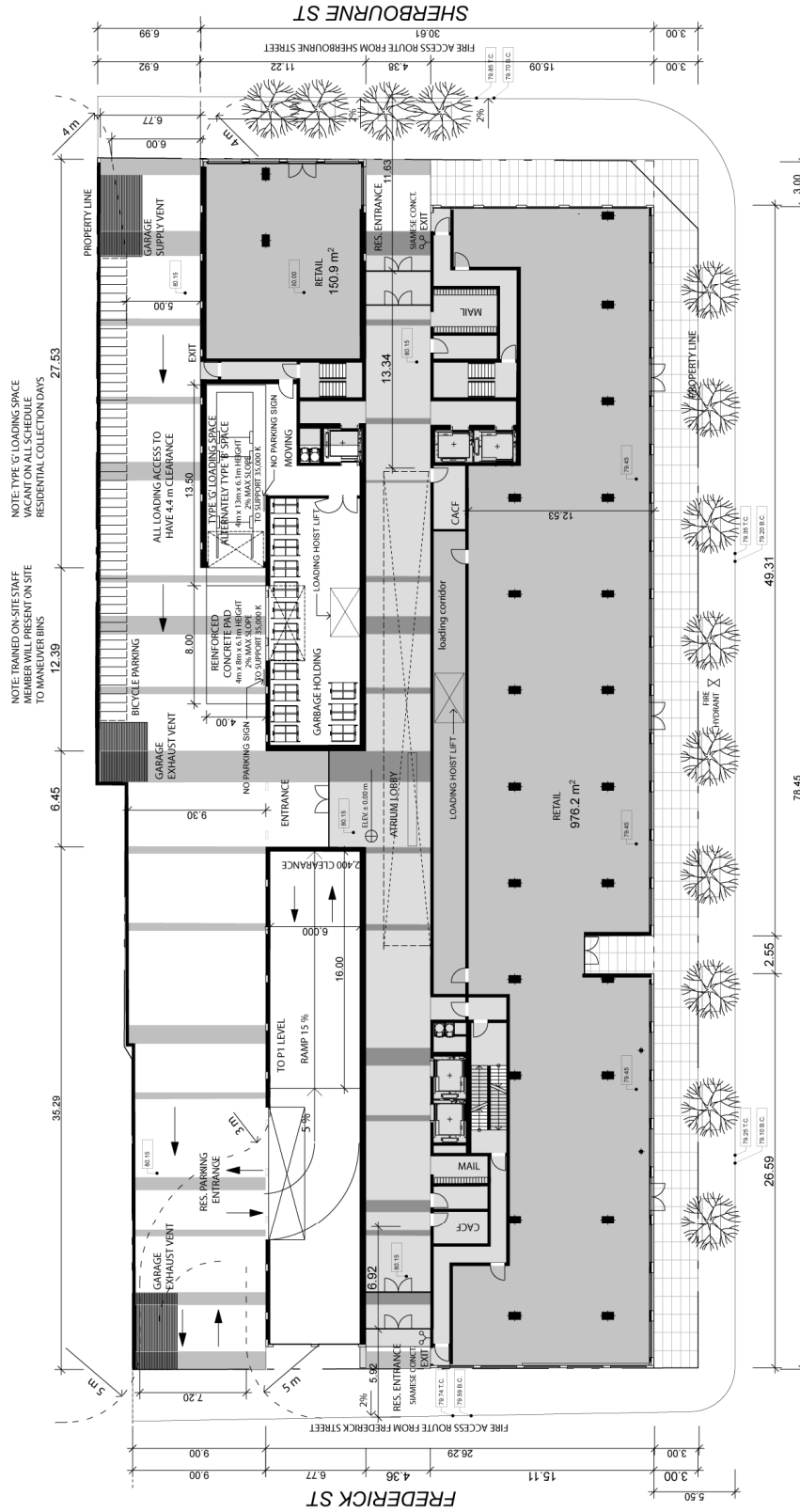
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Applicant's Rendering
Attachment 3: South Elevation
Attachment 4: West Elevation
Attachment 5: North Elevation
Attachment 6: East Elevation
Attachment 7: Official Plan
Attachment 8: King-Parliament Secondary Plan Map 15-1 excerpt
Attachment 9: King-Parliament Secondary Plan Map 15-2 excerpt
Attachment 10: King-Parliament Secondary Plan Map 15-3 excerpt
Attachment 11: King-Parliament Community Improvement Plan Map 7
Attachment 12: Zoning By-law
Attachment 13: Zoning By-law Height Limits
Attachment 14: Original Application Data Sheet
Attachment 15: Revised Application Data Sheet

Attachment 1: Site Plan



154 Front Street East

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 02/06/2012

File # 11 146719 0Z

Attachment 2: Applicant's Rendering



Rendering

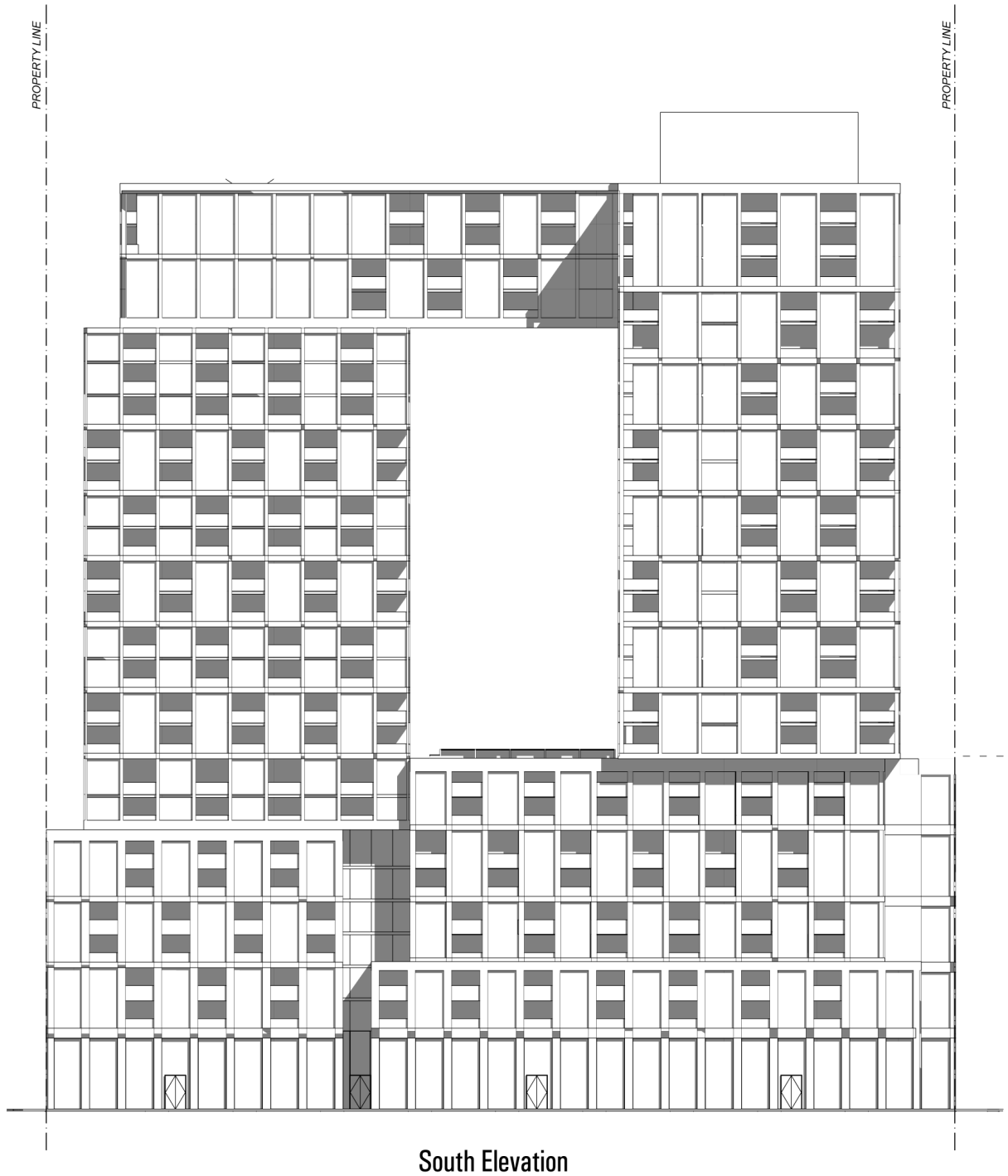
Applicant's Submitted Drawing

Not to Scale
02/06/2012

154 Front Street East

File # 11 146719 02

Attachment 3: South Elevation



Elevations

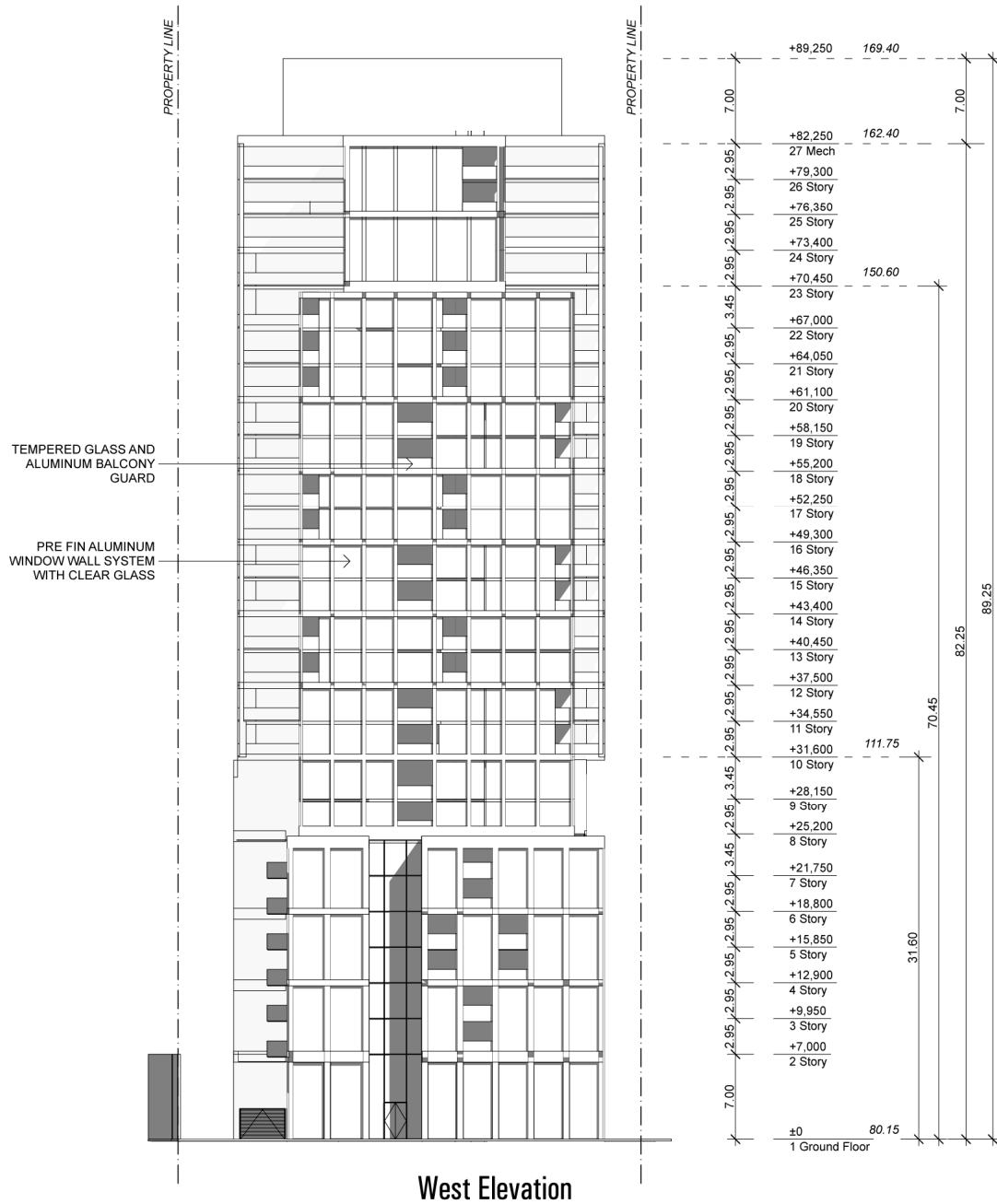
154 Front Street East

Applicant's Submitted Drawing

Not to Scale
02/06/2012

File # 11 146719 02

Attachment 4: West Elevation



Elevations

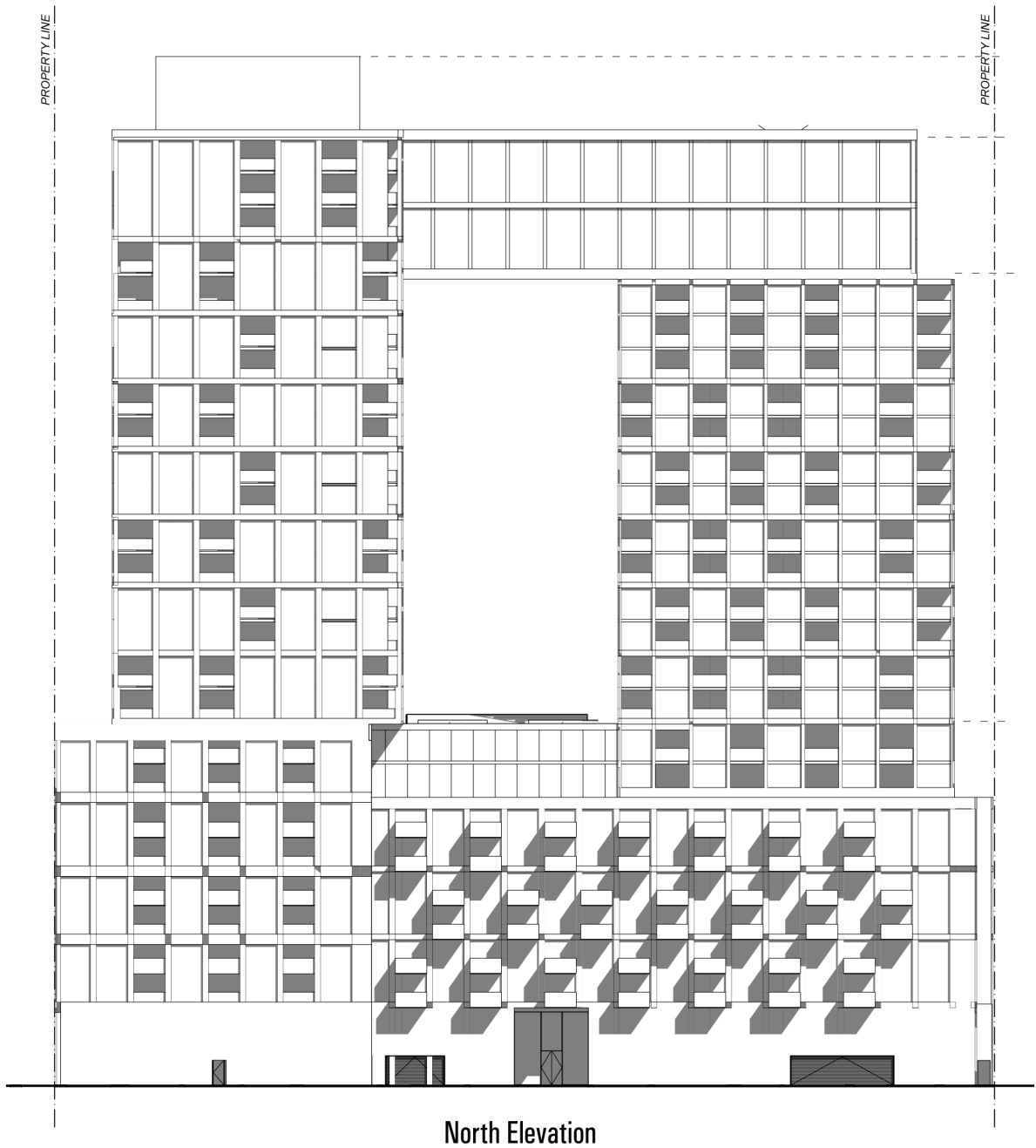
154 Front Street East

Applicant's Submitted Drawing

Not to Scale
02/06/2012

File # 11 146719 0Z

Attachment 5: North Elevation



Elevations

154 Front Street East

Applicant's Submitted Drawing

Not to Scale
02/06/2012

File # 11 146719 0Z

Attachment 6: East Elevation



Elevations

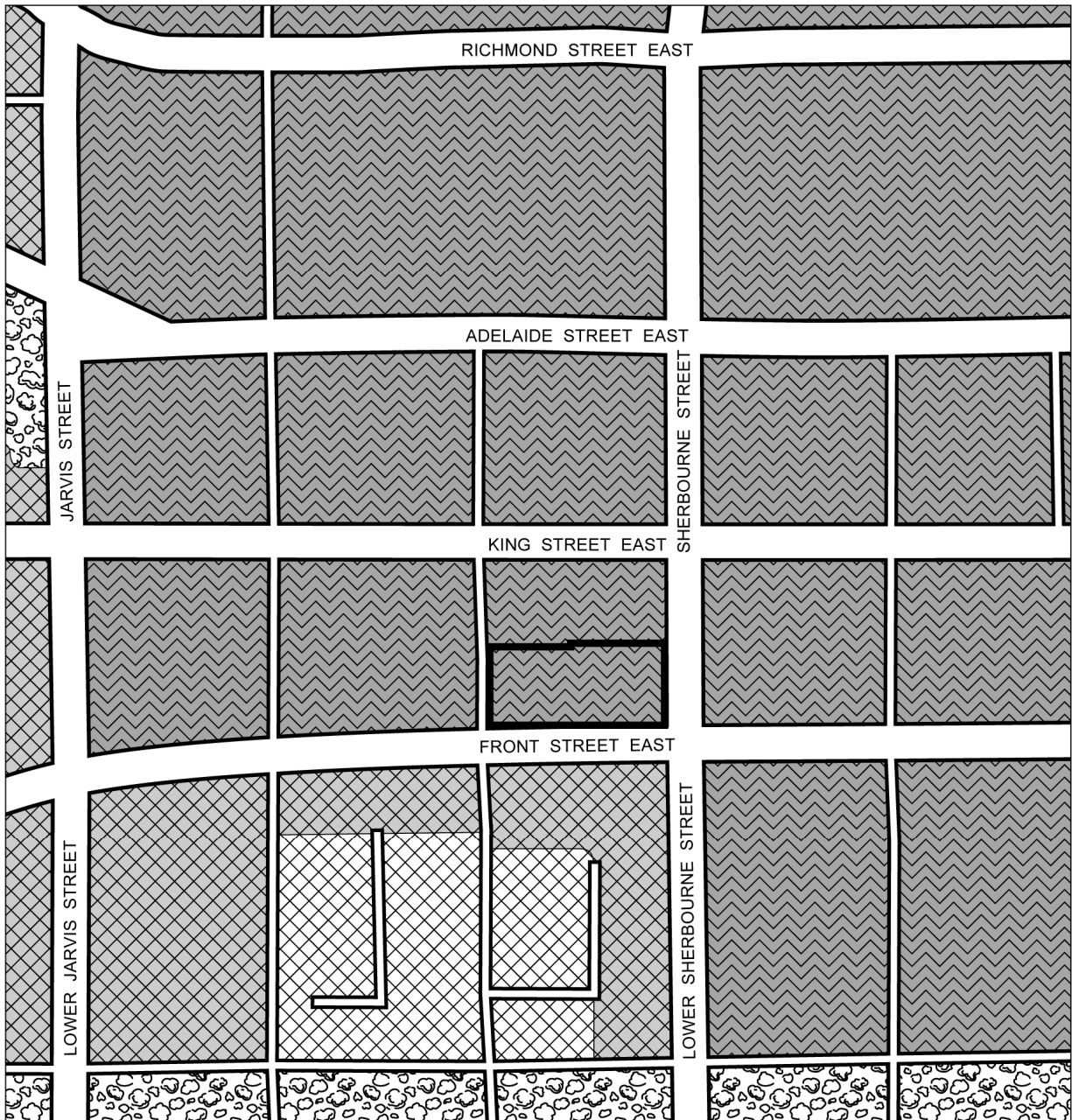
154 Front Street East

Applicant's Submitted Drawing

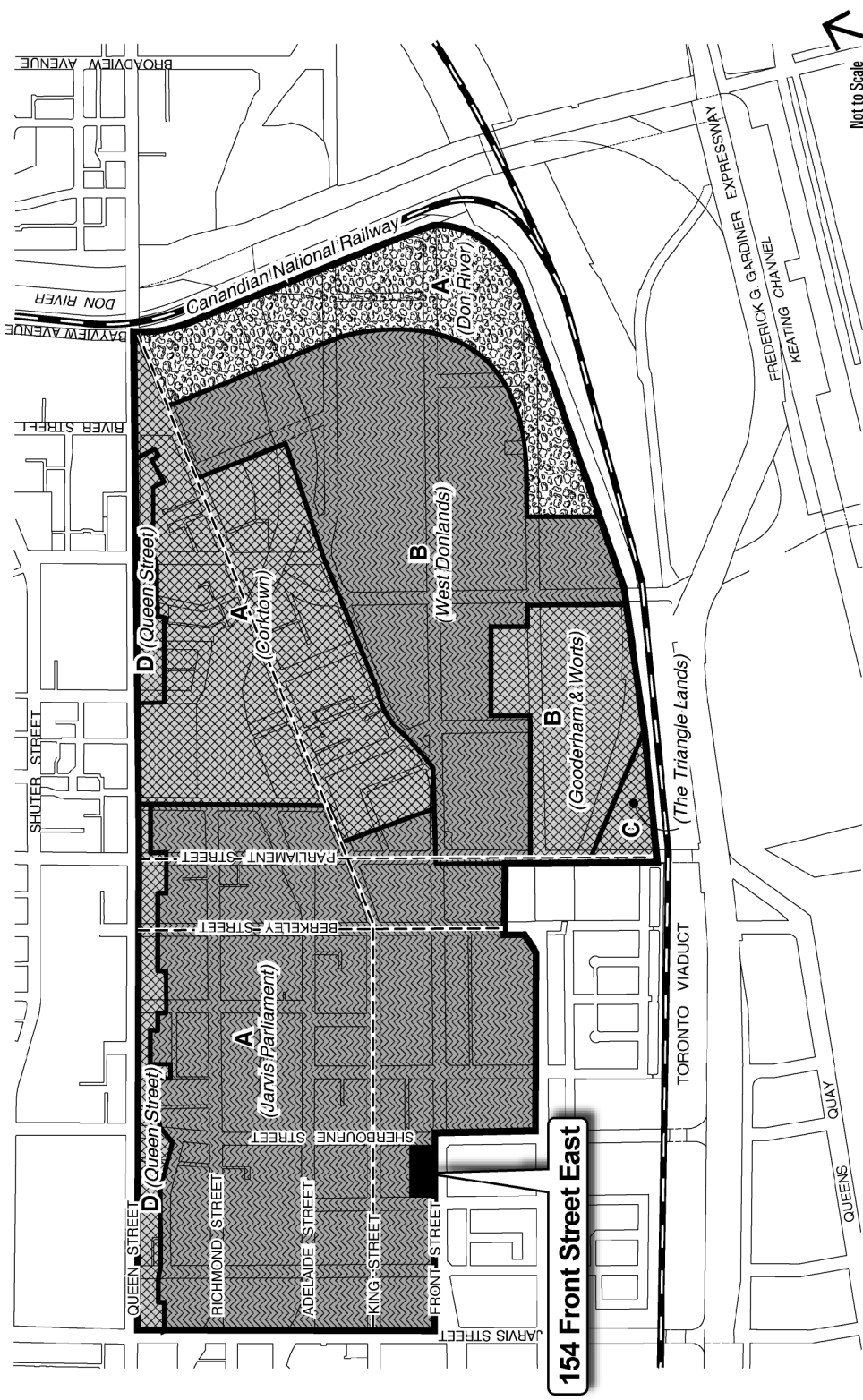
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File # 11 146719 0Z

Attachment 7: Official Plan



Attachment 8: King-Parliament Secondary Plan Map 15-1



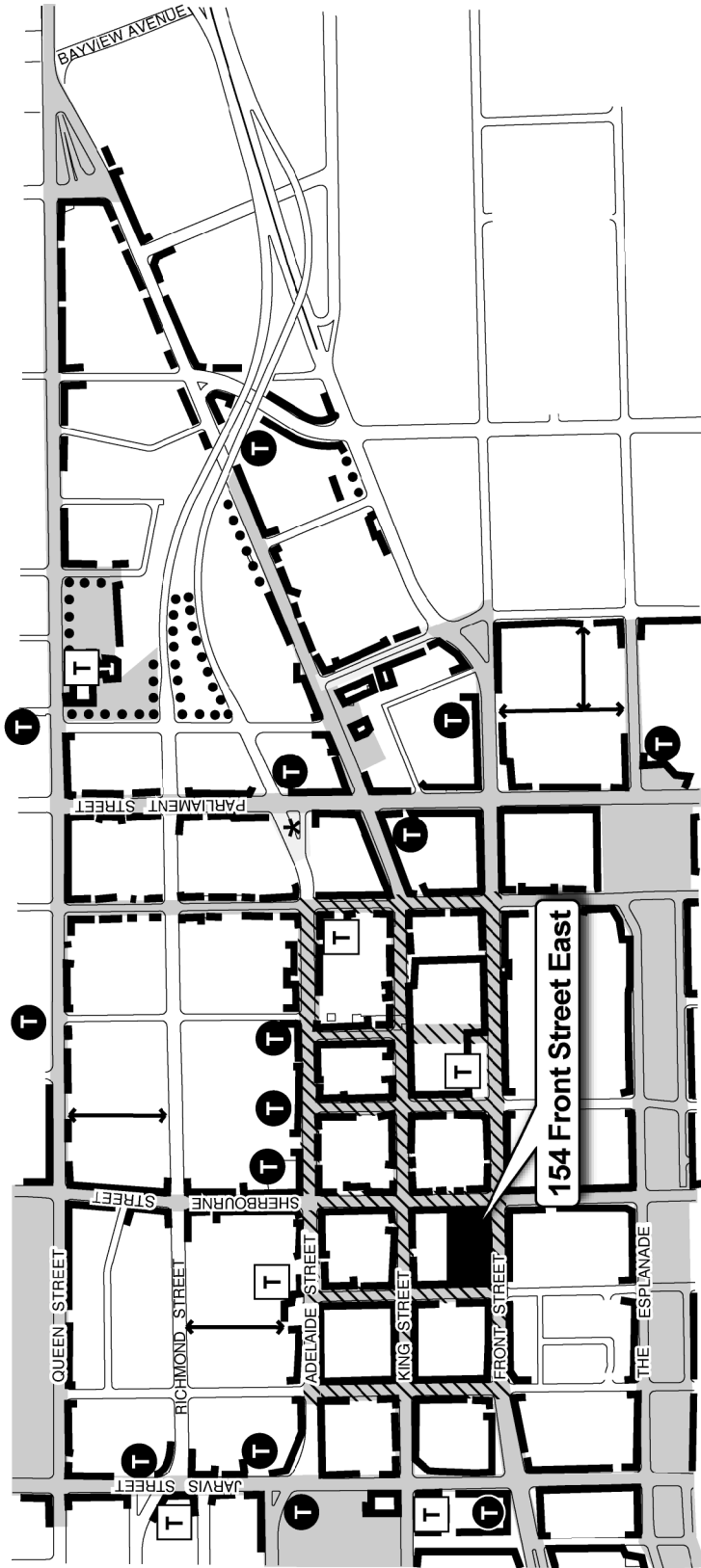
King-Parliament Secondary Plan
MAP 15-1 Land Use Plan



- Secondary Plan Boundary
- Special Streets
- ▨ Mixed Use Areas
- ▧ Regeneration Areas
- ▩ Parks and Open Space Areas

June 2006

Attachment 9: King-Parliament Secondary Plan Map 15-2



Not to Scale

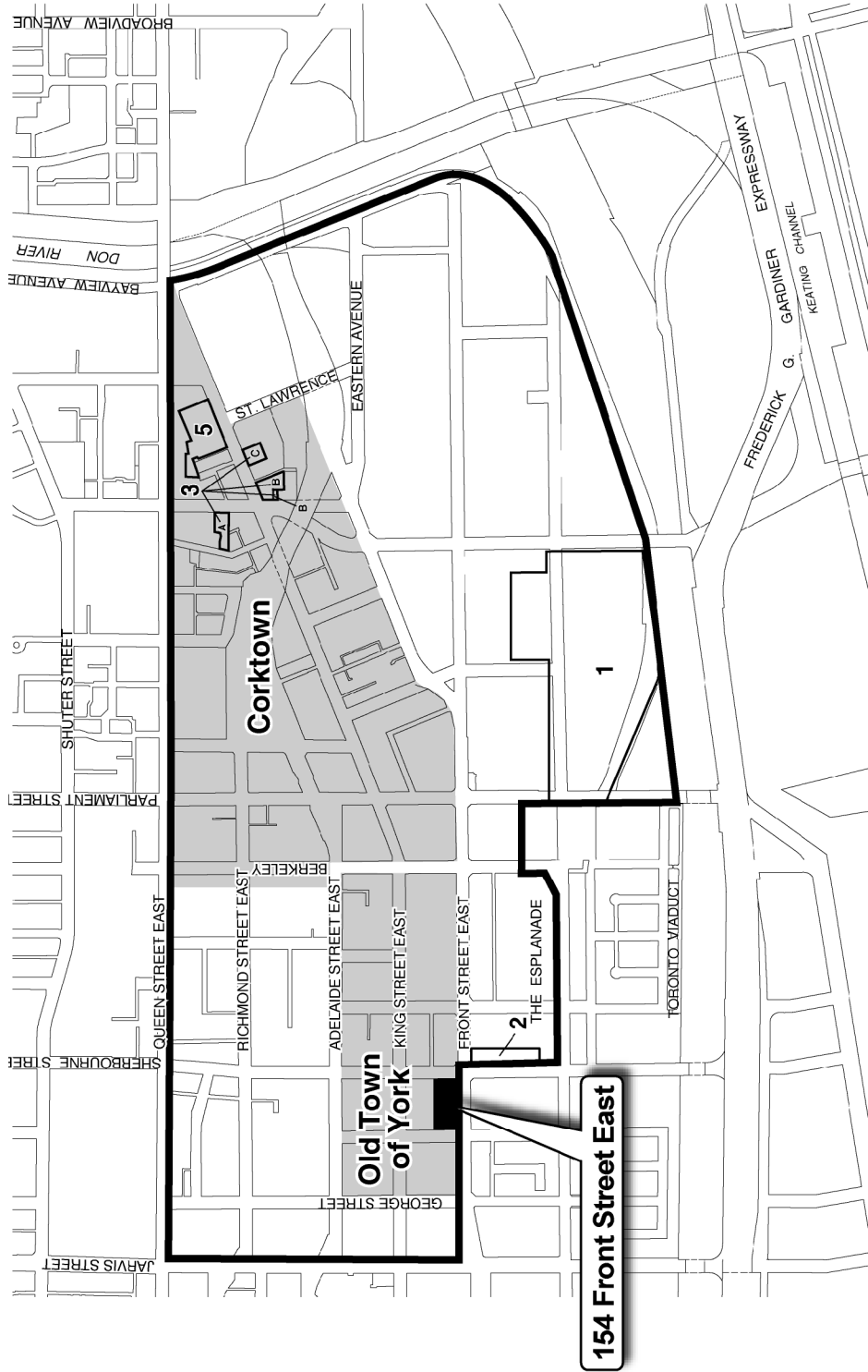


King-Parliament Secondary Plan MAP 15-2 Urban Structure

- Potential View Terminus
- Existing View Terminus
- Landscape Edge
- 10 Original City Blocks
- Existing and Potential Building Edge
- Area for Streetscape Improvement
- Potential Mid-block Connections
- Significant Street and Open Space




October 2009

Attachment 10: King-Parliament Secondary Plan Map 15-3

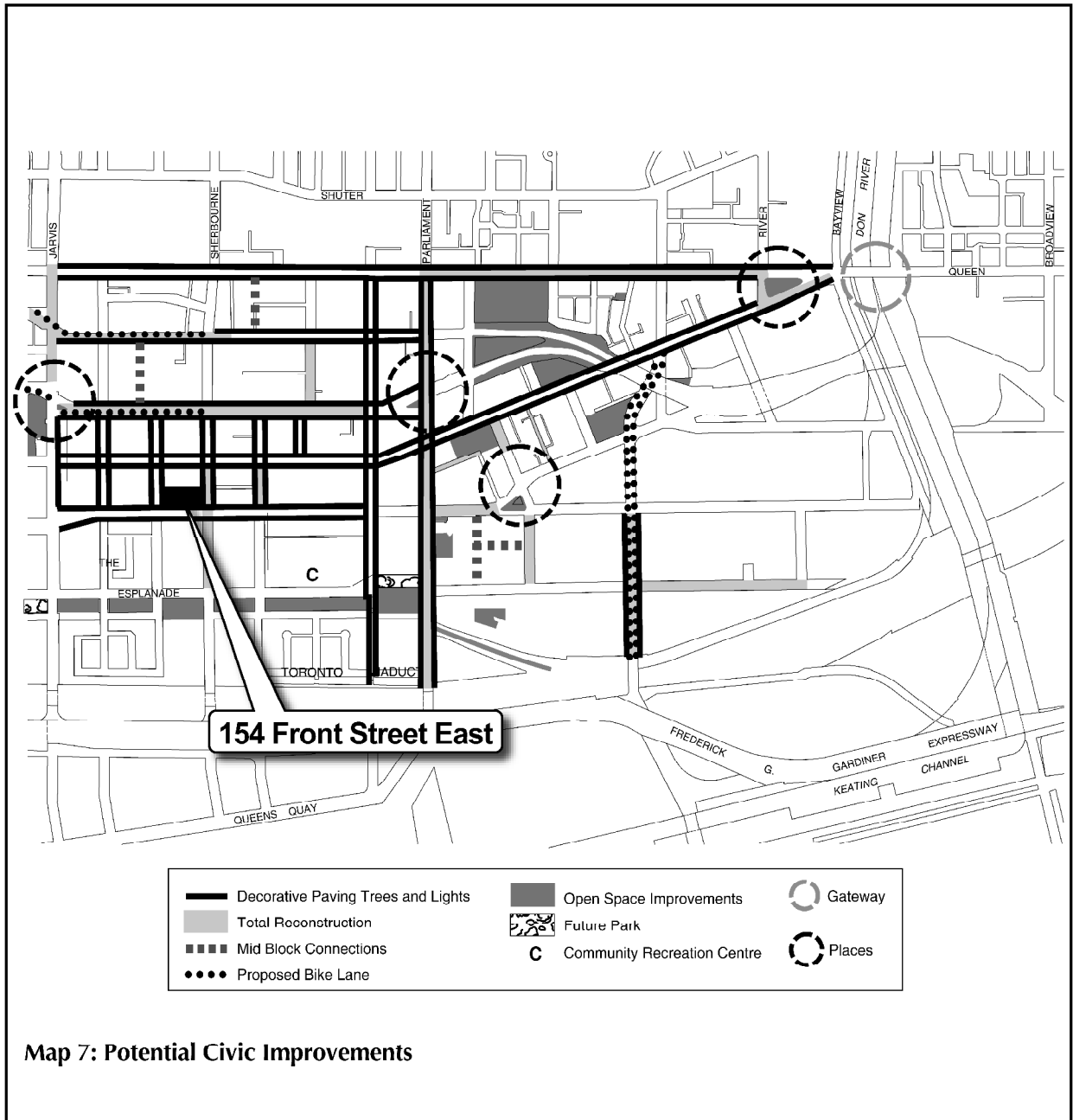


King-Parliament Secondary Plan

MAP 15-3 Areas of Special Identity

-  Secondary Plan Boundary
-  Areas of Special Identity
-  Site and Area Specific Policies

Attachment 11: King-Parliament Community Improvement Plan Map 7



Map 7: Potential Civic Improvements

TORONTO City Planning
King-Parliament Community Improvement Plan
 Map 7: Potential Civic Improvements

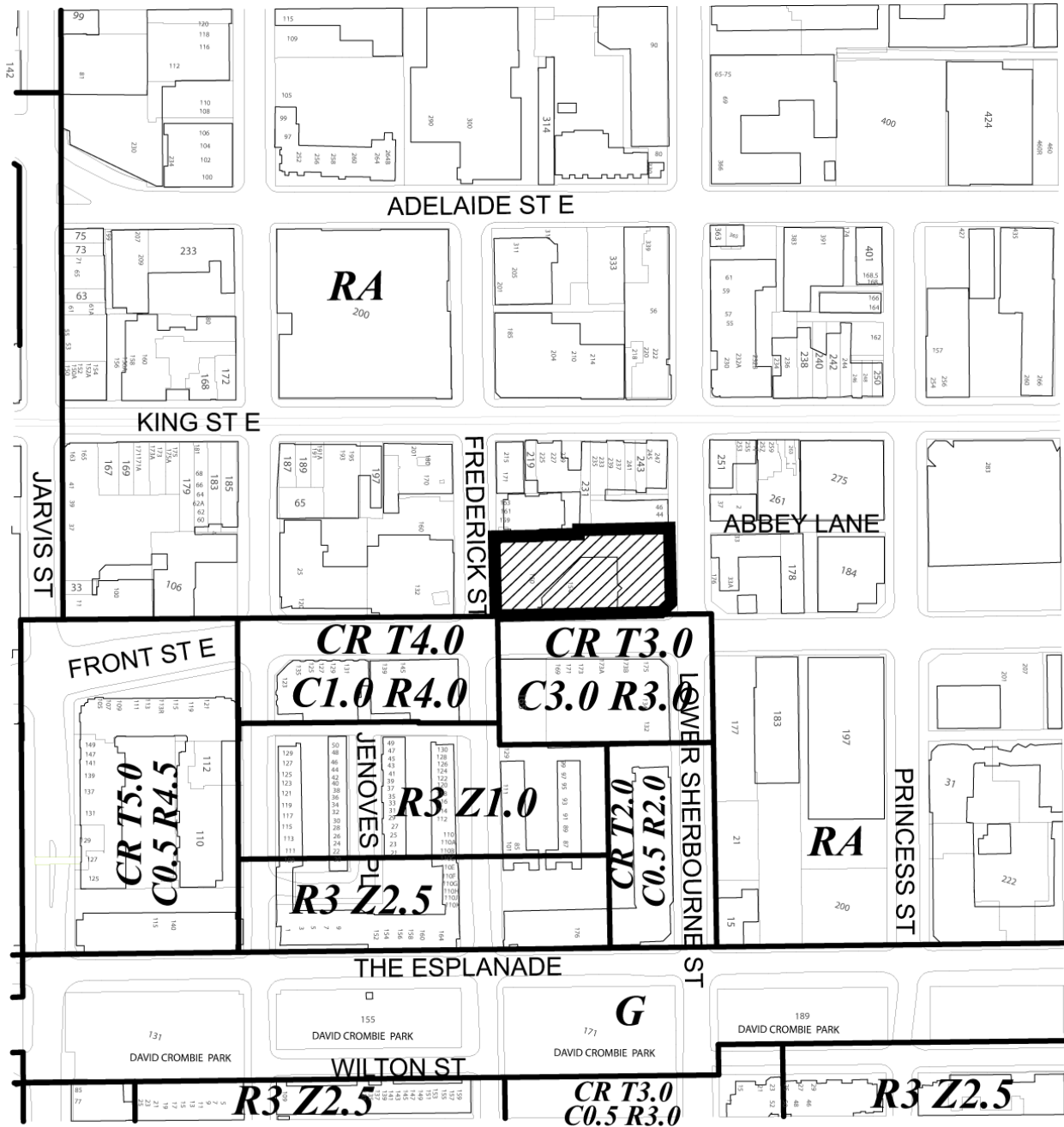
154 Front Street East

File # 11 146719 0Z



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Attachment 12: Zoning By-law



Zoning City of Toronto By-law 438-86

154 Front Street East

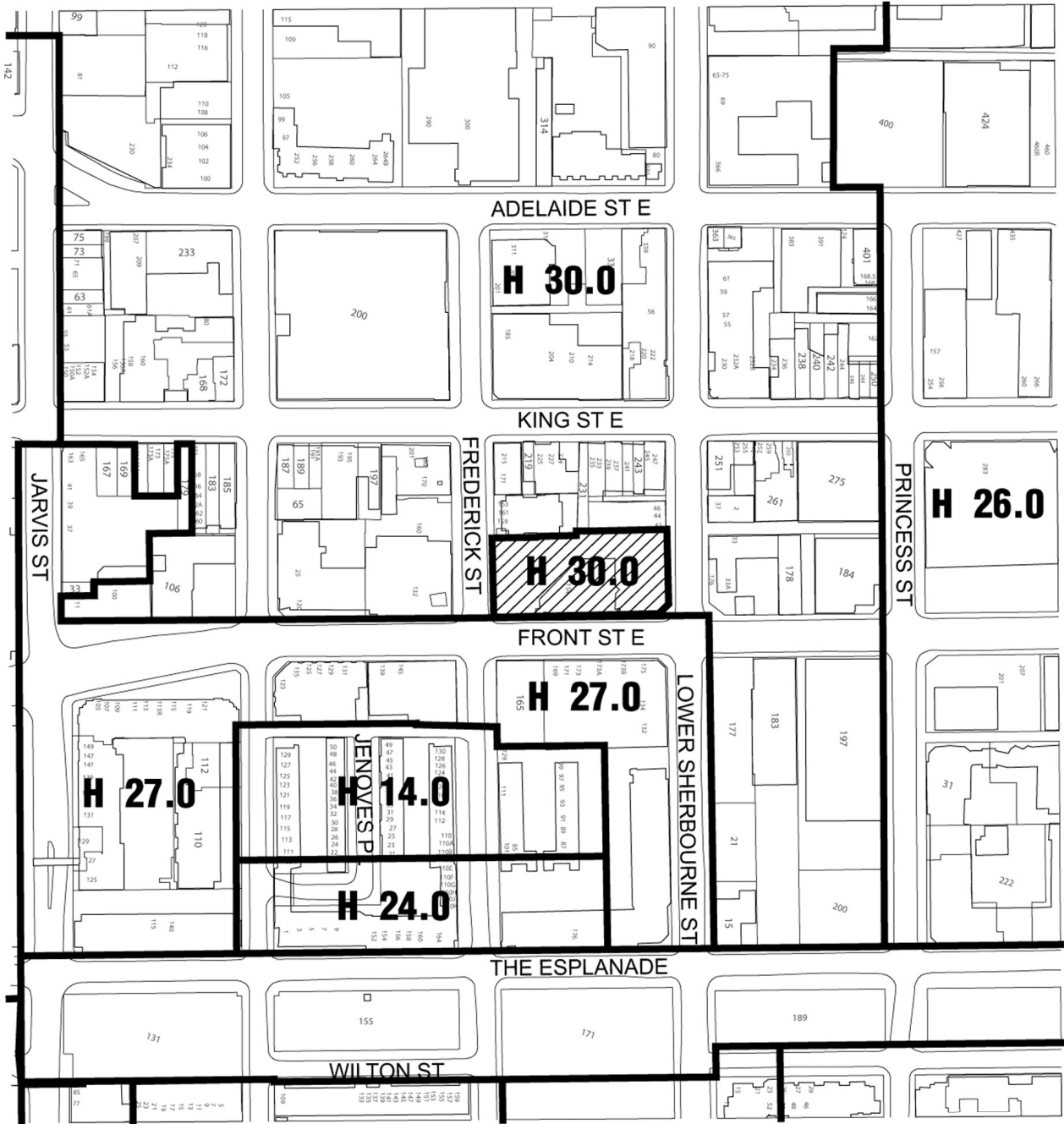
File # 11_146719_0Z

- G Parks District
- R3 Residential District
- CR Mixed-Use District
- RA Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 04/18/2011

Attachment 13: Zoning By-law Height Limits



Attachment 14: Original Application Data Sheet

Application Type	Rezoning	Application Number:	11 146719 STE 28 OZ
	Site Plan		11146730 STE 28 SA
Details	Rezoning, Standard	Application Date:	March 16, 2011

Municipal Address: 154 FRONT ST E

Location Description: PLAN TOWN OF YORK PT LOTS 5 & 6 **GRID S2810

Project Description: Rezoning and site plan control application to permit a mixed-use building with 537 residential units and 1020 square metres of retail space proposed on the ground floor. Building proposed with two towers above the podium (5 to 7 storeys). With two towers building height is proposed at 24 and 34 stories (76.4 and 108.4 m). Included are 5 levels of below grade parking – total 361 parking spaces including 33 visitor parking spaces.

Applicant:	Agent:	Architect:	Owner:
FMC Front Street Developments Inc., 56 The Esplanade, Suite 308 Toronto, ON M5E 1A7		architectsAlliance 205-317 Adelaide St. W. Toronto, ON M5V 1P9	FMC Front Street Developments Inc., 56 The Esplanade, Suite 308 Toronto, ON M5E 1A7

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N
Zoning:	RA	Historical Status:	N
Height Limit (m):	30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3222	Height:	Storeys:	24 and 34
Frontage (m):	76.86		Metres:	76.4 and 108.4
Depth (m):	38.24			
Total Ground Floor Area (sq. m):	1602			Total
Total Residential GFA (sq. m):	37998		Parking Spaces:	361
Total Non-Residential GFA (sq. m):	1020		Loading Docks	2
Total GFA (sq. m):	39018			
Lot Coverage Ratio (%):	49.7			
Floor Space Index:	12.11			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Condo		Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	37998	0
Bachelor:	4	Retail GFA (sq. m):	1020	0
1 Bedroom:	449	Office GFA (sq. m):	0	0
2 Bedroom:	84	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	537			

CONTACT: **PLANNER NAME:** Susan McAlpine, Senior Planner, smcalpin@toronto.ca
TELEPHONE: (416) 397-4487

Attachment 15: Revised Application Data Sheet

Application Type	Rezoning / Site Plan	Application Numbers:	11 146719 STE 28 OZ 11 146730 STE 28 SA
Details	Rezoning, Standard	Application Date:	March 16, 2011
Municipal Address:	154 FRONT STREET EAST		
Location Description:	PLAN TOWN OF YORK PT LOTS 5 & 6 **GRID S2810		
Project Description:	Revised Rezoning and Site Plan Approval application for construction of 2 towers atop a podium. Podium height ranges from 3 to 9 storeys; west tower is 22 storeys with four storey bridge (26 overall) and east tower is 26 storeys; retail at grade; 5 levels below of grade parking with 284 parking spaces and 33 visitor parking spaces. A total of 477 residential units are proposed.		

Applicant:	Agent:	Architect:	Owner:
FMC Front Street Developments Inc., 56 The Esplanade, Suite 308 Toronto, ON M5E 1A7		architectsAlliance 205-317 Adelaide St. W. Toronto, ON M5V 1P9	FMC Front Street Developments Inc., 56 The Esplanade, Suite 308 Toronto, ON M5E 1A7

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N
Zoning:	RA	Historical Status:	N
Height Limit (m):	30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3221	Height:	Storeys:	26
Frontage (m):	76.86		Metres:	82.25 (excludes mech. Penthouse)
Depth (m):	38.24			
Total Ground Floor Area (sq. m):	2123			Total
Total Residential GFA (sq. m):	36195		Parking Spaces:	284
Total Non-Residential GFA (sq. m):	1127		Loading Docks	1
Total GFA (sq. m):	37322			
Lot Coverage Ratio (%):	65.9			
Floor Space Index:	11.5			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	48
1 Bedroom:	325
2 Bedroom:	104
3 + Bedroom:	0
Total Units:	477

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	36195	0
Retail GFA (sq. m):	1127	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Willie Macrae, Planner, wmacrae@toronto.ca
	TELEPHONE:	416-392-7572