

540-544 King Street West and 1-7 Morrison Street – Zoning Amendment Application – Supplementary Report

Date: December 17, 2019

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 10 - Spadina-Fort York

Planning Application Number: 18 125163 STE 20 OZ

SUMMARY

A final report reviewing and recommending approval of the application to amend the Zoning By-law at 540-544 King Street West and 1-7 Morrison Street was before the November 5, 2019 meeting of the Toronto and East York Community Council (item TE10.6). At that meeting, the item was deferred to the December 3, 2019 meeting of the Toronto and East York Community Council and was then further referred to the December 17, 2019 meeting of City Council without recommendations.

The proposed development was for a 50 metre tall mixed-use building containing office uses within the portion of the building fronting 540-544 King Street West and residential uses fronting 1-7 Morrison Street. The purpose of the deferral was to direct City Planning staff to work with the ALPHA Alternative School community and other stakeholders to address impacts of the development on the school and any other issues raised by community stakeholders.

The applicant has made several revisions to the proposal to respond to the concerns raised during the stakeholder consultations that have occurred over the last few weeks.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 540-544 King Street West and 1-7 Morrison Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the December 17, 2019 report from the Chief Planner and Executive Director, City Planning Division, Toronto and East York District.
2. City Council amend Zoning By-law 438-86 for the lands at 540-544 King Street West and 1-7 Morrison Street substantially in accordance with the draft Zoning By-law

Amendment attached as Attachment No. 2 to the December 17, 2019 report from the Chief Planner and Executive Director, City Planning Division.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

4. Before introducing the necessary Bills to City Council for enactment, require the owner to:

a) Provide a Re-construction Plan for the building at 544 King Street West, listed on the City's Heritage Register, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 540-544 King Street West and 1-7 Morrison Street by ERA Architects Inc., dated August 8, 2019, to the satisfaction of the Senior Manager, Heritage Planning.

b) Withdraw its appeal and/or withdraw its party status to the appeal of the King-Spadina Heritage Conservation District Plan with respect to the property at 544 King Street West and any other City-initiated official plan amendments under appeal.

c) Address the outstanding comments outlined in the Engineering and Construction Services memorandum dated October 17, 2019, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services.

5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

a) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

b) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 for the provision of affordable housing in Ward 10 within the vicinity of the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

c) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$600,000.00 for above base streetscape improvements on the west side of Brant Street between King Street West and Adelaide Street West, including a portion which will be allocated to the

revitalization of the playground of the Toronto District School Board property at 20 Brant Street, subject to public access outside of regular school hours, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

d) All cash contributions referred to in Recommendation 5. a-c above shall be increased upwards by indexing in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made to the City;

e) In the event the cash contributions referred to in Recommendation 5.a-d. have not been used for the intended purposes within three (3) years of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10; and

f) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

i. Prior to final site plan approval, the owner shall provide an Interpretation Plan for the subject property at 544 King Street West, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

ii. Prior to final site plan approval, the owner shall provide a Heritage Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its heritage character as viewed from the public realm to the satisfaction of the Senior Manager, Heritage Planning;

iii. Prior to final site plan approval, the owner shall submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning;

iv. Prior to the issuance of any Building Permit, the owner shall provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Re-construction Plan and approved Interpretation Plan;

v. Prior to the issuance of any Building Permit, the owner shall provide full documentation of the existing heritage property at 544 King Street West, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning;

vi. Prior to the release of the letter of credit required in Recommendation 5.f.iv. above, the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required restoration work and the required interpretive work has been completed in accordance with the Re-construction Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning;

vii. The owner agrees to submit, and thereafter implement, a construction management plan to address such matters as noise, dust, street closures, parking and laneway uses and access. Such plan shall be to the satisfaction of the General Manager, Transportation Services, the Chief Planner and Executive Director, City Planning Division and the Senior Manager, Land Use Planning, Toronto Lands Corporation, in consultation with the Ward Councillor, the ALPHA School Community, the Garment District Neighbourhood Association and any other community stakeholders, and shall be submitted prior to the commencement of any demolition, shoring or excavation work; and

viii. The owner agrees to work with the Toronto Lands Corporation to implement and maintain a living green wall for the height of the ground floor of the east-facing façade of the portion of the building located at 1-7 Morrison Street, immediately adjacent to the Toronto District School Property at 20 Brant Street, utilizing vegetation which will remain green throughout all four seasons of the year. The green wall will be maintained by the owner of 540-544 King Street West and will be detailed in the Site Plan control drawings.

6. Prior to approval of the Site Plan Control application, the owner agrees to strike a site plan working group including the ALPHA School Community, the Garment District Neighbourhood Association, the Toronto Lands Corporation and any other interested community stakeholders, in consultation with the Ward Councillor, City Planning staff and any other City staff as necessary, to consider the following, but not limited to, matters:

- a) Mitigation measures to reduce the safety and overlook impacts that any outdoor balconies and terraces at the 540-544 King Street West and 1-7 Morrison Street property may have on the Toronto District School Board property at 20 Brant Street.
- b) Proposed building articulation and materials.
- c) Mitigation of traffic impacts on surrounding properties.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On December 3, 2019, Toronto and East York Community Council referred the report from the Director, Community Planning, Toronto and East York district to City Council without recommendations and requested staff continue to work with community stakeholders and the applicant, and to report directly to the December 17 and 18, 2019 meeting of City Council, on addressing:

- a. Impacts on the school, including shadow on the playground;
- b. Construction management;
- c. Impacts on Morrison Street and adjacent buildings;
- d. Traffic impacts;
- e. Site Plan matters, including building materials; and
- f. Matters raised by the Toronto Lands Corporation.

The link to the Toronto and East York Community Council item can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.2>

COMMENTS

City Planning staff, together with staff from the local Councillor's office, met with the ALPHA Alternative School community on November 13, 2019. Issues raised at the meeting included shadow on the school playground; general over-intensification of the surrounding area, including the proposed development; and traffic and safety concerns respecting Morrison Street.

City Planning staff and the Councillor's office also held a meeting with other stakeholders on November 21, 2019. In addition to the concerns raised by the ALPHA Alternative School community, much of the discussion at the stakeholder meeting focussed on the impact that the proposed development would have on the general liveability of the surrounding neighbourhood. To this end, issues raised included concerns related to overlook and privacy, light and sky view on surrounding properties (particularly on the buildings at 10 Morrison Street and 560 King Street West); the

proposed heritage commemoration plan; and the use of the public lane at the north end of the subject site for loading access.

Stakeholders also noted that, given the level of intensification occurring in the immediate vicinity of the subject site with multiple development proposals either recently approved or under review, a more comprehensive approach should be applied to the review of each development proposal. To this end, a request was made that, should City Council approve any form of development at the subject property, the surrounding community members be involved in the review of the Site Plan Control application as well as the finalization of the Construction Management Plan.

On December 10, 2019, the applicant submitted revised plans which include the following revisions:

- Reduction in the height of the residential portion of the development (fronting 1-7 Morison Street) by 1.34 metres;
- An additional setback of two metres (for a total of 7.5 metres) from the east side lot line for the uppermost two storeys of the residential portion of the development;
- An additional setback of two metres from the north property line at the 13th storey (for a total of 8.5 metres from the centreline of the lane); and
- A reduction in the depth of the north-facing terrace on the 14th storey from 3.975 metres to 1.975 metres.

City Planning staff conducted a shadow analysis for the spring and fall equinoxes of the applicant's revised proposal dated December 10, 2019, and compared it to the building which was approved for the site by the former Ontario Municipal Board (OMB) in 2009, but never constructed. As outlined in the chart below, the applicant's revised proposal would result in less shadow on the school playground than that of the OMB approved development:

	Amount of shadow reduction during the fall equinox (September 21st)	Amount of shadow reduction during the spring equinox (March 21st)
12:18 pm	40%	60%
1:18 pm	10%	12%
2:18 pm	13%	14%
3:18 pm	18%	17%

CONTACT

Joanna Kimont, Senior Planner, Community Planning

Tel. No. 416-392-7216

E-mail: Joanna.Kimont@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning

Attachment 1: Draft Zoning By-law Amendment (By-law 569-2013)

Attachment 2: Draft Zoning By-law Amendment (By-law 438-86)