

## **540-544 King Street West and 1-7 Morrison Street – Zoning By-law Amendment Application – Final Report**

Date: October 18, 2019

To: Toronto and East York Community Council

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

Wards: Ward 10 - Spadina-Fort York

**Planning Application Number:** *18 125163 STE 20 OZ*

### **SUMMARY**

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This application proposes to redevelop the site with a mixed-use building containing retail and office uses within the portion fronting 540-544 King Street West and residential uses within the portion fronting 1-7 Morrison Street. Due to the difference in floor-to-ceiling height requirements between office and residential uses, the office portion of the proposed building would be 15-storeys tall and the residential portion would be 17-storeys tall. The overall building height for both portions, including mechanical elements, is proposed at 50 metres.

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019). The proposal is consistent with the relevant policies of the Official Plan, the King Spadina Secondary Plan, the Downtown Plan and the King-Spadina Urban Design Guidelines. The proposal provides approximately 18,745 square metres of new office space, maintains a minimum of 10 percent three-bedroom units and 20 percent two-bedroom units, and provides a built form that is compatible with the emerging context of the West Precinct of King-Spadina.

### **RECOMMENDATIONS**

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The 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. 5 to the October 11, 2019 report from the Director, Community Planning, 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. 6 to the October 11, 2019 report from the Director, Community Planning, Toronto and East York District.

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; and

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 and the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor and shall be submitted prior to the commencement of any demolition, shoring or excavation work.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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### **Committee of Adjustment**

A portion of the site including 544 King Street West and 1-7 Morrison Street was the subject of a minor variance application (A0907/08 TEY) in 2008 that proposed the demolition of the existing building at 544 King Street West and the construction of an eight and nine-storey office building on the site (with a height of 32 metres and 37 metres, including the mechanical penthouse, respectively). The Committee of Adjustment refused the application and this decision was appealed by the applicant to the former Ontario Municipal Board (OMB). In June 2009, the former OMB approved the application, subject to conditions, to permit the construction of an eight and nine-storey office building on the site.

### **Current Application**

The original Zoning By-law Amendment application was submitted on March 6, 2018 and deemed complete on April 4, 2018. An Interim Request for Direction Report on the application was adopted by the Toronto and East York Community Council on July 4, 2018. The recommendations of the report were to direct City staff to continue discussions with the applicant to resolve outstanding issues and for City Council to direct the City Solicitor and appropriate City staff to attend and oppose the application in its current form, in the event that the application was appealed to the Local Planning Appeal Tribunal (the "LPAT"). The Interim Request for Direction Report can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.32>

## SITE AND SURROUNDING CONTEXT

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The site is located on the north side of King Street West midway between Spadina Avenue and Bathurst Street. It is situated within the block bounded by Portland Street, Brant Street, Adelaide Street West and King Street West. Morrison Street extends south from Adelaide Street West midway into the block.

The surrounding uses are as follows:

North: Adjacent to the north side of the site is a three metre wide public lane that extends east and west from Morrison Street. This laneway is one of a network of laneways identified within the King-Spadina Heritage Conservation District (HCD) as reflecting both historic and contextual value. There is a two-storey commercial building on the north side of the public lane at the southeast corner of Adelaide Street West and Morrison Street. St. Andrew's Playground situated on the north side of Adelaide Street West, and will eventually extend from Maud Street east to Brant Street. St. Andrew's Playground is at the centre of the St. Andrew's Character Sub-Area identified in the King-Spadina HCD, is a significant historical property within this Character Sub-Area and is designated under Part V of the Ontario Heritage Act.

South: On the south side of King Street West, between Portland Street and Spadina Avenue, the block is generally characterized by historic three and four-storey commercial buildings. Most of these properties are listed on the City's Heritage Register and/or identified as contributing properties in the King-Spadina HCD. The site at 485-539 King Street West, is the subject of a development proposal for a 16-storey mixed-use building recently approved through a settlement at the LPAT, commonly known as BIG (File: 16 159483 STE 20 OZ) .

East: Abutting the site to the east and north, fronting onto the west side of Brant Street is a one-storey commercial building at 12 Brant Street. The four-storey TDSB Brant Street School building also abuts the north portion of the site at 20 Brant Street. There are two schools within this building, the ALPHA Alternative Junior Public School and Oasis Alternative Secondary School. This Toronto District School Board property is also listed on the City's Heritage Register and is identified as a significant historical property within the St. Andrew's Character Sub-Area in the King-Spadina HCD.

Opposite the site at the northeast corner of Brant Street and King Street West is a three and four-storey commercial building at 500 King Street West (including 1 and 11 Brant Street, 494, 510, 520 and 522 King Street West). This building is listed on the City's Heritage Register and is identified as a contributing property in the King-Spadina HCD. Farther east along King Street is a 12-storey mixed-use building at 478 King Street West. Farther north on the east side of Brant Street is a residential development comprised of three buildings, nine, 10 and 11-storeys and a 3-storey historic commercial building at 25 Brant Street that is identified as a contributing property in the King-Spadina HCD.

West: Adjacent to the west at 548 King Street West is a 2.5-storey commercial building, and west of this is a recently completed 12-storey residential building which

incorporates a heritage building at 560 King Street West that is designated under the Ontario Heritage Act. This "C"-shaped building, known as Fashion House, fills the depth of the block and also has frontage on Adelaide Street West. There is a pedestrian connection between the buildings at 548 and 560 King Street West extending from the south end of the Morrison Street terminus to King Street West. To the west of this, at 578-580 King Street West, is a two-storey commercial building listed on the City's Heritage Register that is the subject of a development proposal for a 15-storey commercial building which has been appealed to the LPAT (File No. 18 225642 STE 20 OZ). Farther west at 582-590 King Street West and 473 Adelaide Street are two 4-storey heritage buildings connected by a bridge structure over the lane below. These properties are listed on the City's Heritage Register and are subject of a zoning by-law amendment application proposing six and 12-storey mixed-use buildings that has also been appealed to the Local Planning Appeal Tribunal (File No. 17 215103 STE 20 OZ).

On the west side of Morrison Street, opposite the 1-7 Morrison Street portion of the site, is an existing 10 and 11-storey "L" shaped building that has frontage on both Adelaide Street West and Morrison Street. At the northwest corner of Adelaide Street West and Morrison Street (445 – 453 Adelaide Street West) are five, two-storey historic row houses listed on the City's Heritage Register and identified as contributing properties in the King-Spadina HCD. Four of these are the subject of a zoning by-law amendment application proposing an 11-storey office building that has been appealed to the Local Planning Appeal Tribunal (File No. 17 209531 STE 20 OZ).

## **PROPOSAL**

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### **Original March 6, 2018 Proposal**

The original development proposal was for a 13-storey mixed-use building with a height of 52 metres (including mechanical elements) containing retail uses at grade, office uses at levels two-to-seven and residential uses above. The proposed density was 9.47 times the area of the lot and the existing building located at 544 King Street West, which is listed on the City's Heritage Register and is also identified as a contributing property within the King-Spadina Heritage Conservation District (HCD), was proposed to be demolished. Vehicular site access for parking and loading was proposed off of Morrison Street.

In the Interim Request for Direction Report referenced above, the key issues identified by Planning staff regarding the original proposal included: lack of heritage conservation; inadequate stepping and separation distances for the taller portions of the building; interface and shadow impact on the adjacent school site; shadow on St. Andrew's Playground; height of the base building and overall building height; and site access.

### **Revised August 15, 2019 Proposal**

The revised proposal submitted by the applicant on August 15, 2019 is the result of extensive discussions between the Applicant and City staff, including input from area

residents. The revised proposal significantly alters the form, mass, site access and the heritage conservation approach.

## Heritage

In the applicant's revised proposal, the front wall of the two-storey commercial building at 544 King Street West, listed on the City's Heritage Register, would be retained. In order to achieve a continuous street wall with the adjacent buildings to the west, the front wall is proposed to be kept intact but moved forward approximately five metres. A three-metre deep section of the east wall would be replicated using new, but matching, masonry. Most of the masonry of the front wall would be restored and two of the existing windows would be restored as double height windows that reflect the building's original design. The central window is proposed to be altered to create a new office entrance.

Between the heritage building and the new development, within the first two floors, a return measuring three metres deep and six metres wide located immediately east of the heritage building is proposed to separate the new development from the heritage building. Above the two-storey heritage building, the third storey will be setback five metres from the King Street façade and 5.5 metres from the west-facing façade.

## Setbacks and Stepbacks

As noted above, along King Street, the first two storeys of the building are proposed to be located generally on the property line, save and except for the return between the retained front wall of the existing building and the new development. Above this, the third storey would stepback five metres from the King Street property line. This stepback would be reduced to three metres at the 4th to 6th storeys, before stepping back a total of five meters for the remainder of the building.

Along Brant Street, the building would be located on the property line before stepping back three metres starting at the 7th storey.

Along the west façade, starting at the third storey, the building would stepback 5.5 metres from the west property line shared with the property to the west (548 King Street West), for a length of approximately 38.5 metres. Beyond this, the stepback would be reduced to two metres for the remainder of the shared property line.

Along the east façade, adjacent to the school, the ground floor of the building would be setback from the east property line by 1.5 metres and a green wall along the east-facing façade is proposed within this setback area. Above the ground floor, the building is proposed to stepback an additional four metres, thereby locating the remainder of the building 5.5 metres from the east property line adjacent to the school.

Along Morrison Street, the building would be located along the property line before stepping back three metres starting at the 7th storey.

Along the public lane to the north, in addition to the 1.48 metre lane widening requirement, the ground floor of the building would be setback an additional 3.93 metres so as to accommodate manoeuvring requirements for loading access via the public

lane. The building would then cantilever back out to the newly established north property line for the 2nd floor before stepping back again a total of 5.5 metres from the centreline of the lane. This proposed stepback increases to 6.5 meters at the 8th storey, 10.7 metres at the 14th storey and 15.5 metres at the 15th storey.

## Uses

The original proposed development contained retail uses at grade, office uses within the second to seventh storeys and residential uses above. In order to accommodate a number of the massing and built form changes requested by staff and the community, the applicant's revised proposal locates all the office uses within the King Street portion of the building and all the residential uses within the Morrison Street portion. This would result in a much smaller floorplate for the 1-7 Morrison Street portion of the development, as residential uses do not have the same floorplate requirements as do office uses.

## Site Access

The applicant's revised proposal locates the access for vehicular parking along Brant Street and loading access via the public lane to the north of the site. The number of below-grade garage levels has been reduced from three to two.

## Summary of Changes

The chart below summarizes the key differences between the original proposal and the applicant's revised proposal.



	<b>2018 Original Proposal</b>	<b>2019 Revised Proposal</b>
Building Height (to top of mechanical penthouse)	51.82 metres	50 metres
Density	9.47	8.81
Number of Residential Units	77	80
Total Floor Area	27,625 square metres	25,685 square metres
Non-residential Floor Area	18,688 square metres	18,745 square metres
Residential Floor Area	8,937 square metres	6,940 square metres
Height of Base Building on King Street	32.25 metres	26 metres
Height of Base Building on Brant Street	32.25 metres	26 metres
	<b>2018 Original Proposal</b>	<b>2019 Revised Proposal</b>
Height of Base Building on Morrison Street	32.25 metres	24.6 metres
Height of Base Building adjacent to ALPHA Alternative school	32.25 metres	5 metres
Side Yard Stepback on the West Side	0.0 metres	5.5 metres (starting at the 3rd storey)
Heritage Commemoration	None	Retention of the front wall
Bicycle Parking	163 spaces	150 spaces
Vehicular Parking	123 spaces	53 spaces

Further information can be found in the Application Data Sheet appended to this report (Attachment 1), and visually in Attachments 7-11: Site Plan and Elevations.

### **Reasons for Application**

Zoning By-law 569-2013 permits a height limit of 23 metres which the proposal would exceed by 27 metres, resulting in a building height of 50 metres. In addition, there are

deficiencies with other performance standards within the Zoning By-law, including step backs, angular plane requirements and parking.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- Planning and Urban Design Rationale;
- Heritage Impact Assessment;
- Urban Transportation Considerations Report;
- Noise and Vibration Feasibility Study;
- Stage 1 Archaeological Resource Assessment;
- Pedestrian Wind Comfort Assessment;
- Energy Strategy Report;
- Arborist Report;
- Toronto Green Standard Checklist;
- Draft Zoning By-law Amendment;
- Public Consultation Strategy;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Investigation; and
- Shadow Study.

### **Agency Circulation Outcomes**

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

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

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

### **The Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong

economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- The conservation of significant built heritage resources and significant cultural heritage landscapes;
- Residential development promoting: a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

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

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

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

## **Provincial Plans**

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

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

## **The Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR). This is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

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

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring that redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs

achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan. Major Transit Station Area boundaries will not be delineated until such time as the City initiates and completes an MCR in conformity with the Growth Plan 2019.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of this Report.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

### Chapter 2 - Shaping the City

Chapter 2 sets out a range of policies to guide growth and change, ensuring appropriate measures are taken to maintain Toronto's health, liveability and prosperity. The subject lands are situated within the Downtown.

Section 2.2.1 Downtown: The Heart of Toronto: in this section, the Official Plan provides direction on Downtown as a growth area that will continue to evolve as a healthy and attractive place to live and work. As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the Downtown that: achieves a minimum combined growth target of 400 jobs and residents per hectare; builds on the strength of the area as an employment centre; provides for a range of housing opportunities.

The Official Plan directs growth to the Downtown in order to achieve multiple City objectives. Among other matters, it promotes efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, and provides increased opportunity for living close to work, to encourage walking and cycling, all in keeping with the vision for a more liveable city.

While Downtown is identified as an area offering opportunities for substantial employment and residential growth, this growth is not anticipated to be uniform. Design guidelines specific to districts of historic or distinct character will be implemented to ensure new development respects the context of such districts in terms of the fit of the

new development with existing streets, set backs, heights and relationship to landmark buildings.

The Official Plan recognizes that as the population of the Downtown increases, ensuring that public amenities and infrastructure are maintained and upgraded, enhancing existing parks and acquiring new parks, and preserving and strengthening the range and quality of social, health, community services and local institutions, are essential to improve the quality of life for Downtown residents.

### Chapter 3 - Building a Successful City

**Section 3.1.1 Public Realm:** This section of the Official Plan recognizes the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in architecture, landscape architecture and urban design in public works and private developments to ensure that the public realm is functional, beautiful, comfortable, safe and accessible.

**Section 3.1.2 Built Form:** The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

**Section 3.1.5 Heritage Conservation:** This section contains policies related to the conservation of Toronto's cultural heritage, significant buildings, properties, districts, landscapes and archaeological sites. Policy 3.1.5.4 states that heritage resources on the City's Heritage Register will be conserved and maintained. Additionally, Policy 3.1.5.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property, and will mitigate visual and physical impact on it. Finally, Policies 3.1.5.32-33 deal specifically with development within

Heritage Conservation Districts (HCD) to ensure the integrity of the district's heritage values, attributes and character are conserved in accordance with the HCD Plans.

#### Chapter 4- Land Use Designations

The subject lands are designated Regeneration Areas on Map 18 in the Official Plan. (Please see Attachment 3).

Section 4.7 Regeneration Areas: the Official Plan describes Regeneration Areas as containing a broad mix of uses including commercial, residential, light industrial, parks and open space, institutional, live/work and utility, all of which are permitted within Regeneration Areas in order to promote reinvestment and revitalization. The framework for new development within Regeneration Areas is set out in a Secondary Plan intended to promote the desired type and form of physical development for an area.

The policies of Section 4.7.1 provide for the restoration, re-use and retention of existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures in Regeneration Areas. Section 4.7.2 sets out the intent of Secondary Plans for Regeneration Areas and provides that they will guide the revitalization of the area through, among other matters:

- Urban Design Guidelines related to the unique character of the area;
- Strategies to promote greening and community improvements; and
- A heritage strategy identifying important heritage resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources.

#### Chapter 5 - Implementation

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the Planning Act. The proposed density of the application meets the Official Plan's threshold for Section 37 considerations.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

#### **King Spadina Secondary Plan (2006)**

The site is situated within the West Precinct of the King-Spadina Secondary Plan Area found in Chapter 6.16 of the Official Plan (Attachment 8). The King-Spadina Secondary Plan speaks to reinforcement of the characteristics and qualities of the area through special attention to built form, heritage and public realm. The major objectives of the Plan require that heritage buildings and other important buildings within the King-Spadina Area, including the West Precinct, will be retained, restored and re-used.

The policies of Section 3 – Built Form and in particular the policies of Section 3.6 – General Built Form Principles specify that:

- Buildings are to be located along the front property line to define edges along streets, and lower levels are to provide public uses accessed from the street;
- Servicing and parking are encouraged to be accessed from lanes rather than streets to minimize pedestrian/vehicular conflicts;
- New buildings will be sited for adequate light, view and privacy and compatibility with the built form context;
- New buildings will achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, step backs, roof line and profile, and architectural character and expression;
- Appropriate proportional relationships to streets and open spaces will be provided, and wind and shadow impacts will be maintained on streets and open spaces; and
- Streetscape and open space improvements will be coordinated in new development.

Additionally, the policies of Section 4 – Heritage – specify that:

- Heritage buildings in the King Spadina Area are essential elements of physical character. In this regard, the City will seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more appropriate legal agreement.

The King Spadina Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **King Spadina Secondary Plan Review**

The King-Spadina Secondary Plan review began as the "King Spadina East Precinct Built Form Study", however, at its meeting on July 7, 2015, City Council expanded the boundary to also include the Spadina Precinct. The geographic boundaries of the study were further expanded to include the West Precinct, thereby including the entire King-Spadina Secondary Plan Area by Toronto and East York Community Council at its September 6, 2017 meeting. The Community Council decision and staff report, which provides a detailed background of the decision history of studies within this Secondary Plan area can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.60>.

King-Spadina is one of the highest growth areas in the City of Toronto. The King-Spadina Secondary Plan Review recognizes that this area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. The updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage and character of the area.



A final community consultation meeting was held on December 4, 2018 to present the draft Secondary Plan policies. The complete draft Secondary Plan as well as the presentation boards can be viewed at: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/king-spadina-secondary-plan-review/>

A Final Report outlining the draft Secondary Plan and the King Spadina Public Realm Strategy will be considered at a statutory public meeting before Toronto and East York Community Council, likely before the end of 2019.

### **King-Spadina Heritage Conservation District Study**

At its meeting of October 2, 2012, Toronto City Council directed Heritage Planning (HPS) staff to undertake a Heritage Conservation District (HCD) study of the King-Spadina area. A team led by Taylor-Hazell Architects undertook the study and was subsequently retained to prepare the Plan. The first phase of the HCD Study was concluded in the spring of 2014 and recommended that the area merited designation under Part V of the Ontario Heritage Act as an HCD on the basis of its historical, associative, physical, contextual, and social and community values.

In the fall of 2014 HPS initiated the second (HCD Plan) phase of the study, which resulted in the development of the statements of objectives and cultural heritage value, boundaries, policies and guidelines, and community and stakeholder consultation. The HCD Plan was adopted at the October 2-4, 2017, meeting of City Council, recommending the designation of the King-Spadina HCD Plan under Part V of the Ontario Heritage Act. The HCD Plan is currently under appeal at the LPAT.

The overall objective of the King-Spadina HCD Plan is the protection, conservation and management of its heritage attributes, including contributing properties, so that the District's cultural heritage value is protected in the long-term. The properties identified as contributing in the HCD Plan, including the subject property, were listed on the City's Heritage Register, adopted by City Council on December 5, 6, 7 and 8, 2017. The final report and decision of City Council are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>. [The HCD Plan is currently under appeal to the LPAT.](#)

### **The Downtown Plan**

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

application was submitted prior to this date and therefore, in evaluating this application, City staff considered the Downtown Plan for additional guidance with respect to the planned context.

The Downtown Plan can be found here:

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

## **Zoning**

The site is zoned Reinvestment Area (RA) in former City of Toronto Zoning By-law 438-86. This zoning category permits a range of residential, commercial, institutional and limited industrial uses. The current zoning permits a maximum building height of 23 metres for this site plus 5 metres for a mechanical penthouse if a 3 metre setback at 20 metres is provided. A minimum 7.5 metre setback from both the side and rear lot lines for areas located farther than 25 metres from the street lot line is required. The RA zoning category does not include maximum density provisions but rather, the building envelope is established through performance standards such as height, setbacks and stepbacks.

The site is also subject to Zoning Bylaw 569-2013 and is zoned CRE (x77) (Commercial Residential Employment) which is substantially the same with regards to use, height and built form as the former City By-law. Please see Attachment 4.

## **Design Guidelines**

King Spadina Urban Design Guidelines (2006)

Urban Design guidelines, in conjunction with the Official Plan policies, work together to achieve optimal building siting and design that enhances the public realm, while respecting and reinforcing the surrounding built environment and context. Guidelines are crucial planning tools that assist in testing the appropriateness of development applications within their policy context. They are intended to assist in the implementation of the Official Plan policies for built form, and serve as a unified set of directions for the evaluation of development applications.

The Official Plan (Section 5.3.2: Implementation Plans and Strategies for City-Building, Policy 1) states that Guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban Design Guidelines, specifically, are intended "to provide a more detailed framework for built form and public improvements in growth areas."

The King-Spadina Urban Design Guidelines support the implementation of the King-Spadina Secondary Plan. These Guidelines state that new development should be compatible with existing heritage buildings in terms of massing, height, setbacks, stepbacks and materials. New development, within the context of existing adjacent buildings, should define and contribute to a high quality public realm. Development should reinforce the character and scale of the existing street wall in the immediate surrounding area. In addition, the scale of the building brought to the sidewalk should respond proportionally to the width of the right-of-way.

Section 4.3.3 Built Form of the Guidelines recognizes that new development in the West Precinct has a distinguishing character of uniform height, scale and massing, producing an effect of a maturing mid-rise neighbourhood, which is different from the East Precinct, east of Spadina Avenue. Section 5.2.1 emphasizes that the street wall should be designed to ensure pedestrian comfort and adequate light penetration. This can be achieved through a 1:1 ratio of building height relative to street width. New development should reinforce the continuity of the street wall of a particular street using existing building heights and setbacks as the basis for the design of the street frontage.

Further, Section 5.4.1 Building Heights affirms that the West Precinct is characterized by a homogenous form of low to mid-rise warehouse, office and mixed-use building patterns. The Guidelines state that applications displaying portions of buildings above the height limit set out in the Zoning By-law will be required to demonstrate no undue impacts on light, view, privacy and sunlight access on nearby properties.

Section 5.4.3 Angular Planes and Stepbacks stipulates that where buildings are permitted to be higher than the street wall height, a stepback will be required that is large enough to ensure that the higher portion does not overwhelm and detract from the consistency of the street wall from the perspective of the pedestrian experience. This section also considers that, even in situations where a particular development meets angular plane requirements and does not cause significant wind or shadow impacts, the height may still not necessarily be acceptable within its context.

Section 5.4.4 Light, View and Privacy states that taller building elements (i.e. above the as-of-right height permissions) should be evaluated on their ability to achieve optimum proximity, light, view and privacy conditions, as well as on their impact on other properties on the same block with similar potentials.

### Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing-Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Council decision and draft guidelines are available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>

### Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Approval has not been submitted, but would be required prior to the issuance of any building permits.

## Community Consultation

City Planning staff, together with the Councillor's office and the applicant hosted the first community consultation meeting to consider the applicant's original proposal on April 30, 2018. Key concerns raised at this meeting included the following:

- Proposed demolition of the heritage building;
- proposed building heights including impacts on light and sky views on neighbouring properties;
- Impacts of the development on the ALPHA Alternative School in relation to setbacks, overlook, traffic safety and shadow impacts; and
- Traffic, loading and parking and the impacts this would have on the already challenged functionality of Morrison Street.

Subsequent to this, on June 15, 2018, City Planning staff and the applicant attended a site visit at the ALPHA Alternative School which was conducted by members of the school's Parent Council. Students of the school put together presentations utilizing building models, built by the students themselves, demonstrating how various building heights and massing on the subject site impact light and shadow on the school's playground and the interior spaces within the school.

As well, in August 2018, Planning staff and the local Councillor's office held a meeting with the residents at 10 Morrison Street and members of the Garment District Neighbourhood Association (GDNA) to discuss concerns related to site access off of Morrison Street.

A follow-up community consultation meeting was held on May 23, 2019 with the larger community, and the applicant presented draft proposed revisions for the purposes of discussion and feedback from the community. The applicant then further revised the proposal based on comments heard from the community and City staff at the meeting and formally submitted these to the City on August 15, 2019. The key changes reflected in the plans submitted in August 2019 include the relocation of the vehicular access from the public lane to Brant Street, provision of a reduced base building height adjacent to the ALPHA Alternative school as well as the property at 12 Brant Street. These changes are further discussed in the comment section below.

A final consultation meeting, hosted by the Councillor's Office, was held on October 2, 2019, to discuss the proposed revisions, particularly with the residents of 10 Morrison Street, the members of the ALPHA Alternative School and the GDNA. Two key issues raised at that meeting were shadow impacts on the school yard and the school building itself, and the impact of the proposed building mass of the development, which extends from King Street over to 1-7 Morrison Street, would have on surrounding properties. The applicant was requested to consider physically separating the Morrison Street portion of the development from the King Street portion above the base building.

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

#### **The Planning Act**

The Planning Act, Section 2 establishes matters of provincial interest including:

- The orderly development of safe and healthy communities;
- The adequate provision of a full range of housing, including affordable housing; and,
- The promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The City has had regard for the above contents of the Planning Act through the review of this application. As detailed below, the applicant's revised proposal meets the intent of Provincial and City policies intended to guide the desired outcomes of the matters of provincial interest established in the Planning Act. The location, form and scale of the proposed development has been designed to promote a sense of place, vibrancy, safety and accessibility and contributes to affordable housing, including the provision of two and three-bedroom units to accommodate families.

#### **Provincial Policy Statement (2014)**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. City Council's planning decisions are required to be consistent with the PPS.

Policy 1.1.1. b) states that healthy, liveable, and safe communities are sustained by accommodating an appropriate range and mix of residential uses, affordable housing and housing for older persons.

Policy 1.4.3 directs planning authorities to provide a range of housing types and densities to meet projected requirements of current and future residents. This policy directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification, and redevelopment where existing or planned infrastructure can accommodate projected needs. This policy further directs planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. Planning authorities are also directed to establish development standards for residential intensification which minimize the cost of housing and facilitate a compact form.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Policy 1.7.1. a) states that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness.

Policy 1.7.1. e) encourages a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Policy 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Policy 4.7 recognizes the Official Plan as the most important vehicle for implementation of the PPS.

The revised development proposal is consistent with the above and other relevant policies of the PPS. The proposal provides for a healthy, liveable, and safe community by accommodating an appropriate range and mix of employment and residential uses, including two and three-bedroom units, in a compact and efficient form. As well, the proposal is close to transit and active transportation options, and is located within walking distance of a range of services, helping to minimize the need for, and length of, automobile trips. The proposal supports economic competitiveness by providing 18,745 square metres of new, non-residential gross floor area. The proposal also incorporates the main front wall of the existing building listed on the City's Heritage Register.

### **A Place to Grow (2019)**

The City has reviewed the subject application against the Growth Plan (2019) for the Greater Golden Horseshoe. Section 2.2.1.3.c) of the Growth Plan (2019) directs municipalities to undertake integrated planning to manage forecasted growth by supporting an urban form that optimizes infrastructure to support the achievement of complete communities through a more compact built form.

Section 2.2.1.4 a) and c) supports complete communities that feature a diverse mix of land uses, including residential and employment uses, which provide a diverse range and mix of housing options to accommodate people at all stages of life and accommodate the needs of all household sizes and incomes. Subsection e) directs the provision of a more compact built form and a vibrant public realm.

Section 2.2.5.3 directs retail and office uses to be located in areas that support active transportation and have existing or planned transit.

The policies in Section 2.2.6.1 direct that municipalities will support housing choice through a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents. Section 2.2.6.2 directs that municipalities support complete communities by planning for the range and mix of housing options and densities of the existing housing stock and planning to diversify and increase density of the overall housing stock across the municipality. As well, Section 2.2.6.1 d) directs that Urban Growth Centres are to accommodate significant population and employment growth.

Section 4.2.7 directs that municipalities conserve cultural heritage resources in order to foster a sense of place and benefit communities.

The proposed development conforms with the above sections and other relevant policies of the Growth Plan (2019). The proposal provides for a diverse range and mix of residential unit sizes and supports a compact urban form that optimizes infrastructure to support the achievement of complete communities, including non-residential uses. The proposal is close to transit and active transportation options and accommodates a vibrant public realm. The proposal helps foster a sense of place by conserving the main front wall of the existing building listed on the City's Heritage Register.

### **Land Use**

The land uses proposed by the applicant's Zoning By-law Amendment application, comprised of residential, retail and office uses, are permitted by the Zoning By-law and are therefore appropriate and can be supported by staff.

### **Density, Height, Massing**

This application has been reviewed against the policies in the Official Plan, the King-Spadina Secondary Plan and Downtown Plan, as well as the King-Spadina Urban Design Guidelines, the Growing Up Guidelines and the emerging policy of the King-Spadina Secondary Plan update. Given the existing and the planned context for the subject site and the surrounding area, the applicant's proposed density, height and massing is appropriate and can be supported by staff.

In the applicant's revised proposal, the density has been reduced from 9.47 times the area of the lot to 8.81 times the area of the lot and the overall building height, including mechanical elements, has been reduced by 1.82 metres. Given the surrounding context which includes buildings with similar heights including the BIG development immediately across the street on King Street and the King-Portland Centre just to the west of the subject site, Planning staff have determined the proposed height to be appropriate. More importantly, as described below, while the building height has not changed substantially, the proposed massing of the building and heritage conservation scheme is significantly improved from the applicant's original proposal.

### **Base Building Height and Stepbacks Above the Base Building**

In response to the applicant's original proposal, City Planning staff raised concerns regarding the height of the base building which was over 32 metres tall. The issue was the impact such a tall streetwall would have on the King Street West and Brant Street streetscapes as well as on the adjacent ALPHA Alternative School to the east, the residential condominium at 10 Morrison Street to the west and the adjacent commercial property to the north at 12 Brant Street. In response, the base building height has been reduced to 26 metres (six storeys) along King Street and Brant Street and 24.6 metres (seven storeys) along Morrison Street. Along the property line shared with the school, the base building height has been reduced to 5 metres (one storey) and will be 9.5 metres (two storeys) along the property line shared with 12 Brant Street and nine metres (two storeys) along the public lane to the north.

## Stepbacks from the Street Right-of-Way

Above the base building, for any part of the building facing a public street, Planning staff typically require a minimum stepback of three metres, more in instances where heritage buildings are present. In the applicant's revised proposal, a three metre stepback is proposed along both Brant Street and Morrison Street.

Along King Street, although the base building is six-storeys (26 metres) tall, as part of the applicant's proposed heritage conservation scheme, a five-metre stepback is incorporated within the base building itself, at the third storey immediately above the heritage building (at a height of 9.5 metres). For the remainder of the base building, for the fourth to sixth storeys, the stepback is reduced to three metres. The provision of the deep, five metre stepback at the third storey helps to delineate the new building from the heritage building, while at the same time helping to break up the massing of the six-storey base building. Starting at the seventh storey, this stepback is increased to five metres and this continues for the remainder of the building.

### Side Yard Stepbacks

In order to achieve an appropriate separation distance between buildings and to protect for light, skyview and privacy for occupants of the subject property, surrounding properties and the public realm, Planning staff typically require that a minimum distance of 11 metres be provided between buildings in the King-Spadina West Precinct. This is typically achieved through the provision of a 5.5 metre stepback from any property line that is not a street, or from the centreline of a public lane, for any portion of the building above the height of the base building.

In the applicant's original proposal, this minimum separation distance requirement from the property to the immediate west, located at 548 King Street West, was not achieved as the proposal was located right on the shared property line for the full height of the building. This had potential negative impacts on the redevelopment potential of the adjacent property to the immediate west, and also on the light and skyview of the residential building farther west (Fashion House at 560 King Street West) and the residential building at 10 Morrison.

In the revised proposal, starting at the third storey (at a height of 9.5 metres), the stepback from the shared property line with the property to the west (548 King Street West) is now 5.5 metres for a depth of approximately 38.5 metres measured from King Street West. Beyond this, for approximately 26 metres (the remainder of the shared property line), the stepback is reduced to two metres to accommodate the elevator core along the western edge of the building. To alleviate the impact of the reduced stepback, the applicant has proposed a lower base building of two-storeys in this location which provides for a better contextual fit with the adjacent two-storey building to the west and with the on-site heritage building which is also two-storeys tall.

As previously noted, requests were also made of the applicant to break the building mass into two elements, one north and one south. Unfortunately this was not able to be achieved due to inefficiencies in the building core, internal circulation and heating and



cooling infrastructure. However, the applicant has committed to exploring ways to mitigate the north-south massing through building articulation and materials. The design feature will be further explored and secured at the Site Plan Control stage.

### Relationship with the ALPHA Alternative School

Another key concern with the applicant's original proposal raised by staff was the interface between the proposed development and the ALPHA Alternative School. In the original proposal, while the proposed development included the minimum 5.5 metre stepback above the base building for the portion of the building adjacent to the school site, as previously noted, the height of the original base building, at 32 metres, was too tall and visually overwhelmed the four-storey school building. In the revised proposal, the base building height immediately adjacent to the school is now one-storey (5 metres tall). As well, this portion of the ground floor is actually setback from the property line shared with the school by 1.5 metres and above the ground floor, the remainder of the building is stepped back an additional four metres, achieving the 5.5 metre separation distance from the east property line. To further buffer the proposed development from the school site and to add green elements, a living wall is proposed for the east-facing façade of the one-storey base building immediately adjacent to the school. The details of the design of the green wall, access and maintenance arrangements, will be addressed at the Site Plan Control stage.

### Setbacks and Stepbacks from the Public Lane

As previously noted, the minimum stepback for building elements above the base building from the centreline of the lane must be at least 5.5 metres in the West Precinct of King-Spadina. In some instances, when a public lane is substandard in width, a lane widening conveyance is also required, essentially shifting the property line to create a wider public lane. In this instance the City's Transportation Services staff identified a need for a 1.48 metre lane widening for the public lane that abuts the site at the north end. In addition to this lane widening, the applicant proposes to setback the ground floor of the building by an additional 3.93 metres so as to accommodate manoeuvring requirements for loading access via the public lane. The building will then cantilever back out to the newly established north property line for the 2nd floor before stepping back again a total of 5.5 metres from the centreline of the lane, starting at a height of nine metres. This stepback then increases to 6.5 metres at the 8th storey, 10.7 metres at the 14th storey and 15.5 metres at the 15th storey, thereby stepping the tallest elements of the building further away from the public lane and gradually shrinking the size of the floor plate for the tallest portions of the building.

The low, two-storey base building and the additional stepbacks away from the public lane for the tallest portions of the development have helped to sculpt its mass and reduce the impact on adjacent properties, including 10 Morrison and the ALPHA Alternative School.

### Sun and Shadow

Official Plan Built Form Policies 3.1.2.3 (e) and (f) require that new development provide adequate light and limit shadows on streets, properties and open spaces, while

minimizing additional shadowing on neighbouring parks to preserve their utility. Policy 3.2.3.3 directs that development minimize additional shadows on parks and open spaces to preserve their utility. The King-Spadina HCD also requires that new development limit net new shadows on St. Andrew's Playground which is a listed property and an Area of Special Identity in the King-Spadina Secondary Plan.

In the Downtown Plan, St. Andrew's Playground is identified as a Sun Protected Park and the Built Form policies of the Plan require that development adequately limit net-new shadow as measured from March 21st to September 21st from 10:18 a.m. to 4:18 p.m. on Sun Protected Parks and Open Spaces. As well the Downtown Plan provides that development will adequately limit net-new shadow on all school yards.

The applicant's original proposal resulted in some shadow on the southwest corner of St. Andrew's Playground. The revised proposal results in a small amount of shadow on the southwestern-most corner of the park which moves completely off the park by 10:18am during the spring and fall equinoxes, in compliance with the Downtown Plan. The amount of shadow cast on the ALPHA Alternative school was also a concern and while this has not been completely eliminated, the amount of shadow has been reduced to align much more closely with the amount of shadow proposed through the Committee of Adjustment application approved by the Ontario Municipal Board in 2009 that was never built.

### **Heritage Impact & Commemoration Strategy**

The building at 544 King Street West was constructed in 1925 for the printing and paper box company, Noble Scott Limited. It has cultural heritage value as a detached commercial building associated with the second wave of development in the King-Spadina neighbourhood in the 20th century. This is a key building typology in the King-Spadina area and is representative of the growth of large-scale warehouses, factories and office buildings in the first half of the 20th century that replaced earlier housing and other low-rise structures. The building at 544 King Street has a well-crafted classical design that includes stone embellishments along the roofline and on the south entrances.

The proposed development involves the retention of the front wall of the existing building which will be moved forward approximately five metres to line up with the front of the adjacent building at 548 King Street West and integrated into the base building of the new proposed development on this site. A three-metre deep section of the east side wall of the existing building will be re-created using new but matching masonry. Most of the masonry on the relocated front façade will be restored and two of the windows will be reinstated as double height windows that reflect the building's original design. The central window will be altered to create a new office entrance and the two side entrance doors will be enlarged.

Given that the proposed retention of only the front wall of the existing building does not amount to the conservation of the whole or substantial portion of the building as supported and encouraged by the policies of Section 3.1.5 of the City's Official Plan, City staff recognize the proposed scheme as commemoration, rather than conservation, of the existing building. In considering the applicant's revised proposal as a whole and

balancing the various City building objectives related to achieving a built form and massing which is contextually appropriate, in this instance, the proposed commemoration scheme is acceptable.

Additionally, City staff recognize that the proposal to reconstruct a portion of the exterior of east side wall of the heritage building, combined with the provision of an internal demising wall separating the commercial lobby from the retail area, will ensure that the form and scale of the heritage building will be reinstated as seen from the street. As well, the proposed five metre stepback above the heritage building at third storey along King Street West, together with the 5.5 metre stepback along the west side of the development, also starting at the third storey, will help to mitigate some of the visual impact of the proposed new development. As well, the base building of the new development to the immediate east of the listed heritage building has been designed to be complementary yet distinguishable from the existing building.

Determining the details of the restoration of the front façade will require further research to uncover other potential sources of archival information from which to base the restoration details. As noted in the Recommendations section of this report, in the event that City Council adopts these Recommendations, prior to the passing of Bills, the applicant will be required to provide a Re-construction Plan prepared by a qualified heritage consultant. This Plan will also include details of the methodology that would be employed to relocate and integrate the front façade with the base building of the new building.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu.

### **Streetscape**

Within the Brant Street City right-of-way, the applicant proposes to plant a double row of new street trees, totaling six trees, and three new trees within the King Street West right-of-way. A minimum pedestrian clearway width of 2.1 metres is required on Brant Street and 2.5 metres on King Street. City Planning staff will work with the applicant at the Site Plan Control stage to appropriately design the streetscape with the objective of meeting the Toronto Green Standards and maintaining pedestrian clearway widths.

## **Tree Preservation**

The Arborist Report and Tree Preservation Plan submitted with the application indicate there are nine trees both within and immediately adjacent to the site as well as two street trees, one on King Street West the other on Morrison Street. Of these, nine trees are proposed to be removed, including the street trees, and eight of the trees qualify for protection under the City's Tree Protection By-law. The applicant will be required to obtain the necessary permits and submit a satisfactory replanting plan prior to the removal of any protected trees.

## **Amenity Space**

Zoning By-law 438-86 requires a minimum of two square metres per unit each of indoor and outdoor amenity space, and By-law 569-2013 requires a combined amenity of four square metres per unit. The applicant proposes the provision of 1.5 square metres of indoor and 1.2 square metres of outdoor amenity space per unit, for a combined total of 2.7 square metres per unit, both located on the second storey of the proposed development. This proposed amount is similar to that of other, recently approved sites within the West Precinct. As well, given the site's close proximity to St. Andrew's Playground, Planning staff are satisfied with the proposed amenity space provision. Although not required by the Zoning By-law, outdoor amenity space for the office component of the building is also proposed at the third storey within the stepback area provided along King Street West and also along the west side of the building. Details related to the design of the indoor and outdoor amenity space will be determined at the Site Plan Control stage.

## **Unit Dwelling Mix**

The Official Plan encourages the provision of a full range of housing in terms of form, tenure and affordability to meet current and future needs of residents. The application proposes 80 dwelling units in total with the following unit mix: 31 as one bedroom units (39%), 23 as one-bedroom plus den units (29%), 18 as two bedroom units (22%) and 8 as three-bedroom units (10%). City Planning staff are satisfied with the proposed mix of dwelling units that includes a large number of two and three bedroom units suitable for families with children.

## **Traffic Impact, Access, Parking**

The applicant's original application proposed a total of 125 vehicular parking spaces and all of the vehicular site access, including loading, was proposed to be off of Morrison Street. Initially City staff directed the applicant to redirect all vehicular access to be off of the public lane at the north end of the site, in compliance with Official Plan policy.

Access via the lane however created significant concern for area residents, particularly those residing at 10 Morrison Street and City staff were urged to reconsider this position. The public lane adjacent to the site terminates at the eastern boundary of the site and therefore can only be accessed via Morrison Street, which itself is a narrow, 12-metre wide dead-end street. Morrison Street is often impacted by illegal parking on both

sides of the street and illegal loading activities for businesses located on King Street. Due to the current state of congestion, cars are often forced to back-out onto Adelaide Street West as there is no place on Morrison Street itself to turn around.

Members of the ALPHA Alternative school also raised concerns. As the lane terminates at the shared property line along the western boundary of the school's playground, concerns were raised that vehicular access and loading activities at this location would result in undesirable impacts on the school generated by exhaust emissions.

Upon further consideration, City staff recommended that the applicant revise their plans to provide loading access off of the public lane, but vehicular access off of Brant Street. This revision is reflected in the applicant's revised proposal. Additionally, to further mitigate traffic impacts, the number of below-grade parking levels has been reduced from three to two and the number of vehicular parking spaces has been reduced from 125 to 53.

At the Site Plan Control stage, the design of the proposed vehicular access off of Brant Street will be carefully reviewed to ensure that appropriate safety measures such as sight lines and warning systems will be in place to mitigate any conflicts with pedestrians along Brant Street.

### **Servicing**

The applicant is required to address minor revisions related to the submitted Hydrogeological Report and the Stormwater Management Report as requested by Engineering and Construction Services staff. As identified in the Recommendations section of this report, these revisions are required prior to the passing of Bills.

### **Toronto Green Standard**

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. The applicant is required to meet Tier 1 of the TGS and these performance measures will be secured on site plan drawings and through a Site Plan Agreement. The proposed Zoning By-Law Amendment application development meets the Tier 1 targets in relation to cycling infrastructure and exceeds the soil volume targets. Additional measures will be considered at the Site Plan Control stage.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. 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.
2. 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.
3. 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.
4. All cash contributions referred to in 1-3 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.
5. In the event the cash contributions referred to in 1-3 above 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.

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

1. 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.
2. 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.
3. Prior to final site plan approval, the owner shall submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning.

4. 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 Reconstruction Plan and approved Interpretation Plan.

5. 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.

6. Prior to the release of the letter of credit required in 4 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 Reconstruction Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning.

7. 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 and the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor and shall be submitted prior to the commencement of any shoring and excavation work.

## **Conclusion**

Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2019) Furthermore, the proposal is in keeping with the intent of the built form policies of Toronto Official Plan, the King-Spadina Secondary Plan and the Downtown Plan. Staff worked closely with the applicant and the community to address and resolve key concerns related to massing, building setbacks and stepbacks, shadow impact, height of the base building, site access and heritage conservation. The proposal includes the provision of additional office space in an area of the City where such a use is supported and will also provide a minimum of 10 percent of all residential units as three-bedroom units and 20 percent as two-bedroom units. Staff recommend that Council support approval of the application.

## **CONTACT**

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Joanna Kimont, Senior Planner, Community Planning  
Tel. No. 416-392-7216  
E-mail: Joanna.Kimont@toronto.ca

## **SIGNATURE**

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

## **ATTACHMENTS**

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City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment (By-law 569-2013)
- Attachment 6: Draft Zoning By-law Amendment (By-law 438-86)

Applicant Submitted Drawings:

- Attachment 7: Site Plan
- Attachment 8: South Elevation
- Attachment 9: East Elevation
- Attachment 10: West Elevation
- Attachment 11: North Elevation



Attachment 1: Application Data Sheet

Municipal Address: 540-544 KING ST W Date Received: March 6, 2018  
1-7 MORRISON ST

Application Number: 18 125163 STE 20 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment application to permit the redevelopment of the site with a mixed-use building comprised of 12 storeys fronting King Street West containing ground floor retail and office uses above, and a 15-storey residential building fronting Morrison Street. The total height of both portions of the building is proposed at 50 metres, including mechanical elements. Loading access would be off of a public lane north of the site and vehicular access to a below grade garage is proposed off of Brant Street.

Applicant	Agent	Architect	Owner
GREAT GULF & ALLIED PROPERTIES REIT	BOUSFIELDS INC	HARIRI PONTARINI ARCHITECTS	544 KING STREET WEST INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N/A
Zoning:	RA	Heritage Designation:	Y
Height Limit (m):	23	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 2,917                      Frontage (m): 46                      Depth (m): 95

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,345		2,647	2,647
Residential GFA (sq m):			6,940	6,940
Non-Residential GFA (sq m):	2,140		18,745	18,745
Total GFA (sq m):	2,140		25,685	25,685
Height - Storeys:	1		15	15
Height - Metres:			50	50

Lot Coverage Ratio (%): 90.74                      Floor Space Index: 8.81

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	6,940	110
Retail GFA:	2,057	778
Office GFA:	16,689	110
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			80	80
Other:				
Total Units:			80	80

### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			54	18	8

Total Units: 54 18 8

Parking and Loading

Parking Spaces: 53 Bicycle Parking Spaces: 150 Loading Docks: 3

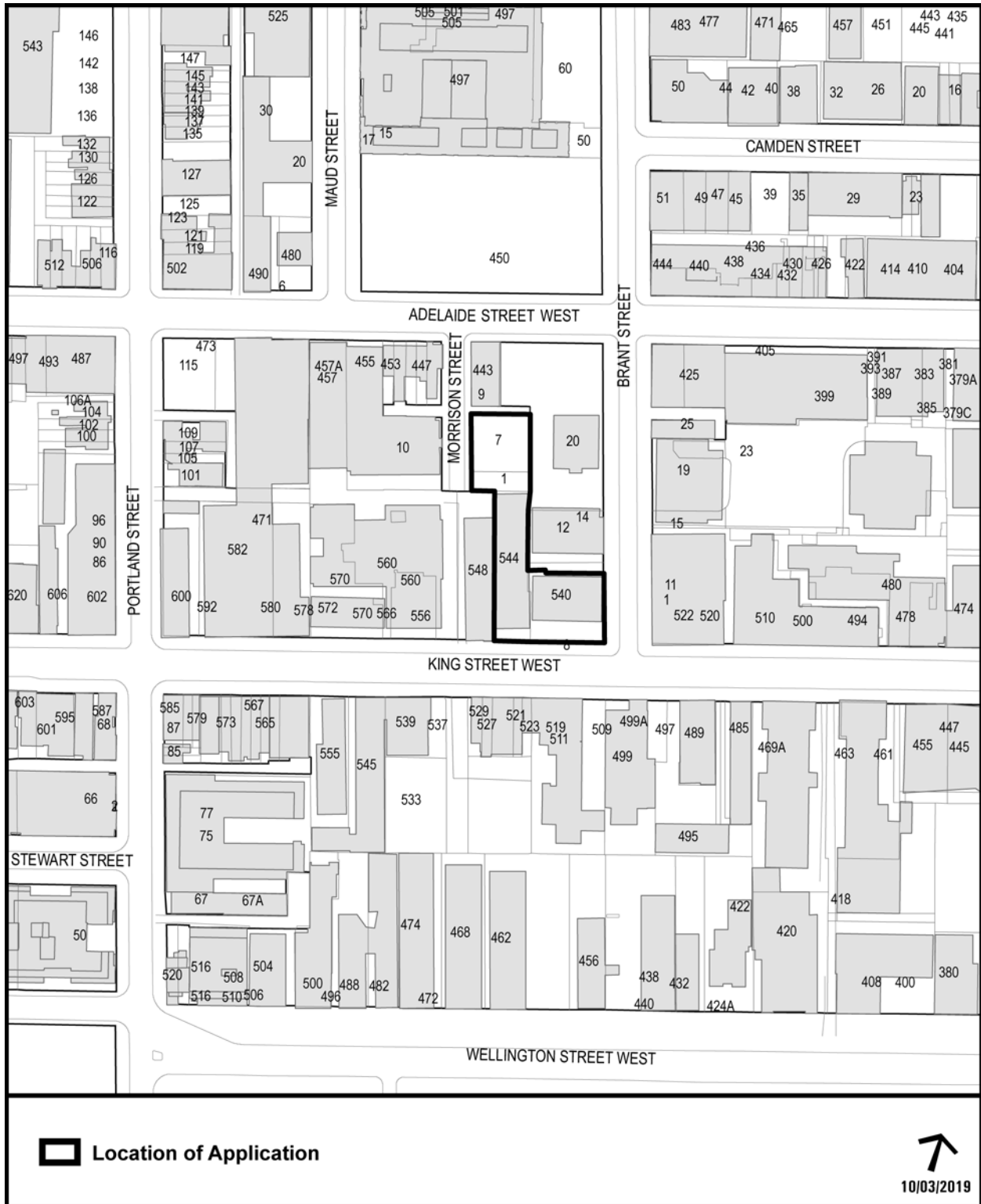
CONTACT:

Joanna Kimont, Senior Planner, Community Planning

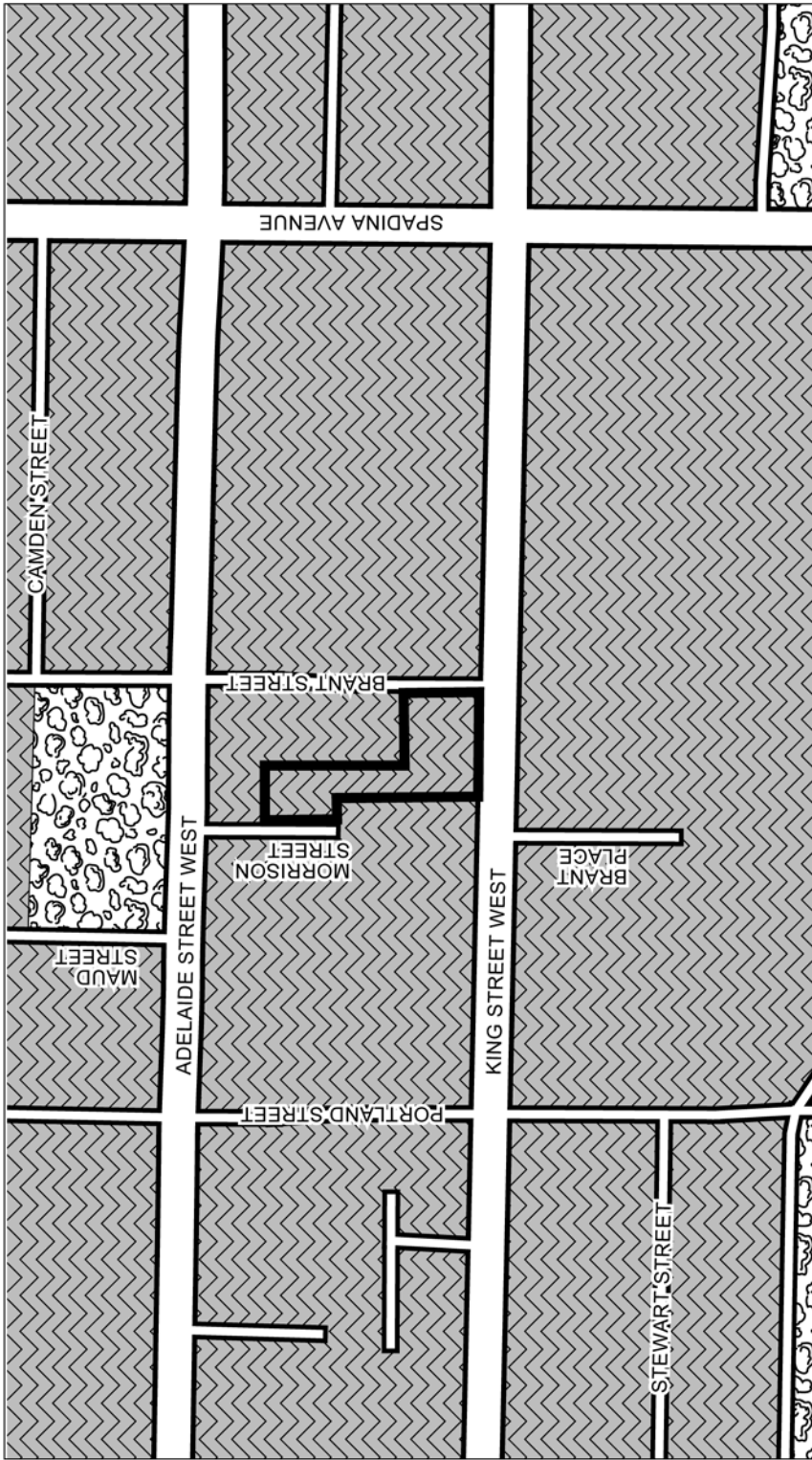
416-392-7216

Joanna.Kimont@toronto.ca

# Attachment 2: Location Map







Attachment 3: Official Plan Land Use Map



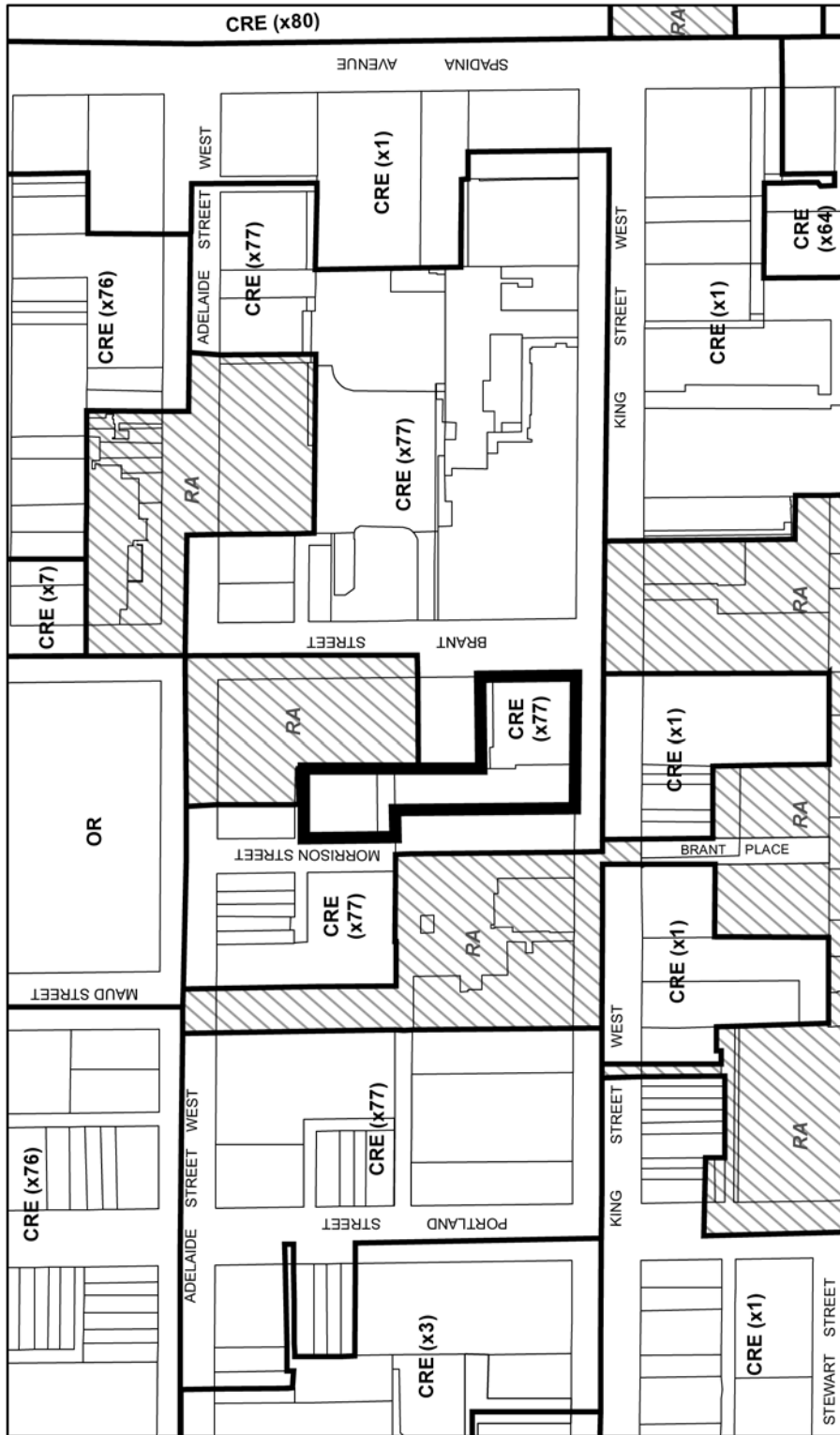
**TORONTO**  
**Official Plan Land Use Map #18**  
**540-544 King Street West & 1-7 Morison Street**

File # 18 125163 STE 20 0Z







-  Location of Application
-  Regeneration Areas
-  Parks & Open Space Areas
-  Parks

↑  
 Not to Scale  
 05/28/2018

Attachment 4: Existing Zoning By-law Map



**Toronto**  
**Zoning By-law No. 569-2013**  
**540-544 King Street West & 1-7 Morison Street**  
**File # 18 125163 STE 20 0Z**

 Location of Application  
 CRE Commercial Residential Employment  
 OR Open Space Recreation  
 RA Mixed-Use District  
 See Former City of Toronto By-Law No. 438-86  
 RA Mixed-Use District

Not to Scale  
 Extracted: 05/28/2018

Attachment 5: Draft Zoning By-law Amendment (By-law 569-2013)

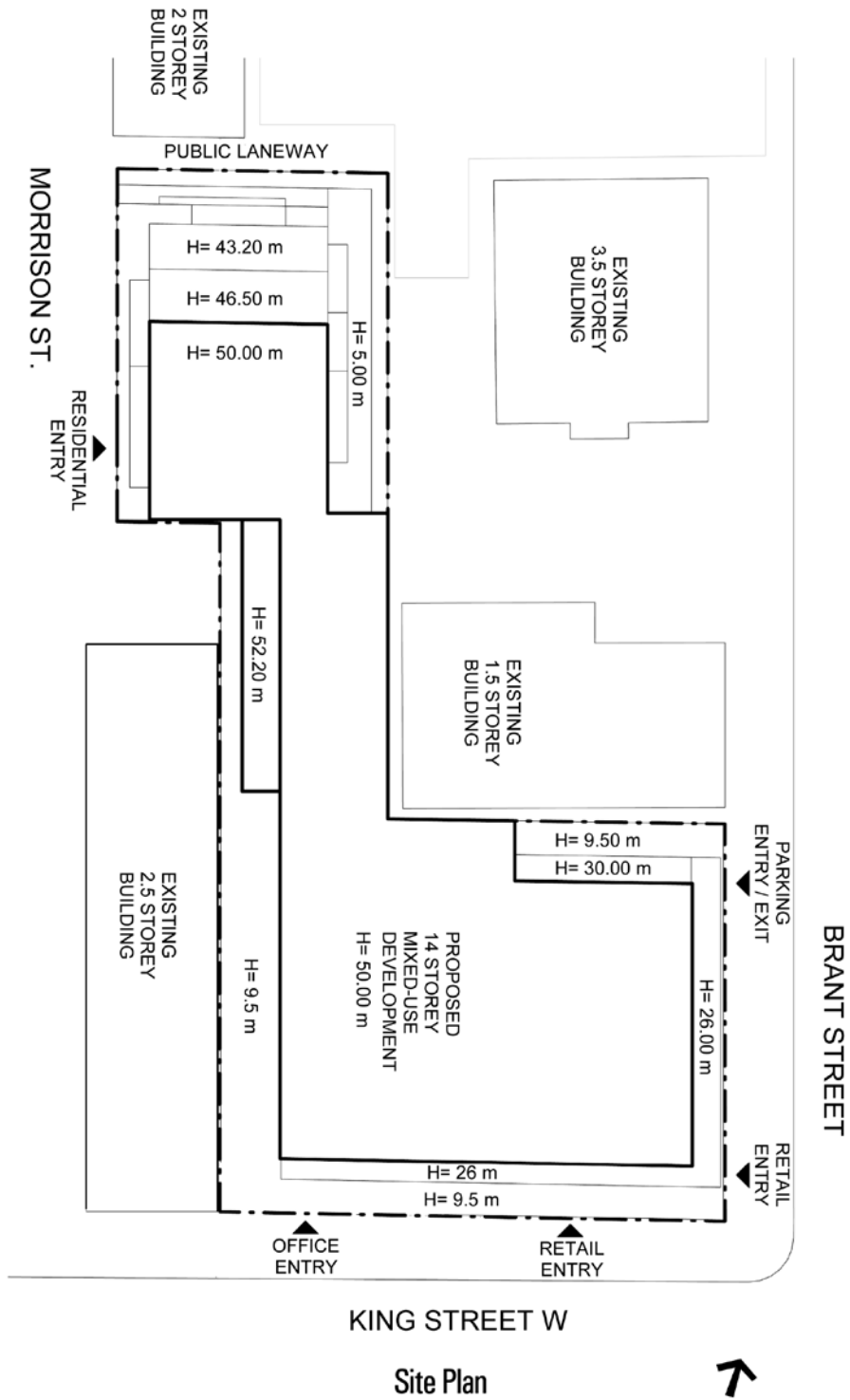
The draft By-law will be made available on or before the November 5, 2019, meeting of the Toronto and East York Community Council

Attachment 6: Draft Zoning By-law Amendment (By-law 438-86)

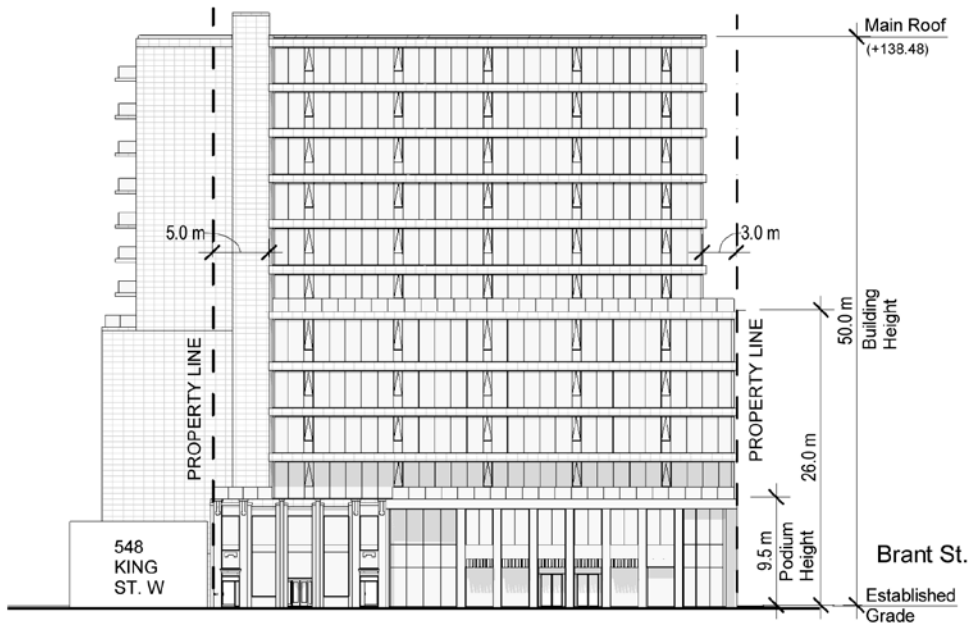
The draft By-law will be made available on or before the November 5, 2019, meeting of the Toronto and East York Community Council



Attachment 7: Site Plan



Attachment 8: South Elevation



**South Elevation**

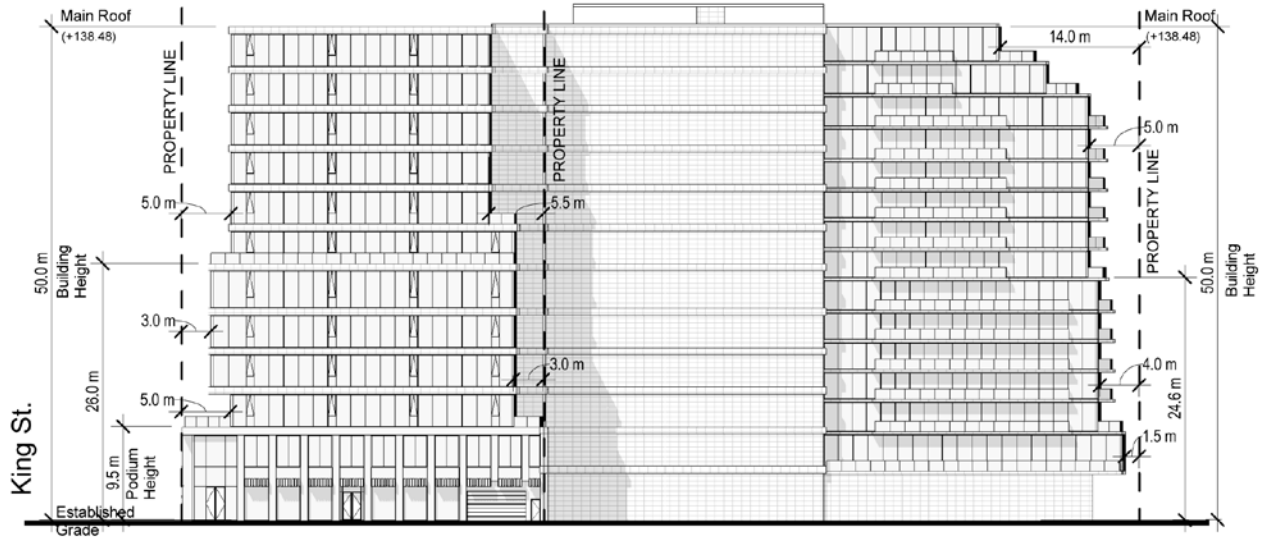
Applicant's Submitted Drawing

Not to Scale  
10/02/2019

**540 - 544 King Street West & 1-7 Morrison Street**

File # 18 125163 STE 20 0Z

Attachment 9: East Elevation



East Elevation

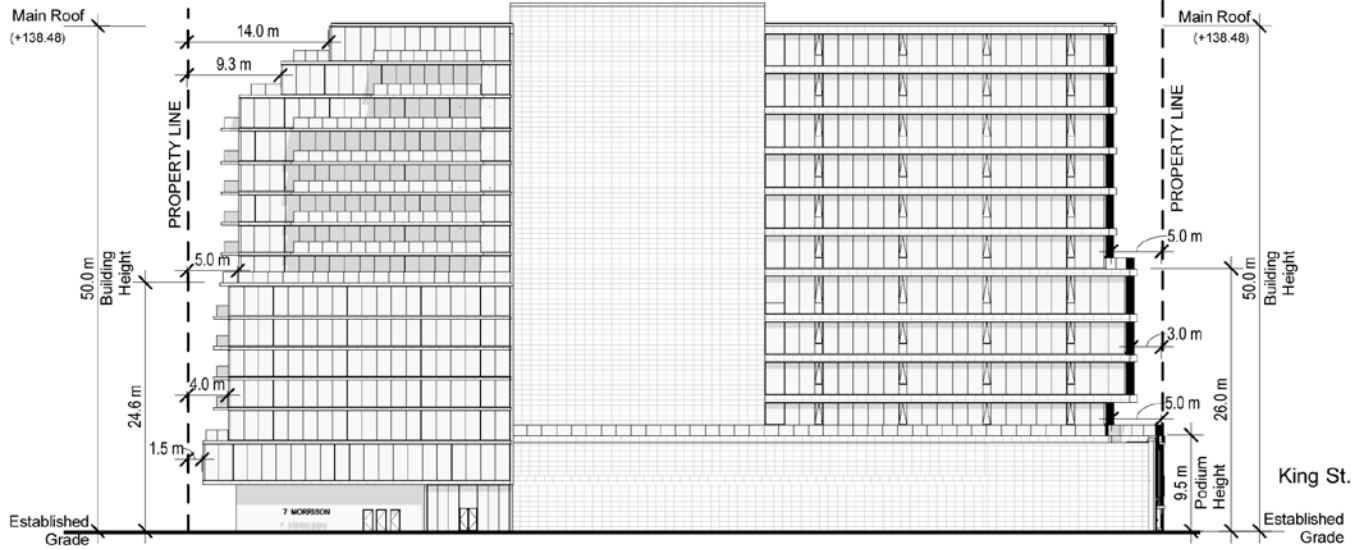
540 - 544 King Street West & 1-7 Morrison Street

Applicant's Submitted Drawing

Not to Scale  
10/02/2019

File # 18 125163 STE 20 02

Attachment 10: West Elevation



West Elevation

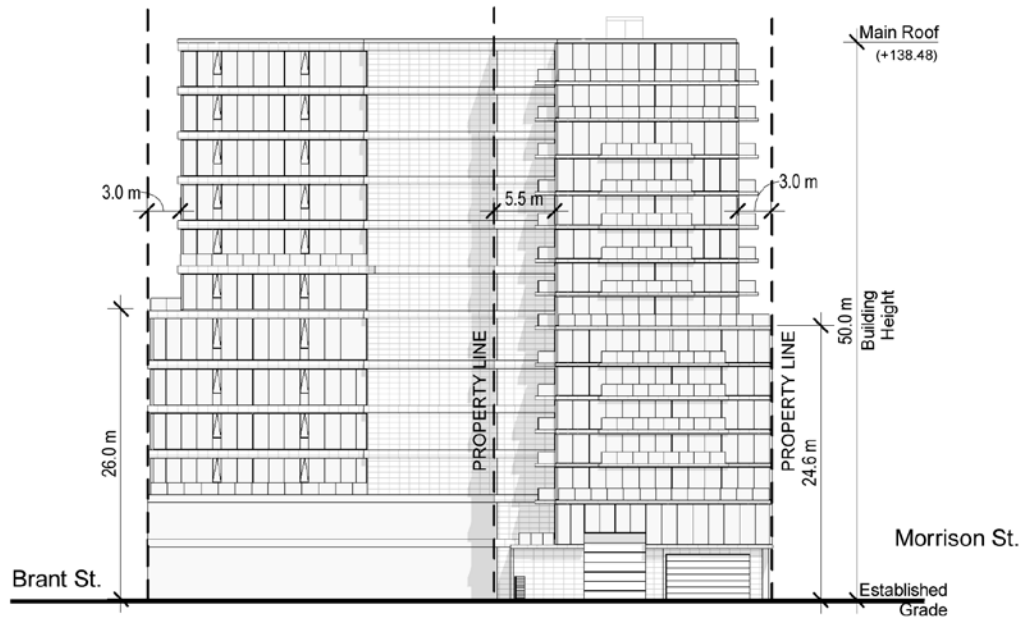
540 - 544 King Street West & 1-7 Morrison Street

Applicant's Submitted Drawing

Not to Scale  
10/02/2019

File # 18 125163 STE 20 02

Attachment 11: North Elevation



**North Elevation**

**540 - 544 King Street West & 1-7 Morrison Street**

Applicant's Submitted Drawing

Not to Scale  
10/02/2019

File # 18 125163 STE 20 0Z