

573 King St E – Zoning Amendment Application – Final Report

Date: February 25, 2020

To: Toronto and East York Community Council

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

Ward 13 - Toronto Centre

Planning Application Number: *19 131101 STE 13 OZ*

SUMMARY

This application proposes to amend the former City of Toronto Zoning By-law 438-86, as amended, and Zoning By-law 569-2013, as amended, for the property at 573 King Street East to permit a greater range of uses, including an 'eating establishment' within the existing building. No physical alterations to the exterior of the building are proposed and the existing parking and loading arrangements will be maintained.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019).

This report reviews and recommends approval of the application to amend the Zoning By-laws. The proposed Zoning By-law amendments bring the zoning permissions for the site into conformity with the Mixed Use Official Plan land use designation and facilitate the ongoing operation of the existing restaurant.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 573 King Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 573 King Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

FINANCIAL IMPACT

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

DECISION HISTORY

This application is the first rezoning application submitted in respect of the subject property. However, the property has previously been the subject of a decision by the Committee of Adjustment.

Committee of Adjustment Application No. A0397/15TEY was heard on June 10, 2015. The purpose of the application was to permit a change of use to a portion of the ground floor of the building for a restaurant use. Planning staff submitted a report recommending conditions be imposed limiting the size of the restaurant to 475 square metres and the term of the approval to 5 years. Staff also recommended that any further extension or expansion of the use would best be evaluated through a rezoning application. The Committee approved the application, subject to the recommended conditions. This approval is due to expire on June 10, 2020.

A pre-application meeting was held on January 7, 2019. The current application was submitted on March 29, 2019 and deemed complete on April 29, 2019. A Preliminary Report on the application was adopted by Toronto and East York Community Council on June 25, 2019 authorizing staff to conduct a community consultation meeting. The Community Council decision and Preliminary Report are available at: <http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2019.TE7.58>

PROPOSAL

This application proposes to amend former City of Toronto Zoning By-law 438-86, as amended, and Zoning By-law 569-2013, as amended, for the property at 573 King Street East to permit a greater range of uses, including an 'eating establishment' within the existing building. No physical alterations to the exterior of the building are proposed and the existing parking and loading arrangements will be maintained.

The site is located at the south west corner of King Street East and St Lawrence Street and is generally rectangular with an approximate area of 1308 square metres. An existing 2 storey building with an approximate floor area of 1700 square metres is located on the site, and is currently occupied by a restaurant and gym on the ground floor and office uses on the second floor.

The surrounding development and land uses are as follows:

- North: 3-storey commercial buildings and 8-storey mixed use building (510 King Street East).
- East: 8-storey mixed use building (585 King Street East).
- South: 3-storey warehouse building (52 St Lawrence Street).
- West: 6-storey mixed use building (569 King Street East).

Reasons for Application

The existing I1 D3 zone designation permits only a limited range of industrial, retail and service uses. The purpose of the application is to amend the Zoning By-laws to reflect the Mixed Use designation in the Official Plan and to permit a greater range of uses, including the current restaurant use.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Planning Rationale
- Complete Community Assessment
- Public Consultation Strategy
- Draft 438-86 and 569-2013 Zoning By-law amendments
- Transportation Impact Assessment
- Servicing Assessment Report
- Toronto Green Standards Checklist

Agency Circulation Outcomes

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

Community Consultation

A Community Consultation meeting was held at the Cooper Koo Family YMCA at 461 Cherry Street on November 20, 2019. Representatives for the applicant and City Planning staff were present. One member of the public attended the meeting, and expressed general support for the existing use and proposed additional uses on the site.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

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;
- 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)

The Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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

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

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and King-Parliament Secondary Plan as follows:

Chapter 4- Land Use Designations

The subject site is designated Mixed Use Areas in the City of Toronto Official Plan Land Use Map 18 (refer to Attachment 2). This designation permits a broad range of commercial, residential and institutional uses in a single use building or a mixed use building with the intention of creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community.

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

King-Parliament Secondary Plan

The King-Parliament Secondary Plan encourages reinvestment in the area for a mixture of uses that retain and re-use existing buildings to create a good quality working and living environment.

Mixed Use Area 'A' (Corktown)

The subject site is located within the area of the King-Parliament Secondary Plan designated as Mixed Use Area 'A' (Corktown) (refer to Attachment 3) which is regarded as a unique, small scale, fine grained community. Gradual change is encouraged through small scale infill development and building conversions that are sensitive to the existing character and form of the community.

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

King-Parliament Secondary Plan Review

On May 22, 2018, City Council directed staff to undertake a review of the King-Parliament Secondary Plan and the area north of Queen Street East between Jarvis Street and River Street. The review focuses on three themes: built form, public realm and heritage. On October 29, 2019, City Council directed staff to apply the policies of the proposed King-Parliament Plan on current applications, and directed staff to bring forward a recommended King-Parliament Secondary Plan and updated Zoning By-law to City Council by the third quarter of 2020.

The proposed King-Parliament Secondary Plan can be found here: <https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-138215.pdf>

TOcore: Planning Downtown

City Council adopted OPA 406 on July 27, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018, the City's application under Section 26 of the *Planning Act* was sent to the Minister of Municipal Affairs and Housing (MMAH) for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019.

As part of the decision, the Ministry revised the Plan to add the following transition policy: "This Plan does not apply to applications for official plan amendment, zoning bylaw amendment, draft plan of subdivision or condominium approval, site plan approval, consent or minor variance which were complete prior to the approval of this Plan and which are not withdrawn. In-force site-specific official plan and/or zoning by-law amendments shall be deemed to conform with this Plan." Given that this application was complete prior to June 5, 2019, OPA 406, the new Downtown Secondary Plan does not apply to this application. However, 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>

The outcome of staff analysis and review of relevant Official Plan policies and designations and Secondary Plans are summarized in the Comments section of the Report.

Zoning

The site is currently zoned Industrial (I1 D3) by former City of Toronto Bylaw 438-86, as amended. See Attachment 4 for a map showing the existing zoning of the property.

The "I1" zone permits a variety of industrial uses and allows for limited retail and services uses. It does not permit residential or restaurant uses.

The site is not currently subject to City-Wide Zoning By-law 569-2013. This application proposes to incorporate the site into Zoning By-law 569-2013 to provide consistency and clarity with respect to zoning regulations in the future.

Site Plan Control

A Site Plan Control application is not required, as this rezoning application is only seeking permissions for additional uses and is not proposing any external changes to the existing building.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

Policy 1.3.1 of the PPS states that planning authorities shall promote economic development and competitiveness by promoting an appropriate mix and range of employment uses, opportunities for a diversified economic base, a wide range of economic activities and ancillary uses.

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 4.7 of the PPS refers to the Official Plan as the most important vehicle for implementing the PPS and as such the development standards in the Toronto Official Plan have particular relevance. The Toronto Official Plan and Land Use sections of this Report outline and evaluate the appropriateness of the subject site for the proposed changes.

Policy 4.8 requires that planning authorities shall keep their zoning by-laws up-to-date with their Official Plans and the Provincial Policy Statement.

The proposed development supports Provincial policy objectives to promote economic activity, minimize vehicle trips, as well as keeping the zoning by-laws up-to-date with the Official Plan. The proposed development is therefore consistent with the PPS.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe. Section 2.2.1.2 of the Growth Plan directs the vast majority of growth to occur within settlement areas that have a delineated built boundary, have existing or planned municipal infrastructure including water and waste water systems, and that can support the achievement of complete communities.

Section 2.2.1.4 of the Growth Plan provides further direction on the achievement of complete communities. It articulates a set of objectives including a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities. Furthermore, this section directs that complete communities ensure the development of high quality, compact built form, an attractive and vibrant public realm, including open spaces, through site design and urban design standards.

The proposed development conforms to the above-noted sections and other relevant sections of the Growth Plan. The proposal provides for an efficient use of existing infrastructure and contributes to a mix of land uses.

Land Use

This application has been reviewed against the Official Plan and Secondary Plan policies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole.

It is City Planning staff's opinion that amending the applicable zoning by-laws to re-zone the site to a mixed use zone would allow for a broader range of compatible uses within the existing building to serve the local community.

City Planning staff note that the Mixed Use Areas policies in the Official Plan encourage a broad range of commercial, residential and institutional uses that reduce automobile dependency and meet the needs of the local community. Furthermore, both the existing and updated King-Parliament Secondary Plans envision development in the Corktown area re-using existing buildings and providing street-related retail and service uses fronting on King Street East.

The proposed zoning by-law amendments will bring the zoning for this site in line with the Official Plan and King-Parliament Secondary Plan land use designations and associated policies. To ensure the proposed uses are compatible with the surrounding area, the proposed zoning by-law amendments (refer to Attachments 5 and 6) include provisions limiting the nature and size of specific uses and provide development standards that reflect the existing built form.

Given the existing and planned context for the subject property and surrounding area, the proposed rezoning is appropriate and is supported by staff.

Density, Height, Massing

No changes to the existing built form have been proposed as part of this application. The proposed Zoning By-law amendments do not permit additional height or density above what currently exists on the site.

Traffic Impact, Access, Parking

Transportation Services staff reviewed the submitted Transportation Impact Study, and advised that they do not have any concerns regarding the traffic impact of the proposed uses.

Servicing

Engineering and Construction Services staff reviewed the submitted Site Servicing and Impact Assessment report, and advised that the existing servicing is considered adequate to accommodate the proposed uses.

Archaeological Assessment

While the property is located in an area of Archaeological Potential, as identified by the City of Toronto's Archaeological Management Plan, the scope of work proposed involves minimal or no soil disturbance. Accordingly, an archaeological assessment is not required by Heritage Planning in this instance.

Tree Preservation

No private or street trees exist on or adjacent to the site.

Toronto Green Standard

As no changes to the built form have been proposed, the Toronto Green Standard does not apply to this application.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan, the Downtown Plan, and the King Parliament Secondary Plan. Staff is 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 Toronto Official Plan and the King-Parliament Secondary Plan, particularly as they relate to the Mixed Use areas land use designation and the Corktown area. The proposal would bring the zoning for the subject site in line with the Official Plan and Secondary Plan land use designation and policies and would support the continuation of the existing restaurant use and a limited range of additional uses within the existing building. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

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Toronto and East York District

ATTACHMENTS

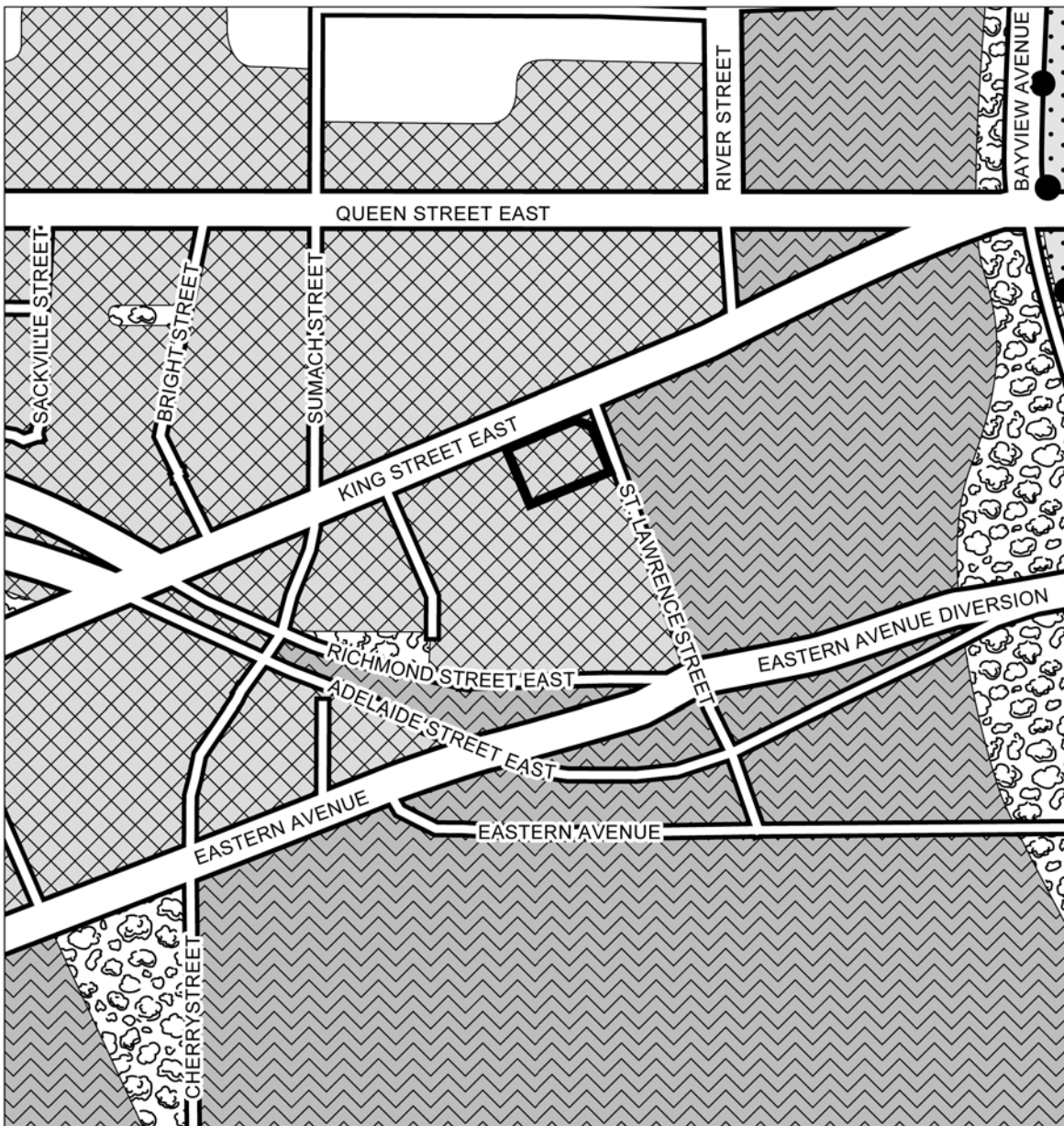
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Official Plan Land Use Map
- Attachment 3: King Parliament Secondary Plan Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law 438-86 Amendment
- Attachment 6: Draft Zoning By-law 569-2013 Amendment

Applicant Submitted Drawings

- Attachment 7: Site Plan

Attachment 2: Official Plan Land Use Map



Official Plan Land Use Map #18

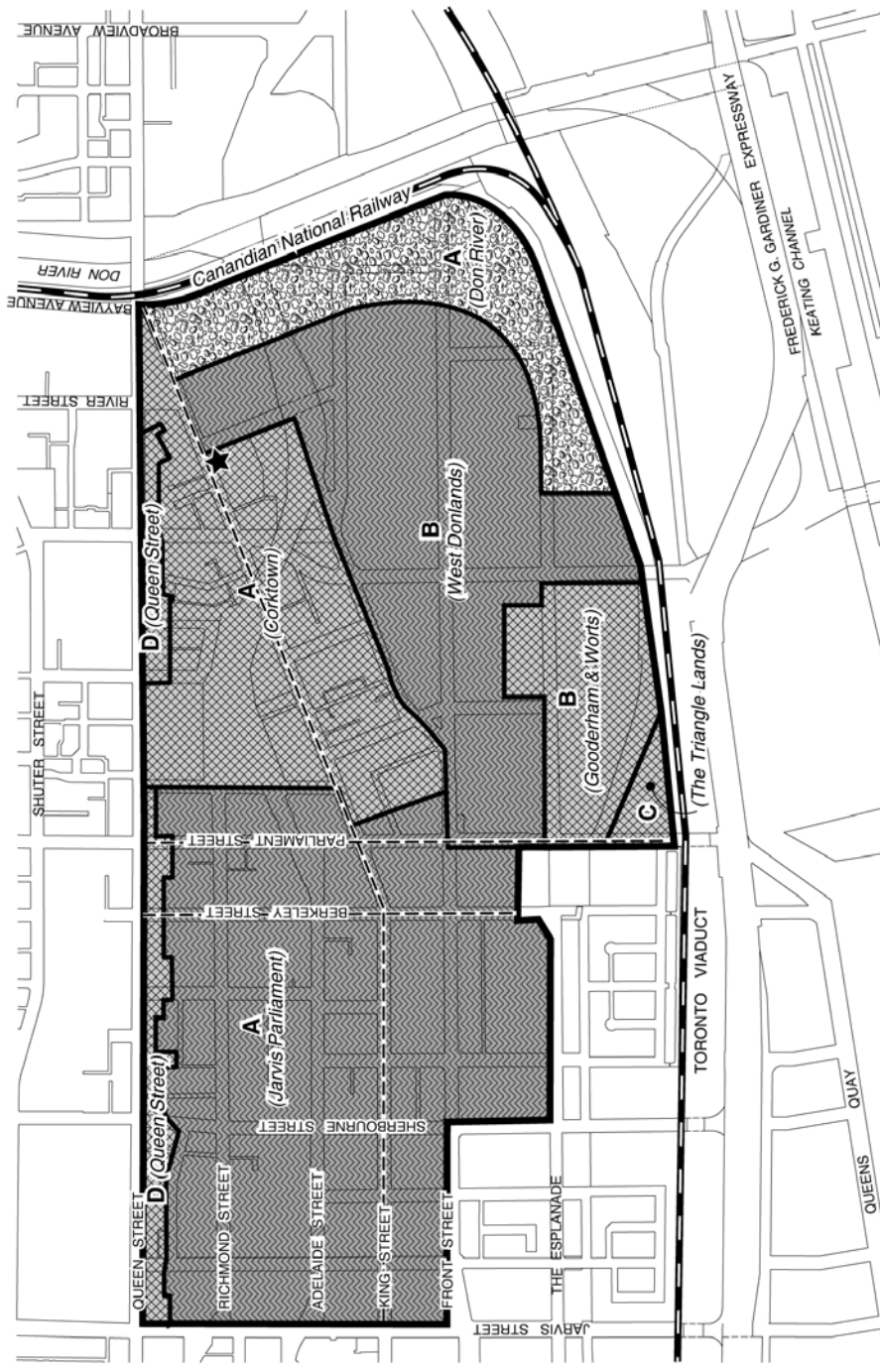
573 King Street East

File # 19 131101 STE 13 0Z

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|-------------------------|--------------------------|--------------------|
| Location of Application | Parks & Open Space Areas | Regeneration Areas |
| Neighbourhoods | Parks | Employment Areas |
| Mixed Use Areas | Utility Corridors | |

↑
Not to Scale
04/16/2019

Attachment 3: King-Parliament Secondary Plan Land Use Map



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

573 King Street East

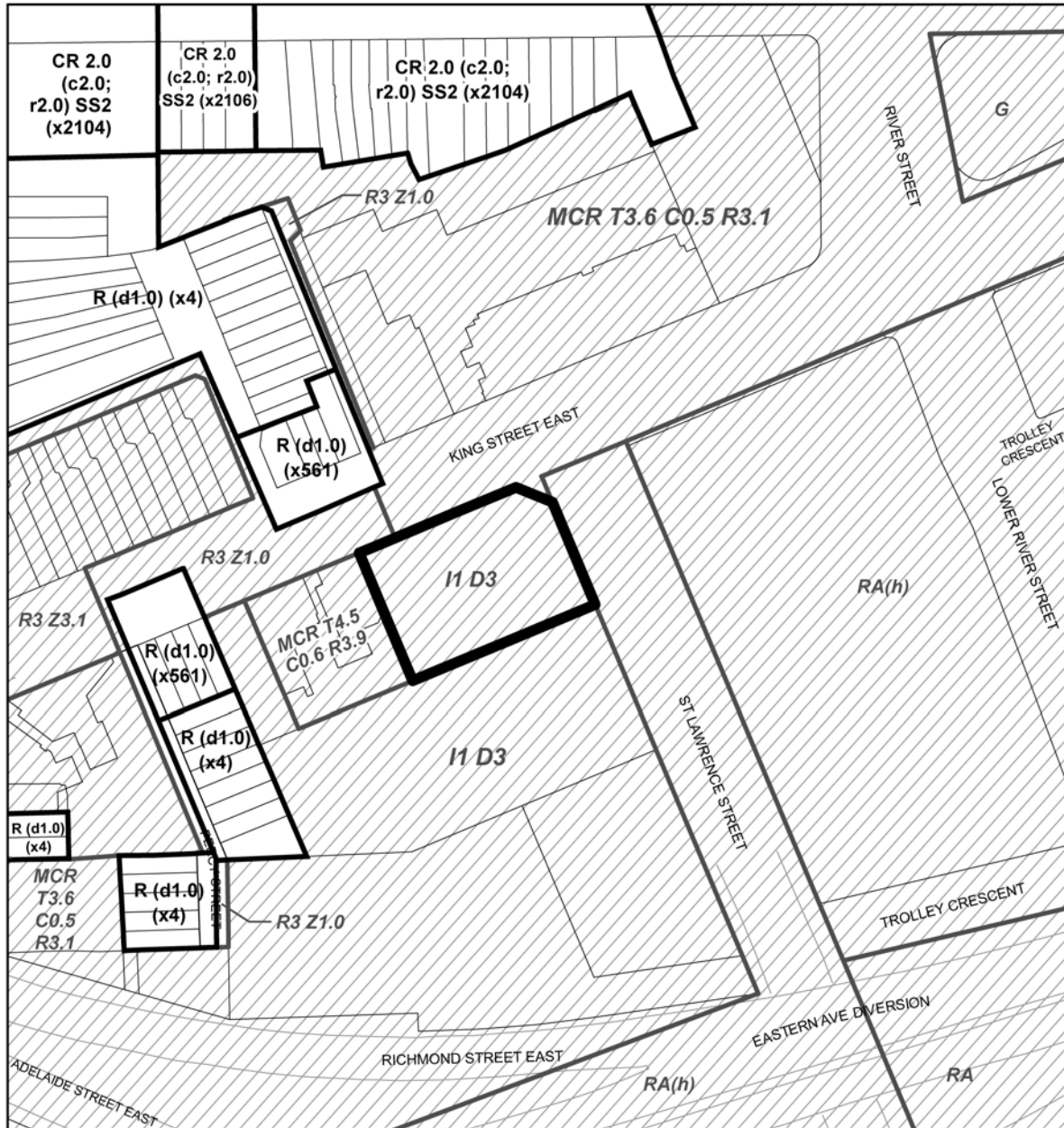
King-Parliament Secondary Plan

MAP 15-1 Land Use Plan

Not to Scale
05/27/2019

File # 19 131101 STE 13 0Z

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

573 King Street East

File # 19 131101 STE 13 0Z



Location of Application

R Residential CR Commercial Residential



See Former City of Toronto By-law No. 438-86

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



Not to Scale
 Extracted: 01/28/2020

Attachment 5: Draft Zoning By-law Amendment (438-86)

~The Draft By-law will be made available on or before the March 12, 2020 Toronto and East York Community Council~

Attachment 6: Draft Zoning By-law Amendment (569-2013)

~The Draft By-law will be made available on or before the March 12, 2020 Toronto and East York Community Council~

