

Clause embodied in Report No. 5 of the Toronto East York Community Council, as adopted by the Council of the City of Toronto at its meeting held on April 16, 17 and 18, 2002.

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**Draft By-laws - Official Plan Amendment and Rezoning -
915 and 1005 King Street West
(Trinity-Spadina, Ward 19)**

(City Council on April 16, 17 and 18, 2002, amended this Clause by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated April 11, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that City Council authorize the City Solicitor to amend the Official Plan, Zoning By-law and Section 37 Agreement for 915 and 1005 King Street West to reflect the following:

- (1) an adjustment to the Economic Development, Culture and Tourism Capital Budget to receive and include the proceeds of the public art contribution, in the amount of \$250,000.00, to be allocated for the creation of public art on the park located between 915 and 1005 King Street West;*
- (2) a public art contribution, in the amount of \$30,000.00, to be allocated to the creation of public art on 1005 King Street West, adjacent to the public park;*
- (3) a consultative process during the design phase of the public park, including the local community and adjacent land owners, carried out by the Commissioner of Economic Development, Culture and Tourism; and*
- (4) technical changes to the Zoning By-law to permit the phased implementation of the residential amenity space and to allow a minor increase in the height of the mechanical penthouse.’ ”)*

(City Council on March 4, 5, 6, 7 and 8, 2002, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on April 16, 2002.)

(Clause 7 of Report No. 2 of the Toronto East York Community Council)

The Toronto East York Community Council recommends that:

- (1) **the report (February 19, 2002) from the Director, Community Planning, South District be amended by deleting Recommending No. (3);**
- (2) **the following report (February 11, 2002) from the Director, Community Planning, South District, as amended by her supplementary report dated February 19, 2002 and by Recommendation No. (1) above, be adopted.**

The Toronto East York Community Council submits the following report (February 11, 2002) from the Director, Community Planning, South District:

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for the restoration/re-use of the historic Massey-Harris Building at 915 King Street West for dwelling units and the construction of a new condominium building at 1005 King Street West.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto, substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 11;
- (2) amend Zoning By-law 438-86 for the former City of Toronto, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.12;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required; and
- (4) prior to the introduction of the necessary Bills to City Council for enactment, require the owner to enter into agreements pursuant to Section 37 of the Planning Act, to implement the matters referred to in Section 3 of the draft Zoning By-law amendment in Attachment 12, including the following:



- the preservation of the historic Massey-Harris Building at 915 King Street West in accordance with the approved restoration plan;
- that the owner sign a Statement of Approval/Undertaking with the City, for the work to be undertaken at 915 King Street West prior to signing a Statement of Approval/Undertaking for any structure to be built at 1005 King Street West;
- that construction on the building at 915 King Street West, in compliance with the approved Statement of Approval/Undertaking, shall commence within six months of the draft by-laws appended to this report coming into full force and effect;
- that the exterior construction work to be undertaken on the building at 915 King Street West, including the heritage restoration work as per the approved drawings, shall be completed within two years of the issuance of a building permit for that building;
- provision of public art;
- provision of funds in the amount of \$70,000.00 prior to the issuance of a building permit for a new building at 1005 King Street West, to be used for operating expenses of the community space to be secured by the City at the premises known as 1029 King Street West;
- reconstruction of the sidewalks adjacent to the site;
- the provision of photographs of No. 915 King Street West; and
- the provision of a Letter of Credit in an amount satisfactory to the Manager of Heritage Preservation Services, to provide for the required conservation work on the heritage building at No. 915 King Street West.

Background:

Proposal

The applicant is proposing to construct 556 dwelling units on two sites. The historic Massey-Harris Building would be retained, restored and converted into a 46-unit condominium building. The remaining 510 units would be located in two new buildings to the west of the historic building. The detailed project information is appended to this report.

Site History

The properties are the last two remaining sites within the area historically known as the Massey-Harris lands. The lands were rezoned from industrial uses to mixed commercial - residential uses in the 1980's. At the time office uses were contemplated. However the demand for the office space never materialized and the lands were rezoned again in the mid-1990's in anticipation of the construction of residential buildings. As part of the rezoning process for the

office buildings, land was conveyed to the City for a park. That parcel is located between the two sites. Funds were also secured to develop the land for park purposes.

The historic building at 915 King Street West was the subject of a previous proposal to demolish the interior and the south wall to allow construction of a new building with more than 60 units. The Site Plan agreement for that proposal was never completed.

Site and Surrounding Area

Both sites are located on the south side of King Street West, between Strachan Avenue and Shaw Street. No. 915 King Street West is occupied by the historic Massey-Harris Building that has remained unoccupied for several years. No. 1005 King Street West is a vacant site. The land between the two sites is the proposed park.

The surrounding land uses include the following:

North: two recently constructed nine-storey condominium buildings, one occupied, the other nearing completion

South: south of 915 King Street West is a recently completed stacked townhouse development; south of 1005 King Street West is the CN rail corridor

East: an office building

West: west of 915 King Street West is the proposed park and west of 1005 King Street West is the new condominium building at 1029 King Street West

Official Plan

The sites are designated as a "General Use Area" by the Part I Official Plan of the former City of Toronto and "General Use Area A" under the Garrison Common North Part II Plan. The Official Plan provisions permit buildings containing a range of uses including industrial, commercial and residential with a density up to three times the lot area.

Zoning By-law

The lands are zoned CR T3.0 C3.0 R3.0 by Zoning By-law 438-86. Residential and non-residential uses are permitted up to a maximum density of three times the lot area. The maximum height is set at 25 metres at 1005 King Street West and 18 metres at 915 King Street West.

Site Plan Control

An application for Site Plan Control has been submitted for 1005 King Street West. An application had already been submitted for 915 King Street West for a previous proposal and that application has been revised to reflect the new proposal that includes retention of the heritage building.

Reasons for the Applications

The applicant has filed an Official Plan amendment and rezoning application for the following reasons.

1. The proposed building heights exceed the zoning limits. With the proposed two floor addition the heritage building would be almost 21 m in height, while 18 m is permitted. The proposed building at 1005 King St. West would be 43 m high at the southwest corner of the site, while 25.0 m is permitted.
2. The proposed density of the building at 1005 King Street West is 5.6 times the lot area (38 262 m²) whereas 3.0 times (20 497 m²) is permitted under both the Official Plan and Zoning By-law.
3. The proposed density of the heritage building (915 King Street West) is 3.49 times the lot area (3,306 m²). The density permitted under both the Official Plan and Zoning By-law is 3.0 times the lot area (2 841 m²).
4. The proposed number of parking spaces for 1005 King Street West exceeds the zoning requirement for resident parking spaces by 15 spaces, however the number of visitor parking spaces is deficient by 67 spaces.
5. The proposed indoor amenity space would total 185 m². The zoning requirement is 1 020 m².

The applications will also secure the preservation of the heritage building. A Section 37 Agreement is recommended as part of the rezoning. The Agreement would set out the City's requirements to ensure the restoration of the building occurs in a timely fashion.

Community Consultation

Toronto East York Community Council considered a Preliminary Report on the applications in December of 2001. A public meeting was held on December 19, 2001. Notice was provided through a mail drop. The majority of the approximately 35 people in attendance were new residents, who had recently moved into the condominium building at 954 King Street West, directly across the street from the Massey-Harris Building.

The matters raised at the meeting included the following.

1. Parking

Opinions were expressed that there was a parking shortage in the area and that the application should provide more parking. Specific questions relating to the parking arrangements for the heritage building were raised.

2. Height

The height discussion focused upon the tower element of the proposed new building at 1005 King Street West. Some people thought no height exemptions should be allowed, even for the two-storey addition to the heritage building.

3. Unit Mix

Questions were asked about the proposed mix of units, with people mentioning that larger units were preferable to small bachelor style apartments.

4. Retail

The need for retail uses in the area was a common concern for those in attendance.

5. Traffic

The adequacy of the public transit, primarily the King Streetcar service, was raised as a concern.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. The responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

Section 37

In accordance with the provisions of Section 37 of the Planning Act, the applications to increase the height and density permitted on the subject lands have been evaluated for the purpose of securing appropriate public benefits. The calculation of appropriate benefits under Section 37 has been determined based upon the increase in density. Two categories of benefits are being recommended.

1. Historic Preservation

The two properties are part of a consolidated application in order to secure the preservation and retention of the historic Massey-Harris Building. The applicant has agreed to specific conditions to ensure building permits are applied for and that construction on the historic building progresses in a timely fashion. Therefore, the recommendations of this report link construction work on the proposed new building at 1005 King Street West, to the restoration and construction at 915 King Street West.

The specific linkages I am recommending in the amending by-laws and the Section 37 Agreement are as follows:

- The owner shall sign a Statement of Approval/Undertaking with the City, for the work to be undertaken at 915 King Street West involving the restoration, reconstruction and addition, to convert the building into residential condominiums, substantially in accordance with the plans submitted to the City date stamped as received on December 21, 2001 prior to signing a Statement of Approval/Undertaking for any structure at 1005 King Street West.
- Construction on the building at 915 King Street West, in compliance with the approved Statement of Approval/Undertaking, shall commence within six months of the draft by-laws appended to this report coming into full force and effect.
- The exterior construction work to be undertaken on the building at 915 King Street West, including the heritage restoration work as per the approved drawings, shall be completed within two years of the issuance of a building permit for the subject building.

The retention of the historic structure and its re-use as an active component of the neighbourhood after years of abandonment and neglect is a public benefit to the community. Several attempts have been made over the past two decades to find a user for the structure. The building and land were even offered for a nominal sum, however no users stepped forward. With the restoration of the structure, work on the proposed adjacent park can proceed.

2. Community Centre Endowment Fund

A new condominium building at 1029 King Street West is nearing completion on the block immediately west of 1005 King Street West. 465 m² of at grade space within this building is to be conveyed to City ownership for community use. City Council authorized the transfer of ownership of this space at its meeting of March 6, 7 and 8, 2001.

St. Christopher House will operate the space under a lease, with participation by the Toronto Public Library. St. Christopher House will be responsible for items such as the condominium fees that are estimated to be between \$7,000.00 and \$7,500.00 annually, among other expenses. It is intended that the space provide services to the entire community and become an important asset to the many new residents now moving into the neighbourhood.

The owner of 915 and 1005 King Street West has agreed, as a requirement secured through the Section 37 agreement, to provide \$70,000.00 to be used to assist St. Christopher House in operating the community space. The funds are to be secured prior to the issuance of a building permit on the 1005 King Street West site.

3. Public Art

The proposed new construction exceeds 20 000 m², and is therefore subject to a public art contribution. The recommendations in this report include requiring a public art contribution through the Section 37 agreement.

Height and Floor Area

1. 915 King Street West

The 915 King Street West property is subject to an 18 m height limit. The application is for a height of 21 m, which is two floors higher than the existing building and adds just over 4 m to its height. The height increase will have little impact on the proposed park to the west, as the addition is set back from the west edge of the existing building.

The additional floors are also set back from the front of the building, resulting in little shadowing impact on the street. Half of the units located in the addition will face the proposed park, providing additional "security" in the form of overlook.

With the proposed addition, the height of the building is lower than the other buildings recently constructed along this section of King Street West. Directly across the street, the new building at 954 King Street West is 25.5 m high. The additional height was secured through approval of a minor variance application. No. 1006 King Street West, another new condominium building less than a block away, also received approval of a minor variance application to increase the height from 18 m to 27.6 m.

2. 1005 King Street West

The permitted height limit on the 1005 King Street West site is 25.0 m. The applicant is seeking an increase in the permitted height for a portion of the site, up to 45.0 m. This height would be reached in the south-west corner of the block. The building proposed along King Street West would be 25.0 m in height, plus mechanical space, which complies with the zoning permission.

The future park will be larger than originally planned due to Council action to close a portion of Crawford Street. This will extend the park to the east property line of 1005 King Street West. The portion of the proposed building fronting the park on the east property line would range from three to five floors (9 m to 18 m). The height would then increase as the building steps up along Douro Street, to the 45.0 m portion at the intersection of Douro and Shaw Streets. Attachment 1 illustrates the heights of the building.

Several designs were evaluated when considering the appropriate massing for the site. The potential shadow impact of the various alternatives was assessed based upon the following criteria:

1. No shadowing of the sidewalk on the north side of King Street during the spring and fall time periods.
2. Limited shadowing of the proposed park on King Street for the same time period.
3. As narrow a shadow as possible to ensure that the shadow moves quickly over any given point.

4. An edge to the western side of the proposed park to provide dwelling units overlooking the park.

The proposed building design achieves the above objectives. The potential shadow cast on the park during the late afternoon is the equivalent of a building constructed to the 25.0 m height limit. The King Street portion of the building within the zoning height limit creates the longest shadow intrusion into the proposed park. The lowering of the height limit along the west edge of the park contributes to a reduced shadow impact.

The tower portion of the proposed building in the south-west corner of the site does create some shadow into the park. This shadow is comparable in length, but narrower than a shadow cast by a building design that distributed height more evenly across the site and positioned more building mass adjacent to the west edge of the future park.

The potential shadows cast by the proposed building are reasonable, when considered in the March and September time frames. In the summer periods, when the park is in greatest use, the shadows are minimal.

The proposed building will also cast shadows in the morning hours on the new condominium units located to the west (1029 King Street West). The orientation of the proposed building along Douro Street, in a south-east direction, means that much of the shadow cast as the building increases in height towards the west property line is in fact cast upon the next highest level of the proposed building.

Placing the tallest portion of the building on Shaw Street presents a narrower shape to the west, meaning the morning shadows move quickly across the 1029 King Street West property. In the summer hours these shadows shorten considerably.

Density

Both sites are subject to a density limit of 3.0 times the lot area. The 915 King Street West building is proposed to be 3.5 times the lot area and the building at 1005 King Street West is proposed to be at 5.6 times the lot area.

The Garrison Common North Part II Plan, passed in 1997, was based on an overall assessment of the development potential within the planning area. The densities established by the Part II Plan were sufficient to permit a full range of commercial and residential uses in the Massey-Harris lands at medium to high density.

Since 1997 the majority of these blocks has been developed and new residents have been moving into the area. Two new condominium buildings are currently nearing completion. The majority of these new buildings have not utilized the full density entitlement provided for by the Part II Plan. These include the townhouse projects on Sudbury Street and Strachan Avenue.

The proposed building at 1005 King Street West exceeds the density permitted for that specific block. However, when the proposed floor area is added to the densities already constructed on

the area blocks, the currently built total density in the area is considerably less than anticipated through the Part II planning process.

Unit Mix

Staff from Urban Development Services have been encouraging developers to provide a greater proportion of larger dwelling units in order to provide more diverse housing options for families who want to stay or move into the community. Residents in the community have also expressed this as a desirable characteristic for development.

Of the 510 dwelling units in the new building at 1005 King Street West, only two bachelor apartments are proposed. The remaining units would consist of 416 one-bedroom and 92 two-bedroom units. The units at 915 King Street West are larger than previously proposed. Nine bachelor units are proposed with 37 one-bedroom units; several will include dens. This unit mix is viewed as a positive development for the area.

The draft Zoning By-law amendment includes a requirement that a minimum of 15 per cent of the dwelling units at 1005 King Street West be two-bedroom units.

Uses

Staff from Urban Development Services have encouraged applicants on King Street west of Strachan Avenue to provide retail uses at grade. Unfortunately, up to this point in time, no developer has provided such uses.

The lack of retail in the area has long been an issue with current residents. At the community meeting area residents expressed concern about the lack of neighbourhood retail activity. As part of this application the owner is proposing to create 638 m² (6 870 m²) of retail space along the King Street frontage of the 1005 King Street West property. Once constructed, the proposed retail uses may encourage the conversion of other at-grade condominium space into live-work units or retail activities to meet the needs of the community.

Parking

At the community meeting many of the residents expressed concern about the proposed number of parking spaces. In response, the Ward Councillor has been investigating the implementation of permit parking for the streets within the Massey-Harris lands. In addition, the applicant has proposed a third level of parking in the building at 1005 King Street West.

The applicant is proposing to provide 445 parking spaces, with 384 spaces dedicated for tenant use and 61 spaces for visitors. The Zoning By-law requirements are for a total of 497 parking spaces, divided between 369 spaces for tenants and 128 spaces for visitors. The proposed parking for the new building would exceed the required tenant parking, however the rate of visitor parking provided would not meet the Zoning By-law requirement.

Works and Emergency Services staff have applied parking ratios referred to as the "condominium standards" based upon their review of various buildings constructed around the

city. The residents' parking proposed for the 1005 King Street West property would comply with those standards.

Parking is not required to be provided at 915 King Street West because the property is subject to a heritage easement agreement. However, when the condominium at 100 Strachan Avenue was constructed, additional parking spaces were provided for the use of future residents of 915 King Street West. Twenty-three spaces have been provided in the below grade garage and 5 spaces have been reserved above grade.

Traffic

As part of the review of the applications, staff from Works and Emergency Services requested that the applicant provide a traffic impact study. The study considered the two proposed developments and the impact of the future closure of the section of Crawford Street from King Street West to Caniff Street.

The study indicated that the added traffic would be 138 two-way trips in the morning peak hour period and 148 two-way trips in the afternoon peak hour period. The conclusions of the study are that the various intersections in the area are expected to operate at acceptable levels. The recently added traffic light at the Sudbury/King Street intersection will benefit the movement of traffic.

The traffic study has also been circulated to the Toronto Transit Commission. Some concern has been expressed about the data used in determining impacts on the King Street streetcar line. This data includes not only the traffic added as a result of the proposed buildings, but also the traffic generated by the recently completed condominium developments.

I will report to Community Council in the form of a supplementary report, should other issues arise from the analysis of the traffic impact study.

Parks

The applicant has been in discussion with City staff about the relationship of the heritage building to the future park along the west side of the building. The plans currently indicate a 1.0 m wide sunken landscaped area adjacent to the windows of the building. This design creates safety concerns with respect to the use of the park. Staff from Parks and Recreation Planning have advised that there may be a need for the owner to secure 3.0 m of space to provide appropriate separation between the building and the park.

Since the park has been expanded to include the former Crawford Street right-of-way, the park would still be longer than originally planned if a strip of land was conveyed to the owner. Further refinement of the interface between the park and building is required and will be defined through the Site Plan approval process. Any decision to convey land to the owner would require the narrow strip of land to be deemed surplus by Council and sold at market value.

Amenity Space

The applicant is proposing to reduce the indoor amenity space requirements for 1005 King Street

West. Rather than provide the required standard of 2.0 m² per dwelling unit, the proposal is to provide 0.36 m² per unit, for a total of 185 m² (1 020 m²). The outdoor amenity space requirements would be met, as would the requirement for at least 40 m² of the outdoor space to be contiguous with the indoor space.

The shortage of indoor amenity space is acceptable. The space provided, 185 m², allows for a large sized common room to serve the needs of the residents.

The zoning requirement for the proposed 46 dwelling units at 915 King Street West is for 92 m² of both indoor and outdoor amenity space. The proposal does not include any amenity space. Considering the constraints imposed by the retention of the heritage building, the provision of amenity space is difficult from both a design and economic standpoint. The building is located adjacent to the proposed park, offering ample opportunities for outdoor recreation.

Bicycle Parking

No formal bicycle parking facilities are proposed for the 915 King Street West building. The applicant has indicated that bicycle parking will be provided at 1005 King Street West.

Conclusions:

The proposed Official Plan amendment and rezoning offer an opportunity to build on the initiatives started through the Garrison Common North Part II Plan. The draft by-laws would secure the preservation and re-use of one of the most important heritage resources in the neighbourhood, while expanding the range of housing opportunities for larger households on the last two pieces of the former Massey-Harris lands.

The impacts of the increased height of the new building proposed for 1005 King Street West have been mitigated through the design of the building. The massing of the building and the stepping of the building heights result in minimal shadowing of the future park in the later hours of the day. Much of the shadow impact will be onto the building itself. The massing of the taller elements will result in a narrow shadow width that will move quickly over any single point on the ground or building face.

Section 37 is being employed to secure public benefits including the preservation of an important heritage building and funds to operate the community space in the adjacent building. The proposed retail space in the new building offers an opportunity to provide services that are currently lacking in the neighbourhood.

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ATTACHMENT 11

Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW No. ____-2002

To adopt an amendment to the Official Plan for the former City of Toronto
respecting lands known as Nos. 915 and 1005 King Street West

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.

2. This is Official Plan Amendment No. ____.

ENACTED AND PASSED this ____ day of February, A.D. 2002.

Schedule "A"

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.____ and the attached Map 18.____;

"18.____ Lands known as Nos. 915 and 1005 King Street West

Despite any of the provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.____, to permit increases in density and height of development otherwise permitted, to permit the conversion and/or erection and use on Parcels A and B, as shown on Map 18.____, of buildings containing residential, live-work and retail uses, provided that:

- (1) the lands, being the lot, consist of Parcels A and B as shown on Map 18.____;
- (2) the residential gross floor area, non-residential gross floor area and total gross floor area erected or used on either of the Parcels noted in the table below, shall not exceed the amounts listed in the columns opposite the Parcel reference;

Parcel	Total Gross Floor Area m2	Residential Gross Floor Area m2	Non-Residential Gross Floor Area (m2)
A	3 306	3 000	500
B	38 300	37 650	2 000

- (3) the owner of the lands is required by by-law to:
- A. provide and maintain one or more works of art pursuant to a *public art* program of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected on Parcel B on or after the date of passing of this By-law, and costs related to the *public art* shall not be included in such valuation;
 - B. retain, restore, conserve and maintain the building located at No. 915 King Street West, in accordance with an approved Restoration Plan and in a manner that respects the quality and character and which is secured and further defined through one or more agreements pursuant to Section 37 of the Ontario Heritage Act and Sections 37 and 41 of the Planning Act, which includes that the exterior facades and interior of the building shall be maintained in a manner consistent with the approved Restoration Plan;
 - C. deposit with the City, a letter of credit in an amount satisfactory to the Commissioner of Economic Development, Culture and Tourism, prior to the issuance of a building permit for any new construction on either Parcel A or B;
 - D. deposit with the City, prior to the issuing of building permit for a building or structure on *parcel B*, a letter of credit in the amount of \$70,000.00, to be used for operating expenses of the City owned community space located at 1029 King Street West;
 - E. pay for improvements to the public sidewalks and boulevards immediately adjacent to the *lot*, as referred to in an agreement pursuant to Section 41 of the Planning Act;

- F. agree to:
- A. sign a Statement of Approval / Undertaking for the restoration, re-use of the building at 915 King Street West, prior to signing such an agreement for any proposed building(s) at 1005 King Street West;
 - B. commence construction on the work detailed in any Statement of Approval / Undertaking applicable to 915 King Street West, within six months of this By-law coming into full force and effect; and
 - C. complete within two years of the issuing of a building permit for 915 King Street West, the exterior work, including the heritage restoration work, referred to any of the agreements required by this By-law;
- G. provide photographs of the historic property located at No. 915 King Street West, suitable for inclusion in any agreements pursuant to the Ontario Heritage Act; and
- H. enter into one or more agreements with the City pursuant to Section 37 of the Planning Act to secure all the facilities, services and matters referred to in this By-law, and such agreement or agreements are appropriately registered against the title of the lands.

ATTACHMENT 12

Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. ____- 2002

To amend By-law No. 438-86 of the former City of Toronto as amended,
respecting lands known as Nos. 915 and 1005 King Street West.

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services or matters as are set out in the By-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law.

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Upon execution and registration of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 3 herein, Parcel A and Parcel B as shown on Plan 1 attached, are subject to the requirements set out in this By-law and, except as otherwise provided herein, the provisions of By-law 438-86, being “A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall continue to apply to *Parcel A* and *Parcel B*.
2. None of the provisions of Section 2 of the aforesaid By-law 438-86 as it pertains to the definitions of “apartment building” and “bicycle parking space”, and sections 4(2)a; 4(4)(b); 4(6)(c); 4(12); 4(13); 4(16); 8(3) PART I 1, 2, and 3; 8(3) Part II 1(a)(i) and (ii); and 8(3) Part XI 2(i) and (iii); of the aforesaid By-law 438-86, shall prevent the use of the existing building and additions on *Parcel A* and the erection and use of a building on *Parcel B*, from being used for *dwelling units, live-work units, office and/or retail uses*, provided:
 - (1) the lands to which this by-law applies are set out on the Plan 1 appended to this by-law, and referred to as *parcel A* and *parcel B*;
 - (2) *bicycle parking spaces - visitor* and *bicycle parking spaces - occupant* are provided on *Parcel B*;

- (3) *parking spaces* shall be provided on *parcel B* at the following rates:

Residents' Parking

- 0.3 *parking space* for each *bachelor dwelling unit*;
- 0.7 *parking space* for each *one-bedroom dwelling unit*;
- 1.0 *parking space* for each *two-bedroom dwelling unit*;
- 1.2 *parking space* for each *three-bedroom dwelling unit*;

Visitors' Parking

- 0.12 *parking space* for every dwelling unit contained therein;

- (4) the *parking spaces* provided for the residents of the building shall be physically separate from the *parking spaces* provided for the residential visitors and non-residential users;
- (5) not less than 23 *parking spaces* are provided within 200 metres of *parcel A* for resident parking;
- (6) the *height* of any building or structure on:
 - (i) *parcel A*, shall not exceed 21.0 metres including any mechanical space; and
 - (ii) *parcel B*, shall not exceed the *heights* shown on Plan 2, excluding any mechanical space;
- (7) the *non-residential gross floor area*, *residential gross floor area* or combination thereof erected or used on the *lot*, shall not exceed the amounts listed in the columns opposite the Parcel reference;

Parcel	Total Gross Floor Area (m ²)	Residential Gross Floor Area (m ²)	Non-Residential Gross Floor Area (m ²)
A	3 310	3 000	500
B	38 300	37 650	2 000

- (8) 185 square metres of indoor *residential amenity space* and 1 020 square metres of outdoor *residential amenity space* are provided on *Parcel B* and a minimum of 40 square metres of the outdoor *residential amenity space* is provided adjacent to the indoor *residential amenity space* and the requirements of section 4(12) regarding the provision of kitchen and washroom facilities are complied with;

- (9) the requirements of sections 4(6)(c) and 4(13) of the aforesaid By-law 438-86 are complied with on *parcel B*; and
 - (10) not less than 15 percent of the *dwelling units* within a building(s) erected on *parcel B* shall be *two-bedroom dwelling units*.
3. Notwithstanding Section 1 hereof, the density and height of development permitted by Section 1 is permitted subject to compliance with the conditions set out therein and in return for the provision by the owner of the *lot* referred to in Section 1 of the following facilities, services and matters to the City of Toronto, namely:
- (1) retain, restore, conserve and maintain the building located on *parcel A* and known as No. 915 King Street West, in accordance with an approved Restoration Plan and in a manner that respects the quality and character of the building and which is secured and further defined through one or more agreements pursuant to Section 37 of the *Ontario Heritage Act* and Section 37 of the *Planning Act*;
 - (2) sign a Statement of Approval/Undertaking for the restoration, re-use of the building at 915 King Street West, prior to signing such an agreement for any proposed building(s) at 1005 King Street West;
 - (3) commence construction on the work detailed in any Statement of Approval/Undertaking applicable to 915 King Street West, within six months of this By-law coming into full force and effect;
 - (4) complete within two years of the issuing of a building permit for 915 King Street West, the exterior work, including the heritage restoration work, referred to any of the agreements required by this By-law;
 - (5) deposit with the City, prior to the issuing of a building permit for a building or structure on *parcel B*, a letter of credit in the amount of \$70,000.00, to be used for operating expenses of the City owned community space located at 1029 King Street West;
 - (6) provide and maintain one or more works of *art* pursuant to a public art program in publicly accessible portions of the *lot* of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected on *Parcel B* on or after the date of passing of this By-law, provided that the costs related to obligations under the agreements drawn pursuant to Section 37 of the *Ontario Heritage Act* and costs related to public art, shall not be included in such valuation;

- (7) undertake or pay for improvements to the public sidewalks and boulevards immediately adjacent to the *lot*, generally as shown on the landscape plan to be referred to in an agreement pursuant to section 41 of the *Planning Act*; and
 - (8) deposit with the City, a letter of credit in an amount satisfactory to the Commissioner of Economic Development, Culture and Tourism, prior to the issuance of a building permit for any new construction on either Parcel A or B;
 - (9) provide photographs of the historic property located at No. 915 King Street West, suitable for inclusion in any agreements pursuant to the Ontario Heritage Act; and
 - (10) enters into one or more agreements with the City pursuant to Section 37 of the Planning Act and the Ontario Heritage Act, to secure all the facilities, services and matters referred to in this By-law, and such agreement or agreements are appropriately registered against the title of the lands.
4. For the purposes of this By-law;
- (1) "*art*" includes works of plastic art, graphic art, sculptured landscaping, fountains and artistic treatment of walls or other building elements clearly visible at all times from public areas, including flooring, structure, lighting and furnishings, provided such elements or works have been designed by or in collaboration with artists;
 - (2) "*Parcel A*", and "*Parcel B*" means the areas identified as "*Parcel A*" and "*Parcel B*" on Plan 1; and
 - (3) each other word or expression which is italicized herein shall have the same meaning as each word and expression as defined in the aforesaid By-law No. 438-86, as amended;

ENACTED AND PASSED this day of , A.D. 2002.

(Attachments referred to in the foregoing report were forwarded to all Members of the Toronto East York Community Council with the agenda for its meeting on February 25, 2002, and copies are on file in the office of the City Clerk.)

The Toronto East York Community Council also submits the following report (February 19, 2002) from the Director, Community Planning, South District:

Purpose:

This report reviews further comments that have been received from Works and Emergency Services and Economic Development, Culture and Tourism regarding the proposed Official Plan and Zoning By-law amendment applications for the preservation/re-use of the historic Massey-Harris Building and construction of a new condominium building at 1005 King Street West. Minor technical changes to the draft by-laws contained in my Final Report on this application are proposed.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

(1) amend the draft Official Plan amendment embodied in Attachment 11 of my Final Report dated February 11, 2002, by:

- (a) amending the preamble to refer to the proposed buildings as *residential and mixed-use buildings including live-work uses*;
- (b) amending the table in Section 1(2) by deleting the current figures and inserting a revised gross floor area for Parcel B of 39,000 m² and a total residential gross floor area of 38,300 m²;
- (c) deleting Section 3(c) and inserting the following:



"deposit with the City, two Letters of Credit, satisfactory to the Commissioner of Economic Development, Culture and Tourism, prior to the issuance of a building permit:

- (i) in the case of construction/restoration of the Massey-Harris Building at 915 King Street West, the Letter of Credit shall be 120 per cent of the value of the improvements to be undertaken on the future park site resulting from any work approved to be undertaken at 915 King Street West; and

- (ii) in the case of any construction at either 915 or 1005 King Street West, a Letter of Credit is required to secure the improvements to the Massey-Harris Building set out in the approved Restoration Plan described in paragraph B above";
- (d) adding two paragraphs to Section 3(F) substantially as follows:
 - (i) commence the work outlined in the Restoration Plan and the Section 41 Agreement for 915 King Street West, prior to the issuing of a building permit for construction at 1005 King Street; and
 - (ii) complete the work outlined in the Restoration Plan and the Section 41 Agreement for 915 King Street West, prior to occupancy of a building at 1005 King Street West; and
- (e) adding a new paragraph "I" as follows:
 - "I. pay for any improvements and/or measures recommended in the Traffic Impact Study submitted to and approved by the Commissioner of Works and Emergency Services".
- (2) amend the draft zoning by-law amendment embodied in Attachment 12 of my Final Report dated February 11, 2002, by:
 - (a) amending the table in section 2(7) by deleting the current figures and inserting a revised gross floor area for Parcel B of 39,000 m² and a total residential gross floor area of 38,300 m²;
 - (b) amending Section 2(5) by increasing the number of off site *parking spaces* from 23 to 28;
 - (c) replacing the references to Section 1 in Section 3, with a reference to Section 2;
 - (d) deleting Section 3(8) and inserting the following:
 - "deposit with the City, two Letters of Credit , satisfactory to the Commissioner of Economic Development, Culture and Tourism, prior to the issuance of a building permit:
 - (i) in the case of construction/restoration of the Massey-Harris Building at 915 King Street West, the Letter of Credit shall be 120 per cent of the value of the improvements to be undertaken on the future park site resulting from any work approved to be undertaken at 915 King Street West; and

- (ii) in the case of any construction at either 915 or 1005 King Street West, a Letter of Credit is required to secure the improvements to the Massey-Harris Building set out in the approved Restoration Plan described in paragraph B above."; and
- (e) add three paragraphs to Section 3 substantially as follows:
 - (i) "the owner shall agree to commence the work outlined in the Restoration Plan and the Section 41 Agreement for 915 King Street West, prior to the issuing of a building permit for construction at 1005 King Street;"
 - (ii) "the owner shall agree to complete the work outlined in the Restoration Plan and the Section 41 Agreement for 915 King Street West, prior to occupancy of a building at 1005 King Street West; and"
 - (iii) "the owner shall agree to pay for any improvements and/or measures recommended in the Traffic Impact Study submitted to and approved by the Commissioner of Works and Emergency Services".
- (3) require the owner to submit and have approved, prior to the introduction of Bills into Council, the following studies:
 - a revised Traffic Impact Study; and
 - a Noise Impact Statement.
- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft zoning by-law amendment and any draft or existing agreements including the existing Section 37 Agreement, as may be required; and
- (5) determine that there be no further notice of the Public Meeting to consider the draft by-laws, as amended.

Background:

Proposal

The applicant is proposing to construct 556 dwelling units on two sites. The historic Massey-Harris Building at 915 King Street West would be retained, restored and converted into a 46-unit residential condominium building. The remaining 510 units would be located in two new buildings to be built on a vacant parcel at 1005 King Street West, west of the historic building.

I have reported on the planning merits of the applications in my Final Report dated February 11, 2002 and recommended approval. Draft by-laws for both an Official Plan Amendment and zoning amendment are attached to that report.

This supplementary report addresses matters resulting from the review of the Site Plan applications for both sites.

Comments:

Park Land Matters - 915 King Street West

Staff from Economic Development, Culture and Tourism, have provided comments with respect to park matters. As noted in my Final Report, a design issue has been identified related to the interface between the west wall of the Massey-Harris Building and the future park on the lands to the west.

The proposed conversion of the building includes dwelling units that are partly below grade. A retaining wall is required between the building and the park. This wall would limit visibility from the below grade dwelling units. City staff have requested that the plans be revised to improve the view to the park from the building, to better address the existing grade differences and better integrate the heritage building with the park.

The owner and Economic Development, Culture and Tourism staff have discussed the transfer of a small strip of land, less than 3.0 metres in width, along the east edge of the proposed park. The Commissioner of Economic Development, Culture and Tourism advises that he is willing to support this transaction based upon the intention of the owner to restore the heritage building, provided suitable plans are developed to address the concerns identified above. The recommendations of this report require the owner to post a Letter of Credit to cover the cost of the park improvements necessitated by an approved design along the west edge of 915 King Street West.

Once a suitable plan is worked out through the Site Plan process, any City lands to be transferred must be declared surplus. The proposed sale would be required to follow the City's circulation and approval process, including a report to City Council. Any sale would be conditional upon an approved design being implemented to integrate the heritage building with the park.

Park Land Matters - 1005 King Street West

Staff from Economic Development, Culture and Tourism have reviewed the landscape drawings for the proposed condominium building at 1005 King Street West. This building will front onto the west edge of the proposed City park located between this building and 915 King Street West. Council has authorized the closing of the portion of Crawford Street, between King Street West and Caniff Street, to extend the proposed park to the east edge of this site.

At the request of City Planning staff, the applicant has provided grade-related dwelling units that will face onto the park. The drawings indicate a fence along this boundary, with gates leading from individual units into the park. The Commissioner of Economic Development, Culture and Tourism has advised that only one common opening should be provided to Canniff Street at the south side of the park.

Parking and Traffic

Works and Emergency Services staff have provided comments on both proposed buildings. The majority of their comments concern matters regulated under Section 41 of the Planning Act. The applicant has agreed to create an additional level of parking to bring the number of parking spaces up to the standard applied to condominiums.

Works and Emergency Services staff have required that two studies be submitted and approved prior to the introduction of Bills into Council. The studies are a revised Traffic Impact Study and a Noise Impact Statement. The revised traffic study is intended to address concerns expressed by the TTC pertaining to lane capacity and turning restrictions.

Existing Section 37 Agreement

My Final Report provides a brief history of the Massey-Harris lands. The lands were rezoned from industrial uses to offices and then to mixed-use. An existing Section 37 Agreement for 915 King Street West requires the preservation/restoration of the existing building, which will be done under the proposed agreements.

Timing of Building Permits

Further discussions with the City Solicitor have resulted in additional recommendations to ensure the proposed work on the Massey-Harris Building is undertaken and completed in a timely fashion. The recommendations of this report build on those of my Final Report and require that the work outlined in the heritage restoration plan for 915 King Street West should:

- commence prior to the issuance of a building permit for construction at 1005 King Street West; and
- be completed prior to occupancy of a building at 1005 King Street West.

The owner has agreed with the above requirements.

Conclusions:

City staff have provided further comments on some aspects of the proposed development that were not reflected in my Final Report. As a result of these comments I am recommending a number of technical changes to the draft by-laws and that a Letter of Credit be secured for any potential work on the proposed east side of the park resulting from the development.

Contact:

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(Attachments and maps referred to in the foregoing report were forwarded to all Members of the Toronto East York Community Council with the agenda for its meeting on February 25, 2002, and copies are on file in the office of the City Clerk.)

The Toronto East York Community Council reports having held a statutory public meeting on February 25, 2002 and that notice was given in accordance with the Planning Act.

Craig Hunter, Armstrong Goldberg Hunter, appeared before the Toronto East York Community Council in support of the foregoing matter.

(City Council on March 4, 5, 6, 7 and 8, 2002, had before it, during consideration of the foregoing Clause, a communication (February 28, 2002) from Mr. Patrick J. Devine, Goodman and Carr LLP, Barristers and Solicitors, requesting that Council defer consideration of an Official Plan Amendment and Rezoning Application pertaining to 915 and 1005 King Street West.)

(City Council on April 16, 17 and 18, 2002, had before it, during consideration of the foregoing Clause, the following report (April 11, 2002) from the Commissioner of Urban Development Services:

Purpose:

To seek Council authority to amend the site specific Official Plan and Zoning By-law amendments, and Section 37 Agreement related to the public art contribution for a residential development at 915 and 1005 King Street West.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council authorize the City Solicitor to amend the Official Plan, Zoning By-law and Section 37 Agreement for 915 and 1005 King Street West to reflect the following:

- (1) an adjustment to the Economic Development, Culture and Tourism Capital Budget to receive and include the proceeds of the public art contribution, in the amount of \$250,000.00, to be allocated for the creation of public art on the park located between 915 and 1005 King Street West;*
- (2) a public art contribution, in the amount of \$30,000.00, to be allocated to the creation of public art on 1005 King Street West adjacent to the public park;*

- (3) *a consultative process during the design phase of the public park including the local community and adjacent land owners, carried out by the Commissioner of Economic Development, Culture and Tourism; and*
- (4) *technical changes to the Zoning By-law to permit the phased implementation of the residential amenity space and allow a minor increase in the height of the mechanical penthouse.*

Background:

At its meeting of February 25, 2002, Toronto East York Community Council considered a report from the Director of Community Planning, South District, that recommended approval of a development application for 915 and 1005 King Street West. The recommendations of that report required the owner to enter into a Section 37 Agreement to secure, among other matters, a public art contribution in the amount of 1 per cent of the construction cost of the new buildings.

The report also recommended site specific Official Plan and Zoning By-law provisions to implement the development.

Comments:

The applicant subsequently approached City staff with a request to redefine the amount and allocation of the public art contribution. The applicant also requested minor technical changes to the Zoning By-law to facilitate phasing of the project. Through discussion with staff of Urban Development Services, Economic Development, Culture and Tourism, Legal Services and the local Councillor, consensus has been achieved on an approach to the creation of public art on 1005 King Street West and in the adjacent park.

That approach contemplates that Economic Development, Culture and Tourism would issue a Request for Proposals (RFP) to develop and implement the park design in consultation with Urban Development Services (UDS). The RFP would emphasize the focus on public art in addition to the traditional elements of a public park. It would be clear that an artist will be required as part of the design team. EDCT staff would select the winning team in consultation with UDS. The selected team would undertake the design development work for the park and also make recommendations for public art adjacent to the public park on the development site at 1005 King Street West.

During the design phase for the public park a consultative process including the local community and adjacent land owners will be carried out by the Commissioner of Economic Development, Culture and Tourism.

The recommended contribution of \$250,000.00 for public art in the local park will supplement the \$700,000.00 already committed to the improvement of the park. This represents a unique opportunity to integrate a significant public art component in the design of a new park. Canderel has also committed to the contribution of art equal in value to \$30,000.00 on the development site at 1005 King Street West in a location that will be visible to the public from the park. The

selection of one artist to undertake both works of art will ensure a consistent treatment of this important and highly visible location.

The applicant also requested technical changes to the Zoning By-law to permit a minor increase in building height, and the phased implementation of the residential amenity space within the project at 1005 King Street West. The increase in height is minor and is acceptable. The amendment related to phasing is technical in nature. The amendment will permit the first phase to be constructed without amenity space, provided that the amenity space is constructed as part of the second phase within 4 years of the first building permit. Both phases are to be built on a common underground garage. Phasing has become necessary to accommodate construction staging. I am satisfied that this approach is appropriate and that the amenity space will be provided upon completion of the project.

Conclusions:

This report recommends a revised contribution for public art related to the project at 915 and 1005 King Street West. It recommends amendments to the Official Plan, Zoning By-law and Section 37 Agreement to secure that amount. The report also recommends technical changes to the Zoning By-law to permit phasing of the project and a minor increase in the height of the mechanical space.

Contact:

Dave McKillop, Manager, West Section

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(City Council also had before it, during consideration of the foregoing Clause, a communication (February 28, 2002) from Mr. Patrick J. Devine, Goodman and Carr LLP, Barristers and Solicitors, forwarding comments with respect to the proposed development at 915 and 1005 King Street West.)