1030 King Street West – Zoning Amendment – Final Report

Date: April 23, 2014

To: Toronto and East York Community Council

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

Wards: Ward 19 – Trinity-Spadina

Reference Number: 13 257551 STE 19 OZ

SUMMARY

This Zoning By-law Amendment application proposes to adjust the mix of parking spaces in the 14-storey OMB approved residential condominium building at 1030 King Street West. The proposed Zoning By-law amendment is to convert part of the required resident and visitor parking spaces, required by Zoning By-law No. 618-2012(OMB), to a 147 space commercial garage. The application also proposed a minor map amendment to Zoning By-law No. 618-2012(OMB), to allow for an awning at the King Street West Frontage.

This report recommends approval of a Zoning By-law to permit the use of commercial garage with the provision that the commercial operator will lease spaces within the commercial garage to building occupants at rates commensurate with area Toronto Parking Authority rates.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend By-law No. 618-2012(OMB) for the lands at 1030 King Street West, substantially in accordance with the
draft Zoning By-law Amendment attached as Attachment No. 1 to the report (April 23, 2014) from the Director of Community Planning, Toronto and East York District.

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

   a. $100,000.00 towards new bike infrastructure in Ward 19, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment, and to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, to be paid upon the Zoning By-law amendment coming into force and effect; and,

   b. To provide a minimum of 83 spaces, within the commercial parking garage, available to be leased to residents of the condominium. These spaces are to be advertised and offered to residents at rates which correspond to the Toronto Parking Authority rates for monthly leases in the general area, and may be updated from time to time to the satisfaction of the General Manager, Transportation Services.

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

Financial Impact
The recommendations in this report have no financial impact.

Pre-Application Consultation
A pre-application consultation meeting was held with the applicant on October 1, 2013 to discuss complete application submission requirements.

DECISION HISTORY

Original Development Application (2008)
On December 30, 2008 a Zoning By-law amendment application was submitted to redevelop the former Daimler Chrysler car dealership lands at 1030 King Street West with a terraced 9 to 15-storey mixed-use building consisting of 673 residential units and ground floor commercial uses. A total of approximately 647 parking spaces were proposed in a four level underground parking garage that would have been accessible from Shank Street. A commercial parking garage was not contemplated as part of the original application.
Revised Application (2010)
On June 11, 2010, the applicant submitted a revised proposal consisting of two back to back "L" shaped towers that would each have a 10-storey (33 metre tall) wing fronting King Street and a 14-storey (47 metre tall) wing running perpendicular to King Street, through the interior of the site to Shank Street. This proposal consisted of 602 residential units and ground floor commercial uses. A total of 331 parking spaces were proposed in two levels of underground parking that will still be accessed from Shank Street. Of the 331 spaces, 6 were to be car share spaces, 18 for visitor parking and 18 for commercial parking spaces.

Ontario Municipal Board Hearing (2011)
City Planning Staff did not support the revised proposal noted above and the application was appealed to the Board. A Request for Direction report was before Toronto and East York Community Council (TEYCC) January 18, 2011, and Toronto City Council on February 7, 2011. The report, which can be found in the link below, recommended that City Staff attend the Ontario Municipal Board Hearing in opposition to the revised proposal. Staff recommendations were adopted by Council.


The Board issued its decision on July 19, 2011 (File: PL100919) with respect to the appeal of Zoning By-law amendment application (File: 08 232225 STE 19 OZ). The Order allowed for building heights of 14 storeys on the subject site, but applied the parking standards of By-law 438-86, in response to resident testimony at the Board regarding a lack of on-street parking that would be further exacerbated by the proposed development should it be allowed to proceed with deficient parking.

Site Plan Approval (2013)
On February 28, 2013, the City Planning Division issued approval conditions, pursuant to the Ontario Municipal Board Order noted above, for a 14-storey condominium building including townhouse suites, with ground floor retail, fronting onto King Street West (File 10 250037 STE 19 SA). A total of 602 residential units were approved between the condominium and townhouses, and 543 below grade parking spaces, intended for use of residents and visitors were approved in an underground parking garage.

The approved building is currently under construction.

ISSUE BACKGROUND

Site and Surrounding Area
The subject site is a rectangular shaped property on which a 14-storey mixed use building is currently being constructed.
Land uses surrounding the site are as follows:

North: 9-storey residential co-op building across Shank Street with the Centre for Addiction and Mental Health (CAMH) lands further north

South: 10-storey residential condominium building across King Street

East: 9-storey residential condominium building across Shaw Street

West: 3-storey stacked townhouse development

**Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Development must be consistent with the PPS and the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

The subject property is located within an *Avenues* area on the Urban Structure Map (Map 2) and is designated *Mixed Use Areas* on the Land Use Plan Map (Map 18).

The property, 1030 King Street West, is located along the King Street West *Avenue*, designated in the Official Plan between Bathurst Street and the railway underpass west of Sudbury Street. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities. *Avenues* are identified as an area where growth can be best accommodated, with mixed use *Avenues* emphasizing residential growth.

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses subject to a number of development criteria. The proportion of commercial and residential uses will vary widely among *Mixed Use Areas*. For example, office and retail uses will continue to be paramount in the *Financial District*, but much of the new development along the *Avenues* will have a residential emphasis. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.
In addition, the Garrison Common North Secondary Plan applies to the site, however, the lands are not located within any of the site specific policy areas identified within the Plan and are therefore subject to the general policies outlining the objectives and direction for the area.

The Toronto Official Plan is available on the City’s website at: www.toronto.ca/planning/official_plan/introduction.htm

Zoning
The subject site is Zoned ‘CR’ Mixed-Use, by By-law 618-2012(OMB).

Reasons for Application
The Zoning By-law Amendment application proposes to amend site specific Zoning By-law 618-2012(OMB), to permit the additional use of a Commercial Parking Garage, convert a portion of the required residents and residential visitors parking spaces to commercial parking spaces, and amend Map 2 of this By-law to permit an awning to project into the recessed area along the King Street West frontage.

Community Consultation
A community consultation meeting was held at Trinity Bellwoods Community Centre on December 12, 2013. A total of five (5) residents were in attendance at the meeting. Concerns regarding the reduction in visitor’s parking, residents parking, and the traffic impacts of a 239 space commercial garage were raised by the community.

Agency Circulation
The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

Comments
Original Proposal
The original Zoning By-law Amendment application proposes to convert all of the 151 required visitors parking spaces and 88 of the required residents parking spaces, into a 239-space commercial garage, inclusive of 5 car-share spaces, at 1030 King Street West. The application also proposed a minor map amendment to Zoning By-law No. 618-2012(OMB), to allow for an awning at the King Street West Frontage.

Revised Proposal
City Planning Staff were concerned that the original proposal, which proposed that a commercial parking garage be the only option for providing parking for visitors to residents of the mixed-use building, would create pressure for residents and visitors to park elsewhere in the surrounding area at less cost. This was a concern that was expressed by the City witnesses and by area residents at the Board hearing on the original Zoning By-law amendment application. The resulting Board Decision sought to avoid
this problem by imposing the parking standards that are contained in the Board approved site specific By-law No. 618-2012(OMB).

The following revised proposal has been developed through collaboration with the applicant and City staff, in consultation with the Ward Councillor:

**Resident and Visitor Parking**

*Residents Parking* - Three hundred and twenty four (324) resident parking spaces would be provided.

*Visitor Parking* - Seventy three (73) parking spaces will be provided.

These spaces will be located on underground parking levels 2, 3, and 4 and are to be physically separated from the commercial garage for the exclusive use of residents and visitors to the condominium.

**Commercial Parking**

A total of 147 commercial park spaces will be provided on the P1 level of the underground parking garage.

Of these 147 spaces, eighty-three (83) spaces will be offered to occupants of the condominium for rates corresponding to area Toronto Parking Authority (TPA) lots on a monthly lease basis. The owner and any operator of the commercial garage shall provide annual statements to the General Manager, Transportation Services confirming the number of leases and the amounts charged.

The portion of these eighty-three (83) that are not subject to a monthly lease could function as commercial parking spaces.

In order to ensure that residents of 1030 King Street West are aware of the availability of monthly parking within these eighty-three (83) spaces, the applicant will be responsible for posting signage, with wording and posting locations to be approved by City Planning.

These rates will continue to correspond with TPA rates, as they may change from time to time, in perpetuity. This will be secured as a matter of convenience through the Section 37 Agreement registered on title for this development.

*Car Share Spaces* – A total of five (5) Car Share spaces will be physically located within the commercial garage and may be owned by either the residential condominium or retained by the developer.

The above noted Commercial Parking Spaces may be, but are not required to be, part of the condominium proposed for the mixed-use building.
Proposed Map Change
City Planning Staff have no objection to the proposed map change to allow for an awning to be constructed at the King Street West entrance of the building.

Provincial Policy Statement and Provincial Plans
The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Traffic Impact, Access, Parking
Transportation Services Staff have reviewed the submitted Transportation Impact Study and have been included in discussions on revising the application as noted in this Report. Transportation Services Staff are satisfied with this revised proposal.

Section 37
Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Discussions on these community benefits have been held with the local Councillor and applicant.

While the applicant is technically proposing no additional physical floorspace within the building at 1030 King Street West, the conversion of space from residential and visitor’s parking spaces will result in an increase in non-residential Gross Floor Area, and therefore additional density.

In order to permit this increase in density authorized by the proposed Zoning By-law Amendment, the following benefits are proposed to be secured through a Section 37 Agreement:

a) $100,000.00 to contribute to new bike infrastructure in Ward 19, with the amount being indexed in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of Execution of the Section 37 Agreement to the date of payment, to be paid to the City following the registration of the Section 37 Agreement and prior to introducing of the necessary Bills to City Council for enactment,

b) The owner of the commercial garage will provide a minimum of 83 spaces to be leased to residents of the condominium at rates which correspond to the Toronto Parking Authority rates for monthly leases in the general area, and may be updated from time to time to the satisfaction of the General Manager, Transportation Services. These spaces are to be advertised to residents on signage with wording and posting locations to be approved by City Planning. The owner and any operator of the commercial garage shall provide annual statements to the General Manager, Transportation Services confirming the number of leases and the amounts charged.
Conclusion
The proposed amendments to the Zoning By-law to permit a commercial parking garage at 1030 King Street West are supportable by Staff, subject to the conditions contained in this report.

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SIGNATURE

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ATTACHMENTS
Attachment 1: Draft Zoning By-law Amendment
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By-Law Amendment will be available at
Toronto and East York Community Council