

1071 King Street West - Zoning By-law Amendment Application – Request for Direction Report

Date: June 18, 2020

To: Toronto and East York Community Council

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

Ward: 10 - Spadina-Fort York

Planning Application Number: 11 251394 STE 19 OZ

SUMMARY

On August 4, 2011, an application to amend the Zoning By-law to permit the construction of a 14-storey mixed-use building was submitted for the site at 1071 King Street West. On October 2, 2017, the application was appealed to the Local Planning Appeal Tribunal. On February 12, 2020, City Planning received plans for a modified version of a 14-storey mixed-use building on the site. City Planning is supportive of these revised plans.

The revised application: has been designed to fit with the existing and planned context; provides appropriately scaled and sited ground floor uses; includes a range of rental apartment units; and limits the amount of private vehicle parking provided on site. The proposal advances the City's public space expansion and connection initiatives by including a new public park and securing a future connection to the West Toronto Rail Path along the south side of the site. The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

This report seeks authorization to appear at the Local Planning Appeal Tribunal in support of the revised application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend the Local Planning Appeal Tribunal (the "LPAT") respecting the Zoning By-law Amendment Application appeal at 1071 King Street West in support of the revised proposal, as described in the report (June 18, 2020) from the Director, Community Planning, Toronto and East York District, and also as appended at Attachments 5 to 9.
2. In the event that the LPAT allows the appeal, in whole or in part, City Council instruct the City Solicitor to request that the LPAT withhold its Order(s) on the Zoning By-law Amendments until such time as the LPAT has been advised by the City Solicitor that:

- a. the proposed Zoning By-law Amendments are in a final form satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- b. all site access matters have been addressed to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services;
- c. the owner has submitted a revised Functional Servicing Report, including confirmation of water, sanitary and storm water capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- d. the owner has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development;
- e. the proposed rail safety measures detailed in the Rail Safety Report are satisfactory to the Chief Planner and Executive Director, City Planning, in consultation with the City's Peer Reviewer and Metrolinx; and,
- f. a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, has been executed and registered on title to the subject property to the satisfaction of the City Solicitor, securing the community benefits and matters of legal convenience outlined in Recommendation 3 below.

3. City Council authorize the City Solicitor to enter into an agreement pursuant to Section 37 of the Planning Act as follows:

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. The owner shall make a financial contribution of \$800,000.00 prior to the issuance of the first above-grade building permit for the site, to be allocated towards the provision of affordable housing in the community in the vicinity of the subject site;
 - ii. The payment identified in Recommendation 3(a)(i) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date of payment;
 - iii. In the event the financial contribution referred to in Recommendation 3.(a)(i) has not been used for the intended purpose set out above within

five (5) years of the Zoning By-law Amendments coming into full force and effect, the financial contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the site; and,

iv. The owner agrees to design and construct the cycling and pedestrian path extension on the south side of the subject site as shown on Attachment 5 – Site Plan, at a value of \$500,000.00, to be secured through a Site Plan Control Application, all to the satisfaction of the General Manager, Transportation Services, in consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.

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

i. The owner will convey to the City, for nominal consideration, a public easement over the cycling and pedestrian path extension referred to in Recommendation 3.(a)(iv), at such time as the cycling and pedestrian path is needed by the City to be incorporated into the West Toronto Rail Path network, to provide public access for use by the general public, with no time of access limitations, which easements shall include provisions for rights of support, maintenance, insurance, and indemnification of the City by the owner, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the Ward Councillor;

ii. The owner shall provide residential units on the site in accordance with the following: a minimum of 20 percent of the residential units will be provided as two-bedroom units, and a minimum of 10 percent of the residential units will be three-bedroom units;

iii. The owner shall maintain all dwelling units within the development as rental dwelling units for a minimum of twenty-five (25) years;

iv. Prior to the commencement of any shoring and/or excavation work on the subject site, the owner shall submit, and thereafter implement, a construction management plan to address such matters as noise, dust, street closures, parking and laneway uses and access; such plan shall be to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

v. Prior to the issuance of an above-grade building permit for the subject site, the owner shall submit a wind study, including a wind tunnel analysis, to the satisfaction of the Chief Planner and Executive Director, City Planning, and design, construct and maintain any measures that may be required to mitigate the negative impact of any wind conditions identified in

the wind study, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

vi. Prior to the issuance of Final Site Plan Approval for the Site Plan Control application, the owner shall incorporate all mitigation measures from the Rail Safety Report referenced in Recommendation 2.e. into the drawings submitted for Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning, and prior to Site Plan Approval, the owner shall construct all mitigation measures and maintain them at its sole cost and expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and,

vii. The owner agrees to pay for and construct any improvements to the municipal infrastructure in connection with the site Functional Servicing Report, as accepted by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

4. City Council accept, should the LPAT approve the proposed Zoning By-law Amendments, an on-site parkland dedication that is a minimum of 230 square metres in area pursuant to section 42 of the Planning Act and Chapter 415, Article III, of the Toronto Municipal Code (the "Statutory Parkland"), in the general location identified on Attachment 5 – Site Plan as "Parkland", to be dedicated to the City, at no cost to the City, free and clear, above and below grade, of all easements, encumbrances and encroachments and in acceptable environmental condition, all to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR), in addition to the following below:

a. City Council approve a development charge credit against the Parks and Recreation component of the development charges for the design and construction by the owner of Above Base Park Improvements, to the satisfaction of the General Manager, PFR; the development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time; and,

b. the owner shall convey the Statutory Parkland to the City prior to the earlier of any occupancy (commercial or residential) and 1 year after the first above-grade building permit is issued, to the satisfaction of the General Manager, PFR.

FINANCIAL IMPACT

City Planning 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

On August 4, 2011 an application for a 14-storey mixed use building was submitted on the subject site. On September 11, 2012 a preliminary report was presented to Toronto and East York Community Council. The report advised that City Planning staff would hold a community meeting on the subject application and recommended that City Council determine that an avenue study was not required for consideration of the proposed development. City Council's decision can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE18.42>

On October 2, 2017, the application was appealed to the LPAT. A Prehearing conference took place on December 2, 2019 and a subsequent prehearing was scheduled for May 28, 2020; due to the Covid-19 situation, this LPAT prehearing will be rescheduled. Details of this LPAT file can be found at the following link: <https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL171101>

PROPOSAL

Original Application (2011)

The original application, submitted on August 4, 2011 comprised a 14-storey mixed use building with 205 condominium units, commercial/retail uses on the ground and second floors and three levels of underground parking.

Revised Application (2020)

The revised application, submitted on February 12, 2020, comprises a 14-storey mixed use building with 220 rental apartment units, commercial/retail uses on the ground floor, a new public park, a connection to the future expansion of the West Toronto Rail Path, and two levels of underground parking. Please see attachments 5 and 6.

The following chart summarizes the key differences between the original and revised proposal.

	2011 Application	2020 Revision
Total Floor Area	16,323 sqm	18,285 sqm
Res Floor Area	13,674 sqm	17,796 sqm
Commercial Area	2,676 sqm	489 sqm
Density	7.1 times the area of the site	8.2 times the area of the site
Parking Spaces	154	63
Bike Parking	144	226
Bachelor	13 (6%)	25 (11%)

	2011 Application	2020 Revision
1-Bedroom	192 (94%)	129 (59%)
2-Bedroom	0 (0%)	44 (20%)
3-Bedroom	0 (0%)	22 (10%)
Total Units	205	220
Building Height	14-storeys (50.5 metres)	14-storeys (53.0 metres)
Parkland	0	230 square metres
Accommodates West Toronto Rail Path Extension	No	Yes

Reasons for Application

The application to amend the Zoning By-law is required to amend Zoning By-law 438-86 to increase the permitted building height from 18 metres to 53 metres, to increase the permitted density on the site from 4.1 times the area of the site to 8.8 times the area of the site, to reduce the required amount of vehicle parking to 63 spaces, and to make changes to required building setbacks and other provisions.

Community Consultation

Two community consultation meetings were held on this application. The first meeting was held in November 2012 at the Centre for Addiction and Mental Health located at Queen Street West and Ossington Avenue. Approximately 50 people attended the meeting. The second meeting was held on January 21, 2020 at a former sales office on the subject property. The meeting was attended by approximately 25 people.

At the first meeting, concerns included the overall building height, the unit mix comprising entirely 1-bedroom and bachelor units, and the overall design approach of the building. Comments at the second community meeting indicate that these concerns have largely been remedied by the revised proposal. While it was suggested that the building would be more appropriately sized at 10 or 12 storeys, opinions on the overall height of the building were generally more positive now as opposed to those from 2012, despite the similar height of the original and revised buildings. Those attending the recent meeting also spoke positively about the new design direction of the building, the proposed rental tenure, the park space, the future connection to the rail path, and the mix of units, which now includes 2 and 3-bedroom layouts.

The proposed vehicle access on King Street West was the primary concern voiced at the January 2020 meeting. While it was noted that two access points can better

facilitate pick-up and drop-off and loading through the site, the potential for conflicts between turning vehicles, cyclists, and pedestrians on King Street, and the 504 Streetcar were repeatedly raised as an issue to be resolved with this development.

In addition to discussing the proposed development, many attendees commented on a lack of transportation options and services, such as parks and community spaces, within the local area more broadly. While there was acknowledgement of the recent pedestrian and cycling bridge construction in the area, the proposed Liberty Village Smart Track station, and the success of the King Street Pilot project, there is a clear interest in improved transportation options. Questions were also raised regarding the City's plans and commitment to fund and establish other services such as day care space, community space, and library space in the community.

Community comments received through email correspondence with the City were similar to the concerns and comments expressed at the January 2020 Community meeting. There were mixed opinions on the overall height of the building, with some supporting the new design direction and overall height and others suggesting a shorter building would be more appropriate. Concerns about overlook and privacy to the east were also raised. Comments on area transit and road network capacity were also received by the City.

Site and Surrounding Area

The subject site is triangular in shape with an approximate site area of 2,300 square metres, with frontage of 89 metres along King Street West and 40 metres along Douro Street. A series of three-storey stacked townhouses, a 14-storey mixed use building, and the intersection of King Street West and Sudbury Street are located north of the site. A 9 to 10 storey mixed use building and several three storey townhouses are situated on the east side of Douro Street to the east. The Metrolinx Georgetown rail line runs along the southwest property line.

APPLICATION BACKGROUND

Agency Circulation Outcomes

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

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have the opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council which 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.

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 Provincial Policy Statement and shall conform to Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the Provincial Planning Statement and conform to Provincial Plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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 interrelationships 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 4.6 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe (the "GGH") region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

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

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

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

Toronto Official Plan

The proposed redevelopment has been reviewed against the policies of the Official Plan, as a whole, including those in the Avenues, Built Form, and Public Realm sections of the Plan. Compliance with other relevant Policies of the Official Plan will also be discussed. The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Avenues (2.2.3): Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities. The subject property is located on an Avenue as shown on Official Plan Map 2 - Urban Structure.

Healthy Neighbourhoods (2.3.1): The Healthy Neighbourhoods Section of the Official Plan (Section 2.3.1) includes policies that guide development in Mixed Use Areas adjacent to Neighbourhoods. Properties to the north of the site are designated as Neighbourhoods.

The Public Realm (3.1.1): Public Realm policies in the Official Plan help guide the development of streets, sidewalks and boulevards.

Built Form (3.1.2): Section 3.1.2 of the Official Plan includes policies for the City's Built Form and requires that new development be located and organized to fit within an area's existing and/or planned context.

Housing (3.2.1): Policy 3.2.1 directs that a full range of housing, in terms of form, tenure and affordability, across the City, and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. The policy notes that a full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

Parks and other Open Spaces (4.3): Policy 4.3 guides the protection, growth, and enhancement of the City's parks and open spaces that comprise a Green Space System in Toronto. The proposal includes lands intended to be conveyed to the City as a public park.

Mixed Use Areas (4.5): The subject site is designated as Mixed Use Areas on Official Plan Map 18 – Land Use (See Attachment 3). Mixed Use Areas consist of a broad range of commercial, residential and institutional uses and are intended to absorb, over time, a portion of Toronto's expected growth. Mixed Use Areas vary in scale and density subject to a site's attributes and context. The Mixed Use Areas policies guide the form of new development in these areas to ensure development fits within the context of the area and is characterized by a range of uses, appropriate transition to, and limited impacts on, adjacent property, well designed public spaces and amenity areas, and other objectives.

Height and/or Density Incentives (5.1.1): Section 37 of the Planning Act gives municipalities authority to pass zoning by-laws involving increases in the height and/or density of development in return for the provision by the owner of community benefits. Section 5.1.1 of the Official Plan includes policies dealing with the use of Section 37. The policies state that Section 37 community benefits are capital facilities and/or financial contributions toward specific capital facilities and include amongst other matters, provision of funding for public space improvements and affordable housing.

Garrison Common North Secondary Plan (6.14): The site is within the Garrison Common North Secondary Plan found in Chapter 6.14 of the Official Plan. The Secondary Plan's major objectives include:

- ensuring that new development be integrated into the established city fabric in terms of streets, blocks, uses, and density patterns;
- permitting a variety of land uses and densities;
- providing community services and facilities;
- being sensitive to and protecting employment uses; and,
- providing a range of housing types in terms of size, type, affordability and tenure.

The lands are not located within any of the site specific policy areas identified by the Garrison Common North Secondary Plan.

Zoning

The site is zoned CR T4.1 C4.1 R4.1 by Zoning By-law 438-86, as amended (Attachment 4). The CR zoning classification permits a mix of commercial and residential uses up to a total density of 4.1 times the area of the lot, of which a maximum of 4.1 times the area of the lot is permitted to be commercial or residential, or a mix of the two. The maximum permitted building height for the site is 18.0 metres.

The site is not included within City-wide Zoning By-law 569-2013.

Avenues and Mid-Rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise

Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Control approval has not yet been submitted for the subject site.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan (2019) as described in the Policy Considerations section of the Report.

Staff have determined that the proposal is consistent with the PPS (2020) and conforms to the Growth Plan (2019) as follows:

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

Policy 1.4.3 of the PPS directs planning authorities to provide a range of housing types and densities to meet projected requirements of current and future residents. This policy further directs planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

Policy 1.5.1 of the PPS directs that healthy, active communities should be promoted by planning public streets, spaces, and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

Policy 1.6.7.4 of the PPS 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 4.6 of the PPS recognizes the Official Plan as the most important vehicle for implementation of the PPS.

Section 2.2.1.3 c) of the Growth Plan (2019) directs municipalities to manage forecasted growth by supporting an urban form that optimizes infrastructure to support the achievement of complete communities. Section 2.2.1.4 c) of the Growth Plan (2019) supports the creation of complete communities that provide a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Section 2.2.1.4 d) of the Growth Plan (2019) states that complete communities will be planned to expand access to a range of transportation options, including active transportation, a range of recreation opportunities, parks and other community facilities. Section 2.2.1.4 e) of the Growth Plan (2019) directs the provision of a more compact built form and a vibrant public

realm, including public open spaces. Section 2.2.6.2 of the Growth Plan (2019) states that municipalities support complete communities by planning for the range and mix of housing options and densities of the existing housing stock and planning to diversify and increase density of the overall housing stock across the municipality.

The proposed development provides a diverse range and mix of housing options, and supporting ancillary uses, in a compact urban form that efficiently utilizes land and resources and optimizes local infrastructure and public services. The proposal is close to transit and active transportation options and assists in creating new cycling connections via the proposed extension of the West Toronto Rail Path. A new 230 square metre public park is proposed as part of the development, expanding the amount of public open space in the area, helping foster social interaction, and facilitating community connectivity. The proposed development is consistent with the PPS and conforms to the Growth Plan (2019).

Land Use - Avenues

Map 2 – Urban Structure - in the Official Plan identifies the subject site as being on an Avenue. The Official Plan identifies Avenues as important corridors along major streets where development is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

The Official Plan encourages intensification along Avenues, however this intensification must respond to the characteristics of each Avenue and is generally not intended to be uniform. Developing the Avenues is intended to be achieved through the preparation of Avenue Studies which guide the strategic development of mixed-use segments of these streets. Typically, development proposed in advance of an Avenue Study requires that an Avenue Segment review be completed. In this case City Council determined, at its meeting on October 2, 2012, that development at 1071 King Street West would complete the pattern of development for this segment of the Avenue designation on King Street West and that development could proceed without the completion of an Avenue Study.

Land Use - Mixed Use Areas

The proposed development was reviewed against the Mixed Use Areas policies, contained within Chapter 4 of the Plan. It is intended that Mixed Use Areas will absorb most of the anticipated increase in retail, office and service employment in Toronto, as well as much of the new housing. Policy 4.5 of the Official Plan directs that development within Mixed Use Areas will:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks, step backs, and/or a stepping down of heights;
- take advantage of nearby transit services;

- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide good site access and circulation and an adequate supply of parking for residents and visitors; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

The proposal, contains an appropriate balance of new commercial and residential uses in a form that transitions appropriately to, and limits shadowing impacts on, adjacent Neighbourhoods streets and existing open spaces.

The proposed building frames the edges of streets at proportions appropriate for the area with overall height and street wall dimensions that correspond to adjacent buildings. The proposed 9-storey base building height aligns with the metric height of the 11-storey building located immediately to the east of the subject site at 1029 King Street West. The overall height of the proposed building, at 14-storeys, aligns with the overall height of the 14-storey building located northeast of the site at 1030 King Street West.

The proposed building has been designed to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets and on the adjacent Neighbourhood area to the north. Service, loading, and parking areas are all located within the building with access from Douro Street. The development supports the future extension of the West Toronto Rail Path via a proposed, 3.5 metre wide elevated path along the south side of the site.

The proposal complies with the applicable Mixed Use Areas policies.

Residential Uses

The revised proposal includes a supportable mix of unit types with a minimum of 10 percent of units as three-bedroom units and a minimum of 20 percent as two-bedroom units. The rental tenure of all residential units within the building will be secured within the Section 37 Agreement for a minimum of 25 years.

Public Space

The proposed development was reviewed against the Official Plan's public space policies, primarily contained within Chapter 3 of the Plan. Section 3.1.1 of the Official Plan directs that high quality architectural, landscape and urban design, and construction will be promoted within new developments to enhance the quality of the public realm, and that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces through the provision of landscaping, lighting, and street furnishings. The proposed development will result in improvements along Douro Street and King Street West, improving the pedestrian environment, planting additional street trees and accommodating new street furniture. The details of these improvements will be secured through a Site Plan Control Application.

Open Space/Parkland

The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with 4 -12 m² of parkland per person, which is below the city-wide average provision of 28 m² of parkland per person in 2016. The development site is also within an Areas of Parkland Need per Figure 18 of the Parkland Strategy, which highlights areas where the city will focus and prioritize parks planning and acquisitions. Given the future expected growth both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of a new park to serve the future population.

The applicant is proposing to satisfy the parkland dedication requirement through an on-site dedication. The proposed 230 square metre park is located on the west side of the site.

In order to assist in funding the construction of the park above a base condition, it is recommended that City Council approve a credit against the Parks and Recreation component of the applicable development charges to be used for the design and construction of the above base park improvements by the owner.

The use of the proposed park as an interim construction staging area is prohibited unless an agreement has been obtained from Parks, Forestry and Recreation (PFR). The agreement, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, PFR.

Conditions regarding the park land conveyance and park design process will be secured in a Section 37 agreement.

City Planning staff recommend designating these lands as "Parks and Open Space Areas: Parks" in the Official Plan at such time as the lands are conveyed to the City.

West Toronto Rail Path and Road Widening

In 2001, City Council adopted the Toronto Bike Plan which set out short and long-term goals for on and off-street cycling infrastructure. The Toronto Bike Plan identified an off-road trail connection along the Kitchener GO Transit rail corridor from north of Dupont Street to Strachan Avenue. The first phase of the West Toronto Rail Path from Cariboo Avenue (just north of Dupont) to the Dundas Street West Overpass along the rail corridor was completed in 2008. The City completed its study in 2016 for extending the West Toronto Rail Path from Sterling Avenue (at Dundas Street West), along the Kitchener GO rail corridor to just south of Queen Street West (at Abell Street). The project is now in the implementation phase which includes completion of detailed design, contract drawings and documents, followed by trail construction and operation.

In anticipation of the ultimate alignment of the West Toronto Rail Path, the south portion of the site has been designed to accommodate a two way cycling path connecting to Douro Street at the south end of the site. The applicant will design and construct this space and grant a permanent easement to the City, with conditions to be secured in a Section 37 agreement, at such time as this space is operationally required for the West Toronto Rail path extension.

Building Height, Form and Relation to Adjacent Property

The proposed development was reviewed against the Official Plan's Built Form policies, primarily contained within Chapter 3 of the Plan. These policies seek to ensure appropriate form and scale of new development within their surrounding contexts, including transition to areas of lower scale, appropriate relationship to adjacent streets, and the limiting of light, view and privacy impacts on the surrounding properties, streets and open spaces.

Official Plan Policy 3.1.2 requires that new development be massed and located to fit within the existing and planned context, and create an appropriate transition in scale to neighbouring existing or planned buildings. Policy 3.1.2 further states that new development will limit its impact on neighbouring streets, parks, open spaces and properties by massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; provides for adequate light and privacy; adequately limits any resulting shadowing of, and uncomfortable wind conditions on, neighboring streets and properties, among other measures.

The existing context around the proposed development is characterized by buildings ranging from 8 to 14 storeys fronting King Street West. A series of low-rise stacked townhouses are located north of the subject site on the opposite side of King Street West. As noted earlier, the proposed base building and overall building heights align with immediately adjacent buildings at 9 and 14-storeys, respectively. The portion of the building above the base building steps back 3.0 metres from Douro Street. Facing King Street West, the portion of the building above the base building is gradually stepped back from 0.0 metres at the west side of the suite to 3.0 metres at the east side of the site. The design of the building, being a longer, narrow building with an extended, unbroken street wall facing King Street West, is similar in height and form to existing 11 to 8 storey buildings located at 1029, 1005, and 1000 King Street West. The revised development complies with the Official Plan Built Form policies.

Sun, Shadow, Wind Impacts

Following the appeal of the application, discussions between the City and the appellant concerned plans for potential development on this site that would have been taller than the 14-storey revised submission detailed in this report. The details of these other plans are confidential. In these discussions, City Planning staff sought a maximum height of 14-storeys on this site to, among other matters, reduce shadowing on adjacent areas. As a result, the revised building height and design appropriately limits shadowing on landscaped areas adjacent to the existing townhouses located north of the site.

During the spring equinox, the proposed development shadows a portion of the Sudbury Street sidewalk from the morning until 2:00 pm, after which time it shadows east of Sudbury Street along the north King Street West sidewalk until approximately 4:30pm. In June, the proposed development casts limited shadow on a portion of the King Street West sidewalk between 10:00am and 11:00am. The north portion of the King Street West sidewalk is in sunlight the remainder of the day. The proposed park space is ideally located to limit shadowing from the proposed development and is sunlit from noon onward between the spring and fall equinox.

Overall the revised building mass and reduced building height have: removed shadows from the front yards of the stacked townhouses to the north between the equinoxes; improved sunlight on the King Street West and Sudbury Street sidewalks generally; and, limited shadowing on the proposed new park space. Adjustments to building height, stepbacks, massing and scale, achieved through the review of this application have resulted in limiting the additional shadow impacts on adjacent streets and properties to the satisfaction of City Planning staff and in accordance with the Built Form Policies of the Official Plan.

In order to mitigate any wind conditions arising from the development of this site, a wind study and wind tunnel analysis will be required prior to the issuance of an above-grade permit. Any wind mitigation measures will be secured through a Site Plan Control Application.

Protection from Rail Corridor

Rail safety is a vital component of any site directly adjacent to a rail corridor. The entire site abuts the Metrolinx Georgetown rail corridor on its south side. Any redevelopment of this site must consider concerns related to the risk to health and safety in the event of a rail accident as well as noise and vibration from regular operation of the rail line.

Official Plan Policy 3.4.21 states that major facilities such as rail infrastructure, corridors, and yards and sensitive land uses such as residences and education and health facilities will be appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants and to promote safety. The policy further states that to assist in identifying impacts and mitigating measures an applicant may be required to prepare studies in accordance with guidelines established for the policy's purpose and carry out any required mitigating measures as part of development.

In May 2013, the Federation of Canadian Municipalities, in conjunction with the Railway Association of Canada, released the Guidelines for New Development in Proximity to Railway Operations (the "FCM Guidelines"). The FCM Guidelines focus on residential development in proximity to rail corridors and focus on treatment of the sites in terms of providing for safety and noise and vibration mitigation. The FCM Guidelines "strongly recommend that municipalities take a proactive approach to identifying and planning for potential conflicts between rail operations and new developments in proximity to railway corridors". The FCM Guidelines propose a set of principles for mitigation design, recommending a preferred building setback of 30 metres from rail lines, including a berm. Should that not be possible, the Guidelines recommend that a developer

undertake a development viability assessment to determine whether the project should proceed. In any case, a functional design for mitigation must be achieved on site.

The proposed development is located within the recommended 30 metre setback from the rail corridor. At its widest point, this triangle-shaped site is just over 40 metres deep, so development of the site would be significantly limited, if not impossible, were a 30 metre setback employed. This being the case, the proposal incorporates a crash wall along the south boundary of the site as a mitigation alternative. The design of the proposed crash wall was subject to extensive discussions between the applicant, the City, the City's peer reviewer, and Metrolinx staff and several improvements to the design of the wall have been made since the original application was submitted as a result. Based on these discussions the height of the crash wall was increased from 5 metres to 7 metres, the design has been modified to facilitate additional width if further review of the rail safety strategy suggests this is required, and an underground fuel tank was relocated away from the corridor.

City Planning staff acknowledge discussions on the rail safety study are ongoing and anticipate that the remaining issues are technical in nature and not expected to have an impact on the envelope of the proposed development established in the draft Zoning By-law Amendments. However, in order to ensure that the proposed rail mitigation measures are confirmed to be appropriate prior to By-laws being enacted by the LPAT, City Planning staff recommend that the LPAT withhold any order approving the revised plans until such time as the submitted rail mitigation study has been peer reviewed by a rail safety expert retained by the City, at the expense of the owner, and revised to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the City's peer reviewer and Metrolinx staff.

Staff further recommend that the design and construction of any required rail safety measures determined to be required through the peer review of the rail safety plan be secured through the Section 37 Agreement and any future Site Plan Agreement.

Vehicle Access

Primary vehicle access to the site is proposed from Douro Street. Previous submissions proposed a two-way access on the King Street frontage in addition to the two-way Douro Street access. City staff raised concerns about the safety of the access and the impact of the proposed access on King Street public pedestrian space. Similar concerns were raised at the January 2020 community consultation meeting on this application where residents were concerned about vehicles turning into the site obstructing the 504 King Streetcar. It was also noted at the meeting that the two accesses would facilitate easier drop-offs and loading, potentially creating less congestion on Douro Street.

The City met with the applicant on several occasions in an attempt to resolve the concerns with the proposed King Street access, initially intending that this access would be removed entirely. Several revised approaches were discussed, and while some did include the complete removal of the access on King Street West, apparent safety issues arose with these scenarios. A single access point on Douro Street would increase potential conflicts between loading vehicles reversing out of the site, pedestrians using the Douro sidewalk and the King/Liberty pedestrian and cycling bridge, and cyclists

using the West Toronto Rail Path and future Douro Street bike lanes. Given the size of the property, there was also very limited ability for loading vehicles to turn around within the underground area, creating both safety and functional issues.

The revised plans show a two-way Douro Street access and a reduced King Street access designed as a one-way loading-vehicle-only exit from the site. This exit is proposed to only accommodate vehicles requiring use of the loading space, such as waste collection vehicles. A roll-up door is proposed facing King Street West that would prevent traffic from entering from King Street West and non-loading vehicle traffic from exiting. Consequently, it is anticipated that use of this exit would be limited. Vehicles exiting this driveway would also benefit from the adjacent intersection, allowing safer turns out of the site and preventing conflict with transit vehicles on King Street West. The King Street streetscape in this location will be designed as a continuation of the streetscape and not as an obvious driveway access. City Planning staff will work with the applicant on the design of the proposed roll-up door and streetscaping as part of a Site Plan Control application.

Adjustments to the Ground Floor Layout

A number of outstanding matters, including the results of the rail safety analysis, the accommodation of the interim and ultimate condition of the West Toronto Rail Path, and the finalization of the loading / access area, may have impacts on the layout of the ground floor of the building. While it is anticipated that changes to the ground floor will be limited, City Planning staff will continue to work with the applicant and any necessary City Divisions on required adjustments to the ground floor and ensure these changes are reflected in the final form of the Zoning By-law Amendments.

Parking, and Loading

A total of 63 parking spaces, 22 of which are for visitors, and one (1) type 'G' loading space are proposed. All parking and loading is proposed interior to the site and screened from public space accordingly.

The proposed vehicle parking is less than what is required by the Zoning By-law. The subject area is well served by transit and active transportation options and is situated on the alignment of the West Toronto Rail Path east extension. It is not anticipated that the vehicle traffic resulting from the proposed parking spaces will have a significant impact on the function of the area road network. Transportation Services staff support the proposed number of parking spaces.

Servicing

The City anticipates that the proposed development is able to be serviced by existing infrastructure. In the event that improvements to area municipal infrastructure are required, the owner will be required to pay for and construct these improvements.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law

Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. The applicant is required to meet Tier 1 of the TGS and will be encouraged to meet Tier 2 - 4 through the Site Plan Control process.

Section 37

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

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

1. A \$800,000.00, indexed, financial contribution to area affordable housing in the vicinity of the site; and,
2. The construction and maintenance of the future connection to the West Toronto Rail Path on the subject site, valued at \$500,000.00.

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

1. The provision of a minimum of 20 percent and a minimum of 10 percent of the residential units as two-bedroom units and three-bedroom units, respectively;
2. The submission and implementation of a satisfactory construction management plan;
3. The submission and implementation of a satisfactory rail safety plan and the design, construction and maintenance of any measures necessary to implement the study, as peer reviewed by a rail safety expert retained by the City, at the expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the City's peer reviewer and Metrolinx staff.
4. The submission and implementation of satisfactory a wind study, including wind tunnel analysis, and construction and maintenance of any mitigation measures required in accordance with the wind study;
5. The maintenance of all dwelling units within the development as rental units for a minimum of twenty-five (25) years;
6. Details related to parkland conveyance and design process;

7. The provision of any necessary easements over the West Toronto Rail path extension; and,
8. The design and construction of any necessary improvements to the municipal infrastructure to support the development.

Conclusion

The revised development proposal provides an appropriate range and mix of housing options, and supporting ancillary uses, in a compact urban form that efficiently utilizes land and resources and optimizes local infrastructure and public services. The proposal is close to transit and active transportation options and assists in creating new cycling connections via the proposed extension of the West Toronto Rail Path. A new 230 square metre public park is proposed as part of the development, expanding the amount of public open space in the area, helping foster social interaction, and facilitating community connectivity. The proposed development is consistent with the PPS (2020) and conforms to the Growth Plan (2019).

The proposal has been designed and massed to fit within its area context and limit impacts on adjacent properties, streets and open spaces. It includes a mix of uses, including various residential rental unit sizes, a good supply of bike parking, a limited supply of private vehicle parking, and assists in greening and improving public space along King Street West and Douro Street. The proposed development complies with the Policies of the Official Plan.

City staff worked with the applicant and the community to address and resolve key concerns with building height and mass, and vehicle access. City Planning staff recommend that Council direct the City Solicitor and appropriate City staff to attend the LPAT in support of the revised proposal, subject to the conditions detailed in this report.

CONTACT

Graig Uens, MCIP, RPP, Senior Planner
Tel. No. 416-397-4647
E-mail: Graig.Uens@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: Proposed Site Plan
Attachment 6: Proposed Elevations
Attachment 7: Proposed Development 3D Views

Attachments Under Separate Cover

Attachment 8: Draft Zoning By-law Amendment (By-law 569-2013)
Attachment 9: Draft Zoning By-law Amendment (By-law 438-86)

Attachment 1: Application Data Sheet

Municipal Address: 1071 KING ST W **Date Received:** August 4, 2011

Application Number: 11 251394 STE 19 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal to construct a 14-storey mixed-use building with 2 levels of underground parking, 220 residential units, and 489 square metres of commercial space. Application appealed on the basis of municipal non-decision on October 2, 2017.

Applicant	Agent	Architect	Owner
FIRST CAPITAL CORPORATION		Quadrangle	FIRST CAPITAL (KING LIBERTY 1071 KING ST)

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N/A

Zoning: CR T4.1 C4.1 Heritage Designation: No
R4.1

Height Limit (m): 18, Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m): 2,302 Frontage (m): 90 Depth (m): 40

Building Data	Existing	Retained	Proposed
----------------------	-----------------	-----------------	-----------------

Residential GFA (sq m):			17,796
-------------------------	--	--	--------

Non-Residential GFA (sq m):	412		489
-----------------------------	-----	--	-----

Total GFA (sq m):	412		18,285
--------------------------	------------	--	---------------

Height - Storeys:	1		14
-------------------	---	--	----

Height - Metres:			53
------------------	--	--	----

Lot Coverage Ratio (%): 48.96 Floor Space Index: 8.8

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
-----------------------------	---------------------------	---------------------------

Residential GFA:	17,796	
------------------	--------	--

Retail GFA:	489	
-------------	-----	--

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			220	220
Freehold:				
Condominium:				
Other:				
Total Units:			220	220

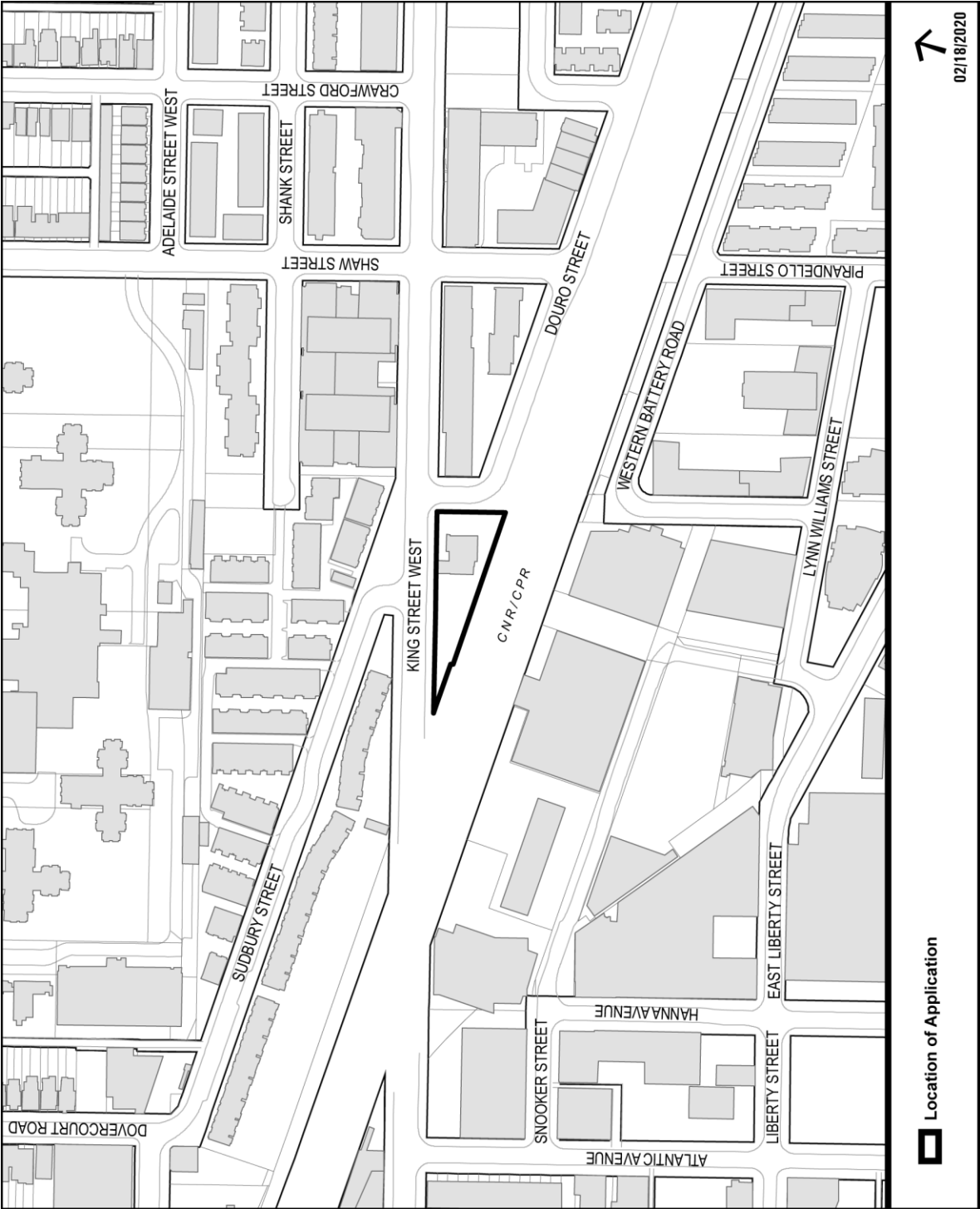
Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		25	129	44	22

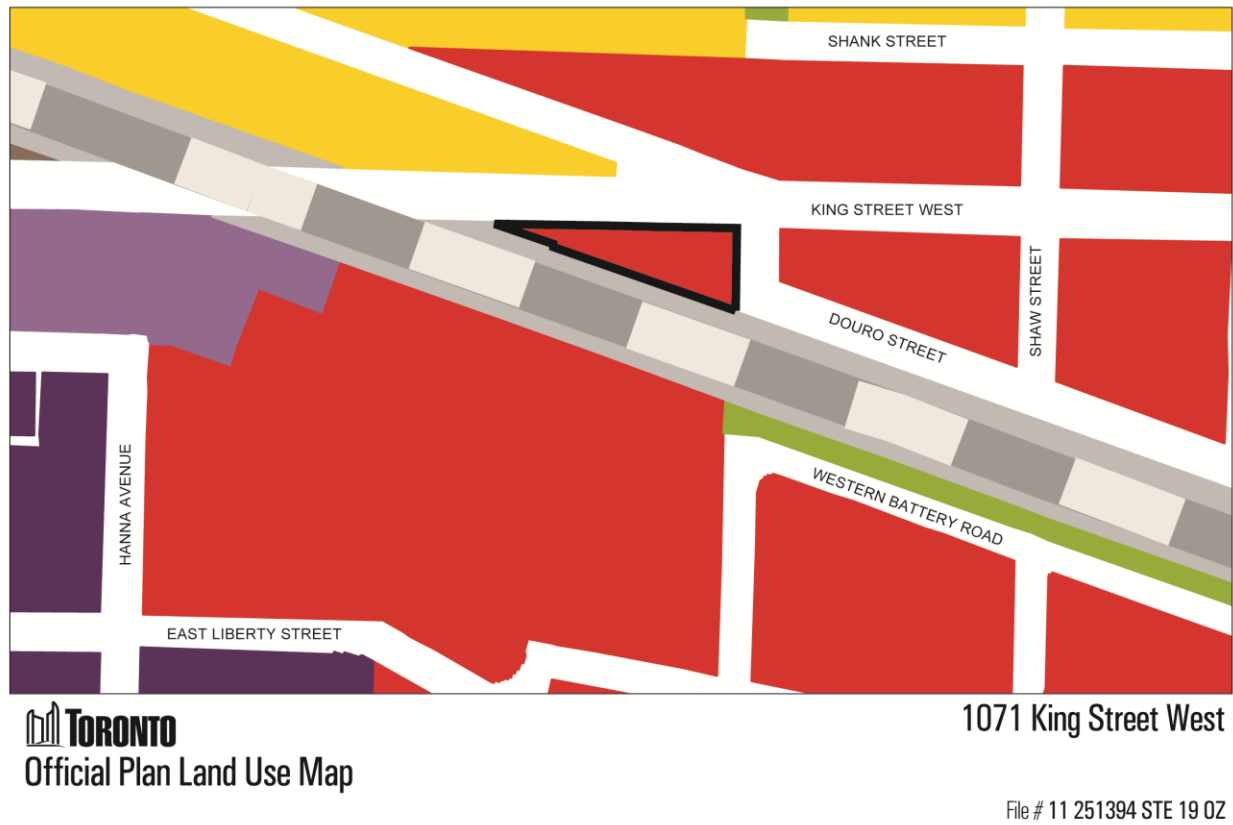
Parking and Loading

Parking Spaces: 63 Bicycle Parking Spaces: 226 Loading Docks: 1

Attachment 2: Location Map

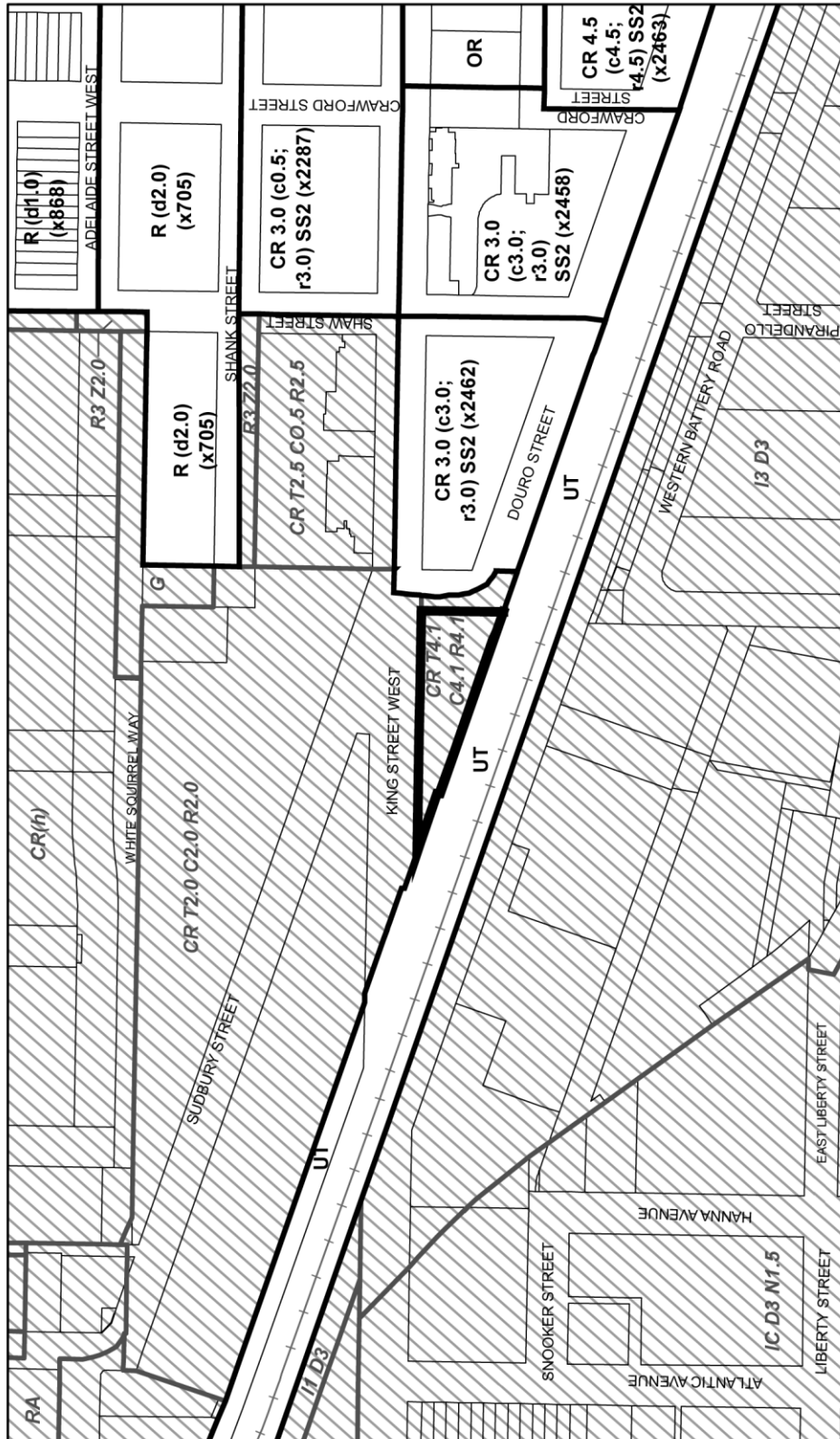


Attachment 3: Official Plan Land Use Map



↑
Not to Scale
02/18/2020

Attachment 4: Current Zoning By-law Map



Zoning By-law 569-2013

1071 King Street West

File # 11 251394 STE 19 0Z



Location of Application



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

R Residential

CR Commercial Residential

OR Open Space Recreation

UT Utility and Transportation

R3 Residential District

CR Mixed-Use District

RA Mixed-Use District

I1 Industrial District

I2 Industrial District

I3 Industrial District

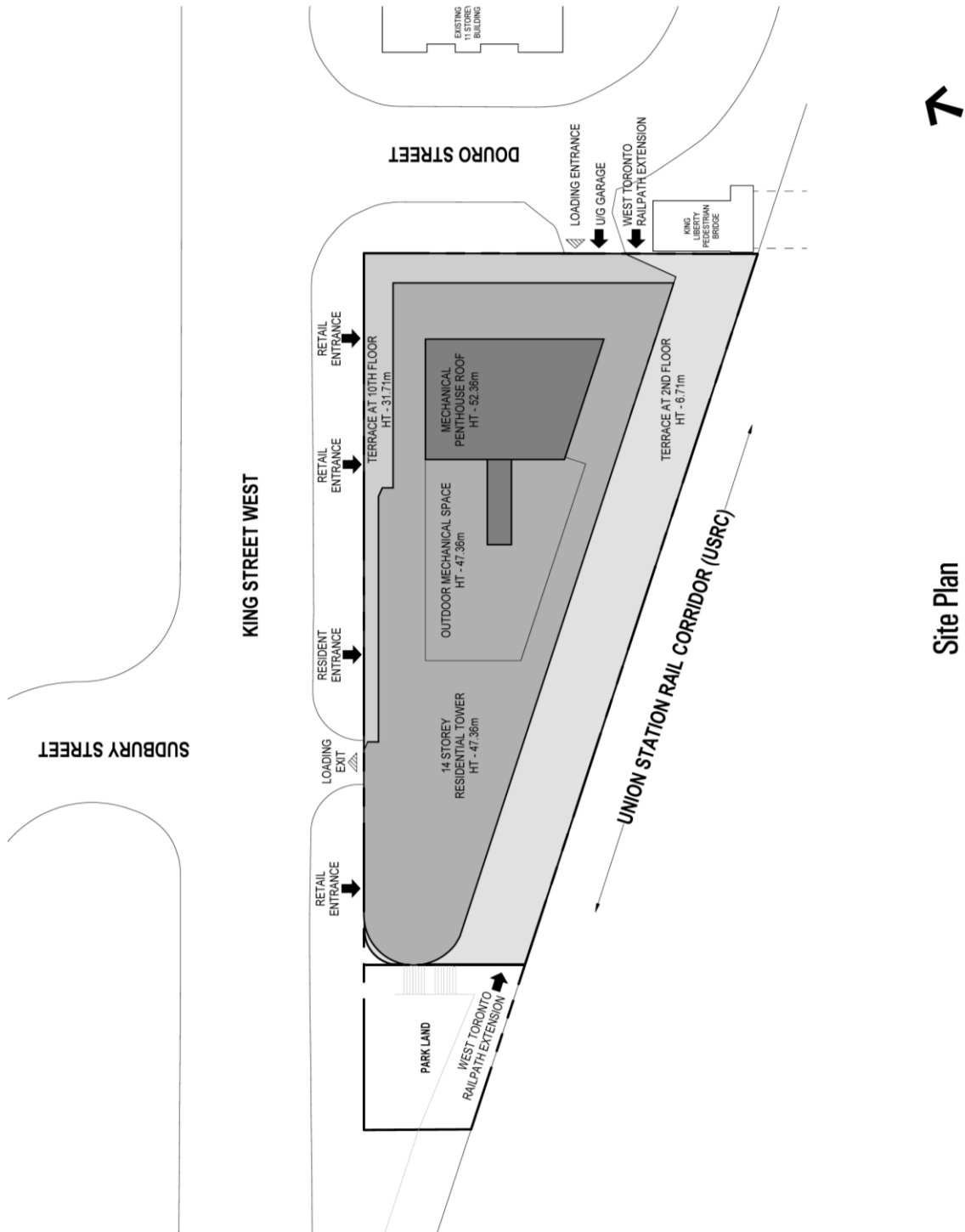
IC Industrial District

G Parks District

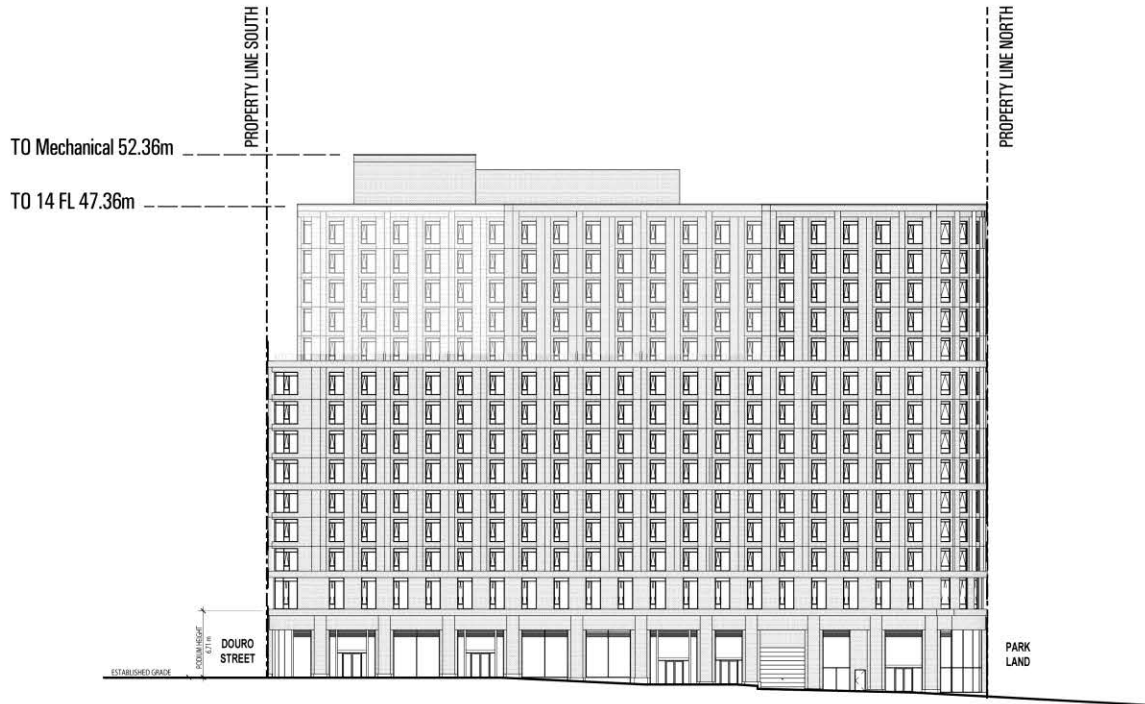


Not to Scale
Extracted: 02/18/2020

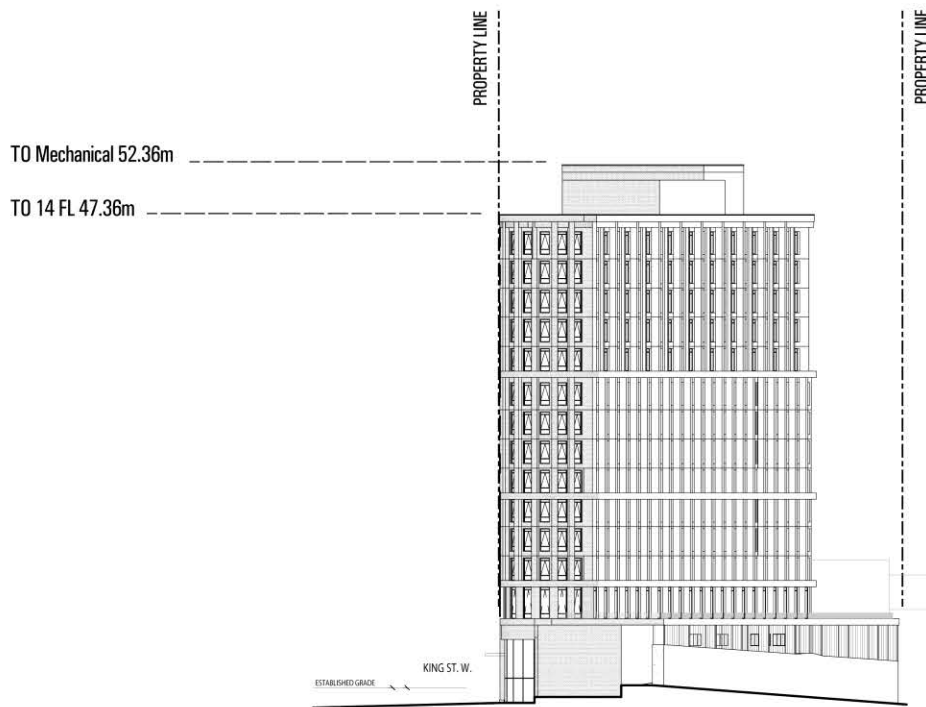
Attachment 5: Site Plan



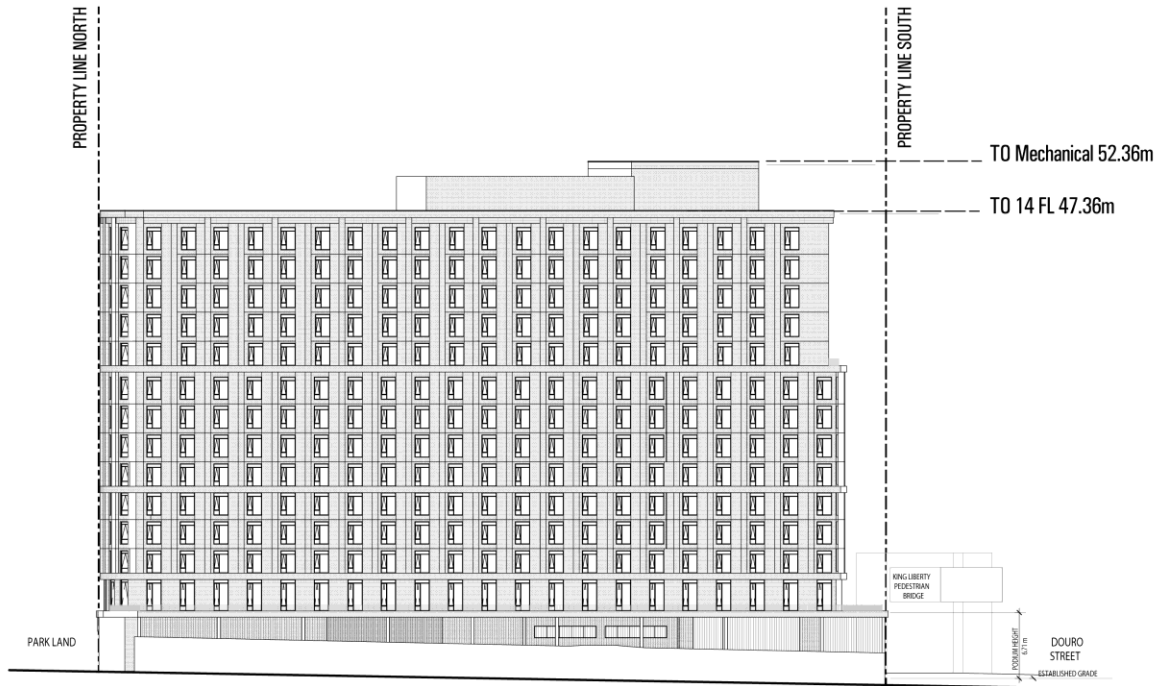
Attachment 6: Elevations



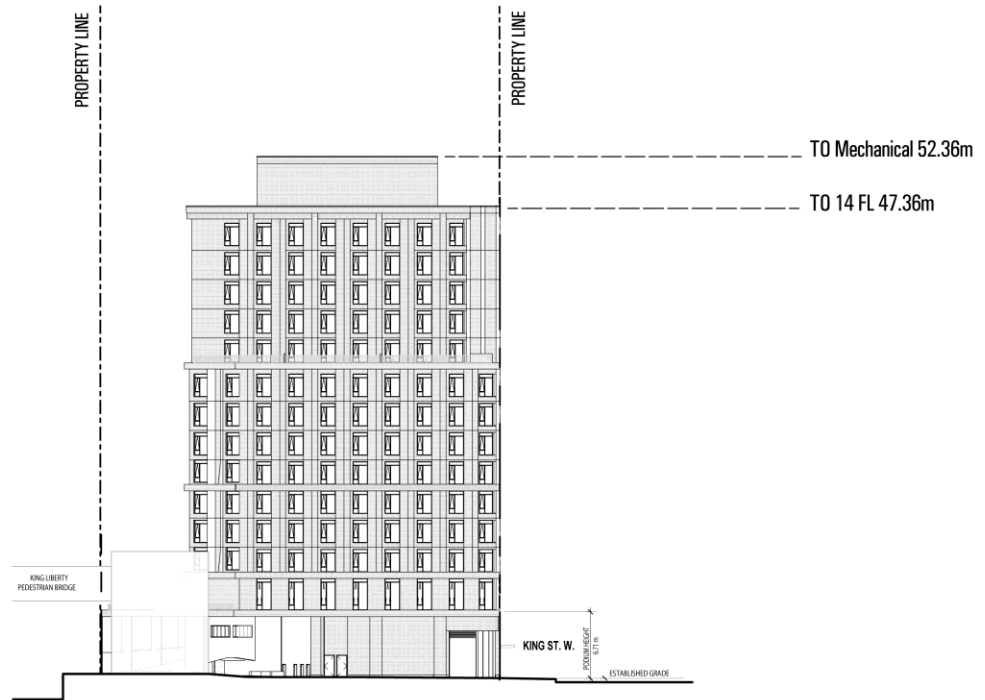
North Elevation



West Elevation

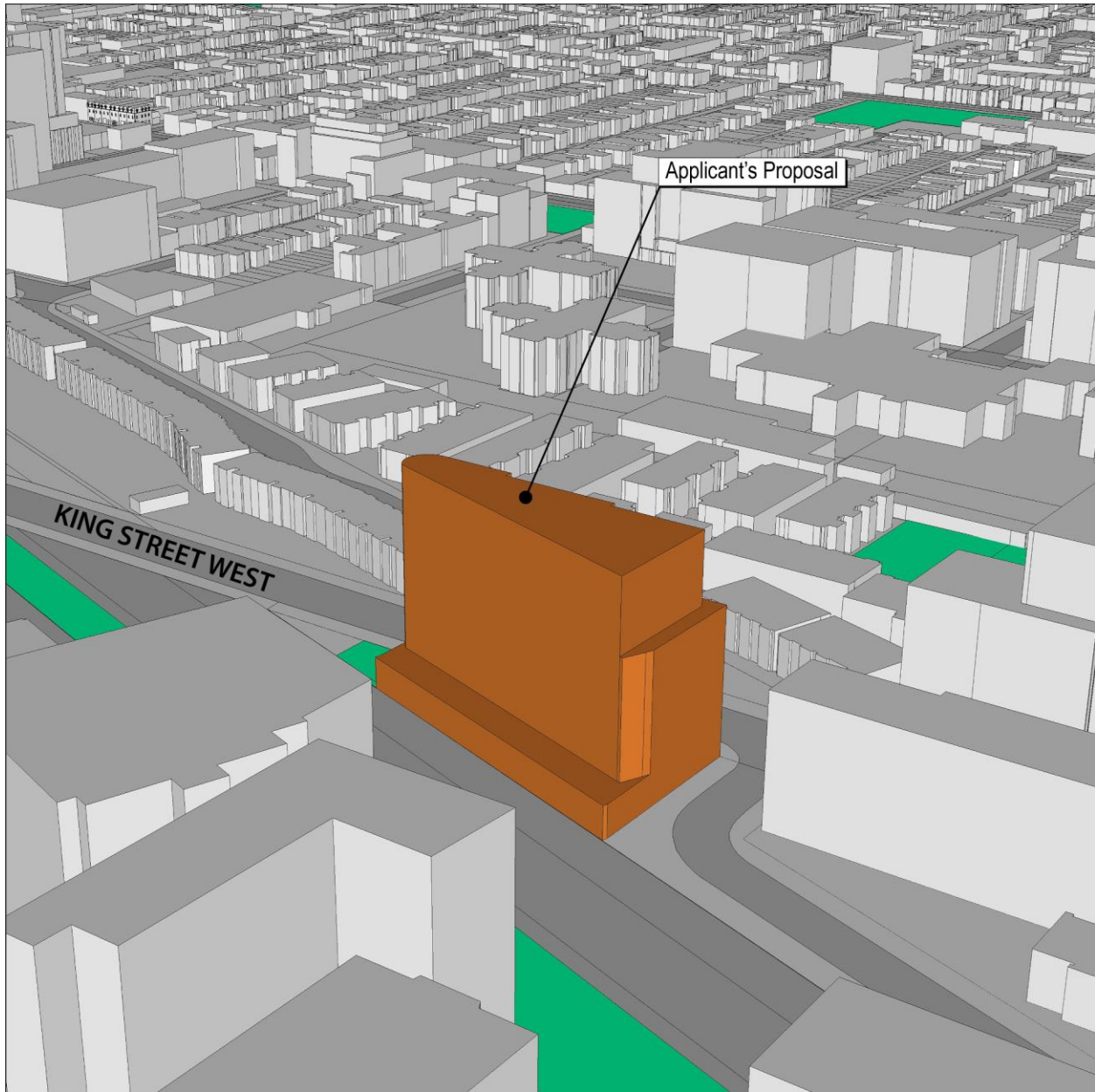


South Elevation



East Elevation

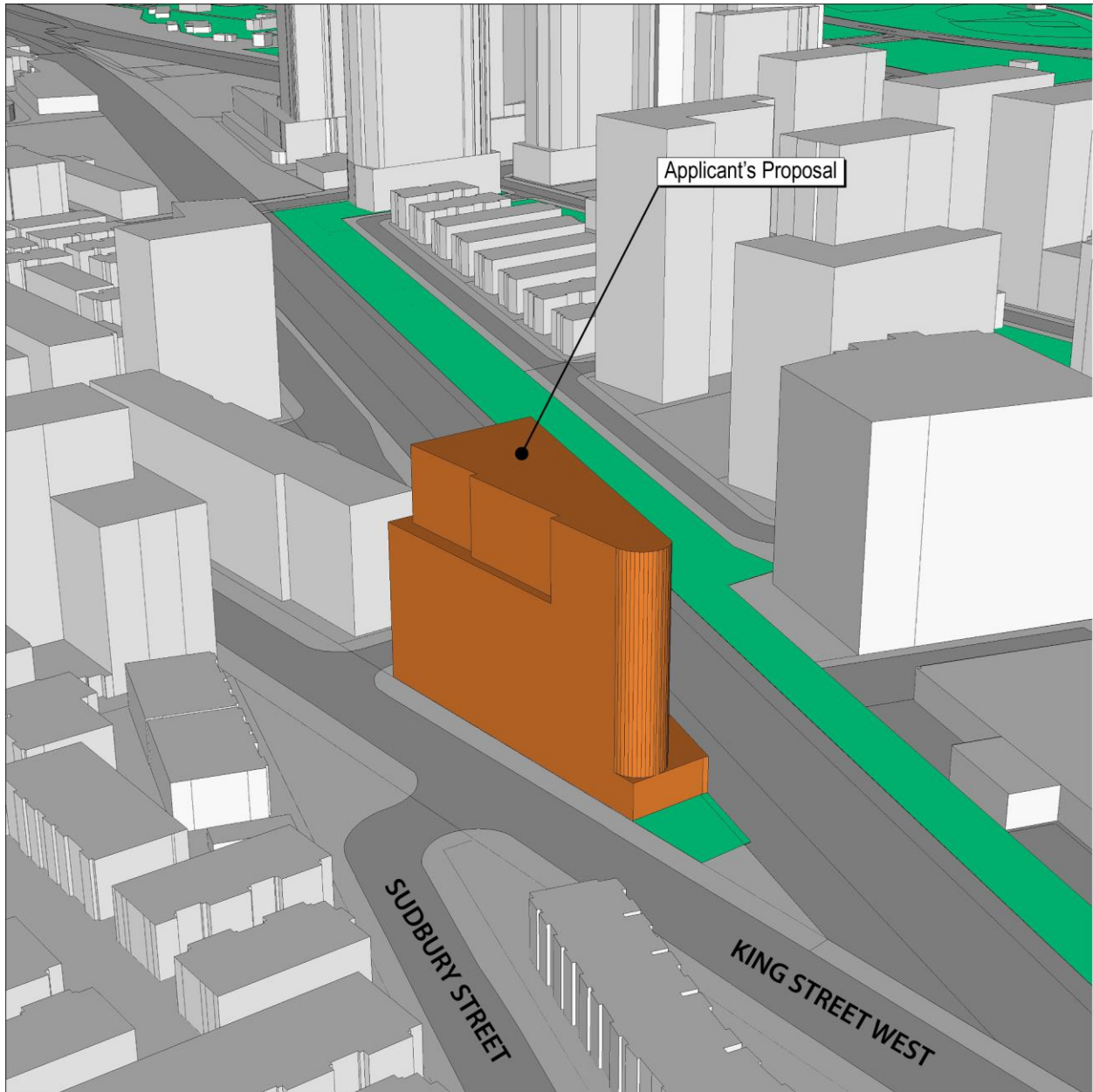
Attachment 7: Proposed Development 3D Views



View of Applicant's Proposal Looking Northwest



02/20/2020



View of Applicant's Proposal Looking Southeast



02/20/2020

Attachment 8: Draft Zoning By-law Amendment (By-law 569-2013)

Attachment 9: Draft Zoning By-law Amendment (By-law 438-86)

The proposed Draft Zoning By-law Amendments will be published under separate cover in advance of the Toronto and East York Community Council meeting.