

## **938 - 950 King Street West and 95 - 99 Strachan Avenue – Zoning By-law Amendment Application – Final Report**

Date: February 4, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto East York

Ward: 10 - Spadina-Fort York

**Planning Application Number:** *18 453602 STE 19 OZ*

### **SUMMARY**

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This application proposes to amend the Zoning By-law for the lands at 938-950 King Street West and 95-99 Strachan Avenue to permit a 14-storey (44.5 metre, plus 5.5-metre mechanical penthouse) mixed-use building. The proposal contains a total of 191 residential units, including up to 31 affordable units, and 264 square metres of retail uses. The overall dwelling unit mix includes 16 bachelors, 119 one-bedrooms, 35 two-bedrooms, 15 three-bedrooms, 3 townhouse units, and 3 live/work units. A total of 14 visitor vehicular parking spaces and 202 bike parking spaces are proposed in one level of underground parking. The total gross floor area would be 12,552 square metres resulting in a density of 9.2 times the lot area. The existing heritage listed buildings on site will be maintained and incorporated into the building design.

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 (2020), and conforms with all relevant policies of the Toronto Official Plan and the Garrison Common North Secondary Plan.

This report reviews and recommends approval of this application to amend the Zoning By-law. The proposed development proposes a compact built form on a site that is appropriate for intensification, is within a built-up area, and would take advantage of existing infrastructure, conserve heritage resources, and provides new rental and affordable rental units to address the loss of affordable housing on the site.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 938-950 King Street West and 97-99 Strachan Avenue substantially in accordance with the draft

Zoning By-law Amendment attached as Attachment No. 5 to the report (February 4, 2021) from the Director, Community Planning, Toronto and East York District.

2. City Council amend Zoning By-law 438-86, for the lands at 938-950 King Street West and 97-99 Strachan Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report (February 4, 2021) from the Director, Community Planning, Toronto and East York District.

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

4. Before introducing the bills contemplated in recommendations 1 and 2 to City Council for enactment, City Council require the owner(s) to:

- a) Enter into a Heritage Easement Agreement with the City for the properties at 938, 944, and 950 King Street West and 95, 97, and 99 Strachan Avenue, all to the satisfaction of the Senior Manager, Heritage Planning, including registration of such agreement to the satisfaction of the City Solicitor;
- b) Enter into an Agreement pursuant to Section 37 of the Planning Act, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor securing the matters identified in Recommendation 5 and 6 at the owner's expense, with such Agreement to be registered on title to the lands at 938-950 King Street West and 97-99 Strachan Avenue in a manner satisfactory to the City Solicitor;
- c) the owner has, at the owner's sole expense:
  - i. submitted a revised Functional Servicing Report including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Review, including the Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
  - ii. secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports 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 and/or new infrastructure are required to support the development satisfactory to the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor; and,

- iii. has made satisfactory arrangements with Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure.

5. City Council direct that the owner be required to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following community benefits at the owner's expense, as follows:

- a) the owner shall design and construct at least twenty-two (22) affordable rental dwelling units comprising approximately 743 square metres (8,000 square feet) of residential Gross Floor Area within an approved location within the development on the lands;
- b) the owner shall provide and maintain at least sixteen (16) dwelling units as bachelor affordable rental dwelling units and at least six (6) dwelling units as one-bedroom affordable rental units in the new 14-storey mixed-use building on the lot, as follows, with any amendments to the satisfaction of the Chief Planner and Executive Director, City Planning, the Executive Director, Housing Secretariat, and in consultation with the City Solicitor:
  - i. the minimum size of the bachelor units shall be at least 27 square metres and the minimum average unit size of the bachelor affordable rental dwelling units shall be at least 27.9 square metres;
  - ii. the minimum size of the one-bedroom units shall be at least 41 square metres and the minimum average unit size of the one-bedroom affordable rental dwelling units shall be at least 41.8 square metres; and,
  - iii. the general configuration and layout of the twenty-two (22) affordable rental dwelling units in the new 14-storey mixed-use building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c) the owner shall provide and maintain the twenty-two (22) affordable rental dwelling units as rental dwelling units for a minimum of 20 years, or if Open Door Incentives are approved then a minimum of 40 years, beginning with the date each such unit is first occupied, with the applicable period of affordability to be referred to as the "Affordability Period". No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least the Affordability Period. Upon the expiration of the Affordability Period, the owner shall continue to provide and maintain the affordable rental dwelling units as rental dwelling units, unless and

until such time as the owner has applied for and obtained all approvals necessary to do otherwise;

d) the owner shall provide and maintain the twenty-two (22) affordable rental dwelling units at ninety per cent (90%) of Average Market Rent for at least the Affordability Period. During the Affordability Period, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act;

e) the owner shall provide tenants of all twenty-two (22) affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed 14-storey mixed-use building at no extra charge. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;

f) the owner shall provide tenants of all twenty-two (22) affordable rental dwelling units with laundry facilities on the same basis as other units within the development, with no extra charges for appliances;

g) the owner shall provide tenants of the affordable rental dwellings units with access to permanent and visitor bicycle parking/bicycle lockers in accordance with the zoning by-law and on the same basis as other units within the development;

h) the following matters are also recommended to be secured in the Section 37 Agreement as matters required to support the development of the site, including:

i. the owner shall agree to develop and maintain an additional nine (9) one-bedroom affordable rental housing dwelling units comprised of no less than 376 square metres in total, or a reduced floor area if approved by the Executive Director, Housing Secretariat in her sole discretion, subject to the City contributing a further two million one hundred sixty thousand dollars (\$2,160,000.00) of City funding plus Open Door Program incentives, or if the aforementioned amount is not approved, such lesser number of units proportionate to approved funding, on the same terms and conditions applicable to the 22 affordable rental housing dwelling units as detailed herein;

ii. prior to site plan approval, the owner shall apply for Open Door Affordable Housing Program incentives for 31 units within the development;

iii. the owner agrees that the City will have 6 months following the later of submission of the application for Open Door incentives and the zoning by-law amendment contemplated by this report coming into full force and effect to approve funding to support the development of a further nine (9) affordable rental housing dwelling units, or such other later timing as may be agreed in

writing between the owner and the Executive Director, Housing Secretariat or designate;

iv. prior to the issuance of any building permit, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") with the City to provide Open Door Affordable Housing Program incentives for all affordable rental housing dwelling units to be developed on the lands at 950 King Street West that are approved for Open Door incentives and/or are approved to receive other City funding for the purpose of incentivizing affordable housing (if any). The owner shall provide such affordable rental housing dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor;

v. that prior to Site Plan Approval for any development on the Site, that the owner submit a revised Landscape Plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning, and that such matters arising from the Landscape Plan, including but not limited to, public realm improvements where appropriate, will also be implemented through the Site Plan Approval;

vi. as part of any Site Plan Application for the Site, the owner shall submit a detailed wind tunnel test complete with a statistical wind analysis to determine the impacts and efficacy of the recommended wind mitigation measures, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning and that the owner shall construct and maintain any required mitigation measures, to be secured through the site plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning;

vii. prior to Site Plan Approval for any development on the Site, the owner's requirement to enter into an Encroachment Agreement with the City for the existing encroachments of existing building facade, canopies and open door encroachment associated with the existing heritage building within the King Street West and Strachan Avenue public rights-of-way, including any such requirements and/or conditions as may be imposed by and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Transportation Services and the City Solicitor;

viii. the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site;

ix. requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, in consultation with the Ward Councillor;

x. the owner shall provide an acceptable tenant relocation and assistance plan for all tenant households currently residing in one of the existing rental dwelling rooms proposed to be demolished on the lands, addressing the right to return to occupy one of the new affordable rental dwelling units at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning; and,

xi. once the development is constructed on the lands, the owner shall agree to provide and maintain the remainder of the residential dwelling units (residential dwelling units other than the 22 affordable housing units referred to in Recommendation 5.c. and any other additional units that may receive Open Door Incentives or other City funding to incentivize affordable housing, which units shall be subject to their own terms and conditions respecting rental tenure), on the site as rental dwelling units, together with the associated facilities and amenities, for a period of at least twenty (20) years beginning from the date of first residential occupancy with no applications for demolition or conversion from residential rental use made during such twenty (20) year period, to the satisfaction of the Chief Planner and Executive Director, City Planning.

6. City Council direct the Executive Director, Housing Secretariat to report back to Council on the availability of further funding to relating to the additional nine (9) affordable one-bedroom rental units referred to in 5.h.i. within the time period contemplated in Recommendation 5.h.iii.

7. Subject to approval of an Open Door Affordable Rental Housing Program application by the Executive Director, Housing Secretariat, City Council authorize the Executive Director, Housing Secretariat, to negotiate and execute a municipal capital facility agreement (Contribution Agreement) with the owner for the provision of Open Door Incentives and other City funding, if approved, for up to 31 affordable rental housing dwelling units, including the 22 affordable rental units referred to in 5.c. above, to be developed on the lands currently known as 950 King Street West to secure rents at or below 90 percent of average market rents for a minimum period of 40 years, together with any security, financing or other documents required, as well as any amendments thereto required from time to time, on terms and conditions acceptable to the Executive Director, Housing Secretariat, in a form satisfactory to the City Solicitor.

8. Subject to approval of an Open Door Application by the Executive Director, Housing Secretariat, City Council exempt the up to 31 new affordable rental housing dwelling units to be developed on the lands currently known as 950 King Street West from taxation for municipal and school purposes for the 40-year term of the municipal capital facility agreement.

9. Subject to approval of an Open Door Application by the Executive Director, Housing Secretariat, City Council authorize that the up to 31 new affordable rental housing dwelling units to be developed on the lands currently known as 950 King Street West be exempt from the payment of development charges and be exempt from the payment of planning, park dedication and building permits fees under existing City policy and with the exception of fees already paid.

10. City Council authorize the City Solicitor to execute, postpone, confirm the status of and discharge any City security documents registered with respect to the delivery of the affordable rental housing dwelling units as required by normal business practices.

11. City Council authorize staff to cancel or refund any taxes paid pursuant to the by-law exempting the property from taxation if authority is given for an exemption from taxation as set out in Recommendation 7 above.

12. City Council authorize the Executive Director, Housing Secretariat to work with the General Manager, Shelter Support and Housing Administration to secure up to three housing benefits (for 10 percent of the affordable rental housing), subject to available funding and the execution of the municipal capital facility agreement referred to in Recommendation 7 above.

13. City Council authorize the General Manager, Shelter, Support and Housing Administration or designate to establish with the owner, the terms and conditions of an affordable housing access plan for the up to 31 affordable rental housing dwelling units, satisfactory to the General Manager, Shelter, Support and Housing Administration or designate and in a form satisfactory to the City Solicitor.

14. City Council request Transportation Services to examine and report to Toronto and East York Community Council, after the Zoning By-law Amendment has come into full force and effect, regarding the realignment of Permit Parking Area 4I and the exclusion of the lands at 938-950 King Street West and 97-99 Strachan Avenue, from the permit parking area.

## **FINANCIAL IMPACT**

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Pursuant to the redevelopment of the lands at 938-950 King Street West and 95-99 Strachan Avenue, this report further recommends City Council approval of Open Door incentives under the Affordable Rental Housing Program for the 22 affordable housing units to be created at 950 King Street West.

The proposed incentives include relief from development charges, planning and building permit fees and property taxes for 40 years. Based on applicable fees, charges and tax relief estimates, this report proposes an additional investment of approximately \$1.3 million in City incentives as outlined in *Table 1* below.

*Table 1*

Affordable Rental Homes	Estimated Affordability Period	Estimated Development Charges*	Estimated Planning Fees and Charges**	Estimated Net Present Value of Property Taxes†	Estimated Total Value of Incentives
22	40	\$733,876	\$196,354	\$370,077	\$1,300,307

\*Calculated using November 2020 rates

\*\*Includes estimated 2020 building permit fees of \$13,673, planning fees of \$72,682, and parkland dedication fees of \$110,000.

†Calculated using 2020 property tax rates.

At 2020 rates, the value of the annual property tax exemption is estimated at \$22,958. The net present value of this tax relief over the 40-year term that the incentives will be in effect is estimated at \$505,078 as summarized in *Table 2* below:

*Table 2*

Property Tax	Annual	NPV: 40 Years
City	\$11,753	\$271,665
Education	\$4,085	\$94,416
City Building	\$173	\$3,995
Total:	\$16,010	\$370,077

**THE DEPUTY CITY MANAGER AND CHIEF FINANCIAL OFFICER HAS BEEN ADVISED OF THE FINANCIAL IMPACTS ASSOCIATED WITH THE REDEVELOPMENT OF 938-950 KING STREET WEST AND 95-99 STRACHAN AVENUE TO BE CONSIDERED ALONG WITH OTHER PRIORITIES DURING THE 2021 BUDGET PROCESS.**

## **EQUITY IMPACT**

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Access to safe, secure, affordable rental housing in all parts of Toronto is a fundamental goal of the City's new HousingTO Action Plan 2020-2030. Providing new affordable housing is also a goal of the City's Poverty Reduction Strategy. The development of the Property will provide the City and the neighbourhood with up to 31 new affordable rental apartments.

## **DECISION HISTORY**

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On December 13, 2016, City Council adopted member motion MM23.37 - “950 King Street West - The Palace Arms - Affirmation of City Planning Position on Existing Dwelling Units”, confirming the Chief Planner's position regarding the consideration of planning policies, specifically related to housing, in the review of any development proposal for the Palace Arms. The letter attached to this Member's Motion from the Chief Planner and Executive Director, City Planning Division, dated December 13, 2016, states that should redevelopment of the Palace Arms be pursued, City Planning would seek to secure and obtain replacement of the existing affordable housing on site and the provision of an acceptable Tenant Relocation and Assistance Plan.

The motion and letter can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM23.37>

### **Consultation with Applicant**

On January 15, 2018, a pre-application consultation meeting was held with the applicant to discuss complete application submission requirements. At the meeting City Planning staff advised that a supportable proposal on the site would have to include responses to the following:

- Replacement of the existing dwelling rooms in a format satisfactory to the City;
- The provision of an acceptable Tenant Relocation and Assistance Plan, including the right to the return at similar rents;
- A building height, scale, and form that fits within the existing and planned context; and,
- An appropriate response, in terms of building height, massing, scale, step backs and materiality, to the retention and incorporation of the heritage buildings on the site.

On May 4, 2018, an application for a 17-storey mixed-use building was submitted on the subject site. On July 4, 2018, a Request for Interim Directions Report was presented to Toronto and East York Community Council. In the report, City Planning raised concerns about the proposal, including: the loss of affordable housing in the form of dwelling rooms, the built form, and the failure to comply with heritage conservation policies. 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=2018.TE34.27>

## **PROPOSAL**

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### **Original Application (2018)**

This original application proposed a 17-storey (58.5 metre including mechanical penthouse) mixed-use building containing 217 residential units, 595 square metres of non-residential uses, and three levels of underground parking. The proposal incorporated a portion of the existing building on the western and southern elevations,

with the new tower cantilevering back over the heritage building with only a 2 metre setback from the property line.

The proposal also sought the demolition of the existing licensed rooming house, containing 89 dwelling rooms. According to the Housing Issues Letter provided by the applicant, the redevelopment of the Palace Arms would include the provision of 28 small studio units located on the second floor of the proposed building. The applicant also indicated that a tenant relocation and assistance plan would be provided to the remaining tenants as part of the Section 37 package.

### **Revised Application (2020)**

The revised application, submitted on December 21, 2020, proposes a 14-storey (49.95 metre including mechanical penthouse) mixed-use building, comprised of a 3-storey base building (the existing Palace Arms) and an 11-storey building addition. The building addition is setback 4.5 metres from the southern and western property lines, and 7 metres from the turret located at the southwest corner of the property, conserving the heritage building's historic roofline. Please see Attachments 7-15 for the site plan, elevations, 3D models, and renderings.

The application proposes 191 rental dwelling units and 264 square metres of commercial/retail uses on the ground floor. The total gross floor area would be 12,564 square metres resulting in a density (floor space index) of 9.2 times the lot area. A total of 754 square metres of amenity space is proposed, consisting of 229 square metres of indoor and 554 square metres of outdoor amenity space.

A total of 14 visitor vehicular parking spaces are proposed on one level of underground parking, to be accessed off of the existing public laneway to the east of the subject site. A total of 202 bicycle parking spaces are proposed, of which 196 would be for resident use and 6 would be for non-residential users. One 'Type G' loading space is proposed as part of the development.

The onsite affordable housing will include at least 22 affordable rental housing dwelling units with the potential for 31 units, contingent on City funding, to be comprised of 16 bachelor units and 15 one-bedroom units, at 90% Average Market Rent for a minimum of 20 years and up to 40 years, contingent on the approval of an Open Door Affordable Rental Housing Program application. The potential onsite affordable housing will be 1,119 square metres, roughly equal to the gross floor area of the existing dwelling rooms in the Palace Arms rooming house. A tenant relocation and assistance plan will also be provided for the dwelling room tenants living at the Palace Arms.

The current proposal incorporates numerous revisions from the original application, including:

- Decreased building height from 17 to 14-storeys (58.5 metres to 49.95 metres including the mechanical penthouse);
- Decreased gross floor area and resultant density from 10.9 to 9.2 times the area of the lot;
- Decreased vehicular parking from 74 to 14 spaces;

- Increased heritage setbacks above the existing Palace Arms along the southern and western facades from 2 metres to 4.5 metres, and at the southwest corner an increase from 3.9 to 7 metres from the centre point of the turret to the building face;
- Improved massing and building stepbacks to the north and east;
- Change in residential dwelling tenure from condominium to rental; and,
- Increased number of affordable housing units on site.

The following table summarizes the key differences between the original and revised proposals.

		May 2018 Application	December 2020 Application
Height & Density	Building Height (m)	53.5	44.45
	Mechanical Height (m)	5.0	5.5
	Total Height (m)	58.5	49.95
	Storeys	17	14
	GFA (m2)	14,334	12,546
	Density (Floor Space Index)	10.9	9.2
Parking	Vehicular	74	14
	Bicycle	223	202
Building Setbacks from the Property Line	North	5.5m at 9th floor	2.5m at 6th floor
	East	1.9m at 11th floor	2.5m at 6th floor
	South	2m (cantilever)	4.5m at 4th floor
	West	2m (cantilever)	4.5m at 4th floor
Housing	Residential Units	217	191
Tenure	Condo (# of units)	189	0
	Rental (# of units)	28	191
Affordable Housing	Number of Units	0	31*
	GFA (sq.m)	0	1,119*
	Duration (years)	n/a	40**
	Affordability	n/a	90% AMR

\* Contingent on City funding. A minimum of 22 affordable rental units totalling 743 square metres will be secured

\*\* Contingent on Open Door Funding

### Site and Surrounding Area

The site is situated on the northeast corner of Strachan Avenue and King Street West. The site has approximately 37 metre frontages on both King Street West and Strachan Avenue and an area of 1,358 square metres. A three-storey building containing 89 rooming house units is situated on the site. Currently, four residents live in the Palace

Arms rooming house. A surface parking area is located at the rear of the building, with access via a public lane located east of the site.

The Palace Arms building was constructed circa 1890 and is a representative example of a commercial building in the Richardsonian Romanesque style popular in the late 19th Century and displays a high degree of craftsmanship and artistic merit. The property was listed on the City of Toronto Heritage Register on March 5, 1984. The site is not immediately adjacent to any listed or designated (Part IV under the Ontario Heritage Act) properties.

The following land uses and buildings are located adjacent to the site:

North: Automotive uses in single-storey buildings and surface parking areas are located north of the site, on the east side of Strachan Avenue.

East: A public lane is located immediately to the east of the site. Two and 3-storey commercial buildings are located on the north side of King Street West between the laneway abutting the site and Stafford Street. Several 3-storey residential buildings and Stanley Park are located further to the east.

South: A 7-storey commercial building is located directly across King Street (35.2 metres), another 7-storey office building is located to the southwest (31.7 metres), and a collection of 2-storey townhomes is located southeast of the site.

West: A gas station is located on the west side of Strachan Avenue and on the west side of Strachan Avenue, there are several 3-storey townhouses.

### **Reasons for Application**

The application to amend Zoning By-laws 438-86 and 569-2013 is seeking permission to increase the permitted building height from 18 metres to 49.95 metres, to increase the permitted density on the site from 2.5 times the area of the site to 9.2 times the area of the site, to reduce the required amount of vehicle parking to 14 spaces, and to make changes to required building setbacks and other provisions.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- Survey Plan;
- Architectural Plans, Elevations and Sections;
- Landscape Plans;
- Tree Preservation Plan;
- Civil Plans;

- Planning Rationale;
- Housing Issues Report;
- Public Consultation Strategy;
- Pedestrian Level Wind Study;
- Sun/Shadow Study;
- Heritage Impact Assessment;
- Archaeological Assessment;
- Arborist Report;
- Functional Servicing Report;
- Stormwater Management Report;
- Hydrogeological Review;
- Geotechnical Investigation and Design Report;
- Contaminated Site Assessment;
- Urban Transportation Considerations Study;
- Draft Zoning By-law Amendments;
- Toronto Green Standards Checklist; and
- Digital copy of the Building Massing Model.

All application submission materials can be found at:

<http://app.toronto.ca/AIC/index.do?folderRsn=GV6eTxfqi0CTju3rFNX9yA%3D%3D>

### **Agency Circulation**

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 to be held on February 24, 2021, by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the resolution of planning conflicts involving public and private interests; and the promotion of a built form that is well designed, encourages a sense of

place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring that appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.
- encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.
- conservation of cultural heritage and archaeology.

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."

## **Provincial Plans**

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

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

## **The Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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;
- Conserving cultural heritage resources to foster a sense of place and benefit communities, particularly in strategic growth areas;

- 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 (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan.

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10 minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City will update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs will achieve appropriate densities and built form at that time, and this approval does not impact this matter that will require a MCR.

Delineated Protected Major Transit Station Areas (PMTSAs) will be a subset of all 180+ MTSAs that the City can delineate before the MCR is concluded. In order to delineate PMTSAs before the MCR is concluded, the City must put in place a detailed planning framework that includes the authorized permitted uses of land and minimum densities with respect to buildings and structures within the delineated area. The PMTSA requirement for minimum densities for buildings and structures requires a level of specificity that is akin to provisions contained within an area zoning by-law.

Key considerations for the determination of PMTSA candidacy are: enabling Transit Oriented Development (TOD); facilitating large scale revitalization; implementing inclusionary zoning; and building upon recently completed planning studies where significant work was conducted to put in a place the required level of specificity described above.

Staff has reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **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. Conformity 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/>.

The subject site is also subject to the Garrison Common North Secondary Plan.

## **Chapter 1 – Making Choices**

Chapter 1 of the Official Plan contains a series of vision statements about the future of the City and the decisions that will help achieve this vision. Section 1.1 of the Official Plan outlines the Principles for a Successful Toronto as a City of Diversity and Opportunity, a City of Beauty, a City of Connections, and a City of Leaders and Stewards. Section 1.2 discusses the implementation of the Plan, stating that Toronto's future is about re-urbanization and its continuing evolution that will involve a myriad of situations and decisions that, while guided by the Official Plan, cannot encompass or even imagine every circumstance.

## **Chapter 2 – Shaping the City**

### Section 2.2.3 - Avenues

*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.

### Section 2.3.1 - Healthy Neighbourhoods

The proposed development is located close, and adjacent to, an area designated *Neighbourhoods* in the Official Plan, to the north of the site. Section 2.3.1 of the Official Plan states that "the diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic makeup, offers options within communities to match every stage of life". *Neighbourhoods* are where people connect and by focusing development into the *Centres* and *Avenues* we preserve the character of those neighbourhoods. Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas.

Policy 2.3.1.3 states that Developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*, maintain adequate light and privacy for residents in those *Neighbourhoods*, and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*."

## **Chapter 3 – Building a Successful City**

### Section 3.1.1 - Public Realm & Section 3.1.2 - Built Form

Official Plan Amendments (OPAs) 479 and 480, which were approved by the Ministry of Municipal Affairs and Housing (MMAH) on September 11, 2020, updated the policies in Section 3.1.1 Public Realm and Sections 3.1.2 and 3.1.3 Built Form to provide more detailed direction on public realm improvements and how a new development should respond to the existing and planned context and provide "good transition in scale between areas of different building heights."

Policy 3.1.2(1) states that "development will be located and organized to fit with its existing and planned context." Policy 3.1.2(5) requires new development to "frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight on the public realm by" (a) providing harmonious streetwall height and setbacks; and (b) "stepping back building mass and reducing building footprints above the streetwall height. Policy 3.1.2(3) requires development to "protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2(6) requires development "to provide good transition in scale between areas of different building heights and/or intensity of use" and Policy 3.1.2(7) requires transition in scale to be provided on the development site in relation to adjacent properties. Policy 3.1.2(10) requires new development to "promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional by providing improvements to adjacent boulevards and sidewalks."

#### Section 3.1.5 – Heritage Conservation

This section of the Official Plan provides the policy framework for heritage conservation in the City. The subject site is listed on the City's Heritage Register.

Policy 3.1.5.3 states heritage properties of cultural heritage value or interest, including Heritage Conservation Districts and archaeological sites that are publicly known will be protected by being designated under the Ontario Heritage Act and/or included on the Heritage Register.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and as adopted by Council.

Policy 3.1.5.5 requires proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work.

Policy 3.1.5.6 states that the adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Policy 3.1.5.26 requires new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

Policy 3.1.5.27 states where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of façades alone is discouraged.

Policy 3.1.5.28 requires the owner of a designated heritage property will be encouraged to enter into a Heritage Easement Agreement where the City considers additional protection beyond designation desirable due to the location, proposed alteration, and/or the nature of that property.

#### Section 3.2.1 - Housing

This section of the Official Plan states 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. This 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.

## Chapter 4 – Land Use Designations

### Section 4.5 - Mixed Use Areas

The subject site is designated as *Mixed Use Areas* on Official Plan Map 18 – Land Use (See Attachment 3).

The Official Plan states *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.

Section 4.5.2 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 and/or a stepping down of heights;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- 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 an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- 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.

## **Chapter 5 - Implementation**

### Section 5.1.1 Height and/or Density Incentives

This section refers to Section 37 of the Planning Act which gives municipalities the 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, the provision of affordable housing.

### Section 5.6 Interpretation

This section establishes how the policies are to be understood and interpreted. Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Policy 5.6.1.1 states policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation. Policy 5.6.6 provides that the policies of this Plan apply to areas subject to Secondary Plans contained in Chapter Six, except in the case of a conflict, the Secondary Plan policy will prevail.

## **Garrison Common North Secondary Plan**

The site is subject to Chapter 6, Section 14 of the Official Plan containing the Garrison Common North Secondary 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.

Policy 3.1 of the Secondary Plan, with regard to built form, contemplates new buildings to be designed to easily adapt to conversion, with particular focus on street level spaces to facilitate changes in market demand for services and activities. Policy 3.1 b) further directs the provision of a range of dwelling types, with an emphasis on grade related units that are suitable for households with children.

Policy 4.1 of the Secondary Plan directs that land use policies that allow the creation, continuation and expansion of industrial uses compatible with neighbouring residential uses will be established to support existing jobs and improve employment opportunities.

Policy 5.1 directs improvement of commercial areas along King Street West, including local retail and service facilities provided to serve the needs of residents and workers in Garrison Common North.

Policy 3.1 c) directs development parcels on the same block, where possible share servicing areas and similarly Policy 9.1 of the Secondary Plan directs that where land is adjacent to a lane, vehicular access to a site should be taken from the lane for any use and the existing lane system should be enhanced.

The lands are not located within any of the site specific policy areas identified by the Garrison Common North Secondary Plan. The lands however are directly south of Area 2 on Map 14-1 of the Secondary Plan. Area 2 contemplates the lands, in particular on the east side of Strachan Avenue north of King Street West to provide for a mix of employment and residential uses. The employment uses are permitted provided that the uses are restricted to those compatible with adjacent and neighbouring residential uses including emissions, odour, noise and generation of traffic. The certain lands within Area 2, specifically those immediately north of the subject site were historically industrial uses and former *Employment Areas* later re-designated to *Neighbourhoods*. Policy 4.2 of the Secondary Plan directs that in assessing any applications for re-use of industrial lands for non-industrial uses, uses that provide employment opportunities will be encouraged. Typically, *Neighbourhoods* do not contemplate or permit new employment uses, other than small scale retail, service and office uses as contemplated by Policy 4.1.3 of the Official Plan. The Secondary Plan encourages and contemplates both retention and expansion of such employment uses subject to addressing compatibility.

**Official Plan Amendment 453 - Policies to Address the Loss of Dwelling Rooms**  
 City Council adopted Official Plan Amendment 453 – Policies to Address the Loss of Dwelling Rooms at its meeting on June 18, 2019. Official Plan Amendment 453 ("OPA 453") has been appealed to the LPAT. The applicant is not an appellant to OPA 453. OPA 453 requires the replacement of dwelling rooms that would be lost as a result of development. Specifically, the policies:

- apply to development that would result in the loss of six or more dwelling rooms;
- require the same amount of residential gross floor area to be replaced and maintained as dwelling rooms or rental bachelor units;
- require that rents for the replacement housing have rents similar to those in effect at the time of the development application for a period of at least 15 years; and
- require an acceptable tenant relocation and assistance plan, including addressing the right to return to replacement housing.

## **Zoning**

The site is zoned CR – Mixed Use by Zoning By-law 569-2013, as amended (Attachment 4). The CR zone permits a broad range of residential and commercial uses, some being subject to specific performance criteria. The By-law permits a maximum building height of 18 metres and a maximum permitted total density of 2.5 times the area of the site, of which a maximum of 2.0 times the area of the site may be used for commercial uses and a maximum of 2.5 times the area of the site may be used for residential uses.

The site is zoned CR – Mixed Use by By-law 438-86, as amended. Zoning By-law 438-86 permits generally the same uses, height and density on the site as By-law 569-2013, noted above.

## **Design Guidelines**

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the Avenues and Mid-rise Building Study and Performance Standards, the Tall Building Design Guidelines, the Growing Up Guidelines: Planning for Children in New Vertical Communities (2020), the Pet Friendly Guidelines, and the Retail Design Manual.

### **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 Avenues and Mid-rise Buildings Study and Performance Standards can be found here:

<https://www.toronto.ca/city-government/planning-development/official-planguidelines/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 can be found 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>

### **Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Guidelines and directed City Planning staff to use these Guidelines in evaluation of tall buildings development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The Tall Building Design Guidelines can be found here: <https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

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

In July 2020, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals of 20 or more residential units. The objective of the Growing Up Guidelines is to consider the needs of children and youth in the design and planning of vertical neighbourhoods which in turn, will enhance the range and provision of housing for households across Toronto. Implementation of the Guidelines also presents the opportunity to address housing needs for other groups, including roommates forming non-family households, multi-generational households and seniors who wish to age-in-place. This will increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The Staff Report on the Growing Up Guidelines can be found here: <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148361.pdf>

The Growing Up Guidelines (2020) are available at: <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

### **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The Pet-friendly Design Guidelines guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. The Guidelines support all residents, pet-owners and non-pet owners alike, by encouraging design in new development that demonstrates a consideration for pets, as well as the impacts that they have on our parks, open spaces and the environment.

The Pet Friendly Design Guidelines can be found here:

<https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

## **Retail Design Manual**

The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. This Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces to achieve good city building and economic objectives, and contributes to an animated and inviting public realm. City Council adopted the Retail Design Manual on October 27, 2020.

The Staff Report on the Retail Design Manual can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157269.pdf>

The Retail Design Manual can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.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.

## **Community Consultation**

Two community consultation meetings were held on this application. The first meeting was held on March 18, 2019 at Niagara Street Public School. Approximately 120 members of the public were in attendance. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposal. Following the presentations, City staff led a town hall format question and answer period.

The attendees asked questions and expressed a number of comments, issues and concerns, which included the following:

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

- proposal disregards the planning policies and zoning for the area
- building is not contextually appropriate for the area
- height, scale and density of the proposal is inappropriate
- shadow impact on adjacent low-rise residential areas, King Street West, and Stanley Park
- insufficient setbacks, stepbacks, and angular planes
- concerns over privacy/overlook
- wind impact on surrounding streets
- written comments were also submitted to City staff that supported the overall height and density



### Design & Heritage Conservation

- criticism of the design of the building and the proposed materials
- comment that the new tower should better complement the heritage building
- heritage conservation strategy should avoid "facadism"

### Housing & Rental Replacement

- concerns over the loss of affordable housing on site
- questions about how affordability is determined and how to protect affordable units from becoming market rate
- request for more family-sized units
- support for more housing in the area and in general agreement for additional height and density to increase the supply of housing

### Retail & Community Spaces

- comments in opposition to retail at-grade
- comments in support for more retail on King Street to help animate the street on evenings and weekends
- desire for a local library and community art space

### Parking, Access & Traffic Impacts

- comments that there is too much parking proposed on site
- comments that there is not enough parking proposed on site
- question about prohibiting new residents from applying for street parking permits
- concerns about traffic generated as a result of the proposed development on the adjacent laneway and local street network
- concerns about accessing the loading area off of the laneway
- concerns about the overall traffic and transit congestion in the area
- questions about the impact of construction staging on vehicular, transit, cycling and pedestrian movement

The second meeting was held online on October 14, 2020. The meeting was attended by approximately 65 members of the public. The attendees asked questions and expressed a number of comments, issues and concerns, including:

### Height, Density & Massing

- concerns regarding the height, massing, and size of the building's floor plates
- the shadow impact on the adjacent neighbourhood and Stanley Park
- the location of windows on the property line
- general concern about overdevelopment and intensification in the area

### Design & Heritage Conservation

- comment that the project should contribute to the feel and character of the neighbourhood
- comments of support for the revised design

### Housing & Rental Replacement

- concerns about why there are only a few tenants left in the Palace Arms and what lead to the displacement of former tenants
- what assistance will be available for the tenants who have already left the Palace Arms?
- whether additional rental housing could be provided on site

#### Retail & Community Spaces

- question about the types of retail to be secured at-grade
- whether publically accessible retail or services could be incorporated into the building, like a patio or restaurant that could serve the larger neighbourhood

#### Parking, Access, Site Servicing & Traffic Impacts

- whether trucks are able to turn into the loading area
- whether existing city services and infrastructure can support new development
- whether the laneway can accommodate garbage trucks and emergency vehicles
- concerns about current transit capacity
- the development's traffic impact on the adjacent laneway

#### Green Infrastructure

- inclusion of electric vehicle parking
- incorporation of green roofs and other environmentally sustainable initiatives

#### Construction Impact

- noise and vibration impact on surrounding homes and businesses during construction

Following the second community consultation, the Councillor's office, City Planning, and community stakeholders held an additional meeting to further discuss:

- the building's height, massing, and transition to the adjacent neighbourhood
- shadow impacts and access to skyview
- the location of windows on the northern property line
- the location and amount of onsite affordable housing
- the opportunity to provide more flexible retail options at-grade
- traffic mitigation measures
- the width of the laneway and vehicle maneuvering

In response to the issues raised through community and City staff feedback, the above issues have been considered through the review of the application and are addressed in the comments section below.

## COMMENTS

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### Planning Act

The *Planning Act* governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. Section 2 of the

*Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act* and requires that municipalities, when carrying out their responsibility under this Act regard shall be had to matters of provincial interest including:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development; and
- (r) the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the *Planning Act*, are particularly relevant to this proposal.

The proposed development has regard to the relevant matters of provincial interest. These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2020).

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

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). 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 of the policies of the Plans.

Staff have determined that the proposal in its current form is consistent with the PPS (2020) and conforms to the Growth Plan (2020) for reasons generally outlined below.

### **Provincial Policy Statement, 2020**

The PPS provides for a coordinated and integrated approach to planning matters within municipalities.

The PPS is to be read in its entirety. The language in each policy, including the Implementation and Interpretation policies assists decision makers in understanding how the policies are to be implemented. From an intensification and land use

perspective, this proposal is consistent with policies that promote efficient land use patterns (Policies 1.1.1, 1.1.2, 1.1.3.1, 1.1.3.2, 1.5.1, and 1.6.7.4) for a mix of residential and retail uses in an area identified in the Official Plan for intensification.

From a housing perspective, this proposal is consistent with policies that require a range and mix of housing options to meet the needs of current and future residents (Policies 1.1.1 (b), 1.1.3.3, and 1.4.3). This proposal provides for a mixture of market and affordable rental housing units, with a variety of sizes and types of each.

Regarding built form, Policy 1.7.1 (e) indicates long-term economic prosperity should be supported by...encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Specific to heritage conservation, Policy 2.6.1 indicates significant heritage resources and significant cultural heritage landscapes shall be conserved. City Planning staff are of the opinion the proposed development is consistent with the PPS in conserving the cultural heritage resources on the site.

Further, Policy 4.6 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. As demonstrated below, the proposal is also consistent with the City's Official Plan, including the Garrison Common North Secondary Plan.

It is City Planning staff's opinion that the application and the amending Zoning By-laws are consistent with the PPS, 2020.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

The guiding principles of the Growth Plan (2020) support, amongst other matters, the achievement of complete communities that are designed to support healthy and active living and meet people's daily living throughout an entire lifetime and to provide intensification and higher densities in strategic growth areas.

Section 1.2.1 of the Growth Plan establishes a set of guiding principles. The proposal is consistent with those guiding principles, including: supporting the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime; supporting a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households; recognizing that there are different approaches to manage growth that recognize the diversity of communities in the GGH; and conserving and promoting cultural heritage resources to support the social, economic, and cultural well-being of all communities.

With regard to complete communities, the proposal is consistent with Policy 2.2.1.4 c) of the Growth Plan (2020) as it: supports the creation of complete communities that provide a diverse range and mix of housing options, including affordable housing, to

accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; d) is planned to expand access to a range of transportation options, including active transportation, a range of recreation opportunities, parks and other community facilities; e) provides for a more compact built form and a vibrant public realm.

Policies 2.2.2.3 b), d) and f) of the Growth Plan speak to delineated built-up areas and state that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

The City has a strategy to accommodate intensification as directed in the City's Official Plan and as discussed below, the proposal conforms with the City's Official Plan.

Policy 2.2.4.10 states that lands adjacent to or near existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities. Policy 2.2.5.3 states that retail and office uses will be directed to locations that support active transportation and have existing or planned transit. The proposed development is located in proximity to both existing and planned frequent transit, promotes active transportation options, and provides a mix of uses.

Section 2.2.6.2 requires that municipalities support complete communities by planning for a 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 mix of housing options, including rental and affordable housing, and a mix of unit sizes to accommodate a diverse range of household sizes and incomes

Section 4.2.7.1 states that cultural heritage resources be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. The proposal conserves and rehabilitates the cultural heritages resources located on the subject site.

In summary, the proposed development provides a diverse range and mix of housing options 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, will provide a range of housing options, including affordable housing, conserves heritage resources, and contributes to the overall

objective of creating complete communities. The proposed development and zoning by-law amendments conform to the Growth Plan.

## **Land Use**

### *Avenues*

In Map 2 - Urban Structure of the Official Plan, it identifies the subject site as being located 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*. This intensification, however, 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. No formal Avenue study was undertaken by City Planning staff in this area due to the limited developable lots on King Street West between Bathurst Street and the GO Transit rail corridor. The applicant submitted an Avenue Segment Review and soft site analysis as part of the Planning and Urban Design rationale. In this instance, the information submitted was adequate in reviewing the proposal's response to the *Avenue* context, in lieu of undertaking an Avenue Study, as contemplated by Policy 2.2.3.4, 2.2.3.5 and 2.2.3.6 of the Official Plan. Further, the area is also governed by a Secondary Plan directing growth and development to appropriate locations.

### *Retail*

The proposed development will have at-grade retail located along King Street West and wrapping around the corner onto Strachan Avenue. The City's Retail Design Manual encourages new retail uses to respect the existing physical characteristics of the street, promote community identity, heritage attributes, and local character. The Manual outlines how the building façade and street should work together to create a welcoming retail environment. The proposal meets many of the objectives identified in the Retail Design Manual in order to activate and animate the public realm. The proposed retail design will be further developed and refined as part of the Site Plan Control application.

### *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, stepbacks, 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 *Neighbourhood* 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 retention of the existing 3-storey heritage building aligns with the existing street frontages to the east of the subject site along King Street West. The proposed overall building height is similar to other existing and approved buildings within Mixed Use Areas along King Street West in the vicinity.

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 the laneway to the east.

The proposal conforms with the applicable *Mixed Use Areas* policies.

#### *Neighbourhoods to the North*

One of the organizing elements of the Official Plan are the land use designations. In some circumstances, there may be further land use directions applicable to certain lands within a more defined area. Lands abutting the subject site to the north are designated *Neighbourhoods* in the Official Plan. This designation applies along the east and west sides of Strachan Avenue. Both sides of Strachan Avenue are subject to the Garrison Common North Secondary Plan. However, the east side of Strachan Avenue being lands designated *Neighbourhoods* are also subject to Area 2 on Map 14-1 of the Secondary Plan, which provides for additional land use permissions not permitted on the west side of Strachan Avenue.

One of the Major Objectives of the Secondary Plan, Policy 2.1 a) is that new development will be integrated into the established city fabric in terms of streets, blocks, uses and density patterns. Area 2 policies provide direction that a mix of employment

and residential uses are permitted provided the employment uses are restricted to those compatible with adjacent neighbouring residential uses.

Specifically in the *Neighbourhoods*, the existing context for the east side of Strachan Avenue is different from the west side of Strachan Avenue. As explained in the site and surrounding context section of this report, there are generally residential townhouses on the west side of Strachan Avenue, as contemplated and permitted in *Neighbourhoods*. On the east side of Strachan Avenue, there are employment, automotive, retail and service uses north to Adelaide Street West. Further east on the block, along Stafford Street, there are employment uses at the corner of Stafford Street and Adelaide Street West. The remaining lands traveling south on Stafford Street are residential dwellings with residential uses, as contemplated in *Neighbourhoods*.

While the *Neighbourhoods* designation contemplates low-rise residential development, employment uses, in particular, exist in the context directly abutting the subject site and, in accordance with the Secondary Plan, are planned to be permitted, expanded and retained, based on compatibility. This existing and planned context abutting the *Mixed Uses Areas* for the lands immediately east or west along King Street West do not share the same conditions. As such, the scale, form, intensity and building typology contemplated for such sites would be different from this subject site as a result of this rear adjacency. Given the specific land use directions surrounding the subject site as well as the site's general location, the proposed use is appropriate at this location, and as described below, responds to the existing and planned built form and land use context directly adjacent to this site. In the opinion of City Planning staff, the proposed development conforms to the applicable land use policies of the Official Plan, including the Garrison Common North Secondary Plan.

### **Building Height, Density and Massing**

The proposed development was reviewed against the Official Plan's Built Form policies, primarily contained within Chapter 3 of the Plan, and those referenced in the Policy Consideration Section of this report. Sections 3.1.2 Built Form and 3.1.3 Built Form – Building Types were recently updated through Official Plan Amendment 480 and came into effect on September 11, 2020.

Official Plan Policies 3.1.2.1(b), 3.1.2.5, 3.1.2.6, and 3.1.2.7 relate to the planned context and transition in scale. Development will be located and organized to fit with its existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm.

The proposed 14-storey (44.45 metre plus 5.5 metre mechanical penthouse) building fits within the general height context of the *Mixed Use Area* lands along King Street between Bathurst and the GO Transit rail corridor where building heights range from 7 to 20 storeys (21 to 63 metres). To the west of the subject site, along King Street, between Massey Street and the GO Transit rail corridor, heights range from 9 to 14-storeys, or 25 metres to 53 metres. And to the east along King Street, between Niagara and Tecumseth Streets, buildings range from 6 to 17-storeys, and upwards of 50 metres



in height. Approaching Bathurst Street, buildings are as tall as 20-storeys (63 metres). This segment of King Street West is characterized by several buildings whose heights are greater than the King Street West right-of-way (23 metres). Most buildings along this segment of King Street have been massed with large, slab-like floor plates and limited pedestrian-oriented setbacks/stepbacks. Given the existing and planned land use context directly north of the subject site on the east side of Strachan Avenue, the proposed height is appropriate for this subject site, at this location, in this instance.

In the immediate vicinity of the subject site, 901 King Street West, located at the southeast corner of King and Strachan, is an existing commercial building measuring 35.2 metres in height, with no upper level stepbacks along King Street. Similarly, 905 King Street West, at the southwest corner of King and Strachan, measures 31.7 metres in height.

Directly to the north of the subject site are the lands at 101-123 Strachan Avenue which are designated *Neighbourhood* in the Official Plan, but zoned Industrial with existing height permissions of 18 metres. As described earlier, these lands were re-designated from *Employment Areas* to *Neighbourhood* in 2013 through Official Plan Amendment 231. Official Plan Policy 2.3.1(1) defines *Neighbourhoods* "as low-rise and low-density residential areas that are considered to be physically stable." While 101-123 Strachan Avenue is located within the *Neighbourhood* land use designation, currently, the land is zoned Industrial with no active residential uses on site. In addition, the existing height permissions on the site are 18 metres, inconsistent with the character of a low-rise *Neighbourhood* designation.

The Garrison Common North Secondary Plan contemplates these lands north of the subject site, as described above, to be planned as potentially a mix of employment and residential uses. If these employment uses, existing as they are today on Strachan Avenue, were intensified, they would be subject to compatibility and mitigation to determine whether such further intensified uses would be permitted. The policy direction to permit such employment uses in *Neighbourhoods* for the Area 2 on Map 14-1 may conflict with the Official Plan's general direction for *Neighbourhoods* regarding strictly residential uses in a low-rise form. Such a conflict would be resolved in favour of the Secondary Plan, in accordance with Policy 5.6.6 of the Official Plan. In this instance, intensified employment uses may be appropriate given the existing context along the entire east side of Strachan Avenue to Adelaide Street West. Any new development on those lands would still be required to comply with the built form policies and other directions applicable to *Neighbourhoods*.

The approach, however, would be different for Stafford Street as there already exists residential uses for the majority of both sides of the street, in a residential low-rise built form. Therefore, introducing any new employment uses would require an applicant to demonstrate that such uses address the policy requirement of compatibility in the Secondary Plan, as well as generally fit within the *Neighbourhood* while respecting and reinforcing the existing physical character along both sides of Stafford Street. Therefore, it can be appropriately assumed that such existing residential uses and residential built form on Stafford Street would not likely change to employment uses in a different

building typology and be retained as residential uses in residential dwellings over time, consistent with the *Neighbourhoods* policies.

Official Plan Policy 2.3.1(3) states that development in *Mixed Use Areas* adjacent to *Neighbourhoods* "be compatible with those *Neighbourhoods*" and "provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan." In order to meet this policy objective, on the north side of the subject site, the proposal will have a 5-storey base building, and then will stepback back 2.5 metres at the 6th floor. This is considered appropriate given the adjacent existing uses to the north. Further, if the site to the north of the Palace Arms were to be rezoned for residential uses, the proposed development would still allow for a transition to a lower-scaled built form, and provide the necessary transition in scale and density to the stable *Neighbourhoods* to the north and east.

The built form policies also require privacy protection for adjacent buildings. Overlook and privacy impacts to the north will be mitigated by minimizing north-facing windows in the dwelling units located on the north side of the building. Most windows in the proposed development face east or west, and where there are windows on the north façade, they are recessed into the building and would therefore minimize impacts on the adjacent lands. Floor layouts and window placement will be finalized and secured at the Site Plan Control stage.

The proposed development also provides a 2.5 metre stepback from the eastern property line at the 6th floor. From the centreline of the eastern laneway, there will be a side setback of 5.5 metres at the 6th floor. If the site to the east of the laneway were to be redeveloped, that site could also provide a 5.5-metre setback at a similar height, providing for a minimum 11-metre facing distance between primary windows on the upper floors.

The massing of the original 3-storey Palace Arms building will be retained along King Street and Strachan Avenue, matching the existing heights of the adjacent 2 and 3-storey retail buildings to the east. The building then steps back 4.5 metres along the southern (King Street West) and western (Strachan Avenue) frontages at the 4th floor, maintaining the appearance of the volume of the existing heritage building. The streetwall height is contextually appropriate along both the King Street West and Strachan Avenue frontages. It helps to frame the edges of the public realm with good street proportion and will contribute to the identity and physical character of the neighbourhood (Policy 3.1.2.5, 3.1.2.6, 3.1.2.9).

Overall, the height and massing of the proposed development fits the existing and planned context and is supported by staff.

### **Sun, Shadow, Wind**

During the spring equinox, the proposed development casts incremental shadow on a portion of the townhomes on the west side of Strachan Avenue between 9:18 am and 11:18 am; the shadows move off the Strachan Avenue sidewalks entirely by 12:18 pm. Between 1:18 and 4:18 pm, shadows are cast on the single-family homes on the west

side of Stafford Street. After 4:18 pm, shadows move onto the eastern sidewalk of Stafford Street, following which, shadows will be cast on the adjacent townhomes from 5:18 pm to 6:18 pm. At 5:18 pm, additional shadows will be cast on the western and southern edge of Stanley Park. The development casts no shadows along the King Street sidewalk until after 6:18 pm. There will be similar shadow conditions during the fall equinox.

In June, the proposed development casts limited shadows on Strachan Avenue between 9:18 am and 12:18 pm. During the afternoon, shadows generally remain within the *Mixed Use Areas* on the north side of King Street; and after 5:18 pm, there is limited shadow impact on the sidewalks of Stafford and King Streets, and no shadows cast on Stanley Park.

Planning staff have assessed the proposed development in terms of the incremental impact resulting from the 14-storey building and are satisfied that it adequately limits shadow on the *Neighbourhoods*, the public realm, parks and open spaces. The shadow impact resulting from the proposal is acceptable and is 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 with the submission of a Site Plan Control application. Appropriate wind mitigation measures will be secured through the Site Plan Control process.

### **Heritage Impact & Conservation Strategy**

The properties at 938, 944, and 950 King Street West and 95, 97, and 99 Strachan Avenue are worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for their cultural heritage value, and meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under all three criteria of design and physical, historical and associative, and contextual value. These buildings are local landmarks.

The principal (south and west) elevations along the King Street West and Strachan Avenue and the first 4.5 metres of the north and east return elevations would be retained in situ and integrated with the new construction. The new construction is proposed to step back 4.5 metres at the roof of the heritage property/fourth level, providing three-dimensional legibility of the existing building. All building fabric beyond the retained 4.5 metre portion is proposed to be replaced with new construction. At the southwest corner of the site, a greater step back of 7 metres from the turret midpoint to the development façade is proposed. No cantilever or other built form projections are proposed within the above noted step backs.

The conservation treatment is rehabilitation and restoration. This would involve the rehabilitation and restoration of various elements of the heritage façade such as the brick masonry, openings, variegated roof line and masonry chimneys. As most of the ground level openings have been significantly altered and/or infilled, the restoration plan would also reinstate most of the original openings, while bringing others down to grade

to meet pedestrian accessibility requirements. The details of the new windows and doors are to be included in the required Conservation Plan.

Heritage Planning has recommended that City Council state its notice of intention to designate the properties, as well as recommend alterations under section 33 of the Ontario Heritage Act securing the necessary alterations to permit the proposed development. These recommendations are part of a separate report and will be considered by City Council at the same time. The Bills for the Zoning By-law Amendments are proposed to be withheld pending finalization of the Heritage Easement Agreement and its execution and registration on title.

### **Amenity Space**

Official Plan Built Form Policy 3.1.2.11 states that new indoor and outdoor shared amenity spaces provided as part of multi-unit residential developments should be high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year. Official Plan Policy 4.5.2 k) states that in *Mixed Use Areas* development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Zoning By-law 569-2013 requires a minimum of 4.0 square metres of amenity space for each unit, of which at least 2.0 square metres must be indoor amenity space. The development proposal includes a total of 770 square metres (4 square metres per unit) of amenity space. A total of 229 square metres (1.2 square metres per unit) of indoor amenity space and 541 square metres (2.8 square metres per unit) of outdoor amenity space is proposed.

While below the Zoning By-law standard for indoor space, the proposal meets the required provision of 4 square metres of overall amenity of space per unit, and therefore meets the intent of Policies 3.1.2.11 and 4.5.2 k) of the Official Plan.

### **Streetscape and Public Realm**

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 streetscape enhancements along Strachan Avenue 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 the Site Plan Control process and revised landscape plans.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0 to 0.42 hectares of local parkland per 1,000 people, which is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication. The amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **Housing**

The Palace Arms has historically been one of the City's largest licensed rooming houses with 89 dwelling rooms. According to the as-built floor plans, the total gross floor area of all 89 dwelling rooms is approximately 1,124 square metres. The site also contains two rental dwelling units located at 95 Strachan and 99 Strachan. These dwelling rooms and rental units are proposed to be demolished to accommodate the new development.

A rooming house (also referred to as a multi-tenant house) is a house or building that provides separate and private living accommodation in the form dwelling rooms and has shared areas such as kitchens and/or bathrooms. Dwelling rooms may include food preparation facilities (e.g. a hot plate or kitchenette) or sanitary facilities (e.g. a full or half bathroom), but not both.

Dwelling rooms primarily provide private rental housing for the lower-end of the affordable market and are a key part of the housing continuum. They are often the most affordable option available in the private rental market. Individuals who live in rooming houses are often vulnerable and may include households with low incomes, seniors on fixed incomes, newcomers to the city and students.

According to information provided by the applicant, discussions with City staff and meetings with tenants, the Palace Arms provided affordable rental accommodation for many of Toronto's most vulnerable tenants for several decades. Based on rent rolls provided by the applicant, monthly rents for the existing dwelling rooms range from about \$605 to \$823 per month.

## **Unit Mix and Size**

The PPS (2020) and the Growth Plan (2020) acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs

for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing and shared and/or congregate-living housing.

The Council-adopted Growing Up Urban Design Guidelines (2020) provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments. The accompanying staff report is available here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148361.pdf>

Guideline 2.1 of the Growing Up guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the guidelines state that a minimum of 10% of the total residential units should be three-bedroom units and a minimum of 15% should be two-bedroom units.

The revised proposal includes a supportable mix of unit types, including 16 bachelor and 6 one-bedroom affordable housing units, 15 three-bedroom and three live/work units (11% of all units), and 35 two-bedroom units (18% of all units). The rental tenure of all market residential units within the building will be secured within the Section 37 Agreement for a minimum of 20 years. The proposal adequately supports the unit mix objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan (2020) growth management and housing policies to accommodate within new development a broad range of households, including families with children.

### **Proposed Affordable Rental Dwelling Units**

The applicant has proposed to secure at least 22 (or 31 with additional City funding) of the 191 units in the new 14-storey building as affordable rental dwelling units. The gross floor area of the 31 units is approximately 1,119 square metres (12,050 square feet), representing about the same gross floor area as the existing 89 dwelling rooms. Tenants of these affordable rental units would share a common entrance, elevators and indoor and outdoor amenities with residents of the remainder of the building.

Twenty-two (22) of these units will be secured as a community benefits contribution under Section 37 of the Planning Act. The units will be comprised of 16 bachelor units, with a minimum average gross floor area of 27.9 square metres, and 6 one-bedroom units, with a minimum average gross floor area of 41.8 square metres. This unit mix would allow for the configuration of small, self-contained units within the existing building footprint. The total gross floor area of these 22 units is approximately 743 square metres (8000 square feet), or about two-thirds of the total gross floor area of the existing dwelling rooms. These units are proposed to be located on the second and third floors of the building.

Nine (9) of the 31 new affordable rental housing units will be secured contingent on the City providing \$2,160,000 in additional funding plus Open Door incentives. These nine

units will be one-bedroom units, with a minimum average size of 41.8 square metres and totalling about 376 square metres (4,050 square feet). Staff will report back to Council with recommendations regarding available funding later in the development approval process. This will allow existing city funds for affordable housing to be allocated to shovel-ready projects pending the commencement of construction of this development.

The City will also provide incentives through the Open Door Affordable Rental Housing Program for the 31 affordable rental units, subject to approval of an Open Door application. Open Door incentives include exemption from development charges, parkland dedication fees, planning and building permit fees and property taxes for 40 years.

### **Tenure and Rents for the New Affordable Rental Dwelling Units**

Subject to Open Door approval, the applicant has agreed to provide and maintain the new affordable rental dwelling units within the proposed building for at least 40 years, beginning from the date that each rental dwelling unit is first occupied. These units will remain as rental dwelling units until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the units to be maintained as rental units.

The rents for these 31 new affordable rental units will be secured at 90% of affordable rent (CMHC average market rent by unit type) for at least 40 years. The remainder of the dwelling units in the new mixed-use building will be secured as rental units for a minimum of 20 years. If Open Door incentives are not provided, the affordable rental housing dwelling units will be maintained as affordable units for a minimum term of 20 years.

### **Tenant Relocation and Assistance Plan**

At the time of application in May 2018, approximately eleven of the existing dwelling rooms were occupied by tenants. As of January 1, 2021, four of the existing dwelling rooms are occupied by tenants.

The owner has agreed to provide a Tenant Relocation and Assistance Plan for the remaining 4 dwelling room tenants, which will be secured through the Section 37 Agreement to the satisfaction of the Chief Planner.

This Tenant Relocation and Assistance Plan will assist the remaining tenants with finding, securing and maintaining alternative accommodations while the new affordable rental dwelling units are being constructed. As part of this Plan, tenants will:

- Receive at least 6 months' notice of the date that they must vacate their dwelling room;
- Have the right to return to one of the new affordable rental dwelling units in the new 14-storey mixed-use building at similar rents to what they currently pay, with control on rent increases for up to 40 years;
- Receive compensation equal to 3 month's rent or an acceptable alternative rental dwelling units, pursuant to the Residential Tenancies Act;

- Receive a move-out moving allowance of \$1,500 and, if they decide to exercise their right to return to a new affordable rental dwelling unit in the new building, a move-back moving allowance of \$1,500;
- Receive a monthly Rent-Gap Payment from the date that they provide vacant possession and until the new affordable bachelor rental dwelling units are made ready for occupancy.
- Have access to Trusteeship Services for administering Rent-Gap Payments for the duration of construction, as needed.
- Have access to Housing Access Support Services provided by a City approved community agency, as needed. Services will include assistance to:
  - Conduct on-line searches for rental housing listings;
  - Contact potential landlords on behalf of a client;
  - Accompaniment to view potential apartments and mediate with landlords;
  - Assistance completing the required tenant leases; and
  - Assistance arranging payment of first and last months' rent through the tenant's financial compensation identified above;
- Have access to Housing Follow-up Services provided by a City approved community agency for at least 6 months, as needed, commencing from the date that the Notice to Vacate is issued. These services will help tenants maintain their alternative housing arrangements during construction of the proposed buildings.

Former tenants who have already moved out will be not be eligible for the Tenant Relocation and Assistance Plan. Staff will work with the applicant in outlining access to the new affordable units through the development of an Access Plan. Efforts will be made to provide previous tenants of the Palace Arms, who moved out as part of development activity on the site, with opportunities to access the new affordable rental units, assuming they meet standard eligibility requirements including maximum income thresholds.

The provision of new affordable bachelor and one-bedroom rental dwelling units reflects the policy objectives of the Council-adopted Official Plan policy to address the loss of dwelling rooms, recognizing this policy is not yet in full force and effect. The proposal will, subject to Council approval of funding, replace the existing gross floor area of the dwelling rooms with the same amount of gross floor area to be secured as affordable rental housing for the long-term. As well, all of the proposed new residential dwelling units in the development will be secured as rental housing for a minimum of 20 years, resulting in an overall increase in the amount of rental housing on the site. Reflective of the policy, which allows dwelling rooms to be replaced as small self-contained units, the proposal addresses the loss of dwelling rooms on the site by including small bachelor and one-bedroom affordable units. Existing tenants will be provided with an appropriate tenant relocation and assistance plan to mitigate hardship and will be offered the right to return to one of the new affordable rental units at similar rents to what they currently pay. The remainder of the new affordable rental units not occupied by returning tenants will be secured at 90% of affordable rents, to better reflect the existing dwelling room rents and address the lower end of the private rental-market. As well, these rents will be secured for at least 40 years (if the Open Door application is approved or 20 years



without Open Door incentives), as opposed to a 15-year affordability period outlined in the Council-adopted dwelling room policy, ensuring these units will remain affordable over a longer term.

The rental housing proposal would provide for a range of housing, including affordable housing, consistent with the provincial planning policy framework established through the Planning Act, Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

### **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.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the site specific Zoning By-law, should this application be approved by City Council.

Other applicable TGS performance measures will be secured through the Site Plan Approval process, should the application be approved.

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

Primary vehicle access to the site is proposed from the existing public laneway to the east of the subject site, as directed by Policy 6.14.9.1 of the Garrison Common North Secondary Plan. A total of 14 visitor parking spaces, one (1) type 'G' loading space, and 202 bike parking spaces are proposed. 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. All parking and loading is proposed to be interior to the site and screened from public space accordingly. The above described vehicle and bike parking, loading and site access plan meets the intent of the Official Plan.

The proposed vehicle parking is less than what is required by the Zoning By-law; however, the subject site is well served by existing and planned transit, including the high-frequency King Streetcar, and is in close proximity to two potentially planned transit stations, along with other active transportation options. The application also proposes 202 onsite bicycle parking spaces for residents and visitors, in accordance with the active transportation policies outlined in the Official Plan and the PPS. City staff support limited onsite vehicular parking.

## **Servicing**

Engineering and Construction Services requires a revised Functional Servicing and Stormwater Management Report to finalize the storm water runoff, sanitary flow and water supply demand resulting from the proposed development. There may be additional improvements required to the existing municipal infrastructure to accommodate the proposed development. In the event that improvements to area municipal infrastructure are required, the owner will be required to pay for and construct these improvements. A direction to withhold the bills for the proposed development is recommended until such a time as a satisfactory functional servicing and stormwater management report is provided to the City satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services.

## **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:

- Provision of 22 affordable rental units, approximately 743 square metres, at 90% AMR for a 20 year affordability period; of which 16 dwelling units will be bachelor and 6 units will be 1-bedroom.

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

- Extending the affordability of the 22 affordable rental units to 40 years, at 90% AMR;
- Option for the City to pursue additional funding for the increased provision of an additional 9 affordable rental units on the lands;
- The provision of Open Door Funding, if approved by the Executive Director, Housing Secretariat for up to 31 affordable rental units;
- Provision of an acceptable tenant relocation and assistance plan;
- Securing the rental tenure of the residential dwelling units on the lands, exclusive of the affordable rental units, for at least 20 years;
- Matters related to the Toronto Green Standards and construction management plan; and,
- Matters related to site plan approval, including the provision of an updated landscape and wind tunnel study and the owner agreeing to secure and implement the measures arising from the accepted studies and plans.

## **Conclusion**

City staff recommend that City Council approve the proposed zoning by-law amendments in support of the revised development proposal. The revised development proposal provides an appropriate built form, conserves significant cultural heritage resources, and offers an appropriate range and mix of housing options, including new onsite affordable housing to address the loss of dwelling rooms. The proposed development is consistent with the PPS (2020) and conforms to the Growth Plan (2020).

In the opinion of City Planning staff, the proposal has been designed and massed to fit within its area context and limit impacts on adjacent properties, streets and open spaces. Given the unique immediate context north of the subject lands, the existing planned context in the Garrison Common North Secondary Plan, and existing uses as well as in-force zoning for such lands, the proposed development responds to and appropriately fits within its existing and planned context. Further, the proposed development provides for a mix of uses, including various residential rental unit sizes and affordable housing units, the conservation and rehabilitation of the existing heritage buildings, a sufficient supply of bicycle parking and a limited supply of private vehicle parking, minimizing vehicular traffic on the local street network, and promoting active transportation methods such as transit, cycling and walking. The proposed development conforms to the City's Official Plan, including the Garrison Common North Secondary Plan.

## **CONTACT**

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Christine Ono, Senior Planner, Strategic Initiatives, Policy & Analysis  
Email: [Christine.Ono@toronto.ca](mailto:Christine.Ono@toronto.ca)

## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

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

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

### **Applicant Submitted Drawings**

Attachment 7: Site Plan

Attachments 8-11: Elevations

Attachments 12-13: 3D Model Proposal in Context

Attachments 14-15: Renderings of Original (2018) and Revised Proposals (2020)

## Attachment 1: Application Data Sheet

Municipal Address: 950 KING ST W Date Received: May 4, 2018

Application Number: 18 153602 STE 19 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law to permit a 14-storey mixed use building with an overall height of 49.9 metres (inclusive of mechanical penthouse) containing 263 square metres of retail uses and 191 dwelling units. The design proposes to retain the southern and western elevations of the existing Palace Arms building. The proposed development would have a total gross floor area of 12,282 square metres, which would result in a density of 9.17 times the area of the lands. The application proposes 14 vehicular parking spaces and 202 bicycle parking spaces. Site includes 938, 944, and 950 King Street West, and 95, 97, and 99 Strachan Avenue.

Applicant	Agent	Architect	Owner
2584668 ONTARIO INC	Bousfields	Sweeny & Co. Architects	2584668 ONTARIO INC

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 2.5 (c2.0; r2.5) SS2 (x1267)	Heritage Designation:	Y
Height Limit (m):	14	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 1,368 Frontage (m): 37 Depth (m): 37

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	820		1,272	1,272
Residential GFA (sq m):	1,873		12,282	12,282
Non-Residential GFA (sq m):			264	264
Total GFA (sq m):	1,873		12,546	12,546
Height - Storeys:	3		14	14

Height - Metres: 44 44  
 Lot Coverage Ratio 92.94 Floor Space Index: 9.17  
 (%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)  
 Residential GFA: 12,282  
 Retail GFA: 264  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	1		191	191
Freehold:				
Condominium:				
Other:	89			
Total Units:	90		191	191

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	3	16	119	35	18
Total Units:	3	16	119	35	18

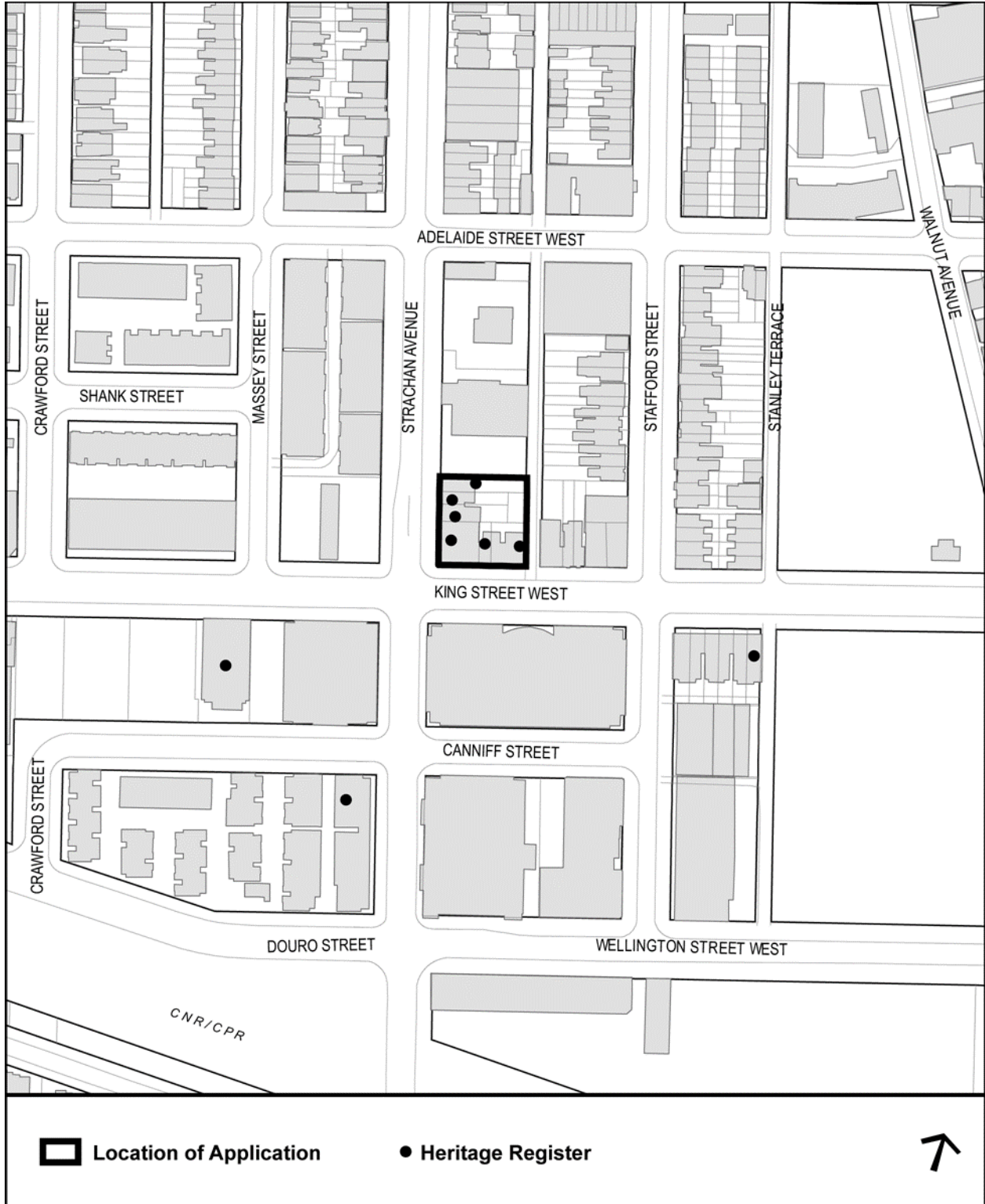
Parking and Loading

Parking Spaces: 14 Bicycle Parking Spaces: 202 Loading Docks: 1

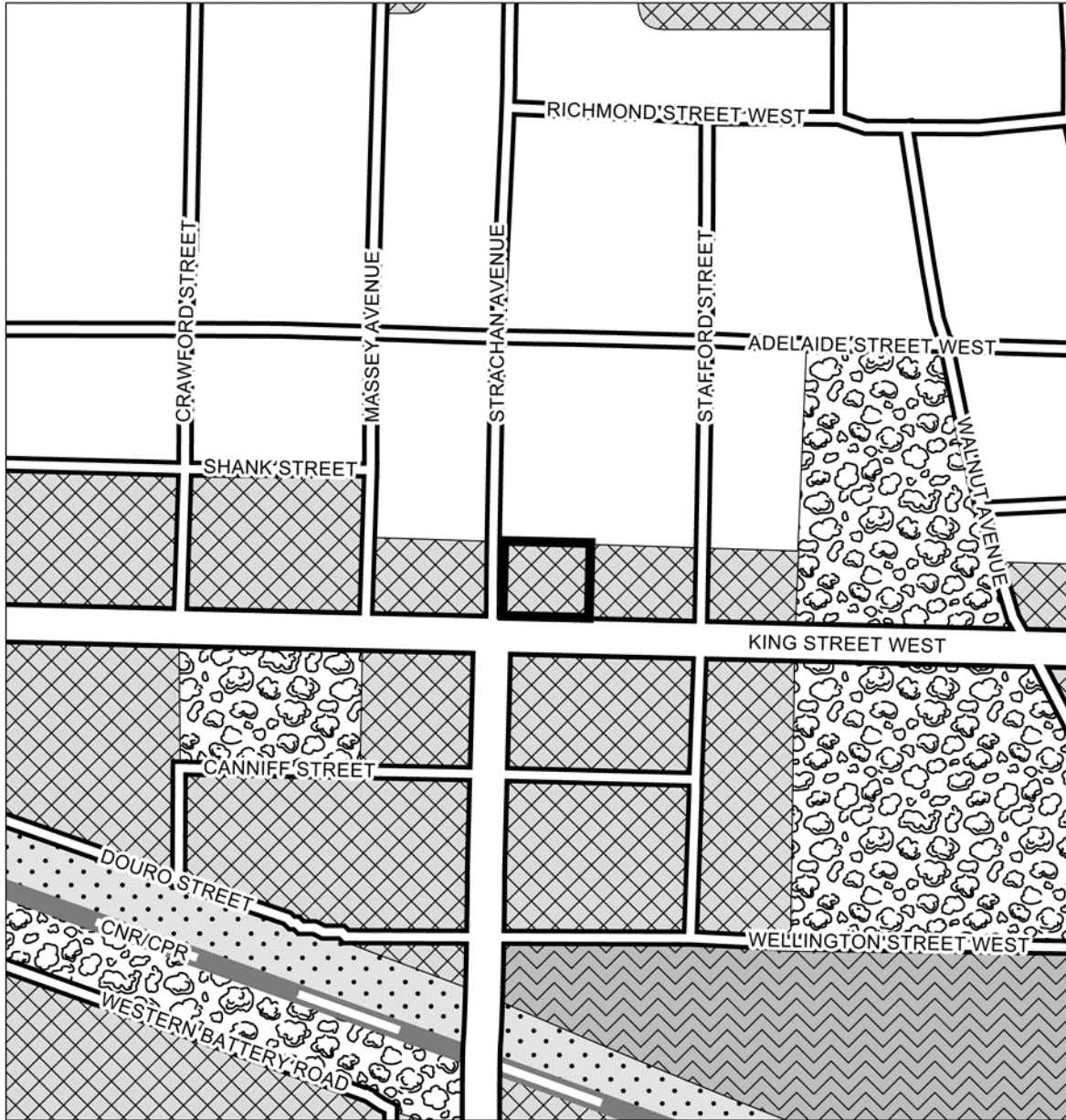
CONTACT:

Megan Rolph, Planner  
 Megan.Rolph@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

Address

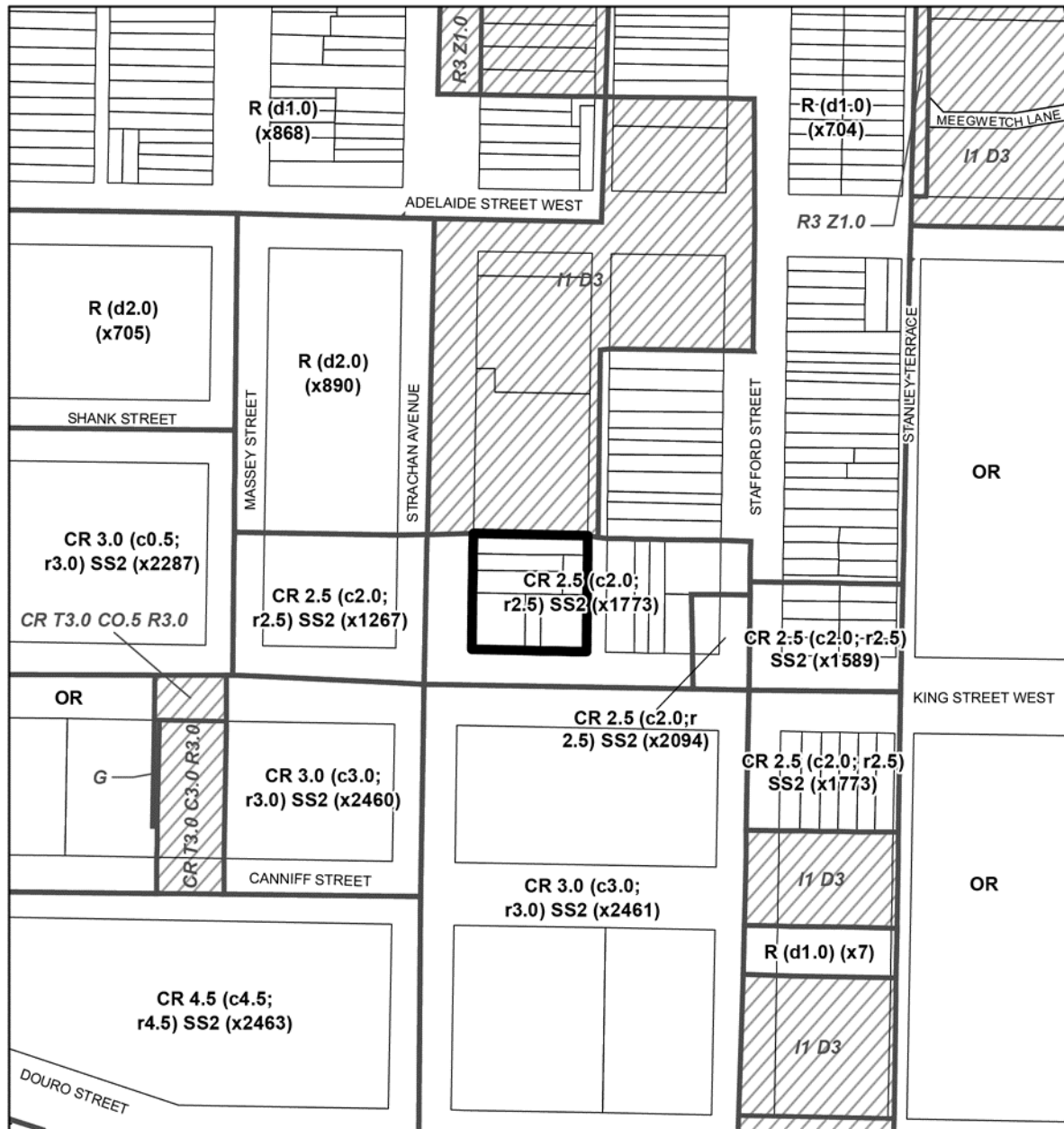
File # 18 153602 STE 19 0Z

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

  
Not to Scale  
06/05/2018



Attachment 4: Existing Zoning By-law Map



938-950 King Street West and 97-99 Strachan Avenue

Zoning By-law 569-2013

File # 18 153602 STE 19 0Z

Location of Application

**R** Residential  
**CR** Commercial Residential  
**OR** Open Space Recreation  
**UT** Utility and Transportation

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

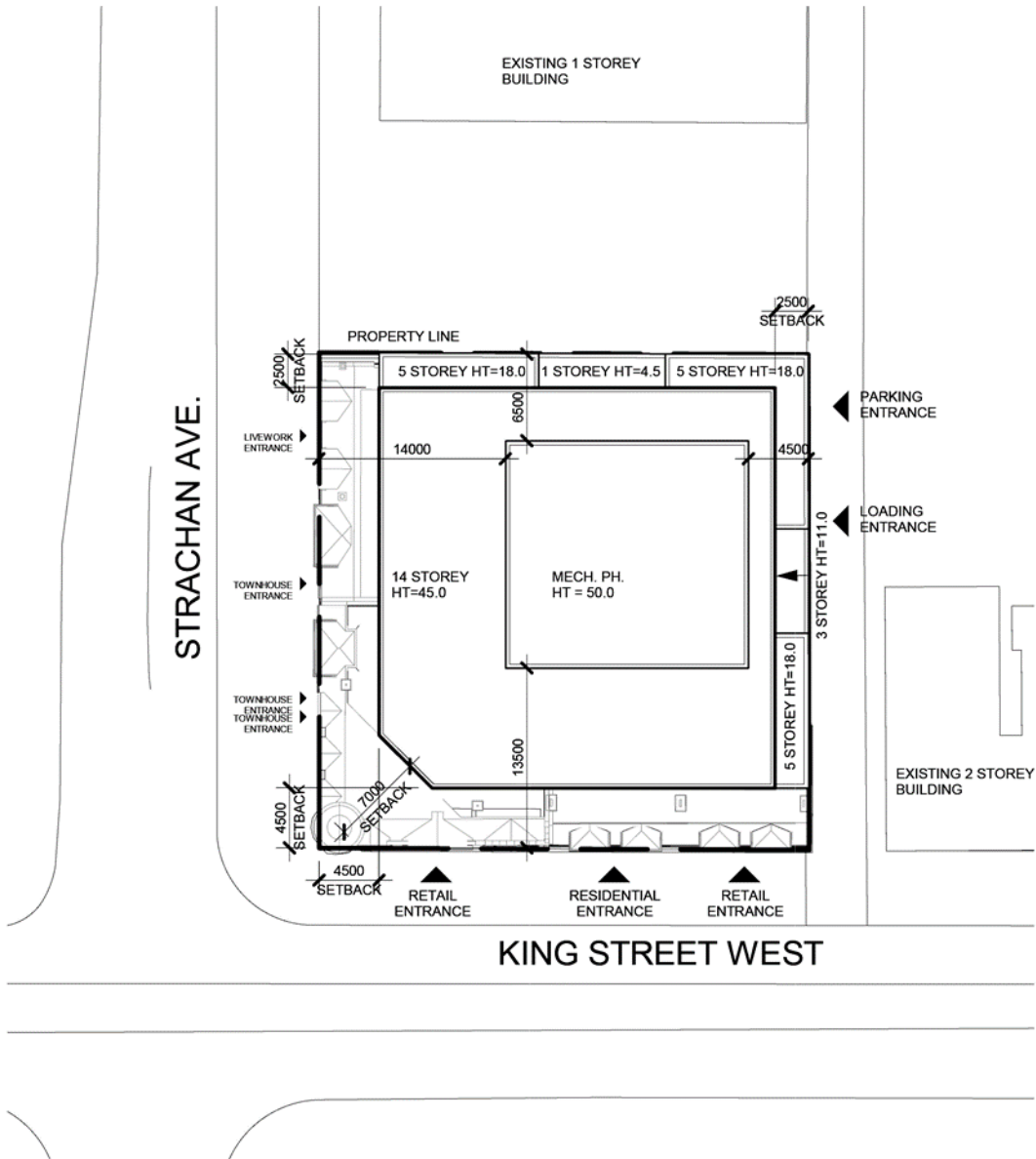
**R3** Residential District  
**CR** Mixed-Use District  
**I1** Industrial District  
**I2** Industrial District  
**G** Parks District

Not to Scale  
 Extracted: 01/27/2021



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

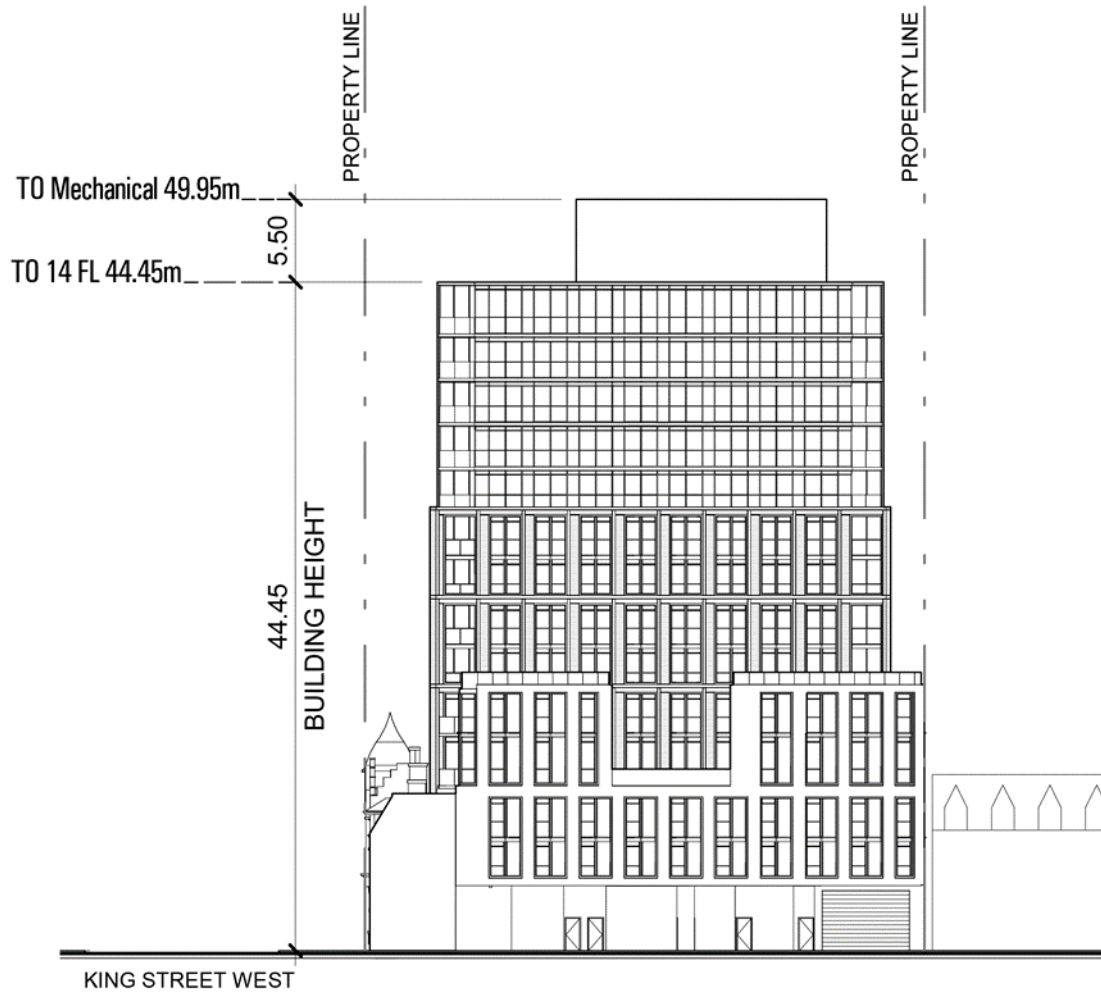
Attachment 7: Site Plan



Site Plan

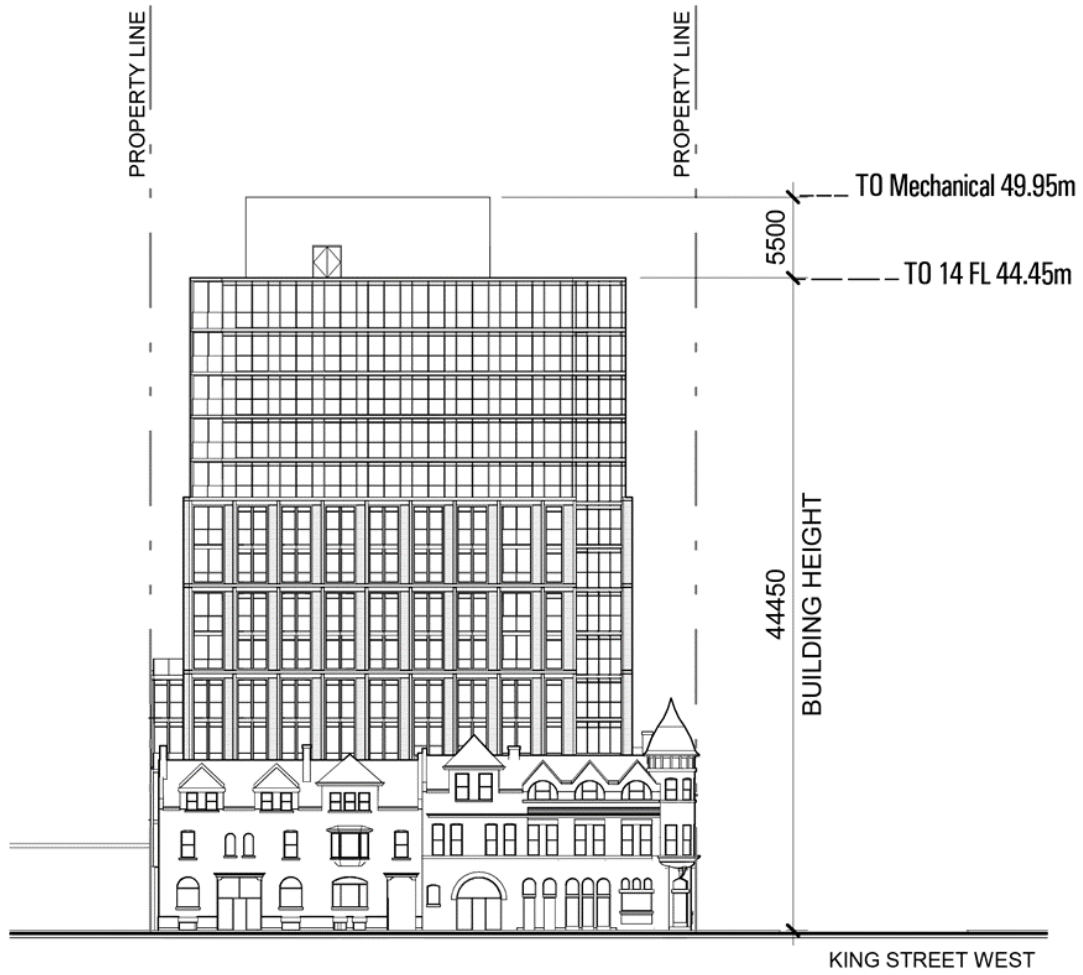


Attachment 8: East Elevation



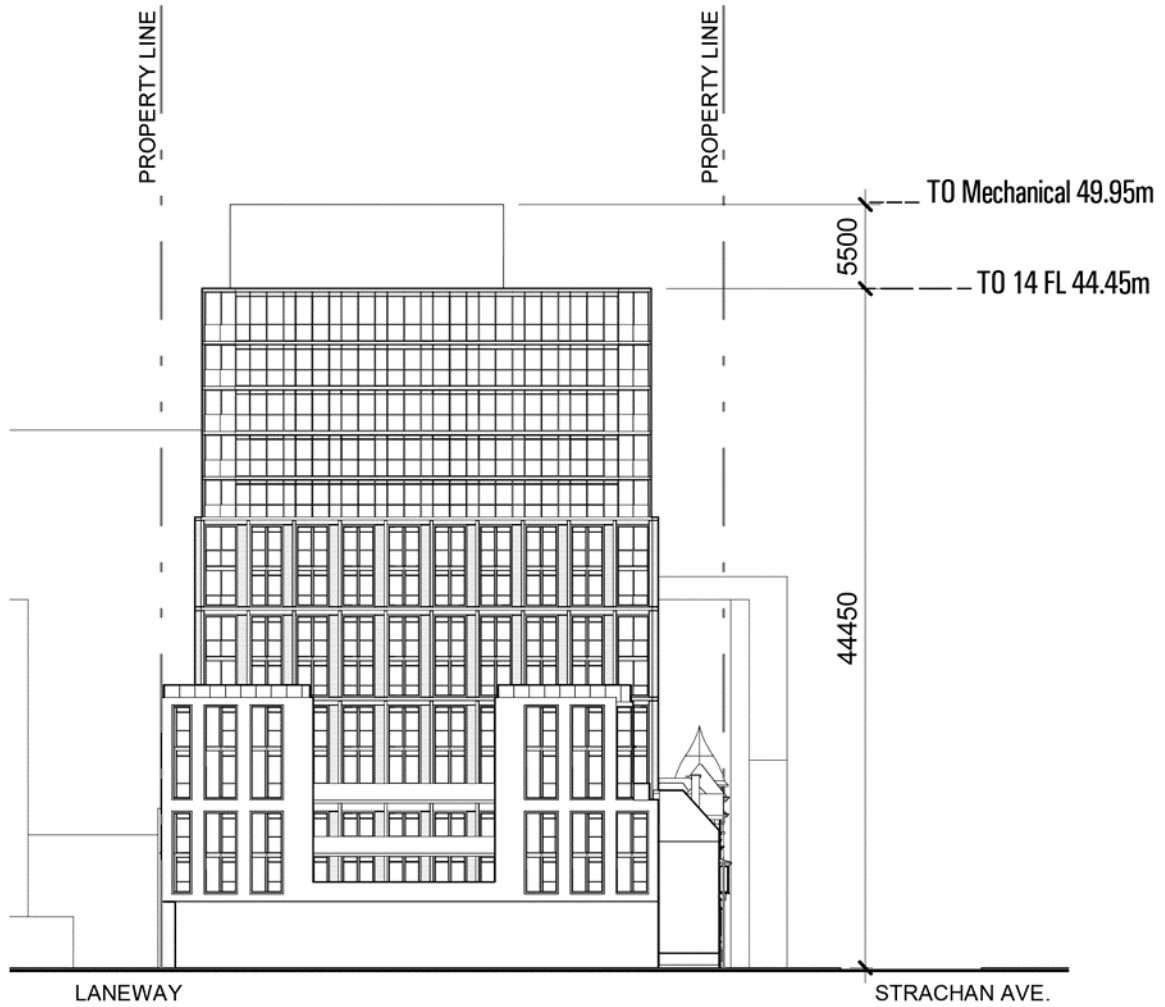
East Elevation

Attachment 9: West Elevation



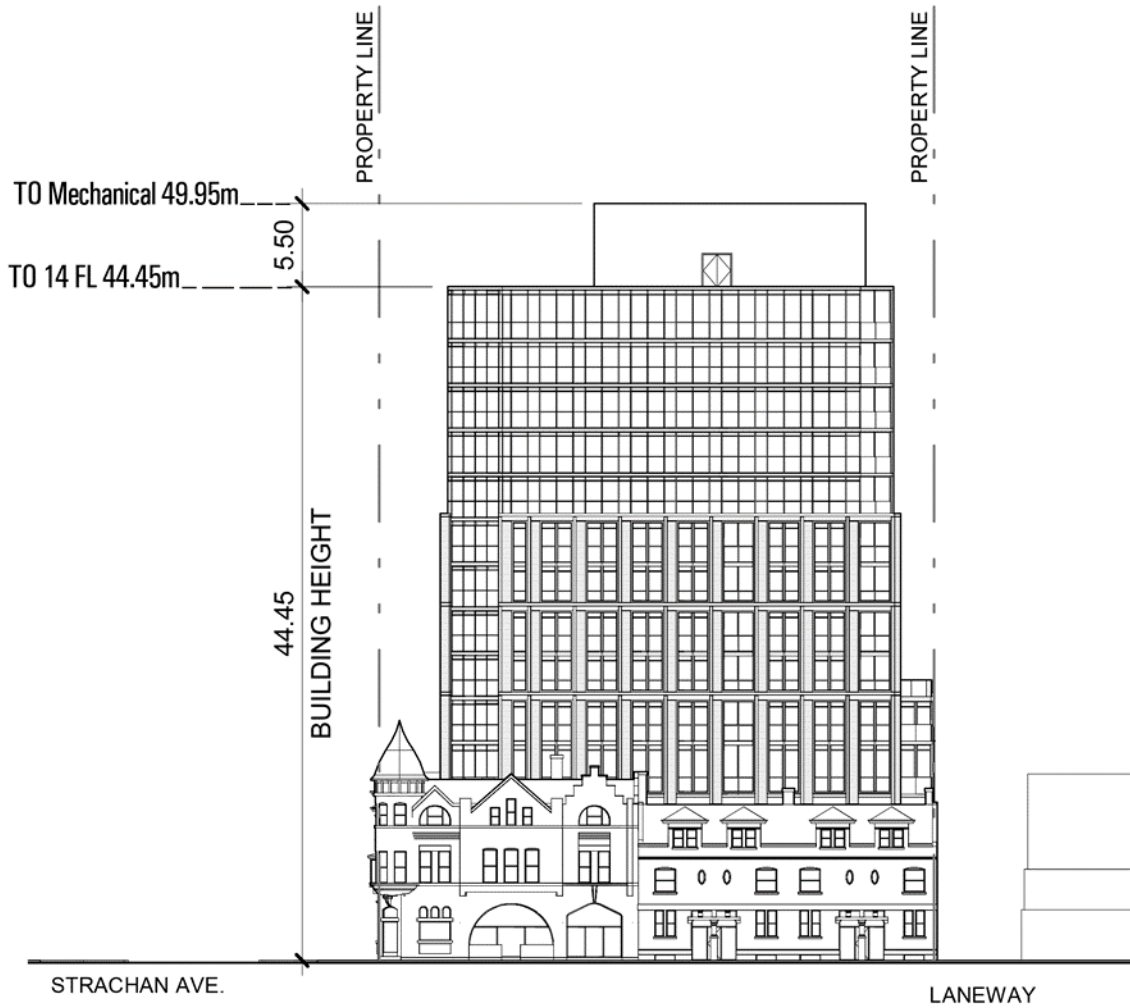
West Elevation

Attachment 10: North Elevation



North Elevation

Attachment 11: South Elevation



South Elevation



Attachment 12: 3D Model of Proposal in Context - Looking Northwest



View of Applicant's Proposal Looking Northwest



01/25/2021

Attachment 13: 3D Model of Proposal in Context - Looking Southeast



View of Applicant's Proposal Looking Southeast



01/25/2021



Attachment 14: Rendering of Original Proposal (2018)



Attachment 15: Rendering of Revised Proposal (2020)

