

952 King Street West – Zoning By-law Amendment Application – Decision Report – Approval

Date:	November 15, 2024
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Ward:	10 - Spadina Fort York

Planning Application Number: 22 201229 STE 10 OZ

SUMMARY

This application proposes a 17-storey mixed-use building with 227 dwelling units, including six affordable rental units, approximately 182 square metres of ground floor non-residential space, and 50 parking spaces in two levels of underground parking at 952 King Street West.

This report reviews and recommends approval of the application to amend the Zoning By-law. Staff are of the opinion that the proposed development is an appropriate built form for the existing and planned context. It also supports the need for additional housing through providing both market and affordable dwelling units, and improves the public realm.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council amend Zoning By-law 569-2013 for the lands at 952 King Street West substantially in accordance with the draft Zoning By-law Amendment included as Attachment 6 to this report.

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

3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:

a. submit a revised Functional Servicing and Stormwater Management Report, including the Foundation Drainage Summary Form and Servicing Report Groundwater Summary ("Engineering Reports"), and supporting plans, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water; and/or;

b. enter into a financially secured agreement with the City to secure the construction of any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports to support the development, if any, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water.

c. provide a plan for installation of art, including mural artwork, onto every elevation of the construction hoarding board, with adequate spotlighting for night-time illumination and on-going maintenance, at their sole cost, to the satisfaction of the Ward Councillor.

4. City Council allow the Owner of 952 King Street West (the "Site") to design, construct, finish, provide and maintain on the Site six (6) affordable rental housing units as part of the development, to the satisfaction of the Chief Planner and Executive Director, City Planning; the Executive Director, Development Review; and the Executive Director, Housing Secretariat, as an in-kind contribution pursuant to subsection 37(6) of the Planning Act; all in accordance with the following terms (the "in-kind contribution"):

a. the in-kind contribution shall have a total of five (5) one-bedroom units and one (1) two-bedroom unit (the "Affordable Rental Housing Units");

b. the average unit size of the Affordable Rental Housing Units shall be no less than the average unit size of all the market units, by unit type, in each phase of the proposed development;

c. the minimum unit size of the Affordable Rental Housing Units shall be no less than the minimum unit sizes of all market units, by unit type, in each phase of the proposed development;

d. the Affordable Rental Housing Units shall be provided in contiguous groups of at least six (6) rental dwelling units if the remainder of the building is condominium in tenure;

e. the general configuration, location, and layout of the Affordable Rental Housing Units in the development shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

f. tenants of the Affordable Rental Housing Units shall be provided with access to, and use of all indoor and outdoor amenities in the development 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; g. all Affordable Rental Housing Units will be provided with ensuite laundry facilities and central air conditioning at no extra charge;

h. tenants of the Affordable Rental Housing Units will be provided with access to resident and visitor bicycle parking/bicycle lockers in accordance with the Zoning By-law and on the same basis as other units within the development.

i. the initial rent (inclusive of utilities) charged to the first tenants of and upon turnover of the Affordable Rental Housing Units shall not exceed Affordable Rent as defined in the Official Plan for a minimum of 30 years, beginning with the date each such unit is first occupied (the "Affordability Period"). During the Affordability Period, increases to initial rents charged to tenants occupying any of the Affordable Rental Housing Units shall be in accordance with the *Residential Tenancies Act* and shall not exceed the Provincial rent guideline, regardless of whether the Provincial rent guideline applies to the Affordable Rental Housing Units under the *Residential Tenancies Act*;

j. the Owner shall provide and maintain the Affordable Rental Housing Units as rental dwelling units at the rents identified in (i) above for the duration of the Affordability Period. The Affordable Rental Housing Units shall not be registered as a condominium or any other form of ownership, such as life lease or coownership, 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 Housing Unit shall be made for the duration of the Affordability Period; upon the expiration of the Affordability Period, the Owner shall continue to provide and maintain the Affordable Rental Housing Units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise;

k. the Owner will use the City's Centralized Affordable Housing Access System to advertise and select tenants for the Affordable Rental Housing Units, provided it is in place, unless otherwise agreed to by the Executive Director, Housing Secretariat; and at least six (6) months in advance of any Affordable Rental Housing Unit being made available for rent, the owner shall develop and implement an Access Plan which will outline how the Affordable Rental Housing Units will be rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat; and;

I. the Affordable Rental Housing Units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units erected on the Site as are available and ready for occupancy.

5. City Council authorize the Chief Planner and Executive Director, City Planning to enter into an agreement pursuant to subsection 37(7.1) of the *Planning Act* (the "In-kind Contribution Agreement") to address the provision of the in-kind contribution identified in Recommendation 4 to the satisfaction of the Chief Planner and Executive Director, City Planning; the Executive Director, Development Review; and the City Solicitor, with such agreement to be registered on title to the lands, which agreement shall be evidence of

arrangements for the provision of the in-kind contribution that are satisfactory to City Council.

6. City Council attribute a value to the in-kind contribution set out in Recommendation 4 equal to 100 percent of 4 percent of the value of the land (net of any exclusions or exemptions authorized under the Community Benefits Charge By-law), as determined the day before the day the building permit is issued in respect of the development and direct staff to advise the owner of such valuation.

7. City Council request the General Manager, Transportation Services, to review and report back on the feasibility of amending Schedule B of the City of Toronto Municipal Code Chapter 925, Permit Parking, to exclude the development located at 952 King Street West from Permit Parking.

8. City Council authorize the City Solicitor to take all necessary actions to implement City Council's decision.

FINANCIAL IMPACT

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

Community Benefits Charge

This Report requests Council approval of a Community Benefits Charge (CBC) in-kind contribution of six affordable rental units. The estimated value of the proposed CBC in-kind contribution is 100% of the 4% value of the land that is the subject of the development or redevelopment in accordance with the CBC By-law. The percentage ascribed to the in-kind contribution will not be a direct CBC payment to the City.

THE SITE

Description

The Site is rectangular in shape with an area of approximately 1,538 square metres and frontage of 42.7 metres on King Street West, and 36.3 metres on both Strachan Avenue to the east and Massey Street to the west. The Site was formerly used as a gas station, but the station was decommissioned in early 2024. King Street West and Strachan Avenue have a right-of-way widths of 23 metres, and Massey Street is 18 metres wide.

Surrounding Uses

North: 3½-storey townhouses that have vehicular access from Massey Street.

South: a seven-storey office building with ground floor retail.

East: a three-storey designated heritage building (The Palace Arms) that was approved to be redeveloped into a 17-storey mixed-use building. The heritage building will be reconstructed as part of the redevelopment. The site to the rear of The Palace Arms was also approved to be redeveloped into a 12-storey mixed-use building.

West: an eight-storey residential building that has vehicular access from Crawford Street to the west. To the north of the eight-storey building are $3\frac{1}{2}$ -storey townhouses.

THE APPLICATION

Description

The proposal is for a 17-storey mixed-use building with a height of 52.8 metres to the top of the roof and 58.5 metres to the top of the mechanical penthouse. The total gross floor area proposed is 15,062 square metres, of which 14,845 square metres would be residential and 182 square metres as at-grade non-residential space.

Density

The proposal has a density of approximately 9.7 times the area of the lot.

Dwelling Units

The proposal includes 227 dwelling units, comprised of 138 one-bedroom (60%), 67 two-bedroom (30%), and 22 three-bedroom units (10%). Of the 227 units, six units will be provided as affordable rental units.

Non-Residential Component

Approximately 182 square metres of non-residential commercial space is proposed on the ground floor of the building.

Access, Bicycle Parking, Vehicle Parking and Loading

Pedestrians would be able to access the residential and commercial uses from entrances located on King Street West.

A total of 257 bike parking spaces are proposed with 206 spaces for residents, 46 spaces for short-term visitors, and 5 spaces for the non-residential use. The short-term visitor bike parking room is located on the ground floor and can be accessed from Strachan Avenue on the east side of the Site. A portion of the residential bike spaces are also located on the ground floor and can be accessed from Massey Avenue, while the remaining portion is located on Level P1 underground.

The proposal includes a total of 50 vehicular parking spaces within two levels underground, of which 34 spaces are for residents, 14 spaces are for visitors, and an additional two spaces will be dedicated for a carshare provider. Of the 50 spaces, five are proposed to be accessible parking spaces and all are electric vehicle equipped. Vehicular access to the underground parking garage is from Massey Street on the west side of the Site.

One Type G sized loading space is proposed inside the building on the ground floor and is accessed from Massey Street.

Additional Information

See the attachments of this report for the Application Data Sheet, Location Map, a Site Plan, Ground Floor Plan, Elevations, and 3D models of the proposal in context.

Reasons for Application

A Zoning By-law Amendment application is required to permit the proposed height, density, and setbacks, among other modifications to the performance standards.

APPLICATION BACKGROUND

The current application was submitted on September 12, 2022 and deemed complete on October 20, 2022, satisfying the City's minimum application requirements. The reports and studies submitted in support of this application are available on the <u>Application Information Centre</u>.

Agency Circulation Outcomes

The application, together with the applicable reports noted above, 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.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024), and shall conform to provincial plans.

Official Plan

The <u>Official Plan</u> Urban Structure Map 2 identifies the Site being located on an Avenue. The land use designation for the Site is Mixed Use Areas. See Attachment 3 of this report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

Secondary Plan

The Site is also within the boundaries of the <u>Garrison Common North Secondary Plan</u>. See Attachment 4 of this report for the Secondary Plan's area map. The objectives of the Secondary Plan are to provide for a range of housing types that encourage a range of household sizes, and by providing new street related retail and services along major streets such as King Street West.

Site and Area Specific Policy (SASP) 687

The Site is located within lands subject to Site and Area Specific Policy (SASP) 687. SASP 687 pertains to the King-Liberty Protected Major Transit Station Area (PMTSA) and is generally bounded by Strachan Avenue to the east, Dufferin Street to the west, Argyle Street to the north and East Liberty/Liberty Street to the south. SASP 687 requires existing and permitted development within the PMTSA to be planned for a minimum of 250 residents and jobs combined per hectare and a minimum density of two times the area of the lot.

SASP 687 has been adopted by City Council and is currently awaiting approval by the Ministry and is therefore not in force.

Zoning

The Site is zoned Commercial Residential CR 2.5 (c2.0; r.2.5) SS2 (x1267) under Zoning By-law 569-2013. See Attachment 5 of this report for the existing Zoning By-law Map. The CR zoning category permits a range of residential and non-residential uses. Development Standard Set 2 (SS2) includes built form provisions such as setbacks and angular planes, among other performance standards.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines
- Growing Up Guidelines for Children in Vertical Communities
- Pet Friendly Design Guidelines for High Density Communities

Toronto Green Standard

The <u>Toronto Green Standard (TGS)</u> 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 TGS.

Site Plan Control

A Site Plan Control application (22 201228 STE 20 SA), submitted together with the Zoning By-law Amendment application, was deemed complete and is currently under review.

Community Consultation

A virtual community consultation meeting was held on March 29, 2023 by Community Planning staff with 45 members of the public in attendance alongside the applicant, their consultants, and the local Ward Councillor. Community Planning staff presented on the planning policies and development review process, while the applicant presented details of their proposal. A moderated question and answer discussion was held after the presentations where comments and questions included the following matters:

- The need for affordable housing in the neighbourhood and City at-large;
- The loss of a gas station that local residents have relied on for years;
- The increase in traffic as a result of the proposed development; and,
- The on-going sewage smell that arises during certain times of year.

Statutory Public Meeting Comments

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

COMMENTS

Provincial Planning Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the PPS (2024). Staff find the proposal consistent with the PPS (2024).

Public Realm

The proposal seeks to improve the public realm from the existing condition, which was created in support of the gas station formerly on Site. The existing curb cuts on both the King Street West and Strachan Avenue frontages will be removed. New landscaping, tree planting, and sidewalks will be added to all three public frontages with curb-to-building distances of 5.2 to 8 metres on Strachan Avenue, 6.2 to 7 meters on Massey Street, and 7.5 metres on King Street West. Improved animation will also be achieved through the location of the residential lobby and non-residential entrance on the King Street West frontage. See Attachments 7 and 8 of this report for the proposed Site Plan and Ground Floor Plan.

Built Form, Height, Massing

Community Planning staff find that the proposal conforms with the Official Plan with respect to built form, height and massing. It is an appropriate scale of development for lands along Avenues and designated Mixed Use Areas, and provides appropriate transition in scale to the neighbourhood to the north.

A 7.5-metre setback at the rear of the building is proposed for Levels 3 to 9, increasing to 10.5 metres for Levels 10 to 17, to provide an acceptable transition and separation distance to the low-rise townhouses to the north of the Site. Starting on Level 10, a 3-metre stepback along the King Street West frontage and 2 metres along the Strachan Avenue and Massey Street frontages are provided to articulate and reduce the appearance of the massing of the 17-storey building from the public realm. The mechanical penthouse is also further stepped back by 1.5 metres on all four sides to help reduce its visibility and provide further articulation of the building.

Sun, Shadow, Wind

A Sun Shadow Study was submitted as part of the application. It illustrates new shadow cast by the proposed 17-storey building has minimal shadow impact on the public realm, nearby City parks, and public spaces.

A Pedestrian Level Wind Study was also submitted. It concludes the wind conditions on and around the Site are comfortable for pedestrians through the entire year. The southeast and southwest corners of the Site may experience elevated winds in the winter season, but are still comfortable for its intended use. Corner wind conditions can be mitigated through intentional design measures. The Level 3 outdoor amenity area is also appropriate for its intended use according to the Wind Study. Sun shadow and wind conditions as a result of the proposal are acceptable to staff.

Affordable Housing

The Official Plan, as well as provincial policies, recognize the importance of providing a full range of housing with new development. The provision of a diverse housing stock to meet housing needs of a wide range of people throughout their life cycle is important to achieving complete communities.

As part of the proposed 17-storey building, the applicant has agreed to provide a minimum of six affordable rental dwelling units through an in-kind Community Benefit Charge contribution pursuant to subsection 37(6) of the Planning Act. The affordable rental units would be provided and maintained for a 30-year period, where the total monthly rent, inclusive of all utilities, will not exceed the Official Plan definition for affordable rent by unit type. Staff are supportive of this affordable housing contribution and have listed requirements for the affordable housing units in the recommendations section of this report.

Mobility

Pedestrian access for the residential building and the at-grade non-residential space are both located on King Street West, which is supported by staff.

A portion of the bicycle parking is accessible at grade from the Strachan Avenue and Massey Street frontages. The remaining spaces are located below grade on P1. Transportation Services staff have reviewed the Transportation Impact Study submitted by the applicant and have no objections to the findings that the projected new traffic as a result of the 50 new parking spaces will have minimal impacts on area intersections and can be acceptably accommodated on the adjacent existing road networks.

Servicing

Engineering and Construction Services staff have reviewed the Functional Servicing and Stormwater Management Report submitted by the applicant and have requested additional information in the form of a revised Functional Servicing and Stormwater Management Report. Should it be determined that upgrades are required to support the development, the owner would be required to enter into a financially secured agreement to secure the construction of any improvements to the municipal infrastructure. As such, staff are recommending that these matters be addressed prior to the enactment of bills by City Council for the proposed development.

With regards to the community comments related to the sewage smell in the area, staff have confirmed that this not related to insufficient capacity, but rather the smell is from the <u>combined sewer overflow</u> located in the area.

Parkland

In accordance with <u>Section 42 of the Planning Act</u>, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per <u>Toronto Municipal Code</u> <u>Chapter 415-29</u>, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the <u>Toronto Municipal Code Chapter 415-28</u>, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Tree Preservation

An Arborist Report was submitted that describes the existing seven trees on the Site, two private and five City trees, which are subject to the <u>City of Toronto Municipal Code</u>, <u>Chapter 813</u> Articles II and III and proposed to be removed as part of the redevelopment.

The landscape plans show ten new City trees with sufficient soil volumes are proposed to be planted along King Street West, Strachan Avenue, and Massey Street, whereas the replacement ratio requires 15 trees to be replanted. The potential for additional tree planting will be reviewed during the Site Plan Control process. The applicant will be required to provide a payment for each required tree not able to be planted on the Site to the satisfaction of Urban Forestry.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

CONTACT

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SIGNATURE

Carly R

Carly Bowman, M.Sc.Pl., MCIP, RPP Director, Community Planning Toronto and East York District

ATTACHMENTS

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Garrison Common North Secondary Plan Map
- Attachment 5: Existing Zoning By-law Map
- Attachment 6: Draft Zoning By-law Amendment
- Attachment 7: Site Plan
- Attachment 8: Ground Floor Plan
- Attachment 9: South (King Street West) Elevation
- Attachment 10: North (rear) Elevation
- Attachment 11: East (Strachan Avenue) Elevation
- Attachment 12: West (Massey Street) Elevation
- Attachment 13: 3D Massing Model Looking Southeast
- Attachment 14: 3D Massing Model Looking Northwest

Municipal Address:	952 KING ST W	Date Received:	September 12, 2022	
Application Number:	22 201229 STE 10 OZ			
Application Type:	Rezoning			
Project Description:	The proposed development consists of a 17-storey mixed-use building with a height of 52.8 metres to the top of the roof and 58.5 metres to the top of the mechanical penthouse. The building proposes 182 square metres of ground floor non- residential space, and 227 residential units.			
Applicant	Agent	Architect	Owner	
Bousfields Inc.		Sweeny&Co Architects	952 King West Holdings Inc	
EXISTING PLANNIN	G CONTROLS			

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Garrison Common North Secondary Plan
Zoning:	CR 2.5(c2.0; r2.5) SS2 (x1267)	Heritage Designation:	N
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):1,548Frontage (m):115Depth (m):36

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	154		859	859
Residential GFA (sq m):			14,845	14,845
Non-Residential GFA (sq m):	154		182	182
Total GFA (sq m):	154		15,027	15,027
Height - Storeys:	1		17	17
Height - Metres:	4		53	53
Lot Coverage Ratio (%): 55.49		Floor Space In	dex: 9.71	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	14,794	51
Retail GFA:	182	
Office GFA:	-	-
Industrial GFA:	-	-
Institutional/Other GFA:	-	-

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	-	-	6	6
Freehold:	-	-	-	-
Condominium:	-	-	221	221
Other:	-	-	-	-
Total Units:			227	227

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	-	-	-	-	-
Proposed:	-	-	138	67	22
Total Units:			138	67	22

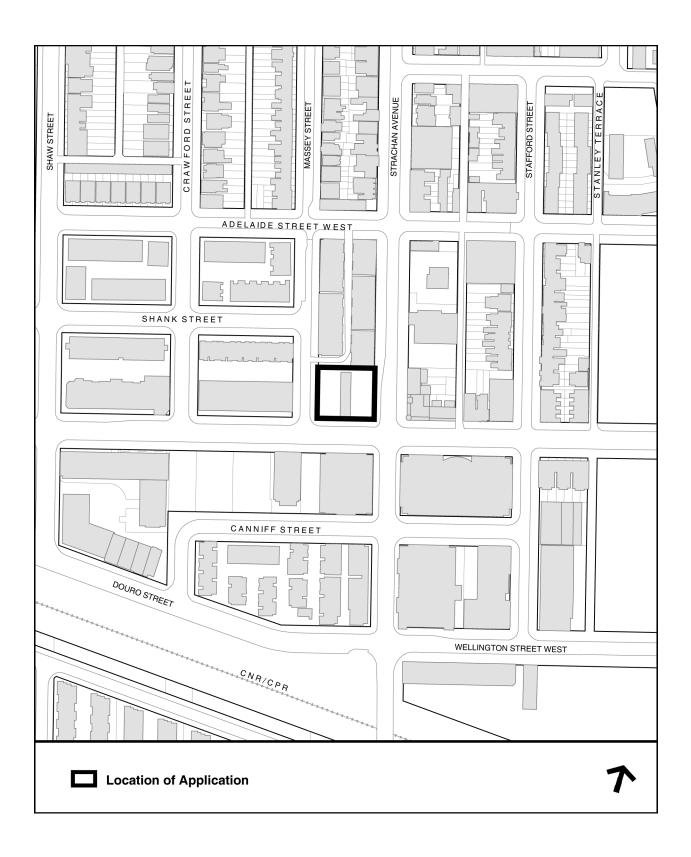
Parking and Loading

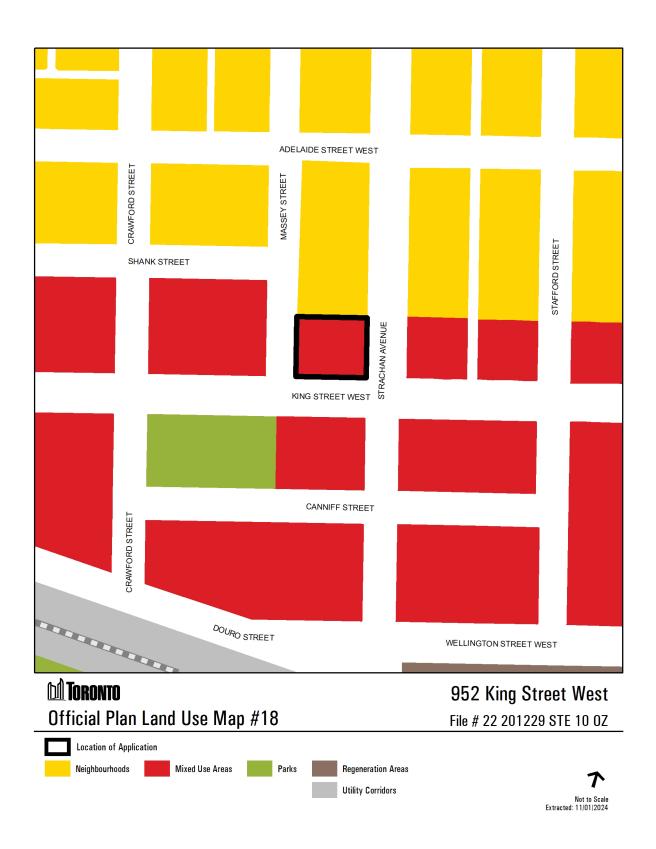
Parking Spaces:	50	Bicycle Parking Spaces:	257	Loading Docks:	1
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CONTACT:

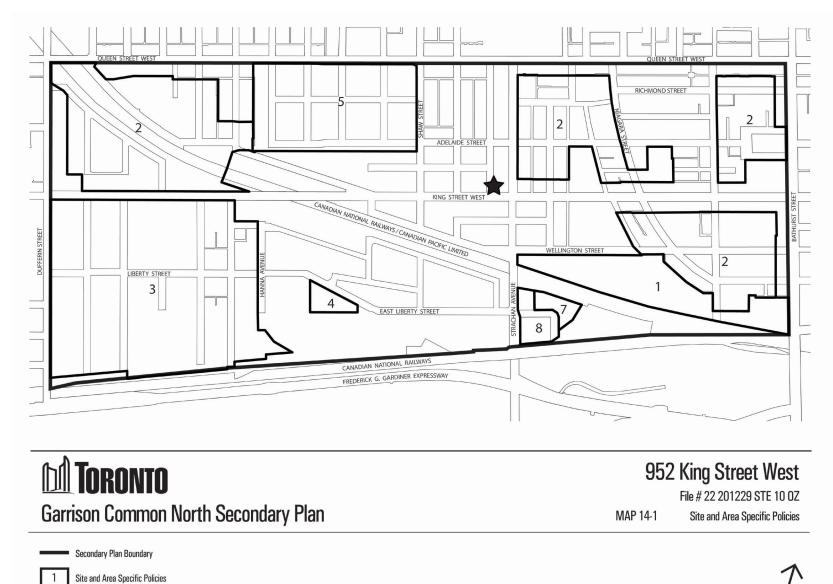
Aileen Keng, Community Planner 416-395-7044 <u>Aileen.Keng@toronto.ca</u>

Attachment 2: Location Map





Attachment 3: Official Plan Land Use Map



Attachment 4: Garrison Common North Secondary Plan Map

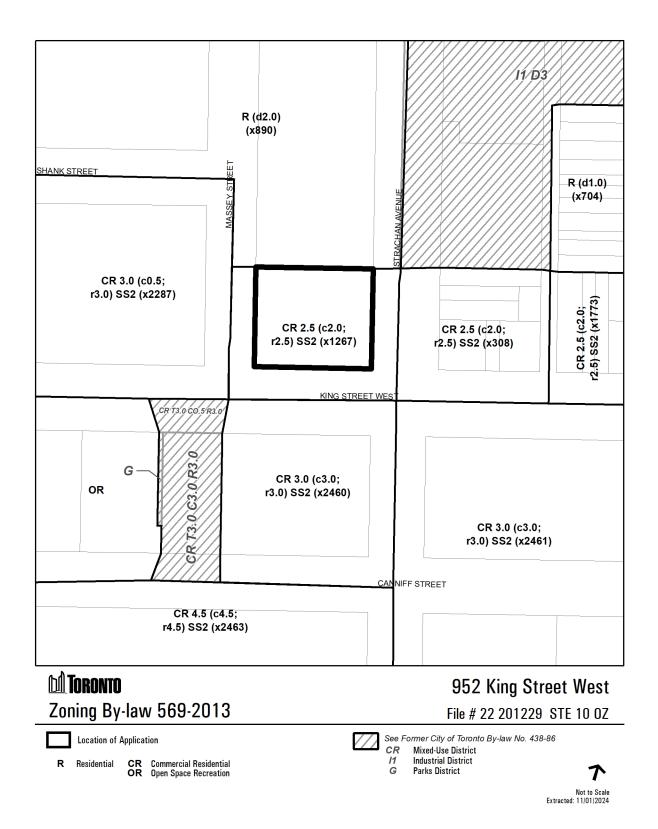
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Subject Site

Not to Scale

11/06/2024

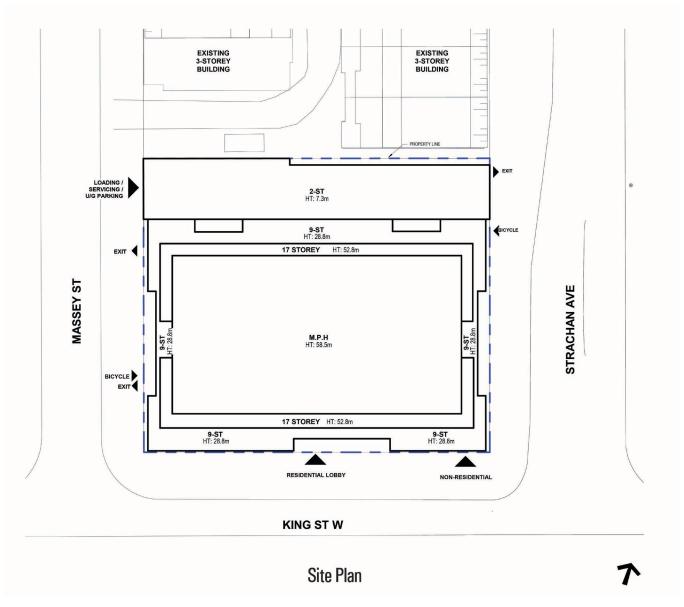




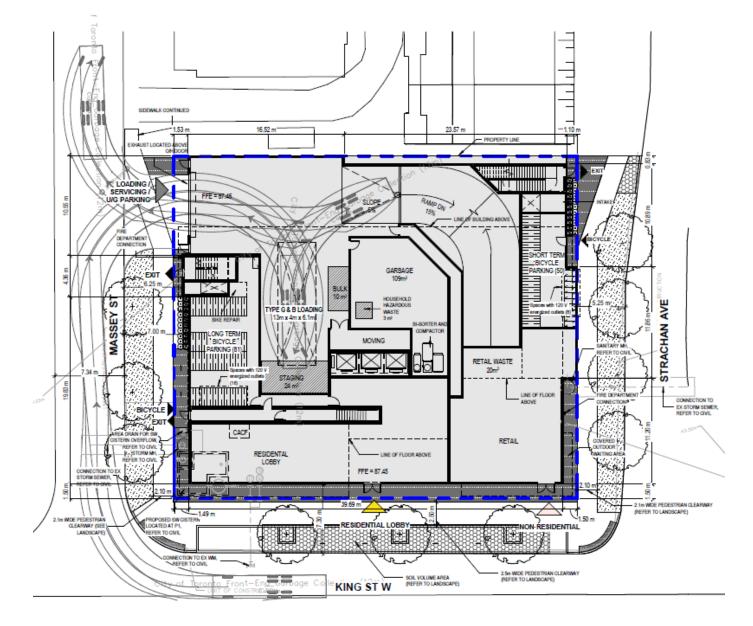
Attachment 6: Draft Zoning By-law Amendment

Draft Zoning By-law Amendment will be made available on or before the December 4, 2024 Toronto and East York Community Council meeting.

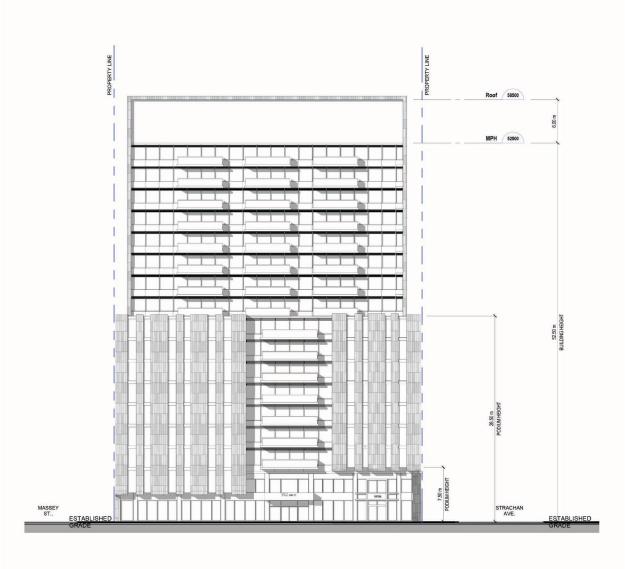
Attachment 7: Site Plan



Attachment 8: Ground Floor Plan

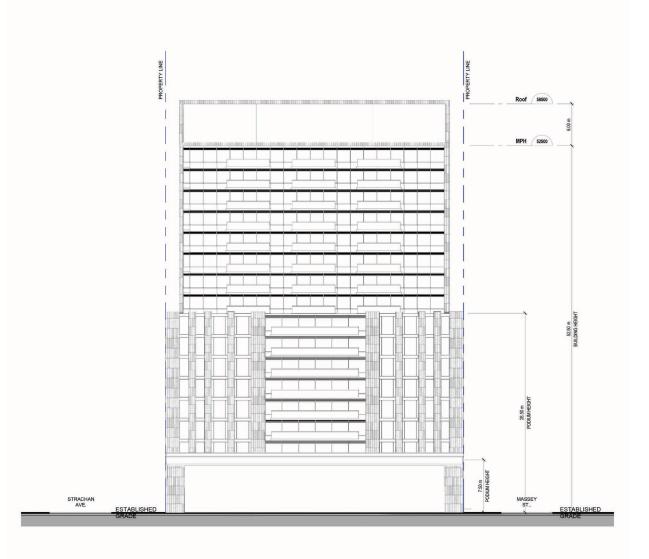






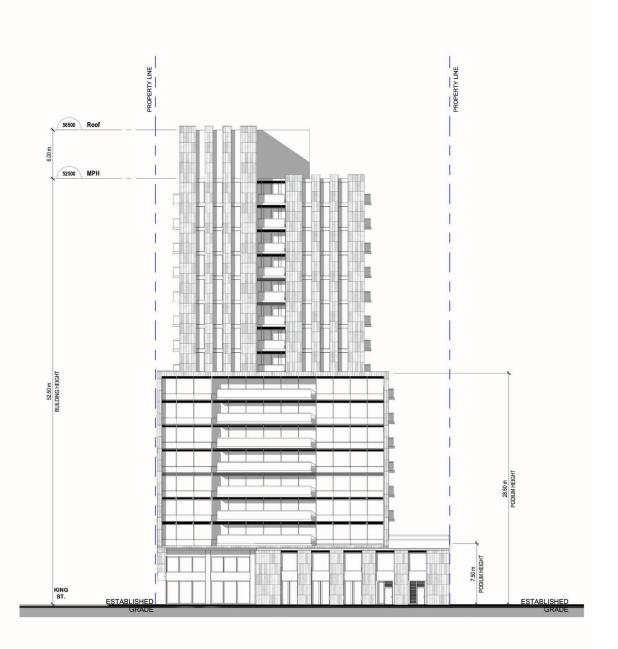
South Elevation





North Elevation



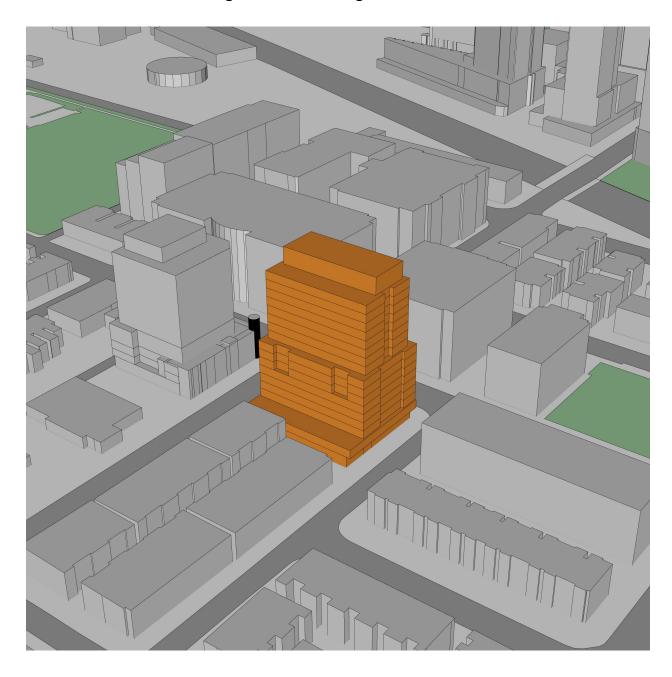


East Elevation

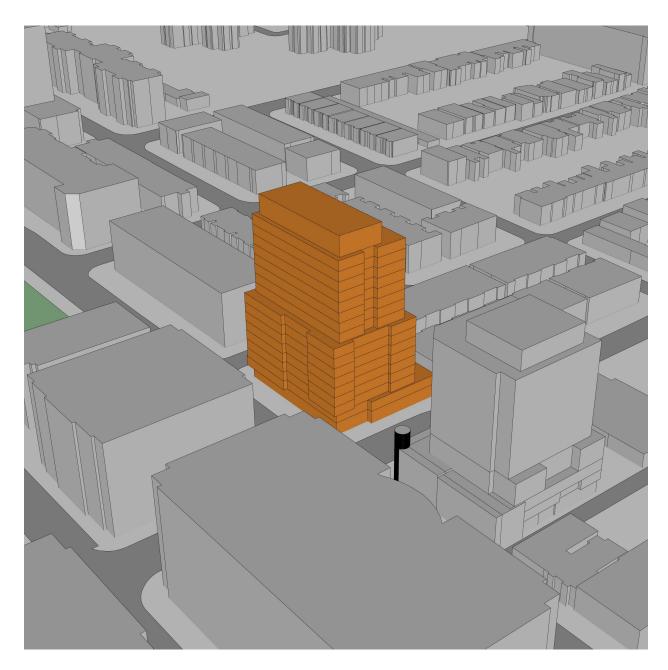




West Elevation



Attachment 13: 3D Massing Model – Looking Southeast



Attachment 14: 3D Massing Model – Looking Northwest