

## Tracking Status

- [City Council](#) adopted this item on December 17, 2019 with amendments.
- This item was considered by [Toronto and East York Community Council](#) on December 3, 2019. It is being forwarded to City Council without recommendations. It will be considered by City Council on December 17, 2019.

### City Council consideration on December 17, 2019

TE11.2	ACTION	Amended		Ward: 10
--------	--------	---------	--	----------

### 540-544 King Street West and 1-7 Morrison Street - Zoning By-law Amendment Application - Final Report

#### City Council Decision

City Council on December 17 and 18, 2019, adopted the following:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 540-544 King Street West and 1-7 Morrison Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the supplementary report (December 17, 2019) from the Chief Planner and Executive Director, City Planning.
2. City Council amend Zoning By-law 438-86 for the lands at 540-544 King Street West and 1-7 Morrison Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to the supplementary report (December 17, 2019) from the Chief Planner and Executive Director, City Planning.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:
  - a. provide a Re-construction Plan for the building at 544 King Street West, listed on the City's Heritage Register, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 540-544 King Street West and 1-7 Morrison Street by ERA Architects Inc., dated August 8, 2019, to the satisfaction of the Senior Manager, Heritage Planning;
  - b. withdraw its appeal and/or withdraw its party status to the appeal of the King-Spadina Heritage Conservation District Plan with respect to the property at 544 King Street West and any other City-initiated official plan amendments under appeal; and

c. address the outstanding comments outlined in the Engineering and Construction Services memorandum dated October 17, 2019, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services.

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

a. prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

b. prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 for the provision of affordable housing in Ward 10 within the vicinity of the site to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

c. prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$600,000.00 for the revitalization of the playground of the Toronto District School Board property at 20 Brant Street, subject to public access outside of regular school hours, and/or public realm improvements in the area, and/or community services and facilities, all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

d. all cash contributions referred to in Parts 5.a. to c. above shall be increased upwards by indexing in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made to the City;

e. in the event the cash contributions referred to in Parts 5.a. to d. above have not been used for the intended purposes within three (3) years of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10; and

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

i. prior to final site plan approval, the owner shall provide an Interpretation Plan for the subject property at 544 King Street West to the satisfaction of the Senior Manager, Heritage Planning, and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

ii. prior to final site plan approval, the owner shall provide a Heritage Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its heritage character as viewed from the public realm to the satisfaction of the Senior Manager, Heritage Planning;

iii. prior to final site plan approval, the owner shall submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning;

iv. Prior to the issuance of any Building Permit, the owner shall provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Re-construction Plan and approved Interpretation Plan;

v. prior to the issuance of any Building Permit, the owner shall provide full documentation of the existing heritage property at 544 King Street West, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning;

vi. prior to the release of the letter of credit required in Part 5.f.iv. above, the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required restoration work and the required interpretive work has been completed in accordance with the Re-construction Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning;

vii. the owner agrees to submit, and thereafter implement, a construction management plan to address such matters as, including but not limited to, noise, dust, street closures, parking and laneway uses and access; such plan shall be to the satisfaction of the General Manager, Transportation Services, the Chief Planner and Executive Director, City Planning, and the Ward Councillor, in consultation with the ALPHA School Community, the Garment District Neighbourhood Association, the Toronto Lands Corporation and any other community stakeholders, and shall be submitted prior to the commencement of any demolition, shoring or excavation work; and

viii. the owner agrees to work with the Toronto Lands Corporation to implement and maintain a living green wall for the height of the ground floor of the east-facing façade of the portion of the building located at 1-7 Morrison Street, immediately adjacent to the Toronto District School Property at 20 Brant Street, utilizing vegetation which will remain green throughout all four seasons of the year; the green wall will be maintained by the owner of 540-544 King Street West and will be detailed in the Site Plan control drawings.

6. Prior to approval of the Site Plan Control application, City Council require that the owner agrees to strike a site plan working group including the ALPHA School Community, the Garment District Neighbourhood Association, the Toronto Lands Corporation and any other interested community stakeholders, in consultation with the Ward Councillor, City Planning staff and any other City staff as necessary, to consider the following, but not limited to, matters:

a. mitigation measures to reduce the safety and overlook impacts that any outdoor balconies and terraces at the 540-544 King Street West and 1-7 Morrison Street property may have on the Toronto District School Board property at 20 Brant Street;

b. proposed building articulation and materials; and

**c. mitigation of traffic impacts on surrounding properties.**

7. City Council request the Director, Community Planning, Toronto and East York District to review existing policies with respect to protecting and enhancing school yards, as part of the work to implement the TOcore Parks and Public Realm plan, to ensure their protection as quality public and educational spaces within the Downtown.

**Background Information (Community Council)**

(October 18, 2019) Report and Attachments 1-11 from the Director, Community Planning, Toronto and East York District - 540-544 King Street West and 1-7 Morrison Street – Zoning By-law Amendment Application – Final Report

(<http://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-140045.pdf>)

(November 4, 2019) Attachment 5

(<http://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-140046.pdf>)

(November 4, 2019) Attachment 6

(<http://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-140044.pdf>)

**Background Information (City Council)**

(December 17, 2019) Supplementary report from the Chief Planner and Executive Director, City Planning on 540-544 King Street West and 1-7 Morrison Street - Zoning Amendment Application (TE11.2a)

(<http://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-141288.pdf>)

Attachment 1: Draft Zoning By-law Amendment (By-law 569-2013)

(<http://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-141269.pdf>)

Attachment 2: Draft Zoning By-law Amendment (By-law 438-86)

(<http://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-141270.pdf>)

**Communications (Community Council)**

(October 27, 2019) E-mail from Justin Cottrell (TE.Main.TE11.2.1)

(October 29, 2019) E-mail from Karen Fowler (TE.Main.TE11.2.2)

(October 29, 2019) E-mail from Joan Kivanda (TE.Main.TE11.2.3)

(October 29, 2019) Letter from Nawleen Kaur (TE.Main.TE11.2.4)

(October 29, 2019) E-mail from Holly Jasiura (TE.Supp.TE11.2.5)

(October 29, 2019) E-mail from Ayelen Liberona (TE.Main.TE11.2.6)

(October 30, 2019) E-mail from Jason Cheong-Kee-You (TE.Main.TE11.2.7)

(October 30, 2019) E-mail from Jennie Lea McLeish (TE.Main.TE11.2.8)

(October 30, 2019) E-mail from Vik Tenekjian (TE.Main.TE11.2.9)

(October 30, 2019) E-mail from Jessica Zimmermann (TE.Main.TE11.2.10)

(October 30, 2019) E-mail from Babette Burrell (TE.Main.TE11.2.11)

(October 29, 2019) Letter from Sarit Adri (TE.Main.TE11.2.12)

(October 30, 2019) E-mail from Roslyn Soane (TE.Main.TE11.2.13)

(October 29, 2019) E-mail from Carol Futerman (TE.Main.TE11.2.14)

(October 30, 2019) E-mail from Sebastian Davila and Alma Mikulinsky (TE.Main.TE11.2.15)

(October 30, 2019) E-mail from Maggie Anderson (TE.Main.TE11.2.16)

(October 30, 2019) Letter from Rachel Clarke and Markos Ordonez (TE.Main.TE11.2.17)

(October 31, 2019) Letter from Dieter Riedel (TE.Main.TE11.2.18)

(October 31, 2019) E-mail from Jun Liu (TE.Main.TE11.2.19)

- (October 31, 2019) Letter from Board of Director, TSCC No. 1796 (TE.Main.TE11.2.20)  
(<http://www.toronto.ca/legdocs/mmis/2019/te/comm/communicationfile-99159.pdf>)
- (October 31, 2019) E-mail from Lucas Harris & Geneviève Gilardeau (TE.Main.TE11.2.21)
- (October 31, 2019) Letter from Sonja Wasyk (TE.Main.TE11.2.22)
- (October 31, 2019) E-mail from Urszula Wojtyra and Brian Cox (TE.Main.TE11.2.23)
- (October 31, 2019) E-mail from Xingyu(Emily) Liu (TE.Main.TE11.2.24)
- (November 1, 2019) E-mail from Suzana Neves (TE.Main.TE11.2.25)
- (November 1, 2019) E-mail from Shannon Glashan (TE.Main.TE11.2.26)
- (November 1, 2019) Letter from Shannon Thompson (TE.Main.TE11.2.27)
- (November 1, 2019) E-mail from Ernesto Filardi (TE.Main.TE11.2.28)
- (November 1, 2019) E-mail from Nicole Corrado (TE.Main.TE11.2.29)
- (November 1, 2019) E-mail from Ian Mackenzie (TE.Main.TE11.2.30)
- (November 1, 2019) E-mail from Shannon Simpson (TE.Main.TE11.2.31)
- (November 1, 2019) E-mail from Dapeng Cui and Xing Xia (TE.Main.TE11.2.32)
- (November 1, 2019) E-mail from Shannon Cameron (TE.Main.TE11.2.33)
- (November 1, 2019) E-mail from Jennifer and Dan Holliwell (TE.Main.TE11.2.34)
- (November 1, 2019) E-mail from Donna Wilding (TE.Supp.TE11.2.35)
- (November 1, 2019) E-mail from Derek Horn (TE.Main.TE11.2.36)
- (November 1, 2019) E-mail from Rick Wahl (TE.Main.TE11.2.37)
- (November 1, 2019) E-mail from Susana Bejar (TE.Main.TE11.2.38)
- (November 1, 2019) E-mail from Sonya Allin and Robin Sutherland (TE.Main.TE11.2.39)
- (November 1, 2019) E-mail from Cai Hideo Oyafuso (TE.Main.TE11.2.40)
- (November 1, 2019) E-mail from Nese and Oguz Demir (TE.Main.TE11.2.41)
- (November 1, 2019) Letter from Emily Chan (TE.Main.TE11.2.42)
- (November 1, 2019) E-mail from Andrew Jermyn (TE.Main.TE11.2.43)
- (November 1, 2019) E-mail from Gabrielle Stannus, James Hall, and Elska Stannus-Hall (TE.Main.TE11.2.44)
- (November 1, 2019) E-mail from Lorna Johannessen (TE.Main.TE11.2.45)
- (November 1, 2019) E-mail from Jill Mandley (TE.Main.TE11.2.46)
- (November 4, 2019) E-mail from Mike Painter-Main and Rachael Gibson (TE.Main.TE11.2.47)
- (November 4, 2019) Letter from TSCC 2376 Board of Directors (TE.Main.TE11.2.48)  
(<http://www.toronto.ca/legdocs/mmis/2019/te/comm/communicationfile-99145.pdf>)
- (November 4, 2019) E-mail from Marcia Dixon (TE.Main.TE11.2.49)
- (November 4, 2019) Letter from Max Allen (TE.Main.TE11.2.50)  
(<http://www.toronto.ca/legdocs/mmis/2019/te/comm/communicationfile-99147.pdf>)
- (November 4, 2019) E-mail from Davies Howe LLP (TE.Main.TE11.2.51)
- (November 5, 2019) Letter from Daryl Sage, Toronto Lands Corporation (TE.Main.TE11.2.52)  
(<http://www.toronto.ca/legdocs/mmis/2019/te/comm/communicationfile-99148.pdf>)
- (November 4, 2019) E-mail from Emily Chan (TE.Main.TE11.2.53)
- (November 4, 2019) E-mail from Adam Shipowick (TE.Supp.TE11.2.54)
- (November 5, 2019) E-mail from Emily Chan (TE.Main.TE11.2.55)
- (November 4, 2019) Letter from Emily Chan (TE.Main.TE11.2.56)
- (November 29, 2019) E-mail from Nicole Corrado (TE.Supp.TE11.2.57)

### **Communications (City Council)**

- (December 16, 2019) Petition from JL McLeish, The ALPHA Parent Group, containing the

names of approximately 816 persons. (CC.New.TE2.58)

## **Motions (City Council)**

*1 - Motion to Adopt Item as Amended moved by Councillor Joe Cressy (Carried)*

That City Council adopt the recommendations in the supplementary report (December 17, 2019) from the Chief Planner and Executive Director, City Planning, amended to read as follows:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 540-544 King Street West and 1-7 Morrison Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the December 17, 2019 report from the Chief Planner and Executive Director, City Planning Division, Toronto and East York District.
2. City Council amend Zoning By-law 438-86 for the lands at 540-544 King Street West and 1-7 Morrison Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the December 17, 2019 report from the Chief Planner and Executive Director, City Planning Division.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to:
  - a) Provide a Re-construction Plan for the building at 544 King Street West, listed on the City's Heritage Register, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 540-544 King Street West and 1-7 Morrison Street by ERA Architects Inc., dated August 8, 2019, to the satisfaction of the Senior Manager, Heritage Planning.
  - b) Withdraw its appeal and/or withdraw its party status to the appeal of the King-Spadina Heritage Conservation District Plan with respect to the property at 544 King Street West and any other City-initiated official plan amendments under appeal.
  - c) Address the outstanding comments outlined in the Engineering and Construction Services memorandum dated October 17, 2019, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
  - a) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

b) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 for the provision of affordable housing in Ward 10 within the vicinity of the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

~~e) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$600,000.00 for above base streetscape improvements on the west side of Brant Street between King Street West and Adelaide Street West, including a portion which will be allocated to the revitalization of the playground of the Toronto District School Board property at 20 Brant Street, subject to public access outside of regular school hours, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.~~

c) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$600,000.00 for the revitalization of the playground of the Toronto District School Board property at 20 Brant Street, subject to public access outside of regular school hours, and/or public realm improvements in the area, and/or community services and facilities, all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

d) All cash contributions referred to in Recommendation 5. a-c above shall be increased upwards by indexing in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made to the City;

e) In the event the cash contributions referred to in Recommendation 5.a-d. have not been used for the intended purposes within three (3) years of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10; and

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

i. Prior to final site plan approval, the owner shall provide an Interpretation Plan for the subject property at 544 King Street West, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

ii. Prior to final site plan approval, the owner shall provide a Heritage Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its heritage character as viewed from the public realm to the satisfaction of the Senior Manager, Heritage Planning;

iii. Prior to final site plan approval, the owner shall submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning;

iv. Prior to the issuance of any Building Permit, the owner shall provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Re-construction Plan and approved Interpretation Plan;

v. Prior to the issuance of any Building Permit, the owner shall provide full documentation of the existing heritage property at 544 King Street West, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning;

vi. Prior to the release of the letter of credit required in Recommendation 5.f.iv. above, the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required restoration work and the required interpretive work has been completed in accordance with the Re-construction Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning;

~~vii. The owner agrees to submit, and thereafter implement, a construction management plan to address such matters as noise, dust, street closures, parking and laneway uses and access. Such plan shall be to the satisfaction of the General Manager, Transportation Services, the Chief Planner and Executive Director, City Planning Division and the Senior Manager, Land Use Planning, Toronto Lands Corporation, in consultation with the Ward Councillor, the ALPHA School Community, the Garment District Neighbourhood Association and any other community stakeholders, and shall be submitted prior to the commencement of any demolition, shoring or excavation work; and~~

vii. The owner agrees to submit, and thereafter implement, a construction management plan to address such matters as, including but not limited to, noise, dust, street closures, parking and laneway uses and access. Such plan shall be to the satisfaction of the General Manager, Transportation Services, the Chief Planner and Executive Director, City Planning Division, and the Ward Councillor, in consultation with the ALPHA School Community, the Garment District Neighbourhood Association, the Toronto Lands Corporation and any other community stakeholders, and shall be submitted prior to the commencement of any demolition, shoring or excavation work; and

viii. The owner agrees to work with the Toronto Lands Corporation to implement and maintain a living green wall for the height of the ground floor of the east-facing façade of the portion of the building located at 1-7 Morrison Street, immediately adjacent to the Toronto District School Property at 20 Brant Street, utilizing vegetation which will remain green throughout all four seasons of the year. The green wall will be maintained by the owner of 540-544 King Street West and will be detailed in the Site Plan control drawings.

6. Prior to approval of the Site Plan Control application, the owner agrees to strike a site plan working group including the ALPHA School Community, the Garment District Neighbourhood Association, the Toronto Lands Corporation and any other interested community stakeholders, in consultation with the Ward Councillor, City Planning staff and any other City staff as necessary, to consider the following, but not limited to, matters:

a) Mitigation measures to reduce the safety and overlook impacts that any outdoor balconies and terraces at the 540-544 King Street West and 1-7 Morrison Street property may have on the Toronto District School Board property at 20 Brant Street.

b) Proposed building articulation and materials.

c) Mitigation of traffic impacts on surrounding properties.

7. City Council request the Director, Community Planning, Toronto and East York District, to review existing policies with respect to protecting and enhancing school yards, as part of the work to implement the TOcore Parks and Public Realm plan, to ensure their protection as quality public and educational spaces within the Downtown.

## **⊕ Toronto and East York Community Council consideration on December 3, 2019**

---

Source: Toronto City Clerk at [www.toronto.ca/council](http://www.toronto.ca/council)