

180 Shaw Street – Official Plan Amendment & Rezoning Applications – Final Report

Date:	July 23, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	10 153172 STE 19 OZ

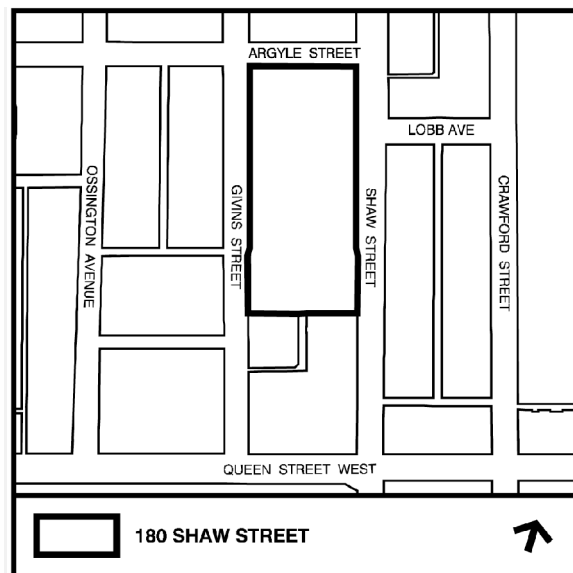
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to convert the existing, vacant public school at 180 Shaw Street into a centre for arts and community programming. The centre will be run by Artscape and will consist of non-profit arts and community use space.

The proposal is to convert a vacant school site to a centre for non-profit arts and community uses such as artist studios, galleries, offices for small non profit agencies and a small cafe. The site is located in an area identified as having the fifth highest concentration of artists in all of Canada, many of whom need dedicated space to create and sell their art. The proposed uses are low impact and will not significantly increase the demands on the site or surrounding Neighbourhood. Further, the number of people using the site will be significantly less than when the site was used as a public school.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 180 Shaw Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 of the report dated July 23, 2010 from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86, for the lands at 180 Shaw Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report dated July 23, 2010 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 Official Plan Amendment and draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A preliminary report was approved by Toronto and East York Community Council on June 22, 2010. Community Council agreed with the recommendations in that report, which can be found at <http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-31167.pdf>.

The applicants have also applied to the Committee of Adjustment for a severance, to create a separate lot as the site is now shared with the Givins-Shaw Public School. The severance is tentatively scheduled to be heard on August 11, 2010.

ISSUE BACKGROUND

Proposal

The site currently contains two public schools, one of which is operational. The Shaw School which has been vacant since 2000, would be severed from the current property through an application to the Committee of Adjustment and the building will be converted into a space for non-profit arts and community programming. The other school, the Givins-Shaw School, will continue to be operated by the Toronto District School Board.

The vacant school would be converted, through interior renovations, to a space which will contain work spaces, either sold or rented at below-market rates to artists and non-profit arts and community organizations. A loading space and garbage storage will be added to the north wall of the existing building.

While no parking is proposed to be provided on-site, the area is well serviced by public transit and there are two Toronto Parking Authority parking lots in the vicinity. Twenty bicycle parking spaces are proposed for the site. There is no parking currently provided on the site.

Site and Surrounding Area

The site is located on the west side of Shaw Street, located equidistant between Queen Street West and Dundas Street West. The site currently contains two schools and a recreational area for students. The northern portion of the site will be severed to create a lot, containing only the Shaw School, having an area of 2750 m² and having a frontage onto Shaw Street of 76.28 m.

Adjacent existing land uses are:

North: Single family semi-detached dwellings and rowhouses fronting onto Argyle Street

South: Toronto District School Board Givins-Shaw School

East: Single family semi-detached and detached dwellings fronting onto Shaw Street

West: Single family semi-detached and rowhouses fronting onto Givins Street

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated as *Neighbourhoods* in the Official Plan (Attachment 4). This designation allows for primarily residential uses and low scale institutions which support the local community. Any development within these areas should be designed so that it maintains the "existing physical character" of the area. Uses which support the residents should have minimal negative impacts and be designed to limit noise, privacy and traffic and parking impacts on residents. Small-scale retail, service and office uses, which support area residents are permitted on major streets shown on Map 3 when they have minimal negative impacts on residents. The site is not located on a major street as shown on Map 3.

Zoning

The site is zoned R4 Z1.0 under By-law 438-86, as amended (Attachment 3). This is a residential zoning which permits a number of uses, including but not limited to: residential uses, community centres, municipal community centres, and public art galleries. The maximum permitted density and building height are 1.0 times the area of the lot and 10 metres respectfully.

The proposed uses are not permitted. The proposed building would have a gross floor area equal to 2.6 times the area of the lot.

Site Plan Control

This proposal is not subject to Site Plan Approval.

Reasons for Application

The application for a rezoning is required as the By-law does not contemplate the proposed uses being located within a residential area. While community centres, municipal community centres public art galleries and public museums are permitted, similar uses by private individuals and not for profit groups are not.

Additionally, an Official Plan Amendment is required as the proposed uses do not meet the development criteria for *Neighbourhoods*. These areas are intended to be stable, residential area with some supporting low scale uses. The policies require that any supporting small-scale retail, service and office uses, such as the ones proposed, to be located on a major street on Map 3. Shaw Street is not a major street and an amendment is required.

Community Consultation

A community consultation meeting was held on in the neighbourhood on May 25, 2010. At that meeting, the general feeling of the area residents was that this proposal represents a good use of the former school site. The proposed uses were generally not a concern and were well received.

The community did have concerns with the proposed loading area to the north of the existing building. The community was concerned that it would feel like garbage and delivery trucks were parked on the sidewalk or in their front yards. They were also concerned about the number of trucks and when they would be visiting the site.

The applicant has tried to address these concerns by redesigning the loading area (Attachment 1). The loading area is now part of a through driveway made of permeable materials. This allows for a greener space, improved safety as trucks do not need to reverse and improved screening of the space. The additional screening will be done with vegetation, ensuring that it separates the loading spaces from the sidewalk and street while not creating safety issues by entirely blocking in the corner. Garbage pick-up and delivery times will be scheduled so as to minimize the impacts on the surrounding residential area.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. One of the key objectives of the PPS is to build strong communities. There are a large number of artists who currently work and live within the broader community. By providing the community with a specialized facility for nurturing these skills they will be able to create an artistic hub within their community.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan aims to revitalize downtowns, to create communities that offer options for living, working, shopping and playing and looks for development to use existing land instead of reducing green spaces. The reuse of the vacant building into a place for artists to create, display and sell their work will help to create the type of community the Plan seeks to create.

Land Use

The proposed arts and community uses are not permitted by the Zoning By-law or the Official Plan on this site. However, there is some thought given to these uses within both documents. The Official Plan does contemplate these uses as being beneficial to a *Neighbourhood* but limits their location to major streets as identified on Map 3 of the Plan. These types of uses can make a residential area stronger by invoking a sense of community and providing a local place for community functions. The subject site is large and currently vacant which, while not on a major street, makes it an ideal candidate for this type of revitalization.

The Zoning By-law also contemplates these proposed uses, however many of them are required to be publicly owned in order to be permitted. These uses will benefit many of the local artists who reside in the area. This is a good opportunity to convert a large, vacant building into something that will serve the needs of the community.

The applicant has requested permission for a small café within the building. The Official Plan permits new small scale, retail and service use in *Neighbourhoods*, which support the neighbourhood and do not adversely impact on adjacent residents, if they are located on a major street shown on Map 3 of the plan through a re-zoning. In this case, the site is not located on a major street. The proposed café is intended to provide food and beverage to tenants but would also be accessible to residents and is not intended to have a kitchen. Staff believe that the café will complement the arts uses proposed and also serve the immediate neighbours but not draw outside patrons. In this case, staff consider the café appropriate provided the following restrictions are included in the rezoning:

- only one *restaurant* shall be permitted on the *lot*;
- the *restaurant* use shall be to a maximum of 100 sq.m of *non-residential gfa*.
- No outdoor or rooftop patio shall be permitted;
- the *restaurant* shall not include any entertainment uses such as a dance floor, disc jockey or dance floor

Traffic Impact, Access, Parking

The applicant submitted a parking and loading study as part of the application. While no parking will be provided on-site the report notes that the area is well serviced by public transit and there are two Green P parking lots in the vicinity. It is estimated that that the short term recurring visitor parking demands created by the project will range between eight and eleven vehicles.

As part of the report, it was noted that the west side of Shaw Street could accommodate an additional fifteen street parking spaces. These parking spaces will serve to provide parking for visitors of the project but also for others in the area. The costs associated in making this change will be borne by the applicant.

The applicant is also proposing to provide twenty bicycle parking spaces along Shaw Street including ten visitor bicycle parking spaces.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report as part of the application. The proposed use of the building will result in lower consumption and flow-generation uses than that of the school use. It has been determined that the existing infrastructure is sufficient.

Economic Impact

The project was circulated to the Economic Development division. Business Services, Business Retention and Expansion support the application. They have estimated that this project will bring an approximate investment of \$12 million as well as support the creation of new employment in the targeted creative industry sector.

Consent Agreement

Staff will require the applicant to enter into a consent agreement into order to secure conditions required by various City departments. The consent agreement will contain the following conditions:

- (a) The applicant will pay for and construct any improvements to the municipal infrastructure in connection with the Servicing Report, as accepted by the Executive Director of technical Services, should it be determined that improvements to such infrastructure is required to support this development.
- (b) The applicant will pay for all costs associated with modifying the existing “No Parking” regulations to allow 15 new parking spaces on the west side of Shaw Street, 30.0 metres south of Lobb Avenue to a point approximately 100.0 metres south thereof.
- (c) Where it is not possible to retain a tree on City property that qualifies for protection under the City of Toronto’s City Tree By-law, it will be necessary for the applicant to submit an application requesting permission to destroy the trees in question to Urban Forestry. There is a fee of \$300 (subject to change) for each tree included in an application. Payment may be made by certified cheque or money order, and must be submitted with the application. Applications can be found at <http://www.toronto.ca/trees/pdfs/Citytreeapplicationform.pdf>.

- (d) The applicant will plant two new trees on the Argyle Street road allowance. All new trees to be planted on any City road allowance sites must be in turf. Urban Forestry recommends American Elm, White Oak or Black Gum species.
- (e) Urban Forestry will require a Tree Security Deposit, Tree Planting Security Deposit and possibly a Tree Loss Payment. Amounts to be determined.
- (f) There are nine private trees on site that may be impacted by the proposed construction activities. A detailed tree protection plan will be necessary; and where it is not possible to retain a tree on private property that qualifies for protection under the City of Toronto's Private Tree By-law, or where construction activity will encroach upon a protected tree's minimum tree protection zone, it will be necessary for the applicant to submit an application requesting permission to injure or destroy the trees in question to Urban Forestry. There is a fee of \$300 (subject to change) for each tree included in an application. Payment may be made by certified cheque or money order, and must be submitted with the application.
- (g) The applicant will build the landscaping and loading substantially in accordance with the plan attached a Attachment 1 to this report including the use of permeable paving materials to the satisfaction of the Director, Community Planning, Toronto and East York District, which identifies the configuration of the loading area and that the pavers used will be made of permeable materials.
- (h) The applicant agrees to provide bicycle parking for tenants and visitors to the satisfaction of the Chief Planner and Executive Director City Planning Division.
- (i) The applicant agrees to limit the hours for the accessory restaurant to 7 a.m. to 11 p.m.

CONTACT

Guy Matthew, Assistant Planner
Tel. No. 416-392-7574
Fax No. 416-392-1330
E-mail: gmatthe2@toronto.ca

SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Context Plan

Attachment 2: Site Plan

Attachment 3: Elevations

Attachment 4: Official Plan

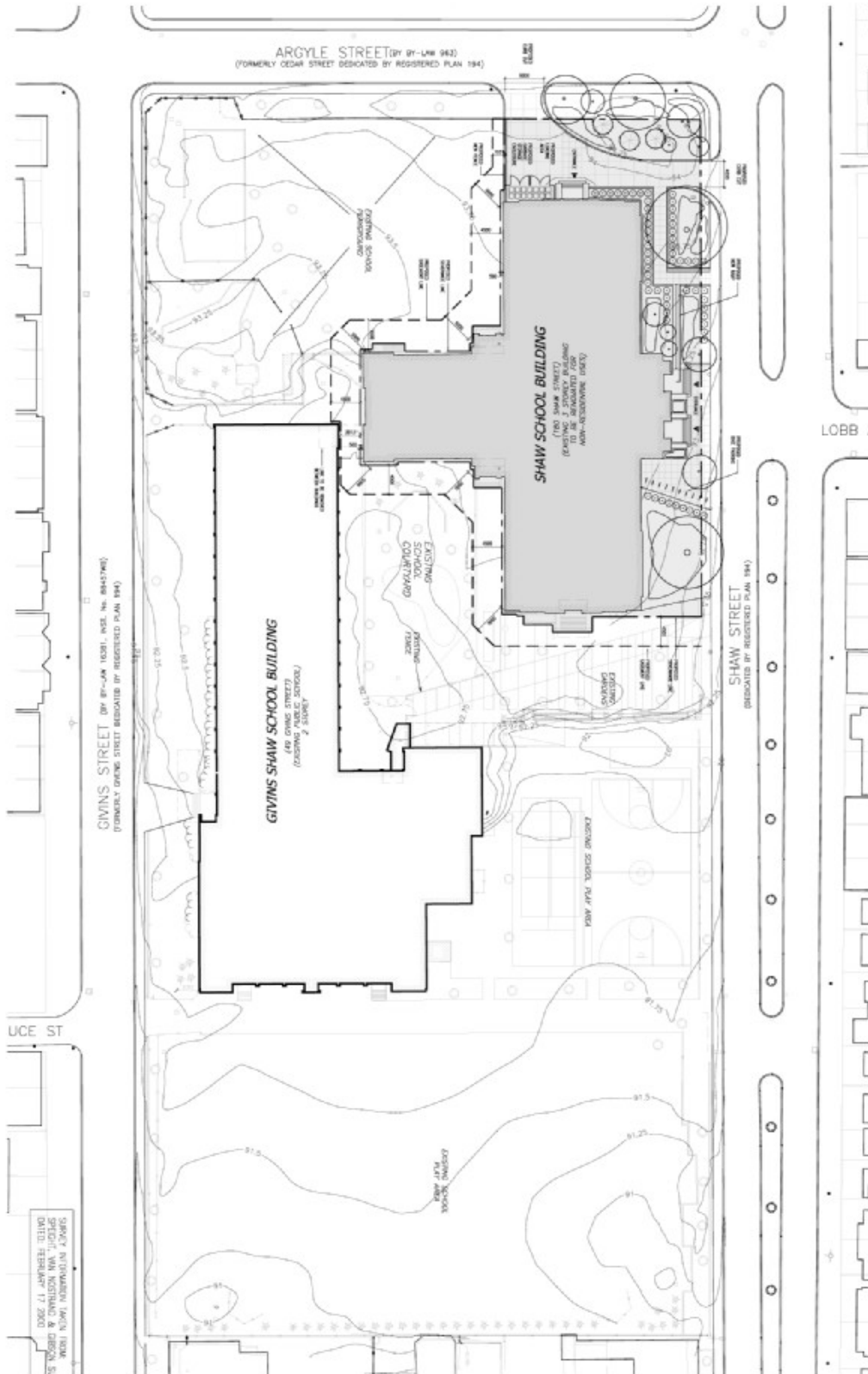
Attachment 5: Zoning

Attachment 6: Application Data Sheet

Attachment 7: Draft Official Plan Amendment

Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Context Plan



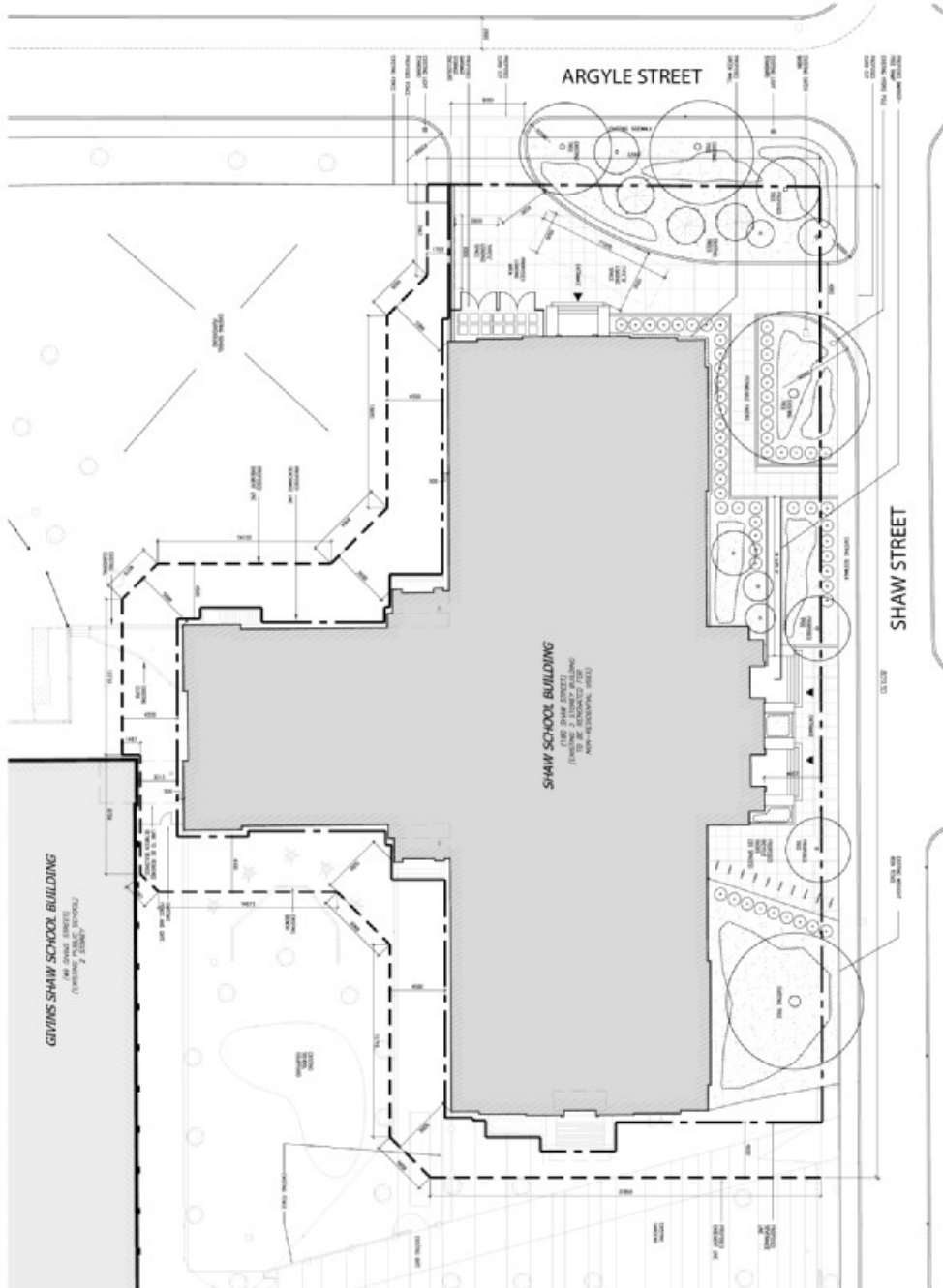
180 Shaw Street

Context Plan
 Applicant's Submitted Drawing

File # 10_153172

Not to Scale
 07/27/10

Attachment 2: Site Plan



180 Shaw Street

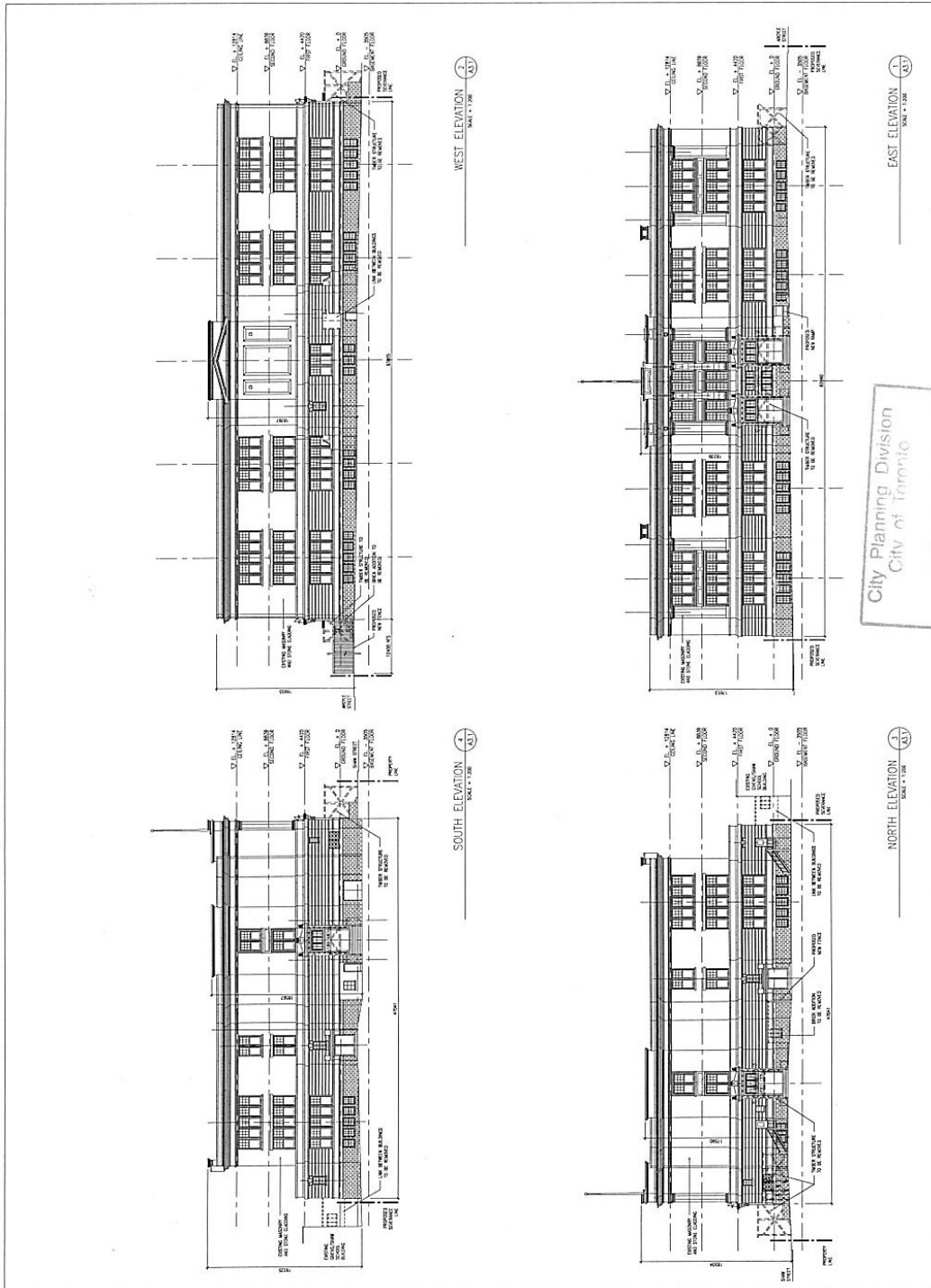
Site Plan

Applicant's Submitted Drawing

Not to Scale
07/27/10

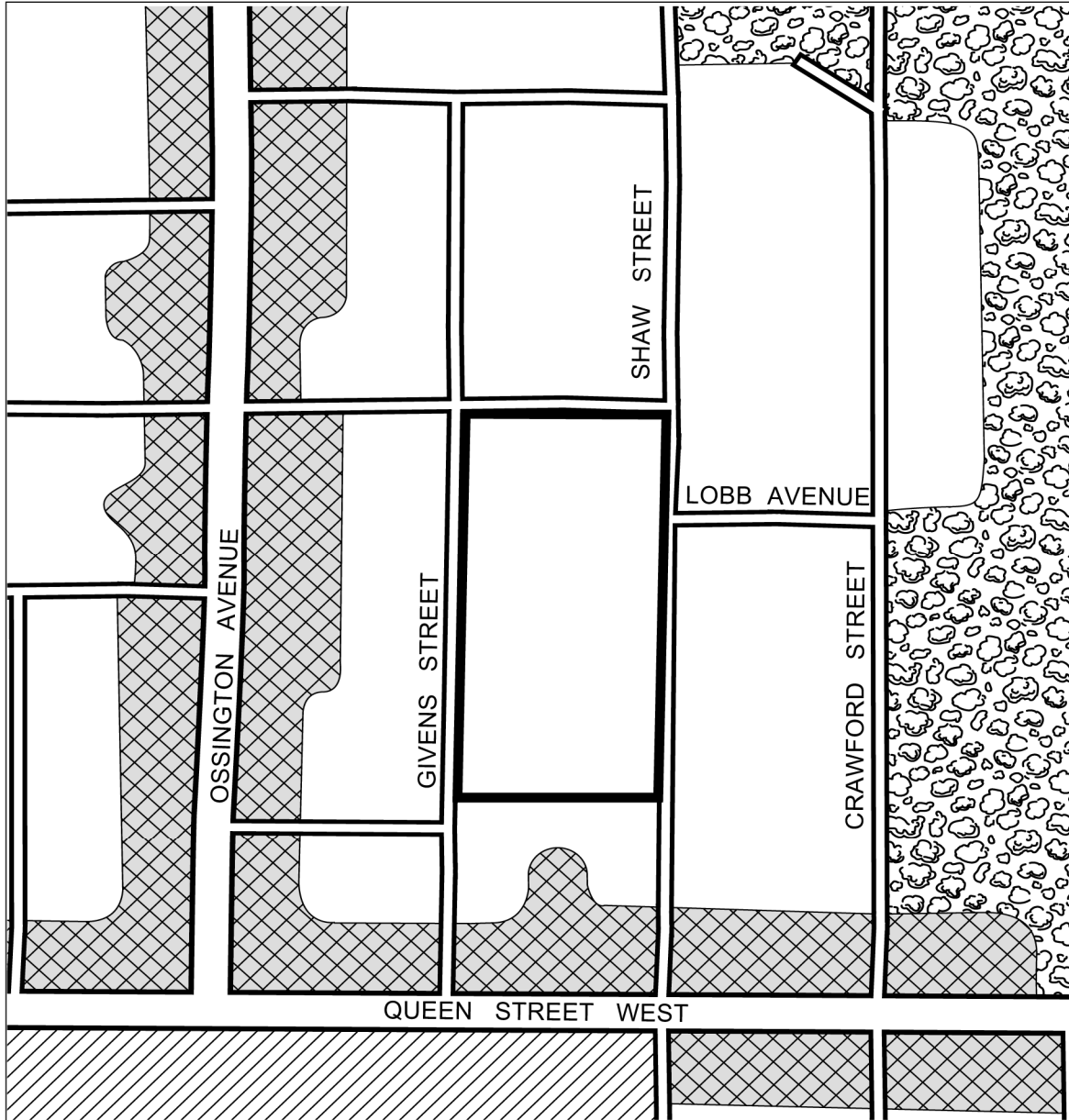
File # 10_153172

Attachment 3: Elevations



City Planning Division
 City of Toronto
 APR 22 2010
 DATE RECEIVED

Attachment 4: Official Plan



TORONTO City Planning
Official Plan

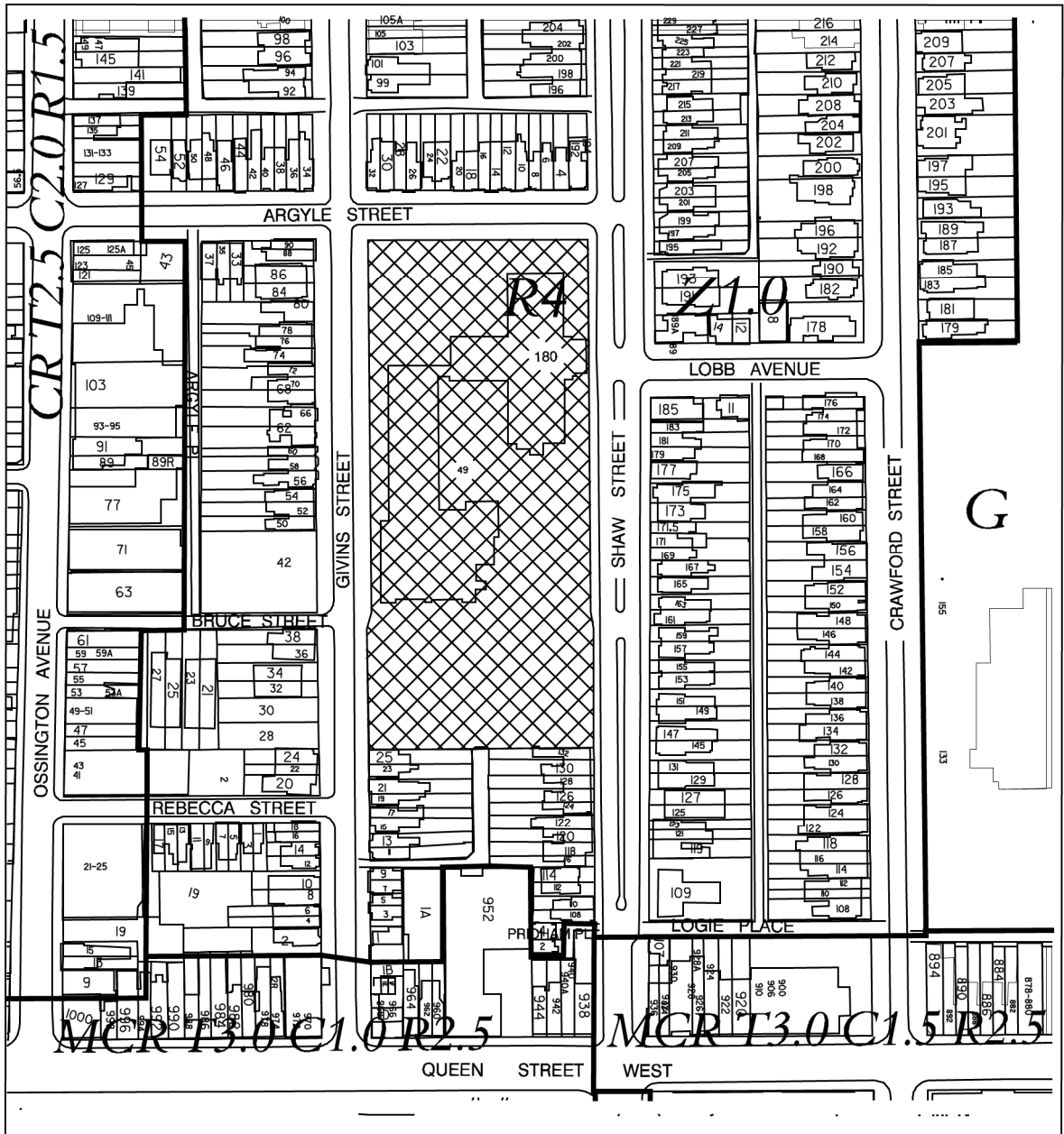
180 Shaw Street

File # 10_153172



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 Not to Scale
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Attachment 5: Zoning



180 Shaw Street
File # 10_153172

- G Parks District
- R4 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/20/10 - NRS

Attachment 6: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	10 153172 STE 19 OZ
Details	OPA & Rezoning, Standard	Application Date:	April 15, 2010

Municipal Address: 180 SHAW ST
 Location Description: PLAN 575 LOT 1 TO 7 9 TO 13 PT LOT A **GRID S1906
 Project Description: OPA and REZONING application to change existing public school to Non Residential / Non Profit artist studio and offices.

Applicant:	Agent:	Architect:	Owner:
TEEPLE ARCHITECTS INC c/o CHRIS RADIGAN	TEEPLE ARCHITECTS INC	TEEPLE ARCHITECTS INC	TORONTO DISTRICT SCHOOL BOARD

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R4 Z1.0	Historical Status:	
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2750	Height:	Storeys:	3
Frontage (m):	76.28		Metres:	18.33
Depth (m):	29.98			
Total Ground Floor Area (sq. m):	1760			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	39
Total Non-Residential GFA (sq. m):	7152		Loading Docks	2
Total GFA (sq. m):	7152			
Lot Coverage Ratio (%):	64			
Floor Space Index:	2.6			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	100	0
1 Bedroom:	0	Office GFA (sq. m):	2385	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	4767	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Guy Matthew, Assistant Planner
	TELEPHONE:	416-392-7574

Attachment 7: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2009, as
180 Shaw Street**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 348 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

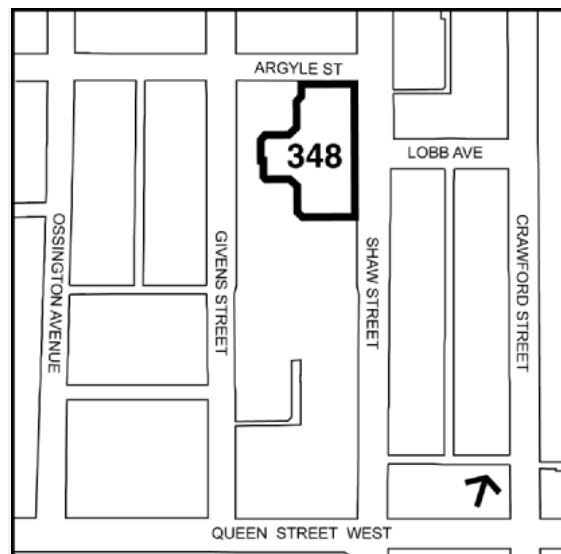
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 132 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2009 AS
180 SHAW STREET

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 348 for lands known municipally in 2009 as 180 Shaw Street, as follows:
 348. Work space for artists and not-for-profit arts and community organizations, including but not limited to: production, exhibition, education, programming and administrative space is permitted. One small-scale restaurant is permitted.



2. Chapter 7, Map 29, Site and Area Specific Policies, is amended to add the lands known municipally in 2009 as 180 Shaw Street shown on the map above as Site and Area Specific Policy No. 348.

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
180 Shaw Street**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) with respect to the definition of *artist's or photographer's studio, lot, or restaurant*, 4(6), 6 (1), 6(3) Part I, 6(3)Part II 3, 6(3) Part II 4 and 6(3) Part III 1(A), of By-law No. 438-86, as amended, shall apply to prevent the retention, renovation and use of the former Shaw Street School, as existing on the *lot* in the year 2010, for the purposes of a centre for non-profit arts and community programming on the lands outlined by heavy lines on Map 1 of this By-law, provided that:
 - (1) the total *non-residential gross floor area* does not exceed 7,200 square metres;
 - (2) in addition to all other uses permitted in Section 6 (1), the following uses are permitted: *artist's or photographer's studios, multi-purpose rooms, multi-purpose area, performing arts studios, non-profit community use, gallery space, meeting, classroom and administration spaces*;
 - (3) one *loading space - type B* and one *loading space - type C* are provided and maintained on the lot;
 - (4) notwithstanding the parking requirement in Section 4(4)(b), no parking spaces are required for the uses identified in paragraph (2).

2. For the purposes of this By-law:
 - (a) “*artist’s or photographer’s studio*” shall mean a studio or workshop used for the production and display of art and photography, or a *designer’s studio*;
 - (b) “*lot*” shall mean the area delineated by heavy lines on Map 1;
 - (c) “*multi-purpose rooms*” or “*multi-purpose area*” shall mean rooms or areas used for the display and exhibition of art, cultural and community events, a meeting, classroom and administration spaces;
 - (d) “*non-profit community use*” shall mean a use operated by a *non-profit organization* as office or meeting space and such office or meeting space may also be used for cultural and artistic or educational activities;
 - (e) “*non-profit organization*” shall mean:
 - (i) a corporation without share capital to which the provisions of Part III of the Corporations Act, R.S.O. 1990, c.C.38, as amended, apply; or
 - (ii) a *non-profit organization*, a charitable organization or registered charity, as those terms are defined in the Income Tax Act, R.S.C. 1985, Chapter 1 (5th Supp.), as amended.
 - (f) “*restaurant*” shall mean a portion of a building used for the preparation and cooking of meals and the sale of food and beverages to the public while they are seated, for consumption on the premises and incidental take-out service and is subject to the following restrictions:
 - (i) only one *restaurant* shall be permitted on the *lot*;
 - (ii) the *restaurant* use shall be to a maximum of 100 sq.m of *non-residential gross floor area*;
 - (iii) no outdoor or rooftop patio shall be permitted;
3. Each word or expression which is italicized herein shall have the same meaning as such word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in this By-law.
4. Within the lands shown on Map "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Map 1

