

**1093 Queen Street West - Zoning Amendment  
Application - Request for Direction Report –  
Supplementary Report**

<b>Date:</b>	February 11, 2013
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	P:\2013\Cluster B\PLN\City Council\CC13017 (07-249665 STE 18 OZ)

**SUMMARY**

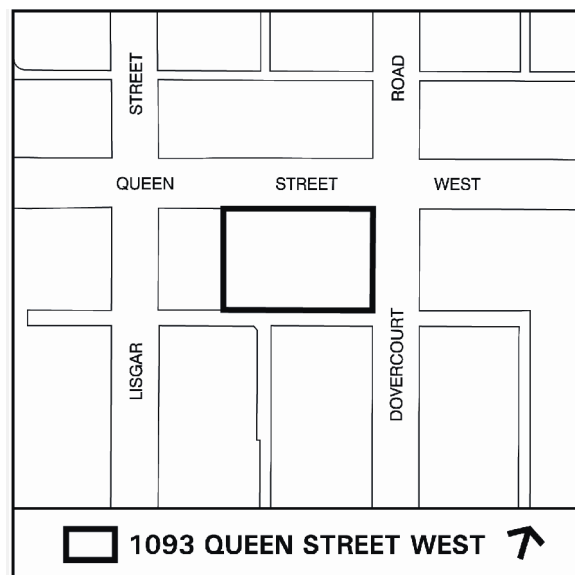
The purpose of this report is to request direction from City Council regarding the pending Ontario Municipal Board hearing on the application for a Zoning By-law amendment at 1093 Queen Street West.

A Request for Directions Report was before Toronto and East York Community Council on January 22, 2013. The Toronto and East York Community Council decision was to submit the item to City Council without recommendation.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council authorize staff to attend the Ontario Municipal Board hearing in support of a settlement on the development proposal at 1093 Queen Street West as described in the report dated February 11, 2013 from the Chief Planner and Executive Director, City Planning Division.



2. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The Ontario Municipal Board (OMB) has set aside 3 days for a hearing, beginning February 19, 2013. The City Solicitor and the applicant's solicitor have agreed to defer the hearing until February 22, 2013 in order to receive Council instruction at its meeting scheduled for February 20 and 21, 2013.

### **ISSUE BACKGROUND**

At its meeting of January 22, 2013, Toronto and East York Community Council received a Request for Directions Report from the Director, Community Planning Toronto and East York District dated December 21, 2012. That report identified that the proposed land use for the site was appropriate, and that Planning staff would continue to work with the applicant to achieve a built form that respects the adjacent heritage buildings and the *Neighbourhoods*. Staff identified five issues that required resolution. The five issues are as follows:

- greater compliance with the 45 degree angular plane requirements adjacent to the lands designated *Neighbourhoods*;
- containing the mechanical penthouse within the 45 degree angular planes;
- greater separation between the proposed building and the site to the west;
- greater separation between the buildings and required setbacks at the upper storeys; and
- limiting the width and size of the retail spaces on the ground floor.

The Request for Directions report identified that Planning Staff would report back directly to City Council at its meeting of February 20 and 21<sup>st</sup>, 2013. If Planning staff and the applicant have been able to resolve the issues outlined in this report, staff will also bring forward a draft Zoning By-law amendment for 1093 Queen Street West to the February 2013 City Council meeting.

### **COMMENTS**

Planning Staff and the applicant have been able to resolve the built form issues as outlined in the December 21, 2012 Request for Directions Report from the Director, Toronto and East York District to the satisfaction of City Planning Staff.

### **Angular Plane**

The applicant has revised their proposal so that the rear portion of the building, abutting Dovercourt Road is in greater compliance with the angular plane requirements of the MCR zone. The applicant has not fully removed the penetration into the angular plane, but staff is of the opinion that the penetration at the 5<sup>th</sup> storey is acceptable in this instance.

Staff had indicated that the mechanical penthouse should be wholly located within the angular plane, when taken from the rear of the property. The applicant has engaged their mechanical consultant to evaluate this condition and whether it is possible. The mechanical consultant has indicated that it is not possible to wholly enclose the mechanical penthouse within the angular plane. Planning staff are of the opinion that limited penetration of the mechanical penthouse into the angular plane is acceptable.

## **Separation Distances and Setbacks**

The applicant proposes an 8-storey wing at the western limit of the site which abuts the *Regeneration Areas* designation to the south. The proposal begins to step-back the building at the 8<sup>th</sup> storey, and thus penetrates the angular plane at this portion of the site. As this portion of the site abuts a Regeneration Area occupied by a mid-rise apartment building this is acceptable to staff.

Along the west property line, staff has been able to work with the applicant to secure a building setback ranging from 3.5 to 4.6 metres. This additional setback adjacent to the designated Carnegie Library provides adequate separation between buildings, while respecting the heritage building and widening the pedestrian connection between the buildings.

## **Retail at Grade**

The current MCR zoning provisions within By-law 438-86 limits the size of retail at grade to a maximum of 465 square meters. Staff is of the opinion that current maximum size is appropriate in preserving and maintaining the fine-grain retail character of Queen Street West in this location. The applicant has designed the ground floor retail space to have multiple entrances/doorways to maintain the retail character of the street. Since the overall size of each retail space is limited, it is not necessary to limit the width of the retail bays in the Zoning By-law.

## **Section 37**

The application in its current form will be subject to Section 37 contributions under the *Planning Act*. Staff, working with the Ward Councillor, has not been able to reach an agreement on the Section 37 contribution to be secured. The applicant has indicated that the quantum for the Section 37 will be the sole contested item at the OMB.

Staff has evaluated the proposed amendment and have determined that a Section 37 contribution of \$260,000 is appropriate for this development. The community benefits recommended to be secured are as follows:

1. A cash contribution in the amount of \$260,000, indexed from the date of the issuance of the Ontario Municipal Board Order, to be paid as follows and to be used towards one or more of the following capital facilities in the vicinity of the site:

- i. \$25,000 for improvements/realignment of the Dovercourt Road and Sudbury Street intersection, to be paid upon the Ontario Municipal Board issuing its Order on the appeal;
- ii. \$235,000 to be paid prior to the issuance of any above grade building permits for the development of the *lot*, to be allocated towards:
  - a. affordable dwelling units and/or affordable work studios for artists, either owned or operated by a not-for-profit management organization approved by the Chief Planner in consultation with the Executive Director, Toronto Culture;
  - b. the design and/or construction of Lisgar Park: and/or
  - c. public art in the vicinity of the site.

## **Conclusion**

Overall, the proposed land use is appropriate for the site. Staff support the Zoning By-law amendment for this site as contained within Attachment 6, attached to this report

## **CONTACT**

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## **SIGNATURE**

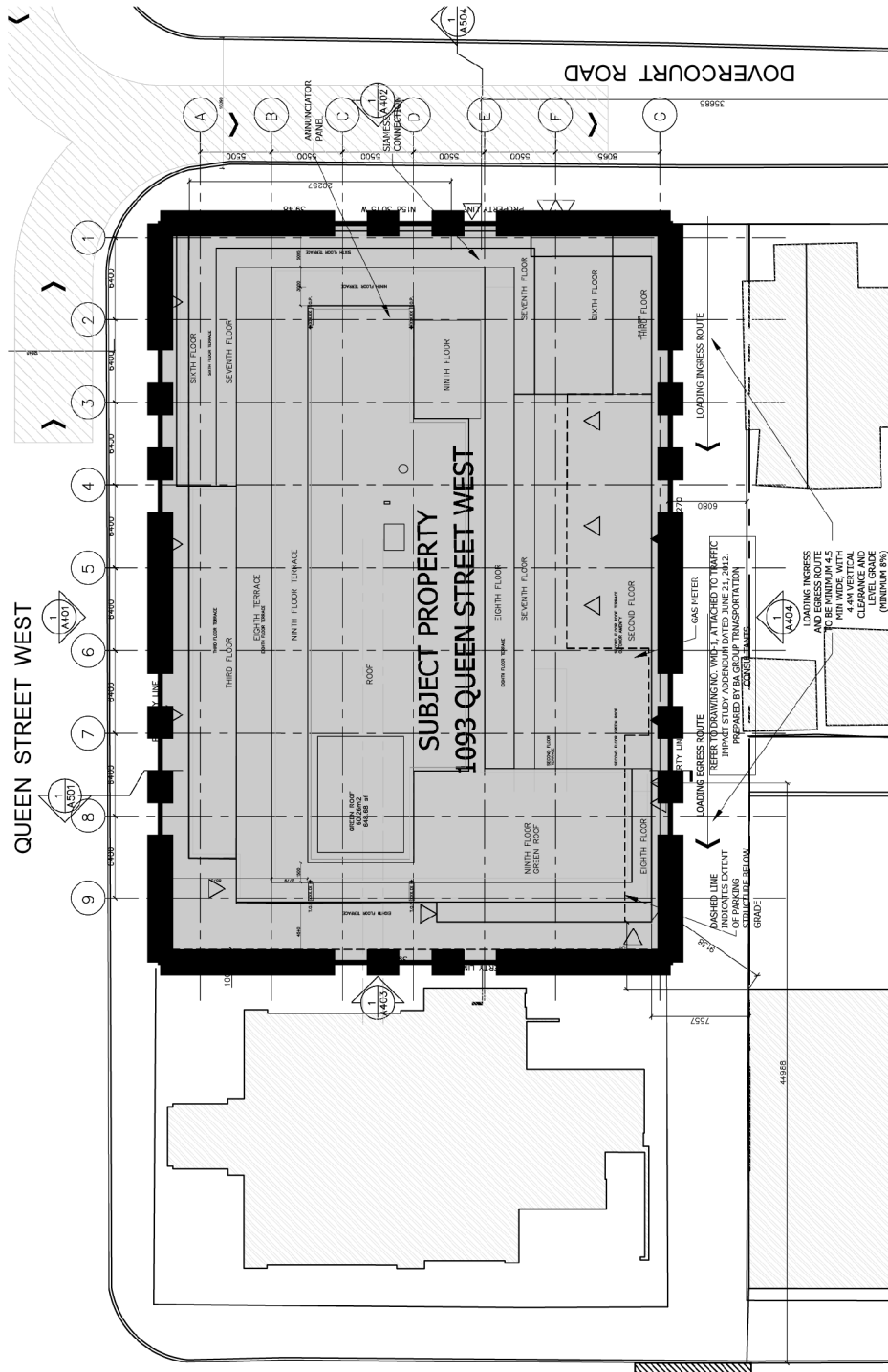
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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner & Executive Director  
City Planning

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: South Elevation  
Attachment 3: North Elevation  
Attachment 4: West Elevation  
Attachment 5: East Elevation  
Attachment 6: Draft Zoning By-law

# Attachment 1: Site Plan



1093 Queen Street West

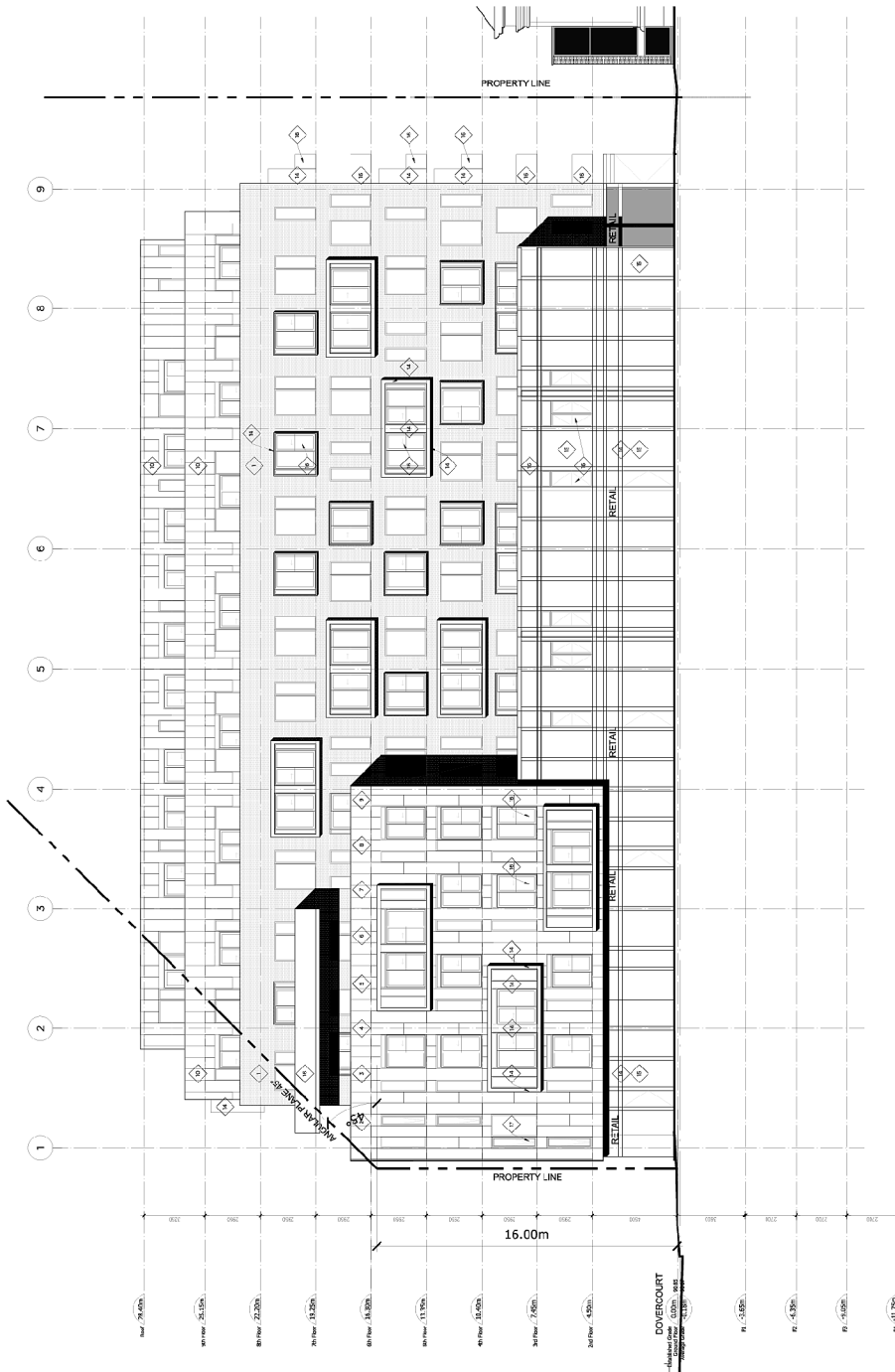
Site Plan  
 Applicant's Submitted Drawing

File # 07 249665 0Z

Not to Scale  
 02/05/2013



# Attachment 3: North Elevation



North Elevation

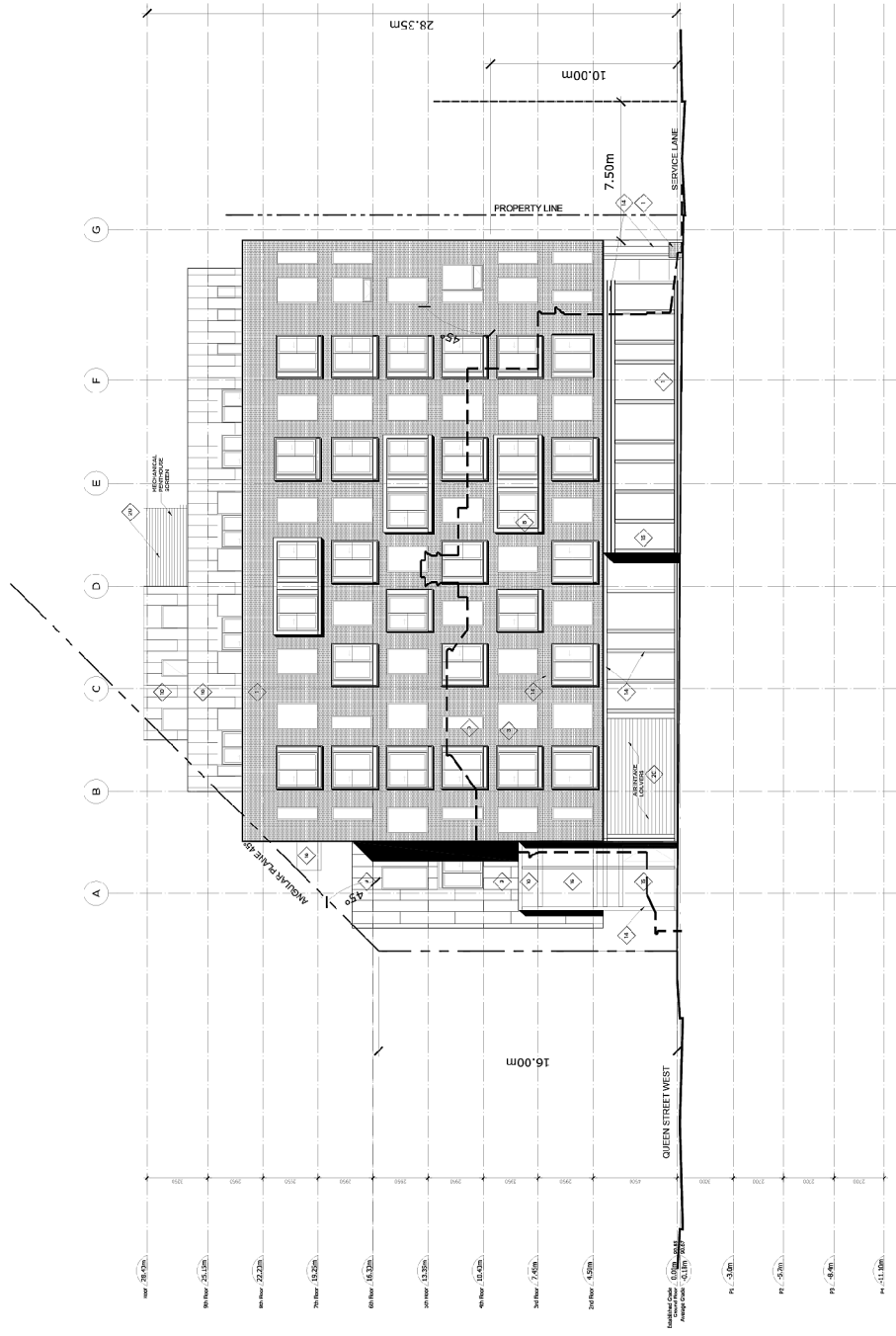
1093 Queen Street West

**Elevations**  
Applicant's Submitted Drawing

File # 07 249665 0Z

Not to Scale  
02/05/2013

# Attachment 4: West Elevation



West Elevation

1093 Queen Street West

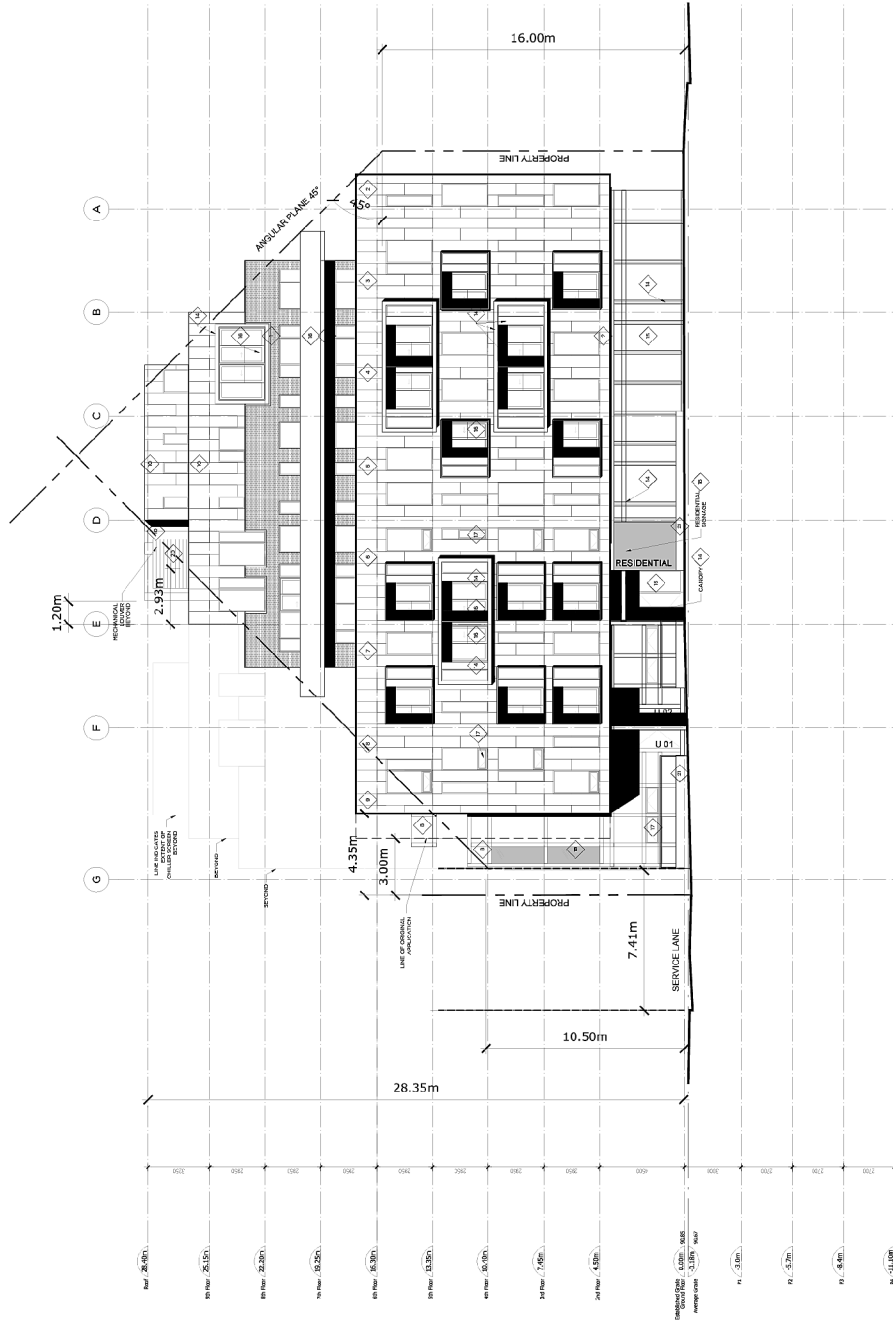
Elevations  
Applicant's Submitted Drawing

Not to Scale  
02/05/2013

File # 07 249665 0Z



# Attachment 5: East Elevation



East Elevation

1093 Queen Street West

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
02/05/2013

File # 07 249665 0Z

## Attachment 6: Draft Zoning By-law

### CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2013 (OMB)

#### To amend Zoning By-law No. 438-86, as amended, With respect to the lands municipally known as 1093 Queen Street West

WHEREAS the Ontario Municipal Board pursuant to its Order issued ~, 2013 deemed it advisable to amend By-law No. 438-86, of the former City of Toronto, as amended with respect to certain lands municipally known as 1093 Queen Street West;

THEREFORE By-law No. 438-86, of the former City of Toronto, as amended, is hereby further amended by the Ontario Municipal Board as follows:

1. The lands subject to this By-law are those lands outlined by a heavy black line and identified as “1093 Queen Street West” as shown on Map “1” attached hereto.
2. Section 12(2) of the By-law 438-86, as amended is further amended by adding a new Section 12(2) 356 immediately after Section 12(2)357 of the By-law as follows:

None of the provisions of Section 2, with respect to "*lot*", "*grade*" and "*bicycle parking space-occupant*", and Sections 4(2)(a),4(3)(a), 4(4)(b), 4(6)(c), 4(10)(a), 4(12), 4(13)(a) and (c), 8(2), 8(3) Part I (1) and (3)(a), 8(3) Part II (a)(ii), 8(3) Part II (4)(c)(i), 8(3)Part XI 2(ii), of By-law 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto” as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided that:

- (1) the *lot* on which the *mixed-use building* is located comprises of the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (2) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 10,635 square metres, and the *non-residential gross floor area* shall be a minimum of 987 square metres;
- (3) a maximum of 131 *dwelling units* may be provided on the *lot*;
- (4) of the 131 *dwelling units* listed above, a minimum of 36 of the of *dwelling units*, shall be two bedroom units in compliance with the provisions of the Ontario Building Code;
- (5) the *mixed-use building*, including all mechanical equipment, stair enclosures and elevator overruns, is located wholly within the areas delineated by heavy lines and

the *height* limits specified by the numbers following the symbol “H” as shown on Map 2, attached and forming part of this By-law, with the following exceptions:

- (i) the maximum height for terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, window washing equipment, ornamental architectural features, chimney stacks and structures used for safety or wind protection purposes shall be the sum of 1.5 metres and the applicable height limit shown on Map “2”;
  - (ii) the maximum height for divider screens shall be the sum of 2.0 metres and the applicable height limit shown on Map “2”;
  - (iii) the maximum height for a ladder for maintenance purposes shall not exceed the sum of 1.2 metre and the applicable height limit shown on Map “2”;
  - (iv) canopies, provided they extend no more than 2.0 metres beyond the areas delineated by heavy lines on Map “2” attached to and forming part of this By-law;
  - (v) balconies, provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map “2” attached to and forming part of this By-law;
  - (vi) the maximum height for roof-top outdoor mechanical and electrical equipment which is screened shall be the sum of 1.5 metres above the maximum height limit shown on Map 2; and
  - (vii) none of the building elements listed in (i)-(v) above may extend beyond the *lot* lines.
- (6) (a) *parking spaces* for the residential uses shall be provided on the *lot* in accordance with the following standards:

<b>Dwelling type</b>	<b>Minimum number of parking spaces required</b>
Bachelor Unit	0.3 spaces per unit
1-bedroom Units	0.7 spaces per unit
2-bedroom Units	1.0 space per unit
3+ bedroom Units	1.2 spaces per unit
Live/Work Units	1.0 space per unit

Residential Visitors                      0.12 spaces per unit

(b) *parking spaces* for the non-residential uses shall be provided on the lot in accordance with the following standards:

Use	Minimum Parking Requirement
Retail Uses	1.0 spaces per 100 square metres of net floor area

- (c) *parking spaces* for the non-residential uses and residential visitors may be provided for in a *commercial parking garage* located on the *lot*.
- (d) a maximum of seven (7) *parking spaces* shall be *small-car parking spaces*.
- (7) a minimum of 135 *bicycle parking spaces* shall be provided and maintained on the *lot*, of which;
- (i) a total of 105 *bicycle parking spaces* shall be provided and maintained for the exclusive use of residents of the building, and shall be located on parking level P1 below *grade* in the building located on the *lot*;
  - (ii) a total of 30 *bicycle parking spaces* shall be provided and maintained for the exclusive use of visitors and shall be located at grade the *lot*; and
  - (iii) notwithstanding Section 4(13)(d) of By-law 438-86, resident *bicycle parking spaces* may be provided in bicycle stacking units.
- (8) a minimum of 199 square metres of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom;
- (9) a minimum of 170 square meters of *outdoor amenity space* shall be provided on the second *storey* of the *mixed use building*, shall be contiguous with the *indoor amenity space*, and shall accessed via the *indoor amenity space* area; and
- (10) one (1) *loading space-Type G* shall be provided within a 22 metre long by 6.8 metre wide lay-by on the north side of the public lane, directly abutting the site.
- (11) an unobstructed pedestrian clearway shall be provided along the Queen Street West frontage measuring a minimum of 2.1 metres clear, from the building face to the north property line.

- (12) the transition slope of the bottom 3.0 metres of the parking garage ramp providing access to the P1 parking garage level shall not exceed a slope greater than 7.5%.
- (13) For the purposes of this exception, all italicized words and expressions have the same meaning as defined in By-Law No. 438-86, as amended, with the exception of the following:
- (a) “*grade*” means 90.85 metres Canadian Geodetic Datum; and
  - (b) “*small-car parking space*” means a *parking space* with a minimum width of 2.6 metres, a minimum height of 2.0 metres, and a minimum length of 5.12 metres.
- (14) A temporary *sales office* shall be permitted on the *lot*; and,
- (15) Despite any existing or future severance, partition, or division of the *lot*, the provisions of this exception shall apply to the whole of the *lot* as if no severance, partition or division occurred.
3. Pursuant to Section 37 of the Planning Act, the heights and density of the development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of the *lot*, of the following facilities, services and matters to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 3(g) herein:
- (a) A cash contribution in the amount of \$260,000, indexed from the date of the issuance of the Ontario Municipal Board Order, to be paid prior to the issuance of any above grade building permits for the development of the *lot*, such sum to be paid as follows to be used towards one or more of the following capital facilities in the vicinity of the site:
    - i. \$25,000 for improvements/realignment of the Dovercourt Road and Sudbury Street intersection, to be paid upon the Ontario Municipal Board issuing its Order on the appeal;
    - ii. \$235,000 to be paid prior to the issuance of any above grade building permits for the development of the *lot*, to be allocated towards:
      - a. affordable dwelling units and/or affordable work studios for artists, either owned or operated by a not-for-profit management organization approved by the Chief Planner in consultation with the Executive Director, Toronto Culture;
      - b. the design and/or construction of Lisgar Park: and/or
      - c. public art in the vicinity of the site.

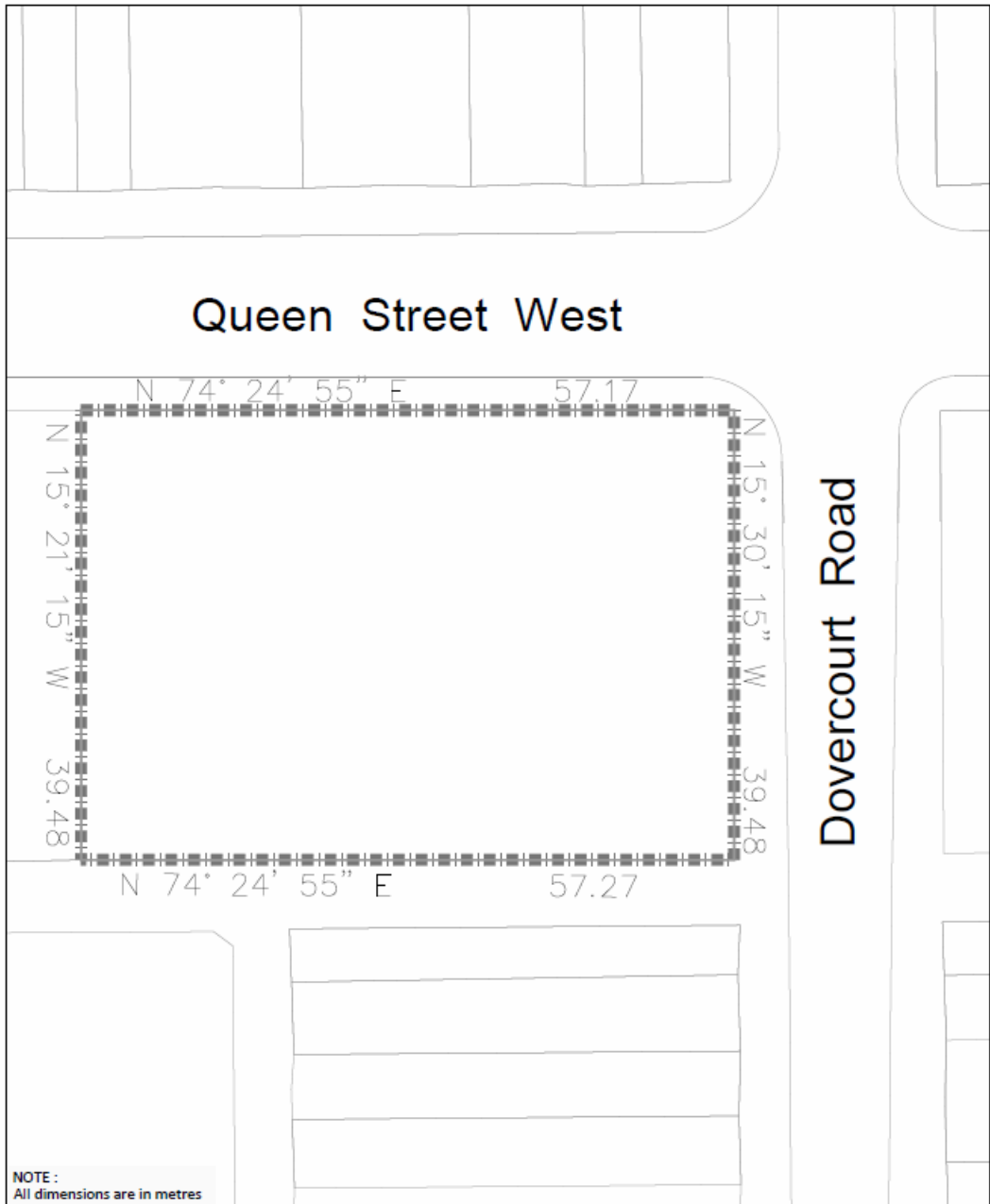
such allocation to be determined by the City's Chief Planner in consultation with the Ward Councillor;

The following matters are secured for legal convenience:

- (b) the owner shall include 1:50 scale drawings for the first to seventh *storey* elevations with building materials labeled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian. The drawings shall be submitted to the City Planning Division, for review and acceptance by the Chief Planner and Executive Director, City Planning Division.
- (c) the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.
- (d) the owner shall enter into an Public Surface Pedestrian agreement with the City to secure the unobstructed pedestrian clearway along the Queen Street frontage measuring a minimum of 2.1 metres clear from the building face to the north property line. The area subject to said easement will be paved with materials suitable for pedestrian use and at elevations compatible with the adjoining sidewalk, at no expense to the City.
- (e) the payments required in clause (a) herein, shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board order approving the by-laws, to the date of submission of the funds by the owner to the City.
- (f) the payments required in clause (a) shall be paid prior to the issuance of the first above *grade* building permit to permit construction of a building or a portion of a building on the *lot*.
- (g) the owner of the lands enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required in Section 3(a) through (e) herein and registers such agreement against title to the *lot* as a first charge, all to the satisfaction of the City Solicitor.


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.
5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
6. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED  
\_\_\_\_\_ IN BOARD FILE NO. PL080993

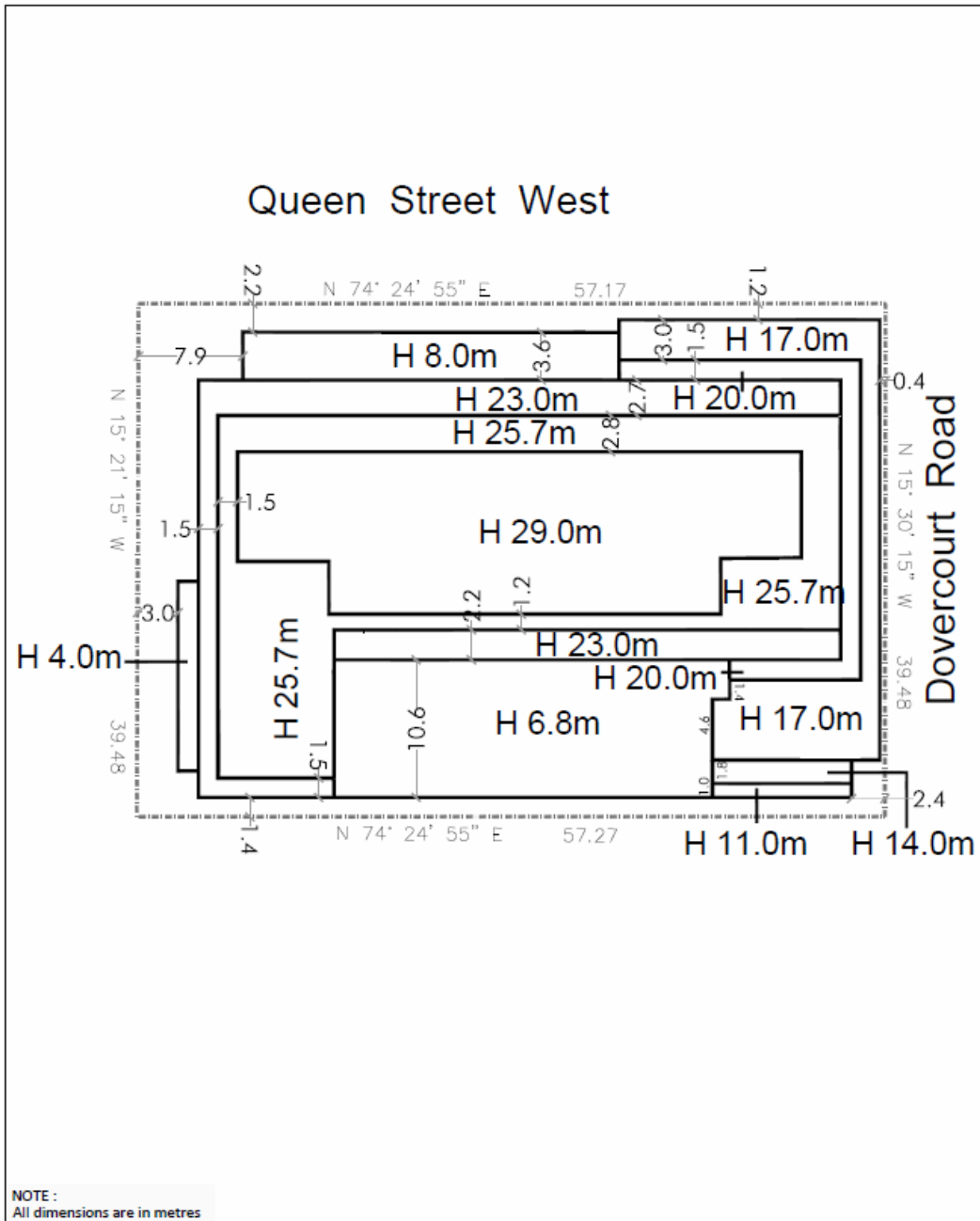


1093 Queen Street West

 **TORONTO** City Planning  
Division  
**Map 1**

  
Not to Scale





1093 Queen Street West



Map 2

H DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

