

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

<b>Date:</b>	December 21, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	File No. 07 249665 STE 18 OZ

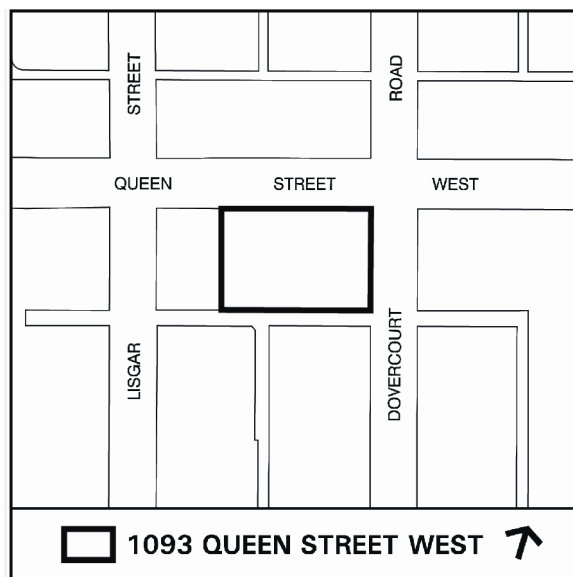
**SUMMARY**

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.

**RECOMMENDATIONS**

The City Planning Division recommends that:

1. Community Council authorize staff to continue discussions with the applicant concerning appropriate massing for this development site, and appropriate public benefits that would be provided for the increased height and density that may be approved for the site pursuant to Section 37 of the *Planning Act* if an agreement can be reached.
2. Community Council direct staff to report to the February 20, 2013 City Council on the status of the negotiations and with a draft Zoning By-law.



3. Community Council direct staff to take such other steps as may be required to implement these recommendations.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

On August 1, 2007 Baywood Homes submitted an application to amend Zoning By-law 438-86, as amended, for 1093 Queen Street West for a nine-storey mixed use building. The application was appealed to the Ontario Municipal Board (OMB) by the applicant on July 23, 2008 on the grounds that the City did not make a decision on the application within 120 days.

On March 27, 2009, the Ontario Municipal Board adjourned the hearing related to this site *Sine Die* at the request of the applicant, and agreed that the matters could be brought back to the OMB at the request of either party.

### **ISSUE BACKGROUND**

The application was put on hold by the applicant. On June 19, 2012, the applicant submitted revised drawings to the City. The OMB scheduled a 1-day hearing for the application, with a date set for November 5, 2012. The November 5, 2012 OMB hearing date was treated as a pre-hearing meeting before the OMB. The OMB has set aside 3 days for a hearing, beginning February 19, 2013. The City Solicitor is requesting a new date for the hearing in order to receive Council instruction at the meeting scheduled for February 20 and 21, 2013.

### **PROPOSAL**

The proposal is for a nine-storey mixed-use building located on the southwest corner of Queen Street West and Dovercourt Road. The building podium reflects the scale of the Great Hall on the east side of Dovercourt Road and then steps down to two storeys along Queen Street West to reflect the scale of the Carnegie Library immediately to the west of the site. The proposal has an overall height of approximately 28 metres to the top of mechanical penthouse.

The development is proposed to contain 135 dwelling units, 956 m<sup>2</sup> of non-residential space at grade, and 172 parking spaces in 4 levels of below grade parking.

### **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 *Regeneration Area* in the City of Toronto Official Plan. *Regeneration Areas* are areas of the City which should include a mix of uses including commercial, residential, live/work, institutional and light industrial. These are areas that are no longer in productive urban use due to shifts in the local or global economies, but they represent an opportunity to direct growth in the City.

The site is also within the Garrison Common North Secondary Plan Area. The Secondary Plan's major objectives include:

- ensuring that new development be integrated into the established city fabric;
- permitting a variety of land uses and densities;
- providing community services and facilities; and
- ensuring a range of housing types in terms of size, type, affordability and tenure.

With respect to urban structure and built form, the Garrison Common North Secondary Plan calls for new developments to be designed to easily adapt to conversion with particular focus on:

- use of street level spaces;
- ability to facilitate changes in market demand for services and activities;
- ability to provide for a range of dwelling types, with an emphasis on grade-related units that are suitable for households with children; and
- shared open space, parking facilities and servicing areas between development parcels, where possible.

## **Zoning**

The current zoning for the site is MCR T3.0 R2.5 C1.0, permitting mixed commercial-residential development up to a total density of 3.0 times the area of the lot, with a maximum residential density of 2.5 times the area of the lot and a maximum commercial density of 1.0 times the area of the lot.

The height limit for the site is 16 metres, and is subject to a 45 degree angular plane rising inward over the lot from 13 metres above the north and east property lines.

## **COMMENTS**

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

The Provincial Policy Statement (PPS) promotes the appropriate intensification and efficient use of land, recognizing that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

The Provincial Policy Statement states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. Furthermore, Section 4.5 directs municipalities to provide clear direction for the development of the municipality as well as areas suitable for growth.

Staff have reviewed the proposal and determined that it is consistent with the Provincial Policy Statement, and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

#### **Regeneration Area**

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#### **Garrison Common North Secondary Plan**

The proposal meets the major objectives in the Secondary Plan. The proposed building is integrated into the existing urban fabric. The building will animate Queen Street West by providing non-residential uses at grade. It is recommended that the retail units at grade have a maximum width set in the site specific zoning by-law, in an effort to continue the rhythm of small scale shops that characterizes this portion of Queen Street West. The ground floor will have high floor to ceiling heights which will allow for a variety of uses over time. In order to promote and accommodate diverse households, it is recommended that the zoning by-law contain a requirement for two and three bedroom units.

Although there is no open space on-site, the applicant is proposing a walkway along the west side of the site, to serve as a pedestrian connection. The walkway is acceptable in principle, although staff have requested lighting plans for the area to ensure safety between buildings, especially at dusk/night. These matters will be secured via the Site Plan Control Application.

## **Avenues and Mid-Rise Buildings Study**

Toronto City Council, at its meeting of July 8, 2010, adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study", with modifications. The main objective of this City-wide Study is to encourage future intensification along Toronto's *Avenues* that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. The Avenues and Mid-rise Buildings Study identifies a list of best practices, categorizes the Avenues based on historic, cultural and built form characteristics, establishes a set of performance standards for new mid-rise buildings and identifies areas where the performance standards should be applied.

The Avenues and Mid-Rise Buildings Study does not apply to areas that are subject to a Secondary Plan Area such as this site which is part of the Garrison Common North Secondary Plan Area. However, the Avenues and Mid-Rise Buildings Study report notes that "...it is important to review Avenue segments that fall within the Secondary Plan areas or Site and Area Specific Policies to see which of the Performance Standards should be applied". In that context, staff have considered elements of the Avenues and Mid-Rise Buildings Study to assist in evaluating this proposal.

## **Heritage**

Section 3.1.5 of the Official Plan contains policies that must be complied with when redeveloping a heritage building, or developing on an adjacent site. Policy 2 states, "...Development adjacent to properties on the City's *Inventory of Heritage Properties* will respect the scale, character and form of the heritage buildings and landscapes."

This site is flanked by two properties listed on the City's *Inventory of Heritage Properties*; the Great Hall, across the street on the southeast corner of Queen Street West and Dovercourt Road, and the Carnegie Library immediately adjacent to the west. It is necessary to ensure that the proposal respects these adjacent heritage buildings. Staff are working with the applicant to ensure that proposal is sympathetic to the heritage buildings. In this instance, staff are recommending a larger setback, at grade, to the Carnegie Library which will allow for relief between the two buildings.

## **Land Use**

The proposed mix of uses is appropriate for the site and is supported by the *Regeneration Area* Official Plan designation. The non-residential uses at grade will continue the animation at the ground level which is important on Queen Street West, and the residential uses above will provide the intensification along this Official Plan designated *Avenue*.

## **Height and Massing**

The applicant is proposing a 9-storey building, with an overall height of approximately 25 metres plus mechanical penthouse. Planning Staff have had discussions with the applicant regarding the proposed height, and indicated that in this instance, Staff could support a building with this height. Staff have recommended that the applicant revise

their proposal so that the mechanical penthouse is contained within the angular plane, as taken from Queen Street West.

Through ongoing discussions, the applicant has made a number of changes to address staff concerns. These negotiations are continuing to address the few remaining issues described below. The applicant's building steps back from Dovercourt Road and from the *Neighbourhoods* to the south. The applicant has not been able to contain all portions of the building within the angular plane. Staff will continue to work with the applicant to achieve greater compliance with the angular plane requirements at these areas of the building.

The applicant proposes an 8-storey wing at the western limit of the site which abuts the Regeneration Designation to the south. The applicant proposes to begin to step-back the building at the 8<sup>th</sup> storey, and thus penetrates the angular plane at this portion of the site. Staff will continue to work with the applicant to minimize the impacts of this portion of the building on the abutting properties by seeking a greater setback at grade from the property to the west.

### **Section 37**

The application in its current form will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits were not discussed in the absence of an agreement on height and massing, beyond an indication that the City intended to use this tool should the aforementioned issues be resolved.

### **Conclusion**

Overall, the proposed land use is appropriate for the site. Staff will work with the applicant to achieve a built form that respects the adjacent heritage buildings and *Neighbourhoods*. Staff will continue to work with the applicant to resolve the following issues:

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

Staff will 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.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **Attachments:**

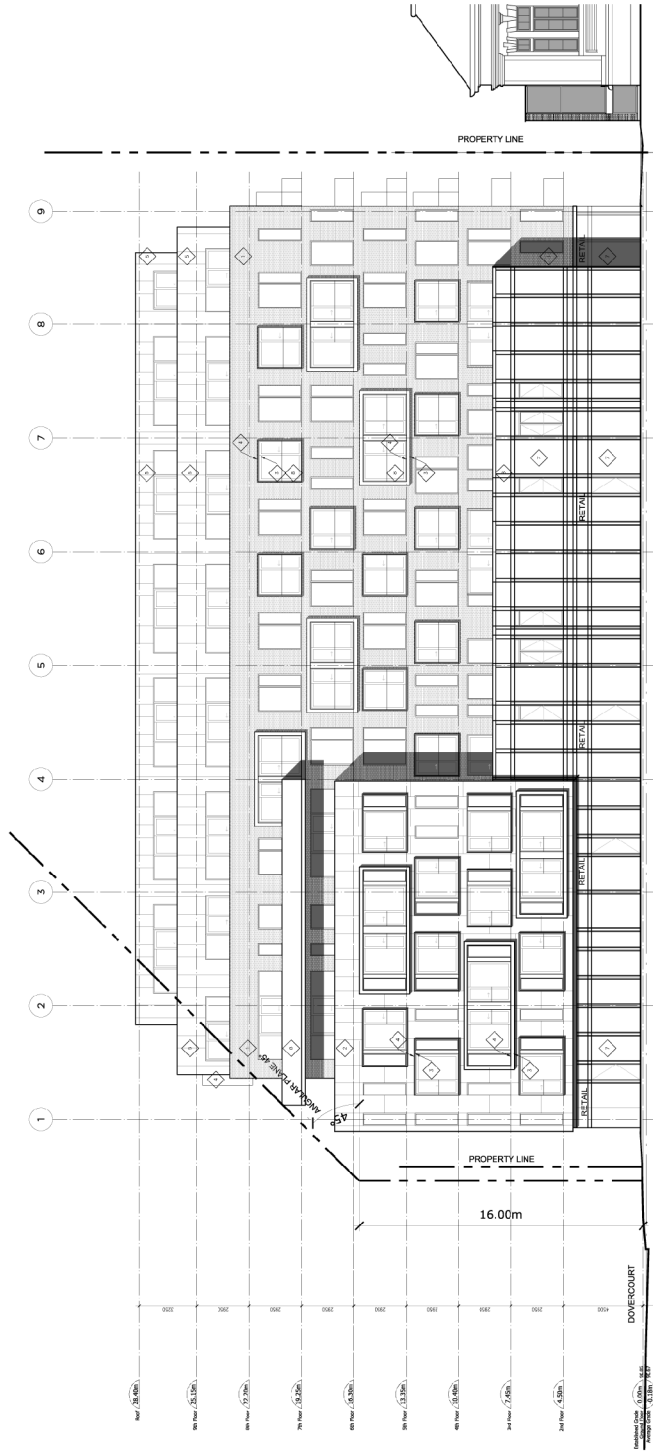
Attachment 1: Site Plan  
Attachment 2: South Elevation  
Attachment 3: North Elevation  
Attachment 4: West Elevation  
Attachment 5: East Elevation  
Attachment 6: Zoning







### Attachment 3: North Elevation



North Elevation

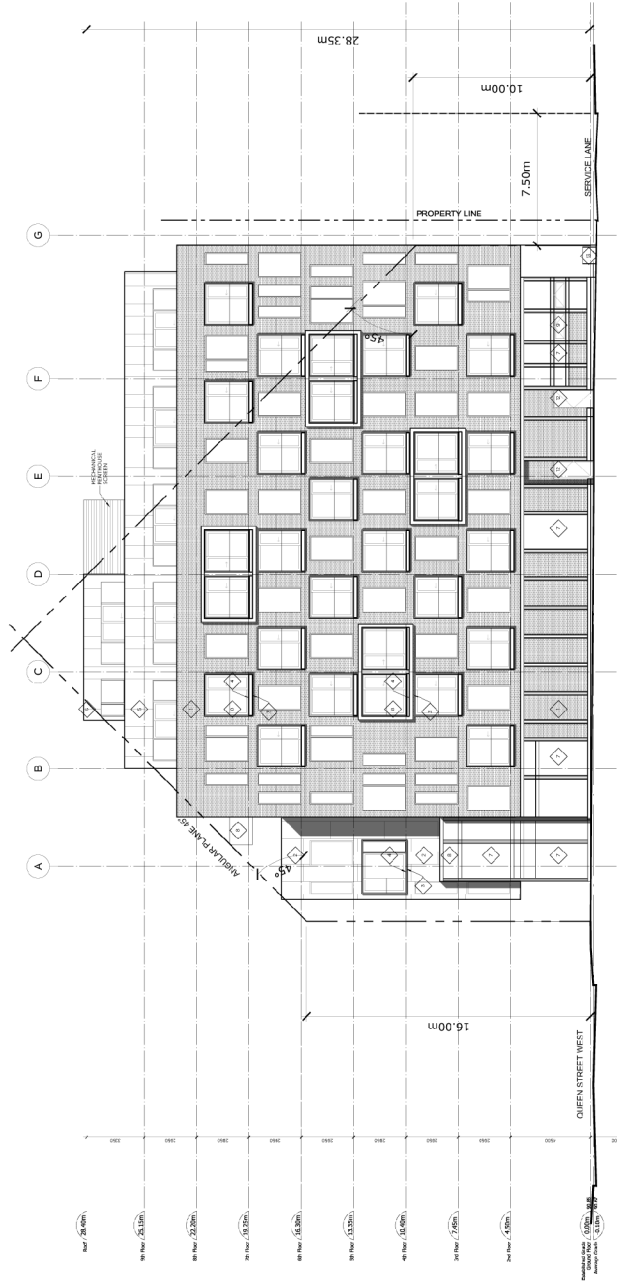
1093 Queen Street West

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 12/18/2012

File # 07 249665 0Z

# Attachment 4: West Elevation



West Elevation

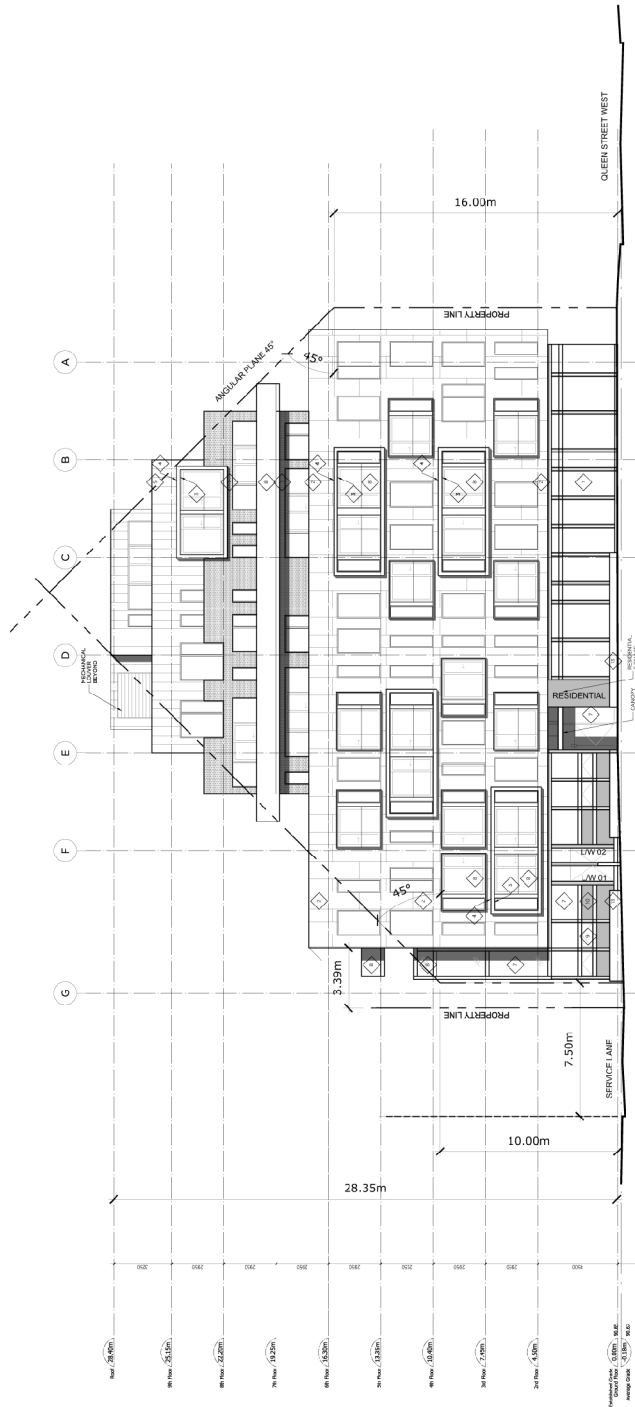
1093 Queen Street West

Elevations  
Applicant's Submitted Drawing

Not to Scale  
12/18/2012

File # 07 249665 0Z

# Attachment 5: East Elevation



East Elevation

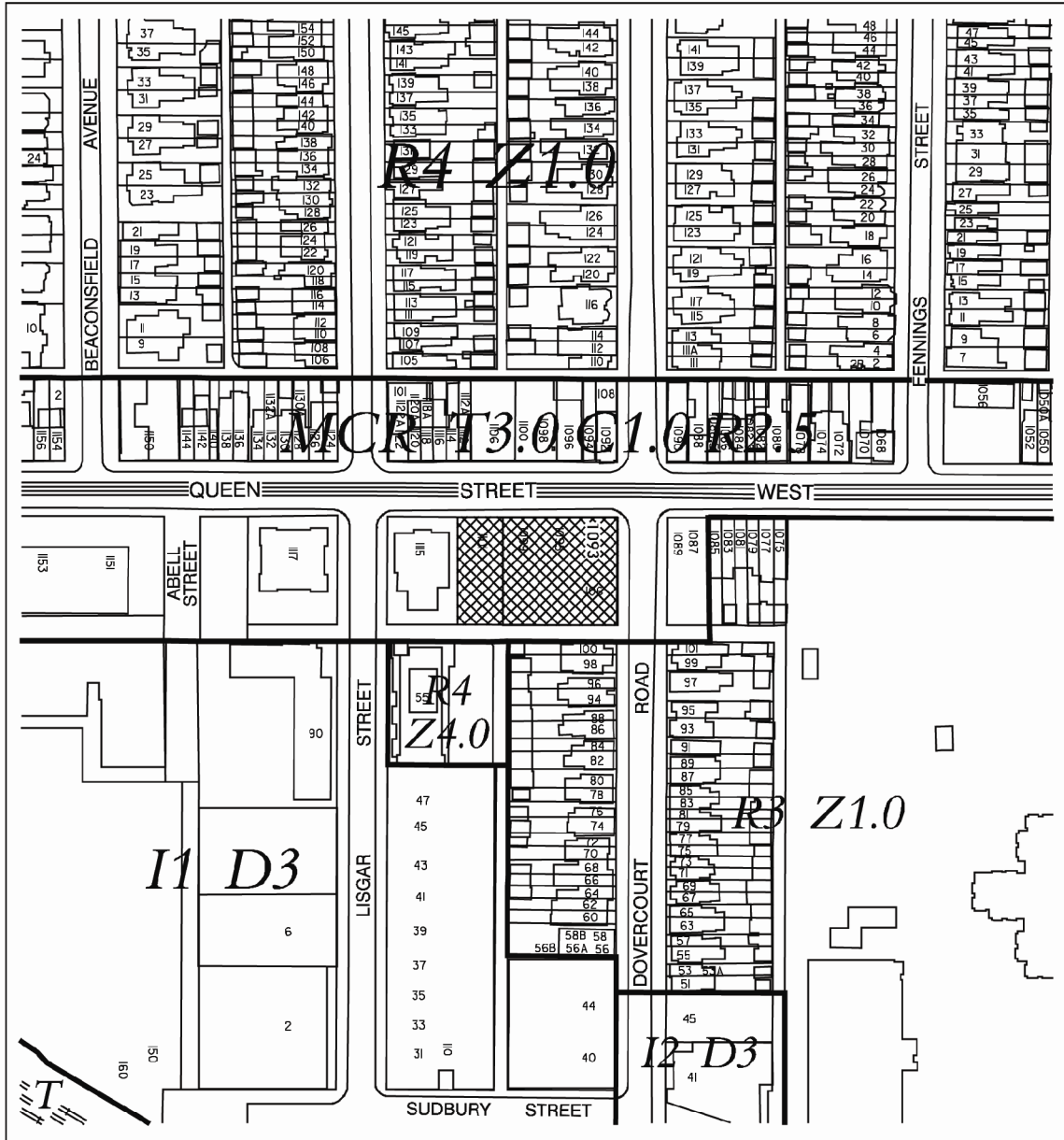
1093 Queen Street West

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 12/18/2012

File # 07 249665 0Z

# Attachment 6: Zoning



**TORONTO** City Planning  
Zoning

1093 Queen Street West  
File # 07\_249665

- R3 Residential District
- R4 Residential District
- MCR Mixed-Use District
- I1 Industrial District
- I2 Industrial District
- T Industrial District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 08/13/07 - TA