

**944-952 Queen Street West – Zoning Amendment
Application – Supplementary Request for Directions**

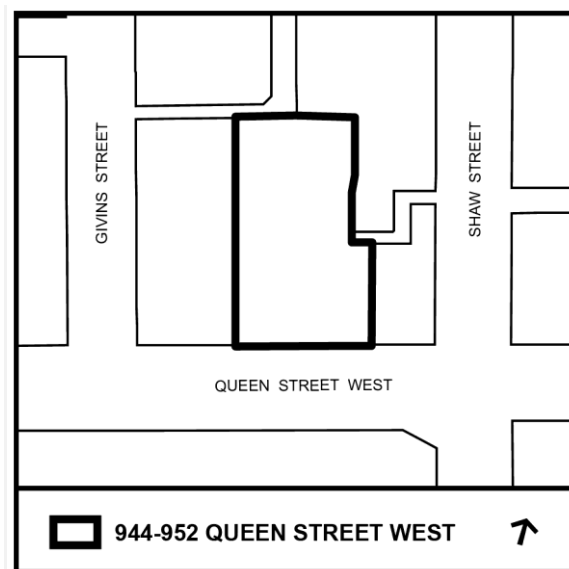
Date:	May 2, 2014
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	P:\2014\ClusterB\PLN\City Council\CC14055 (12 293566 STE 19 OZ)

SUMMARY

At the April 8, 2014 meeting, Toronto and East York Community Council (TEYCC) adopted staff recommendations contained in the report dated March 17, 2014 (Item TE31.6). One of the recommendations is that City Council authorize the City Solicitor and Planning staff to attend the Ontario Municipal Board (OMB) hearing to oppose the Zoning By-law Amendment and Site Plan Control applications for a 9-storey mixed-use building with retail at grade and 151 residential units above at 944-952 Queen Street West. The decision and report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE31.6>

Staff also recommended that discussions continue with the applicant concerning appropriate heights and massing for the site and to advise Council on any potential settlement. Discussions have continued and the applicant has agreed to revise the proposal to address many of staff's concerns. Based on the revised proposal, staff are now recommending that a settlement be supported.



RECOMMENDATIONS

The City Planning Division recommends that the recommendations of the report dated March 17, 2014 from the Director, Community Planning, Toronto and East York District be replaced with the following:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to attend at the OMB in support of a settlement respecting the Zoning By-law Amendment application for 944-952 Queen Street West (12 293566 STE 19 OZ) as outlined in this report dated May 2, 2014, from the Chief Planner and Executive Director, City Planning Division.
2. City Council direct the City Solicitor to support the draft Zoning By-law Amendment contained in Attachment 1, which implements this settlement before the Ontario Municipal Board.
3. City Council authorize the City Solicitor to execute Minutes of Settlement to secure the project as outlined in this report.
4. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning Division to continue to work with the applicant on the final form of the draft Zoning By-law and Site Plan conditions to be presented to the Ontario Municipal Board as part of the settlement at the Ontario Municipal Board.
5. City Council instruct the City Solicitor to request the Ontario Municipal Board to withhold its final order until the Notice of Approval Conditions for the Site Plan Application have been finalized and the Minutes of Settlement have been executed.

Financial Impact

The recommendations in this report have no financial impact.

COMMENTS

Proposed Settlement Offer

On May 1, 2014 the applicant submitted a settlement offer to City Planning staff. The settlement offer proposes an 8-storey building (25.5 metres including mechanical elements) with a total gross floor area of 8,714 square metres comprised of 7,947 square metres of residential and 766 square metres of commercial. The settlement offer also proposes 135 dwelling units with 273 square metres of indoor amenity space and 240 square metres of outdoor amenity space. A total of 107 parking spaces are proposed in two levels of underground parking, consisting of 89 residential spaces, 2 car share spaces and 16 visitor spaces. A total of 126 bicycle parking spaces are also proposed, consisting of 100 residential spaces, 24 residential visitor spaces and 2 retail spaces.

The staff report dated March 17, 2014, recommended opposing the application at the OMB based on several issues with the proposal. Through discussions with the applicant many of these issues have been resolved and are reflected in the settlement offer, as explained below.

Height

The staff report states that the proposed 9-storey building is too tall and does not adequately respect its existing and planned context. With a total height of 31 metres, including the mechanical penthouse, the height also exceeded the planned context of the area as outlined in the Official Plan and the Avenues and Mid-Rise Buildings Guidelines (the Guidelines). The settlement offer proposes an 8-storey building with a height of 25.5 metres including mechanical elements. This height is more appropriate with respect to the existing and planned context of the area and is more in keeping with the Guidelines. The Candy Factory Lofts building located at the southeast corner of Queen Street West and Shaw Street is approximately 24 metres in height, plus mechanical elements. Although this was an existing industrial building prior to residential conversion, it does provide some context for height in the area, which is not typical for much of Queen Street West. In addition, buildings on the CAMH lands on the south side of Queen Street West across from the development site also have approved heights of 25 metres along Queen Street West. CAMH is a master planned community, however, these buildings still provide context with respect to height in the area.

With respect to podium height, the proposed building now conforms to the Guidelines. The Guidelines state that the podium height should be a maximum of 80% of the right-of-way width, or 18.4 metres in this case as the right-of-way width for this section of Queen Street West is 23 metres. The revised podium height is approximately 17 metres.

The height of the ground floor has increased from 5 metres in the original proposal to 6 metres in the revised proposal. The applicant has requested a 6 metre ground floor height in order to attract gallery tenants, which require high floor to ceiling heights. Staff agree with this assessment and encourage gallery space at grade along this stretch of Queen Street West.

Transition

The previous staff report states that the proposed building does not provide an adequate transition in scale to the low-rise residential buildings to the rear and east of the property. The revised building proposes a 7.5 metre rear setback, rather than 0 metres as previously proposed. The revised building also complies fully with the 45-degree rear angular plane whereas the previous proposal projected into the angular plane.

The previous proposal showed the outdoor amenity area on the second level of the building, immediately abutting the residential lots to the north and east of the site, which

would result in privacy and overlook impacts. The revised proposal shows the outdoor amenity area on the ground level at the rear of the site, which mitigates the privacy and overlook impacts. The applicant has agreed to adequately screen this amenity area to further reduce noise and privacy impacts on adjacent residents.

All of these changes improve the transition in scale to the low-rise buildings to the north and east of the site, and bring the building into greater compliance with the Official Plan and the Guidelines.

Setbacks and Stepbacks

The width of the sidewalk along Queen Street West has been widened from 3.3 metres in the original proposal to 4.8 metres in the revised proposal. This conforms with the Guidelines and provides an improved pedestrian experience and public realm along Queen Street West.

Another issue raised in the previous staff report is the performance standard requiring side property line setbacks of 5.5 metres for the portion of the building above the 80% of the right-of-way height, which in this case is 18.4 metres. The original proposal provided no setbacks for the upper storeys, while the revised building proposes a 5.5 metre setback from the west property line for the 8th floor of the building, constituting a minor improvement in the building design. The side walls on the property lines will have no windows but will have an architectural treatment that is similar to the front and rear elevations.

Along the Queen Street West frontage, the 6th and 7th floors now fall within the 45 degree angular plane, while in the original proposal only the 6th floor fell within the angular plane.

Parking

Parking in the revised proposal is being provided at rates lower than those required by Zoning By-laws 438-86 and 569-2013. These rates are based on research by the applicant's consultant on developments in the downtown or on transit lines showing that less people own cars in these areas than in other parts of the city. The parking rates for the revised proposal are 0.3 spaces per bachelor unit, 0.7 spaces per 1-bedroom unit, 1.0 spaces per 2-bedroom unit and 1.2 spaces per 3-bedroom unit, for a total of 99 residential spaces. The applicant is also providing 2 car share spaces, which reduces the requirement by 8 spaces, which results in 91 residential spaces. A total of 16 residential visitor spaces are also being provided, for a total supply of 107 spaces (89 residential, 16 visitor, 2 car share). The original proposal showed a total of 131 parking spaces, which was also based on these same assumptions. The decrease in the parking supply is due to the decrease in the total number of dwelling units from 151 to 135 as well as the provision of the 2 car share spaces. Transportation Services staff has not fully reviewed the revised parking supply, however, Planning staff believe the reduction is generally appropriate based on the decrease in the number of dwelling units.

As per the requirement of Transportation Services staff, the revised proposal provides land conveyances to the City of 1.1 metres for the laneway widening at the rear of the site and 0.4 metres along the entire Queen Street West frontage.

Both the original and revised proposals show the loading space and parking garage entrance in the interior of the site, accessed from a single two-way driveway off of Queen Street West. Access from Queen Street West is not preferred, but given that the public lane to the north of the site has a substandard width for two-way traffic, the proposed access driveway off of Queen Street West is acceptable. There is also an existing curb cut on the site, as access for the existing building is off of Queen Street West

Three Bedroom Units

The previous staff report did not raise the objective for 3-bedroom units. In response to a request by the local Councillor, the applicant has agreed to provide 9 3-bedroom units, while decreasing the number of 1 and 2-bedroom units. This improves the diversity of housing choice within the building and will help support families who wish to live in the building. As a result of the provision of 3-bedroom units and the removal of one full storey, the total number of dwelling units is reduced from 151 to 135. Each of the proposed 3-bedroom units will be a minimum of 1000 square feet.

Site Plan Approval

Through the Site Plan process, staff will work with the applicant on several outstanding issues. These include securing appropriate building materials and articulation to reflect the existing character of Queen Street West, minimizing the width of the curb cut along Queen Street West, investigating the use of left turn prohibitions from Queen Street West to the site and securing appropriate landscaping and streetscape details.

Community Response to Settlement Offer

On May 1, 2014, the local Ward Councillor and Planning staff held a meeting with the community to discuss the settlement offer. Many issues were raised with respect to the revised proposal, some of which may be addressed through the Site Plan process. The community feels that the settlement does not go far enough and that there should be further reductions in height and massing.

The community would like the ground floor retail space divided into smaller elements to mimic the fine grained retail character of Queen Street West. The applicant is not willing to divide up the retail space, but has agreed to limit it to a maximum of 743 square metres (8000 square feet). Staff will work with the applicant through the Site Plan process to develop appropriate vertical articulation to ensure the design of the building is in keeping with the fine grained character of the area.

The community also expressed concerns with respect to the proposed vehicle access and curb cut on Queen Street West. Due to site restrictions, access to the site can only be gained off of Queen Street West. To help mitigate safety concerns with the curb cut, staff will work with the applicant and Transportation Services staff through the Site Plan process to narrow the width of the curb cut as much as possible. Also, as mentioned above, there is an existing curb cut on Queen Street West for vehicle access for the existing building.

Traffic was also raised as a major issue, especially with regard to vehicles turning left off of Queen Street West to access the site, which could cause both automobile and streetcar delays and potential conflict with pedestrian traffic. TTC staff have confirmed that left turn prohibitions will be implemented for this site.

Conclusion

Planning staff and the applicant have had extensive discussions in an attempt to resolve the issues with the original application. The revised proposal addresses many of staff's concerns in the context of a settlement and results in an overall improvement to the project.

The site at 944-952 Queen Street West is an unusual site on the street with significant size and depth, so it is unlikely that this project will create a precedent along this or other sections of the street. In addition, the existing context of the area is very different compared to other parts of Queen Street West. The context for most of Queen Street West consists of 2 to 3-storey buildings, while the approved CAMH buildings and the existing Candy Factory Lofts in the area provide a greater height context, in the range of 6 to 8-storeys. This, combined with the size and configuration of the site create a more unique opportunity for a development of this size and scale.

The West Queen West study (Bathurst Street to Roncesvalles Avenue) will also begin this year, which will look at defining the character of the street and developing a vision for future development. This study will involve extensive community consultation and define performance criteria to be met by any new development including any measures to protect heritage on the street. This study will result in recommendations to update the planning framework for the area, including possible Official Plan and Zoning Amendments as well as heritage designations.

The settlement offer does not satisfy all concerns raised in the staff report dated March 17, 2014. However, it does represent a middle ground between the applicant's and Planning staff's original positions, and in the context of a settlement, it represents an acceptable compromise. Based on the improvements that have been made to the proposal as described in this report, staff are recommending that the settlement offer be supported.

This report has been drafted in consultation with and concurrence of the City Solicitor.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment
Attachment 2: Revised Section Drawing
Attachment 3: Summary of Revisions

Attachment 1: Draft Zoning By-law Amendment

Draft Zoning By-law Amendment (May 2014)

CITY OF TORONTO

BY-LAW No. XXXX-2014

**To amend the City of Toronto By-law No. 438-86, as amended,
with respect to lands known municipally as 944 to 952 Queen Street West**

WHEREAS the Ontario Municipal Board, pursuant to its Order issued on _____, upon hearing the appeal of Urbancorp (Downtown) Developments Inc. under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, deems it advisable to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto

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

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86, as amended, shall continue to apply to the *site*.
2. None of the provisions of Section 2 with respect to the definitions of *grade* and *height* or sections 4(2)(a), 4(3)(a), 4(4)(b), 4(6), 4(12), 4(17), 8(3) Part I 1, 2 and 3, 8(3) Part II 4 and 8(3) Part XI (2)(ii) of By-law No. 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" apply to prevent the erection and use of a *mixed use building* on the *site*, provided that:
 - (a) The total combined *residential gross floor area* and *non-residential gross floor area* does not exceed 8,714 square metres, provided:
 - (i) the *residential gross floor area* does not exceed 7,947 square metres;
 - (ii) the *non-residential gross floor area* does not exceed 766 square metres;
 - (iii) no more than 743 square metres of *non-residential gross floor area* may be contained in a single retail or service use.
 - (b) At least 10% of the *residential gross floor area* on the *site* shall be used for *dwelling units* containing three or more bedrooms.
 - (c) A minimum of 171 square metres of outdoor *residential amenity space* shall be provided on the *site*.
 - (d) A minimum of 270 square metres of indoor *residential amenity space* shall be provided on the *site*.

(e) In addition to the uses permitted by Section 8(1) of By-law 438-86 as amended, the following additional uses shall be permitted on the *site*:

(i) temporary real estate sales office and model suites related to the development and/or marketing of dwelling units on the *site*.

(f) no portion of the buildings or structures erected or used above *grade* is located otherwise than within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following which may extend beyond the areas delineated by the heavy lines:

(i) cornices, lighting fixtures, ornamental elements, parapets, piers, columns, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and public art features, railings and awnings;

(ii) canopies may extend up to 1.8 metres beyond the heavy lines shown on Map 2; and,

(iii) balconies may extend up to 1.6 metres beyond the heavy lines shown on Map 2.

(g) the *height* of any building or structures, or portion thereof, does not exceed those *heights* in metres as indicated by numbers following the symbol H on Map 2 excluding the following:

(i) parapets shall be no higher than the sum of 1.2 metres and the applicable maximum *height* limit.

(ii) Landscaping and elements of a green roof shall be no higher than the sum of 0.3 metres and the applicable maximum *height* limit.

(h) Despite the provisions of Section 4(3), *parking spaces* must be provided and maintained on the *site* in accordance with the following minimum requirements:

(i) a minimum of 0.3 *parking spaces* for each *bachelor dwelling unit*;

(ii) a minimum of 0.7 *parking spaces* for each one bedroom *dwelling unit*;

(iii) a minimum of 1.0 *parking space* for each two bedroom *dwelling unit*;

(iv) a minimum of 1.2 *parking spaces* for each three or more bedroom *dwelling unit*;

(v) a minimum of 0.12 visitor *parking spaces* must be provided for each *dwelling unit*;

(i) notwithstanding the preceding subsection (e), the total number of *parking spaces* required to satisfy parking requirements for *dwelling units* may be reduced by four (4) *parking spaces* for each *car-share parking space*, up to a maximum of two (2) *car-share parking spaces*.

- (j) Despite the provisions of Section 4(17) of Zoning By-law 438-86, up to six (6) *parking spaces* may be provided in *small car parking spaces*;
- (k) A minimum of one *loading space - Type "G"* shall be provided and maintained on the *site*.

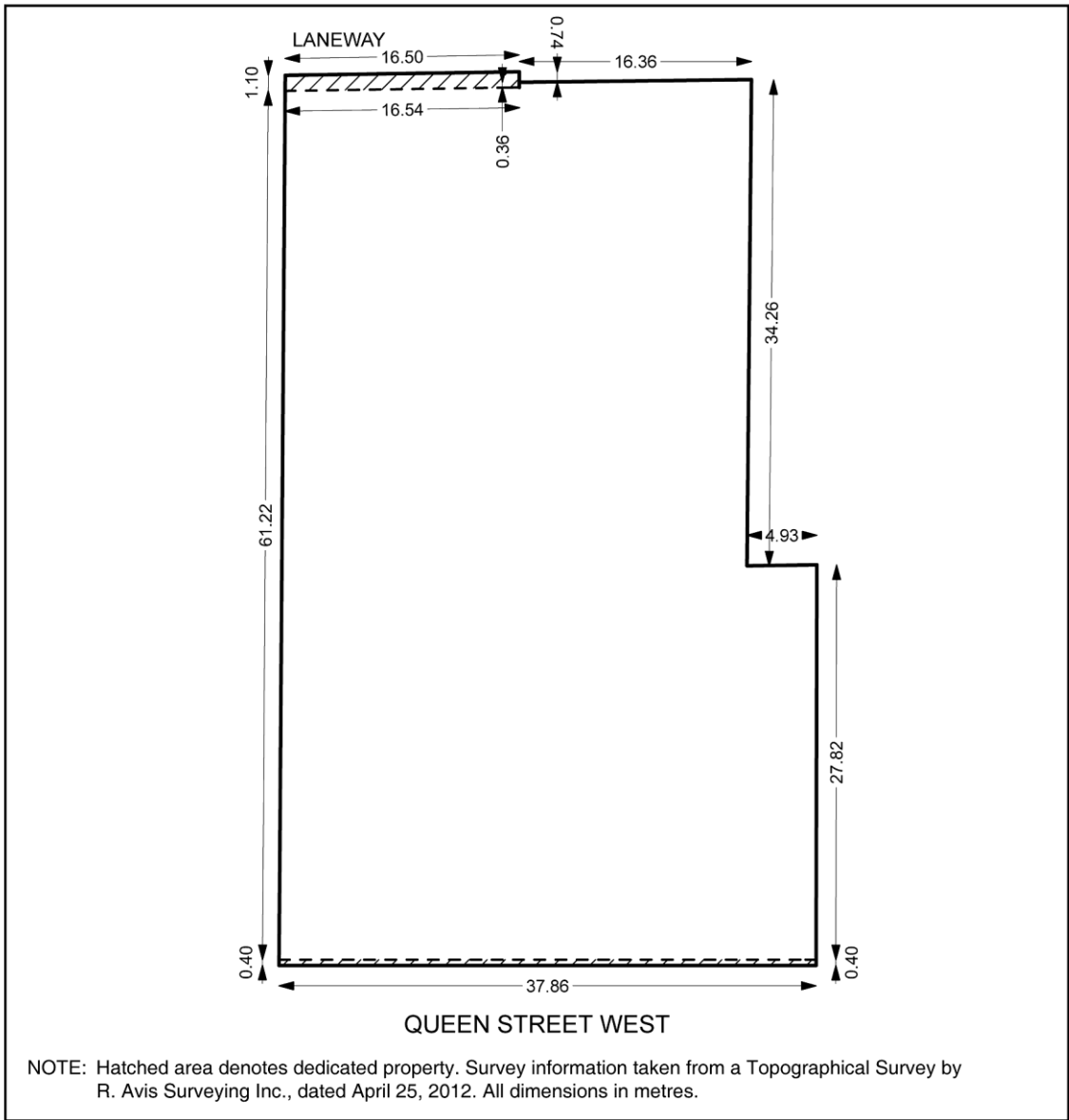
(l) For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

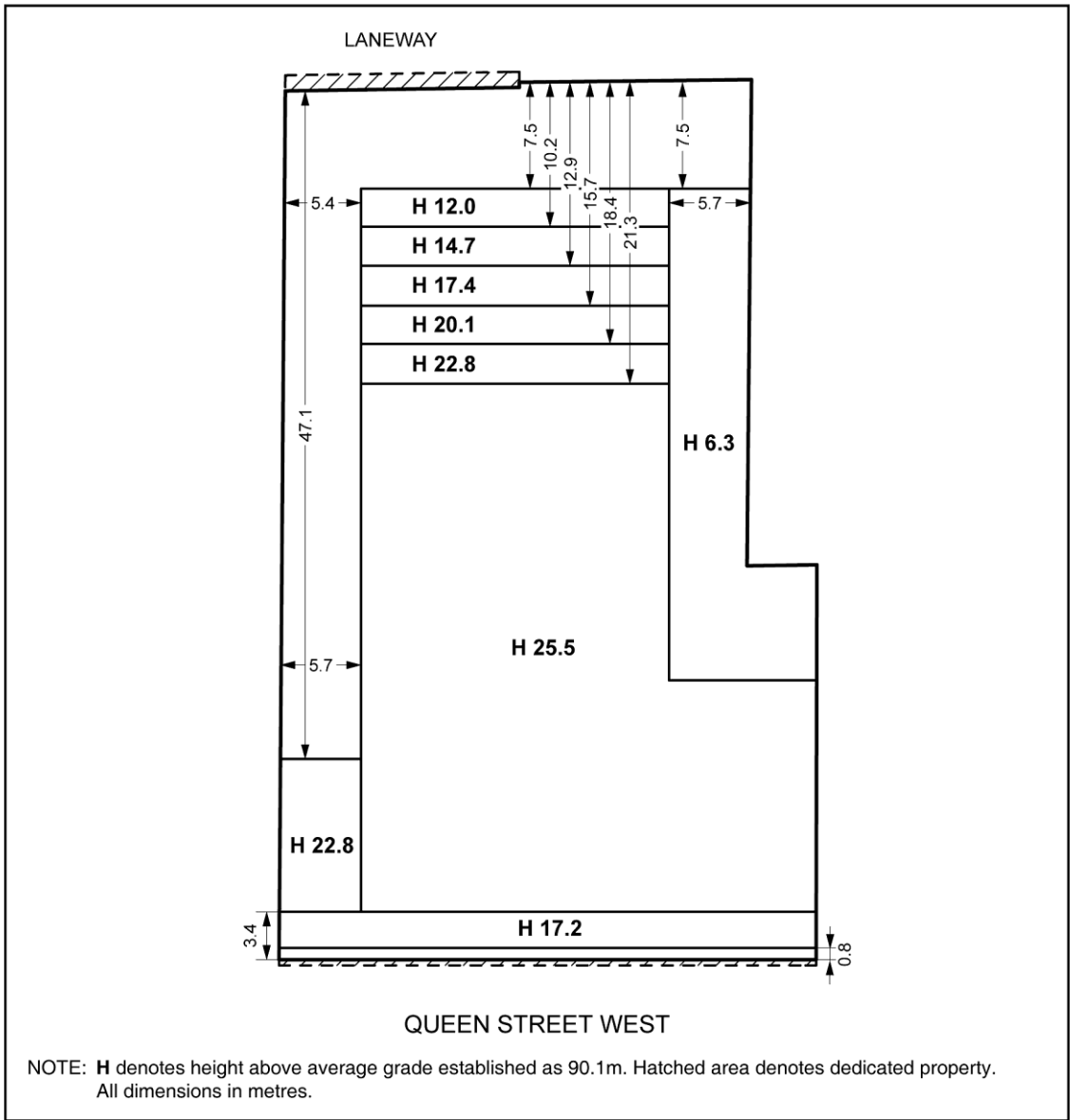
"site" means those lands outlined by heavy lines on Map 1 attached hereto.

"small car parking space" means a parking space that has minimum dimensions of 5.5 m in length by 2.5 m in width.

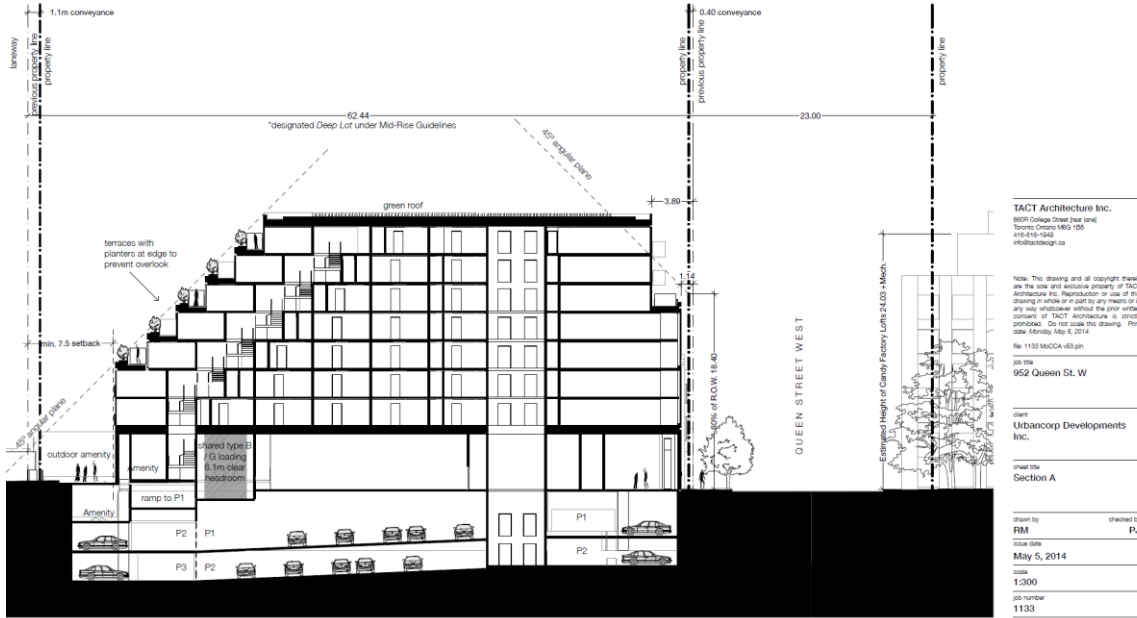
"grade" shall mean an elevation of 90.1m Canadian Geodetic Datum

3. Despite any future severance, partition or division of the lands as shown on Map 1, the provisions of this exception shall apply as if no severance, partition or division has occurred.





Attachment 2: Revised Section Drawing



Attachment 3: Summary of Revisions

Issue	Revision
Height	Reduced from 9-storeys (31 m including mechanical) to 8-storeys (25.5 including mechanical)
Front Angular Plane	Original: Top 3 floors penetrated the angular plane. Revised: Only the top floor penetrates.
Rear Angular Plane and Shadow Impact	Original: Rear balconies and top and bottom floors penetrated the angular plane. Revised: 100% compliant
Rear Setback and Amenity Area	Original: 0 m setback and 2 nd floor outdoor amenity area immediately abutting residential lots fronting onto Shaw St Revised: 7.5 setback and amenity space moved to ground level
5.5 Side Stepback for Upper Storeys	Original: No stepback provided for any floors. Revised: 5.5 m stepback from the west property line provided for the top floor (8 th floor)
Sidewalk Width	Original: 3.3 m Revised: 4.8 m
3-Bedroom Units	Increased from 0 to 9 units, each being a minimum of 1000 square feet
Total Units	Decrease in total units from 151 to 135. Bachelor: increase from 4 to 14 1-bedroom: decrease from 118 to 94 2-bedroom: decrease from 29 to 18 3-bedroom: increase from 0 to 9
Parking	Decrease from 131 total spaces to 108 (90 residential, 16 visitor, 2 car share) Car share spaces are equivalent to 4 spaces each, which results in the equivalent of 98 residential spaces and 116 total spaces.