



## STAFF REPORT ACTION REQUIRED

### 99 Sudbury Street - Zoning Amendment Application - Preliminary Report

<b>Date:</b>	May 14, 2014
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	14 135661 STE 18 OZ

### SUMMARY

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This application proposes a 26-storey mixed-use building containing a hotel, event space, ancillary retail, and residential uses at 99 Sudbury Street. The first 6 storeys of the building will contain the hotel and commercial uses (including 157 hotel rooms), and the 20-storeys above will contain 209 residential units. Planning staff have advised the applicant that the application in its current form cannot be supported.

This report provides preliminary comments on the above-noted application, outlines issues with the application as submitted and seeks Community Council's directions on further processing of the application.

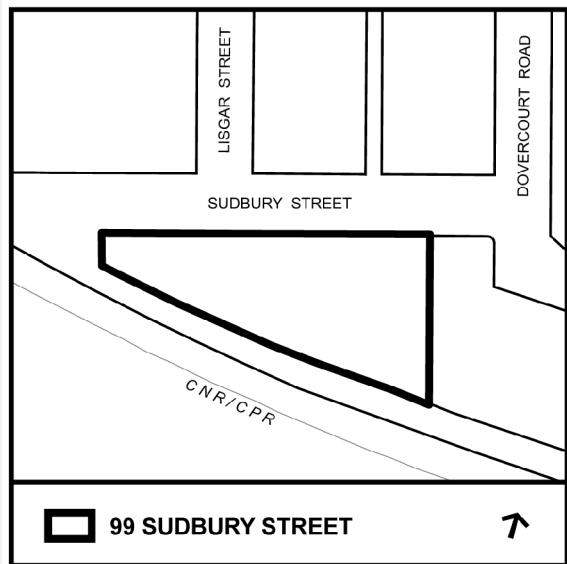
A Community Meeting is scheduled to be held on May 29, 2014.

### RECOMMENDATIONS

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**The City Planning Division recommends that:**

1. Staff be directed to continue discussions with the applicant to address the issues respecting the property at 99 Sudbury Street, as outlined in the report (May 14, 2014) from the Director, Community Planning, Toronto and East York District.



2. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act for the lands at 99 Sudbury Street.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **Pre-Application Consultation**

A pre-application consultation meeting was held on September 25, 2013 with the applicant to discuss complete application submission requirements.

## **ISSUE BACKGROUND**

### **Proposal**

This application is for a 26-storey, mixed-use building containing residential units, a 157 suite hotel and ancillary commercial and event space uses at 99 Sudbury Street. The development is proposed to contain a total of 27,974 square metres of gross floor area, with 16,436 square metres dedicated to the residential uses and 11,538 square metres of non-residential gross floor area of hotel and commercial uses. The proposed overall density is 6.8 times the area of the lot.

The first 6-storeys of the proposal (plus a mezzanine) is proposed to be 23 metres in height and will contain a hotel, event space, restaurant uses, back-of houses space, loading, the parking entrance and some bicycle storage. The first 3 floors of the podium occupies most of the site and the upper 3 floors are setback from the rail corridor. The north frontage of the ground floor along Sudbury Street has a cascading setback from the property line ranging in depth from the western corner of the building at 0.7metres up to 3 metres along the eastern corner of the building. The ground floor is proposed to have the lobby for the residential units, a restaurant, the hotel lobby and service areas. The mezzanine contains 20 hotel suites. The second floor contains 22 hotel suites, large event spaces and lounge space. The remaining floors of the hotel (3-6) contain 115 hotel suites bringing the total suite number to 157. Hotel amenity spaces including a spa, pool, and rooftop terrace are located on the third and fourth floors.

Above the 6-storey hotel is a 20-storey residential tower containing 209 residential units. The overall height of the building is 90 metres including the mechanical penthouse. The residential tower is setback approximately 2.5 metres from the podium along Sudbury Street, and approximately 21 metres from the south property line adjacent to the rail corridor. The unit breakdown includes 21 bachelor units, 117, 1-bedroom units and 71 2-bedroom units.

The amenity space for the residential units is located on the 7<sup>th</sup> floor and the 26<sup>th</sup> floor and consists of 436 square metres of indoor space and 418 square metres of outdoor space.

All the parking for the proposal will be located below grade, accessed from a two-way driveway that runs along the east side of the site. Three levels of underground parking are proposed to contain 201 parking spaces of which 23 spaces will be dedicated to the hotel component, 151 to residents of the building, 25 to residential visitors and 2 for car share spaces. In addition, 201 long term bicycle parking spaces and 26 short term bicycle parking spaces are provided on-site.

Three loading spaces (Type "G", Type "B" and Type "C") will service the entire development. They are located on the east side of the ground floor, accessed from the driveway on the east side of the site.

There is no proposed queuing or loading space for the hotel, event and restaurant spaces.

Please see Attachments 1-5 for drawings of the proposal and Attachment 8 for the Application Data Sheet.

## **Site and Surrounding Area**

The site is triangular in shape and is located on the south side of Sudbury Street at the south end of Lisgar Street. It is 4,125 square metres in area and is currently occupied by a one and two storey commercial building containing a fitness club, event space, offices, a social club and restaurant uses. The site is at the southeast corner of the West Queen West Triangle ("WQWT") Area.

North: To the north of the site is the remainder of the WQWT which is generally bounded by Queen Street West, Dovercourt Road and the rail corridor. This *Regeneration Area* has seen a large amount of development over the past 5 years and the general pattern of development is taller buildings towards the rail corridor and the west, with the heights scaling down to the north and the east. This pattern can be seen in the Planning Rationale report submitted by the applicant on Page 28 (Figure 15). The development blocks are separated by new roads (Abell Street), a new park between Abell and Lisgar Streets and a series of publicly accessible but privately-owned pedestrian spaces.

Also to the north of the site is a neighbourhood along Dovercourt Road which is comprised of primarily 2.5 storey residential dwellings which are designated *Neighbourhoods* in the Official Plan.

East: To the immediate east of the site is a 2-storey office building, and further along Sudbury Street are 4-storey stacked townhouses. The Centre for Addiction and Mental Health is located northeast of the site.

South and West: The Lower Galt Subdivision Rail Line runs along the south side of the property. This line (commonly referred to as the Georgetown line) is in the process of being expanded to accommodate the rail line from Union Station to Pearson International Airport.

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

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity 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 with 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. They represent an opportunity for growth in the City.

The site is 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;
- including a variety of land uses and densities;
- providing community services and facilities; and
- providing a range of housing types in terms of size, type, affordability and tenure.

With respect to urban structure and built form, the 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;
- shared open space, parking facilities and servicing areas between development parcels, where possible; and
- where land is adjacent to a lane, vehicular access to a site should be taken from the lane for any use and the existing lane system should be enhanced.

In addition to the Garrison Common North Secondary Plan, the Official Plan policies regarding The Public Realm and Built Form, among others, are also applicable. They include objectives such as:

- acknowledging that city streets are a significant public space and that they must be designed to perform their diverse roles;
- new development will locate service areas and vehicular access to limit impact on adjacent street; and
- new development will be massed to fit harmoniously into its existing and/or planned context.

Please see Attachment 7 for a map of the Official Plan designation.

### **Zoning**

The site is subject to former City of Toronto Zoning By-law 438-86, as amended. Zoning By-law 569-2013 does not apply to the site.

Under former City of Toronto Zoning By-law 438-86 the site is zoned for Industrial Uses up to a density of 3 times the area of the lot (I1 D3) and to a maximum height of 18 metres. Residential uses are not permitted in this zone category. Please see Attachment 6 for a map of the zoning.

### **Site Plan Control**

Site Plan approval will be required but an application has not yet been submitted.

### **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

### **Reasons for the Application**

An amendment to the Zoning By-law is required since the proposed uses, height and density are not permitted under the By-law. Additional areas of non-compliance will be identified through the review of the application.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Toronto Green Development Checklist
- Planning and Urban Design Rationale Report (including Community Services and Facilities)
- Shadow Studies
- Urban Transportation Considerations Report and Operations Assessment
- Servicing and Stormwater Management Report
- Arborist Report
- Pedestrian Level Wind Study
- Noise and Vibration Study

A Notification of Complete Application was issued on May 13, 2014.

### **Community Consultation**

At the time of the drafting of this report, a Community Consultation meeting was scheduled to be held on May 29<sup>th</sup>, 2014.

### **Issues to be Resolved**

Planning staff have a number of concerns with this proposal and have advised the applicant that staff cannot recommend approval of this application without substantial revisions to the application. These concerns are outline below.

#### **Height**

The proposed 26-storey height (90 metres) is not appropriate for the site. This neighbourhood does contain tall buildings but the decisions about their locations and pattern of heights have been carefully considered. Two key principles have been part of the planned built form context for building heights in the WQWT. First, taller buildings have been pushed away from Queen Street West towards Sudbury Street and the rail corridor. Second, there has been a general scaling down of heights from west to east throughout the Triangle.

Taller heights are appropriate in the southern and western sides of the triangle, where the impact on *Neighbourhoods* and *Institutional Areas* is not a factor and where there was little existing built form context. However the built form context on the east side of the WQWT is more established and requires careful consideration.

Along Dovercourt Road, north of the site, a *Neighbourhood* of 2.5 storey dwellings must be considered, the Centre for Addiction and Mental Health is redeveloping with a low scale of building forms on its western flank, and 4-storey townhouses line Sudbury Street

to the east of the site. The newer buildings in the vicinity of the site have respected the lowering of heights towards the east. 2-6 Lisgar (north side of Sudbury between Abell and Lisgar) is 21-storeys, 45 Lisgar (north side of Sudbury across from the subject site) is 14-storeys, 40 Dovercourt (northwest corner of Dovercourt and Sudbury) is 11-storeys and staff will be bringing forward a Final Report for 41 Dovercourt (northeast corner of Dovercourt and Sudbury) at 10-storeys. Given this pattern of height, the proposed height of 26-storeys is inappropriate and must be reduced substantially.

Please see Attachment 9 for a map of the heights in the West Queen West Triangle area.

### **Land Uses**

The proposed land uses include hotel, restaurant, residential dwellings and ancillary commercial and event space. The site is located in a *Regeneration Area* which has seen a large amount of redevelopment over the past number of years. Much of this growth has been comprised of residential uses, and approximately 3000 units have been approved in the WQWT. In addition to this residential development an emphasis on providing space for the arts community has resulted in the provision of workshops, affordable live/work spaces for artists, space for the Toronto Media Arts Cluster, and a new home for the Theatre Centre in the Carnegie Library on Queen Street. Many of these amenities are used directly by those living in the neighbourhood.

As the area has developed into a new neighbourhood with a large number of residential units, staff must consider the impact that new uses and residents will have on the people living in the neighbourhood. Planning staff are concerned that a number of the uses proposed in this application will have a negative impact on the neighbourhood, especially given the internalized location. These uses include the hotel and associated event space and the restaurant.

These uses are likely to draw people from outside the community in large numbers on a regular basis. This will bring traffic and noise, both of which could have negative impacts on nearby residents, including the potential for noise well into the night.

Event Space - The current building is used occasionally for large events, and complaints from these events have been received by this city with respect to loud music, noise from idling vehicles, and the loading and unloading of trucks. These large events are often held in the evening and end late, at which point the attendees spill out of the venue as they make their way home. The current proposal includes a total of 1300 square metres of total event space which is anticipated to be used for weddings, conferences and other events.

Restaurant – The City has recently done a number of studies on the appropriate size of restaurants to minimize their ability to turn into spaces that function as nightclubs. These studies were in response to the impacts that larger restaurants were having on the nearby residential uses. The ground floor space is proposed to have a small restaurant, a medium sized restaurant and a bar for total of approximately 1300 square metres which is larger than the recommended maximum restaurant size in the area which is between 300 and 400 square metres. The total proposed restaurant space is too large.

**Hotel** – Although the WQWT has emerged as a mixed-use area, it is dominated by residential units (approximately 3000) and the non-residential uses predominately serving the local community. The proposed hotel use, and its 157 suites, represents a large commercial use embedded within a primarily residential community which, given its scale and type of non-residential use, is not appropriate.

Planning staff have concerns about the impact that the hotel with associated event space and restaurant will have on the established residential community.

### **Rail Setback**

The site is located directly adjacent to the Lower Galt Subdivision Rail Line which houses a major GO Transit line used for commuter trains, and which will be used for the rail service from Pearson Airport to Union Station. The noise and vibration study that was submitted by the applicant anticipates that by the year 2024 approximately 330 trains will be travelling by the site between 7:00 a.m. and 11:00 p.m. with an additional 65 trains overnight.

The proposal includes a crash wall which will run along the length of the southern property line. On the first floor (including the mezzanine) the restaurant, back-of-house, and the parking ramp are located behind the wall. The second floor extends over the crash wall so the building is a maximum of only 2 metres from the southern property line and contains the hotel event space rooms. The third floor is directly above the second floor and contains the hotel amenity space (including a spa). The fourth floor is dominated by a large outdoor terrace on the roof of the third floor and includes a pool, outdoor seating areas and access to additional hotel amenity space on the fourth level of the building. This outdoor terrace is directly adjacent to the south property line and the rail corridor. The remainder of the building is set back from the south property line and rail corridor a minimum of 20 metres.

Given the high number of trains that use this corridor currently, and the greater number of trains that will use this corridor in the future, the City must consider the safety and the appropriateness of permitting various uses directly adjacent to the rail corridor. Further discussions between the applicant, City staff and Metrolinx are required.

### **Shadow Impact**

The shadow studies submitted by the applicant show the proposed shadows that will be cast by the building as well as the existing shadows and the as-of-right shadows for the property at 45 Dovercourt. Revised shadow studies showing the as-of-right shadowing for the subject site need to be submitted and further review of these studies is required.

## **Unit Mix**

The proposed unit mix includes 21 bachelor units, 117 1-bedroom units and 71 2-bedroom units. It is encouraging to see a large number of 2-bedroom units but staff would also like to see 3-bedroom units provided on the site.

## **West Toronto Rail Path Extension**

The West Toronto Rail Path is a multi-use trail that currently runs from Dupont Street to Dundas Street West along the rail corridor. Given its location in a surplus part of the rail corridor it is a continuous trail that bridges over cross streets and provides a safe and fast way to move through and about in this area. The City is currently in the process of undertaking an Environmental Assessment through the West Toronto Railpath Extension Study to determine the preferred route for extending the path from Dundas Street West to beyond Strachan Avenue.

The subject site is along this extension route. Although the City is looking at a number of different route options, one of them would see the path extend along the south side of the site, between the rail corridor and any new building on the site. Additional discussion between City staff and the applicant on this possibility are required.

## **Section 37 of the *Planning Act***

Section 37 of the *Planning Act* allows the City to authorize increased density and/or height in return for the provision of services, facilities or matters. The Official Plan contains provisions authorizing these Section 37 matters, provided the density and/or height increases are consistent with the objectives of the Official Plan regarding the building form and physical environment. Given the increase in the proposed height and density, the Official Plan would require the provision of Section 37 benefits. Should the applicant make substantial changes and the application be recommended for approval, Staff in consultation with the Ward Councillor, will identify and secure public benefits pursuant to Section 37 of the *Planning Act* including appropriate community services, facilities and amenities which address local priorities.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **Conclusion**

Planning staff have identified a number of concerns with the application as submitted. These concerns have been expressed to the applicant both prior to the application being submitted and within this report. Staff have further advised the applicant that the proposal is not supportable in its current form but are willing to continue discussions on substantial changes to provide a better fit to the existing and planned context.

## **CONTACT**

Aviva Pelt, Planner  
Tel. No. 416-392-0877  
Fax No. 416-392-1330  
E-mail: apelt@toronto.ca

## **SIGNATURE**

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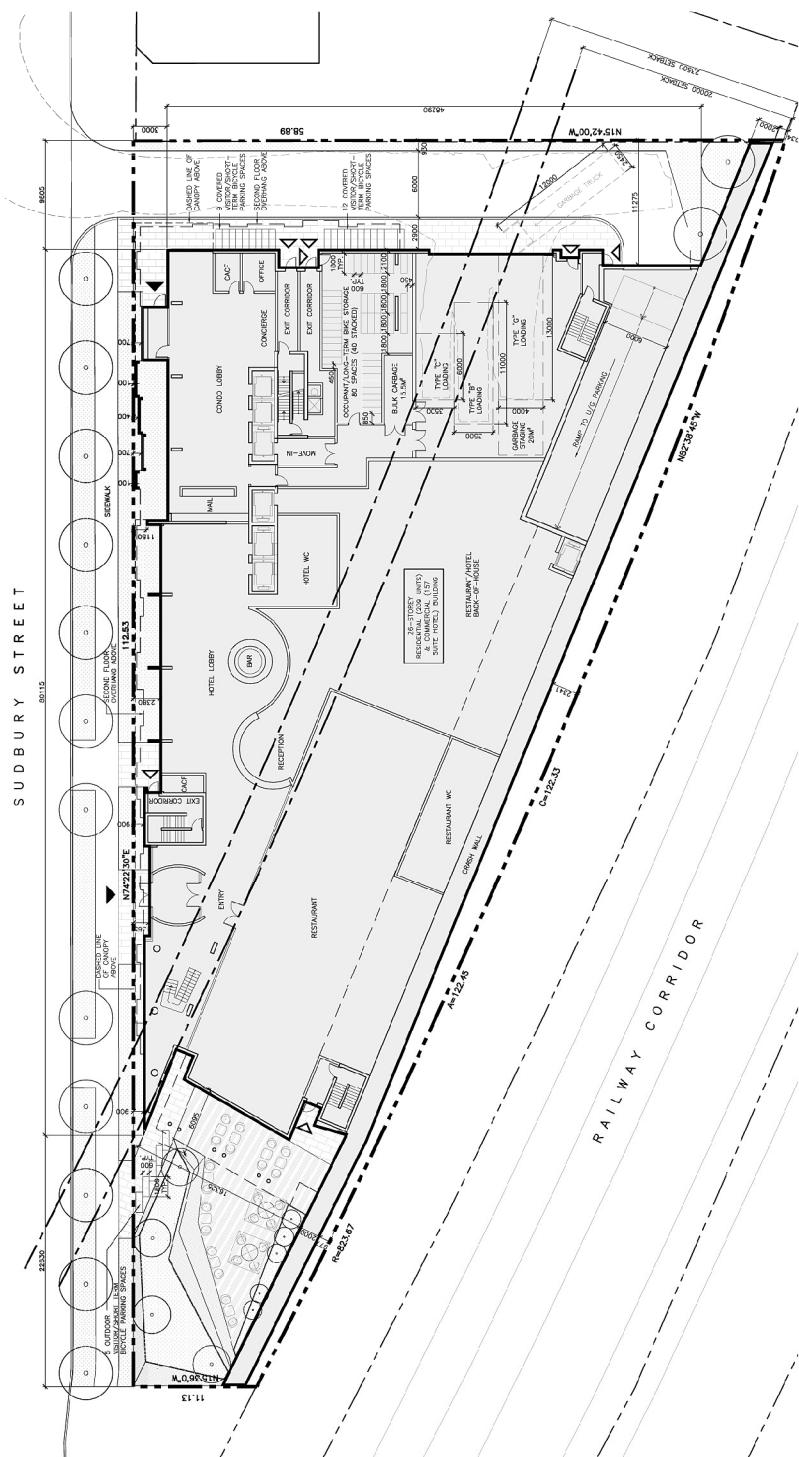
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: North Elevation
- Attachment 3: East Elevation
- Attachment 4: South Elevation
- Attachment 5: West Elevation
- Attachment 6: Zoning By-law (former City of Toronto, 438-86)
- Attachment 7: Official Plan
- Attachment 8: Application Data Sheet
- Attachment 9: West Queen West Triangle heights

## **Attachment 1: Site Plan**



99 Sudbury Street

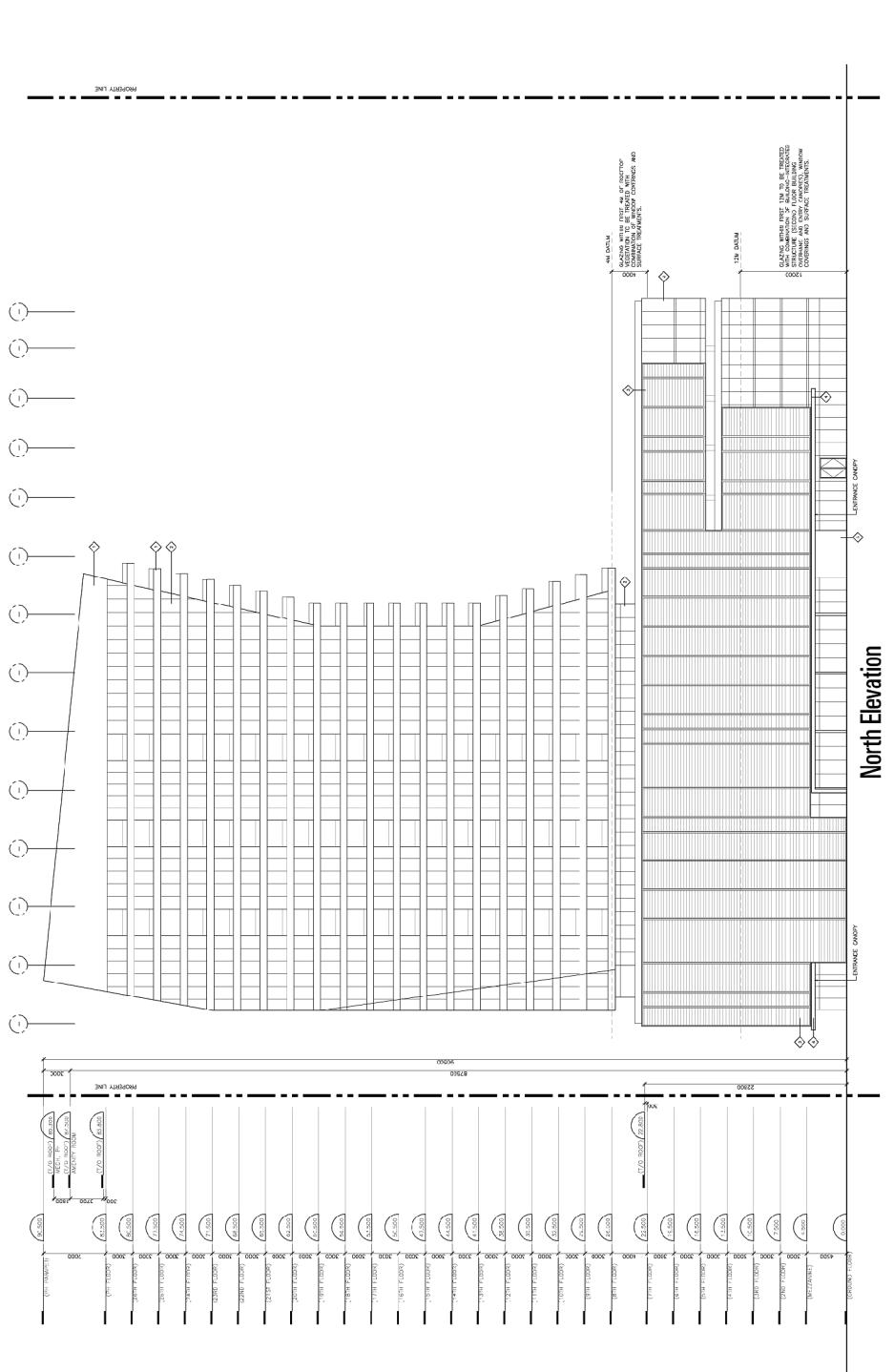
File # 14 135661 STE 18 0Z

Site Plan

### Applicant's Submitted Drawing

Not to Scale  
04/17/2014

## **Attachment 2: North Elevation**



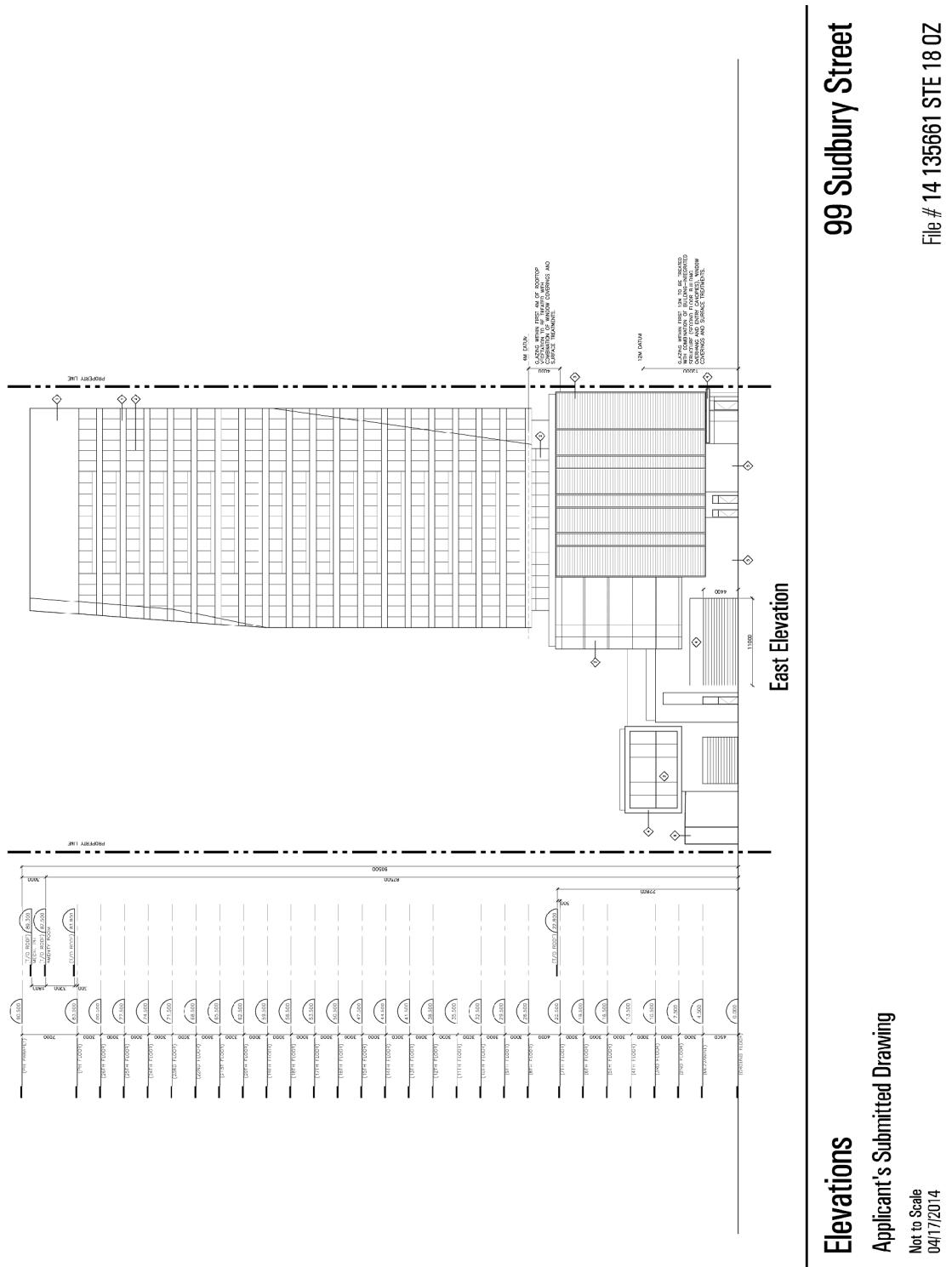
## Elevations

## Applicant's Submitted Drawing

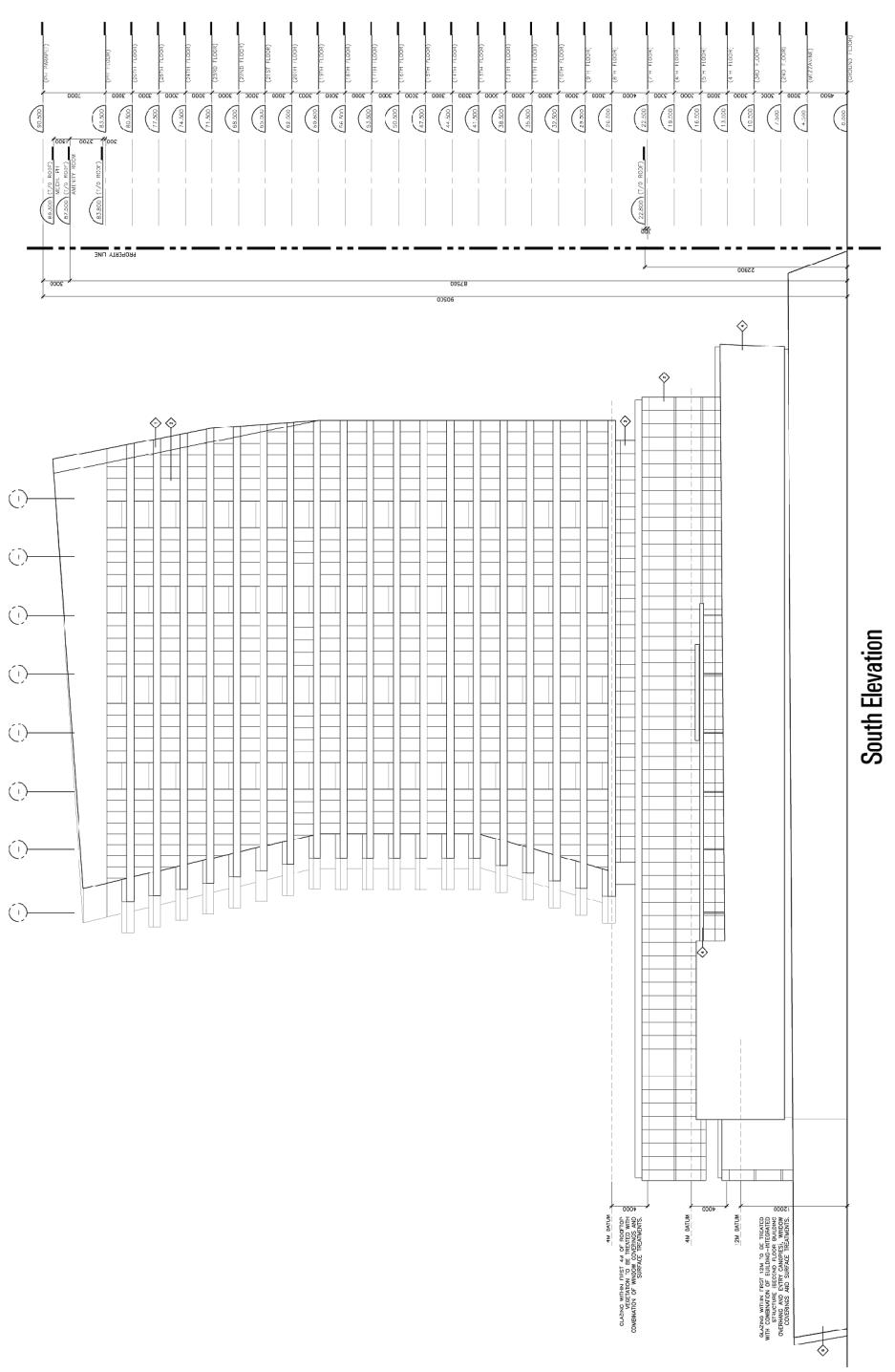
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### Attachment 3: East Elevation



## Attachment 4: South Elevation



**99 Sudbury Street**

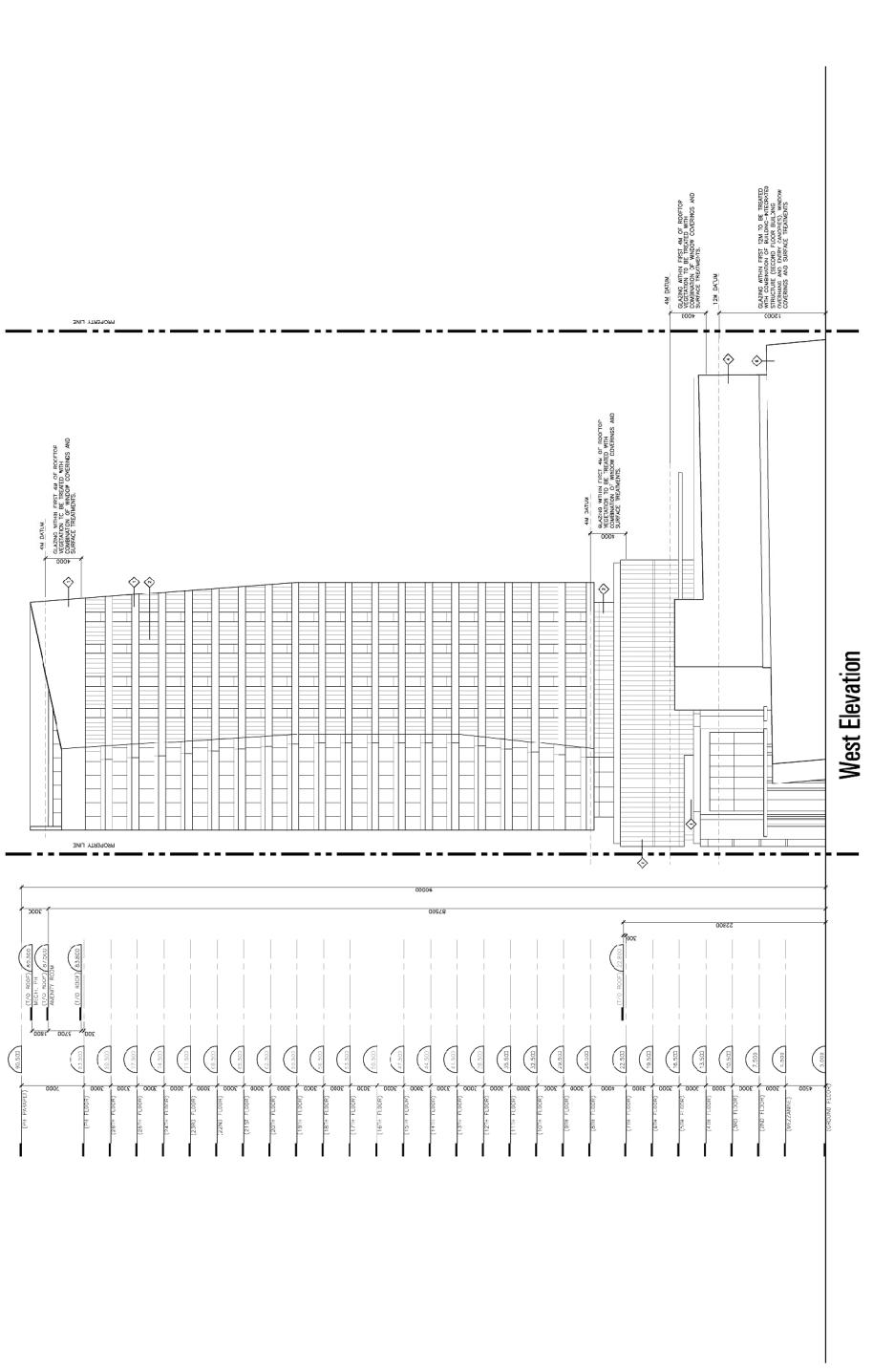
**Elevations**

**Applicant's Submitted Drawing**

Not to Scale  
04/17/2014

File # 14 135661 STE 18 0Z

## **Attachment 5: West Elevation**



## Elevations

## Applicant's Submitted Drawing

Not to Scale  
04/17/2014

File # 14 135661 STE 18 0Z

**Attachment 6: Zoning By-law (former City of Toronto, 438-86)**



**Zoning By-law 569-2013**

**99 Sudbury Street**

File # 14 135661 STE 18 OZ

Location of Application

See Former City of Toronto Bylaw No. 438-86

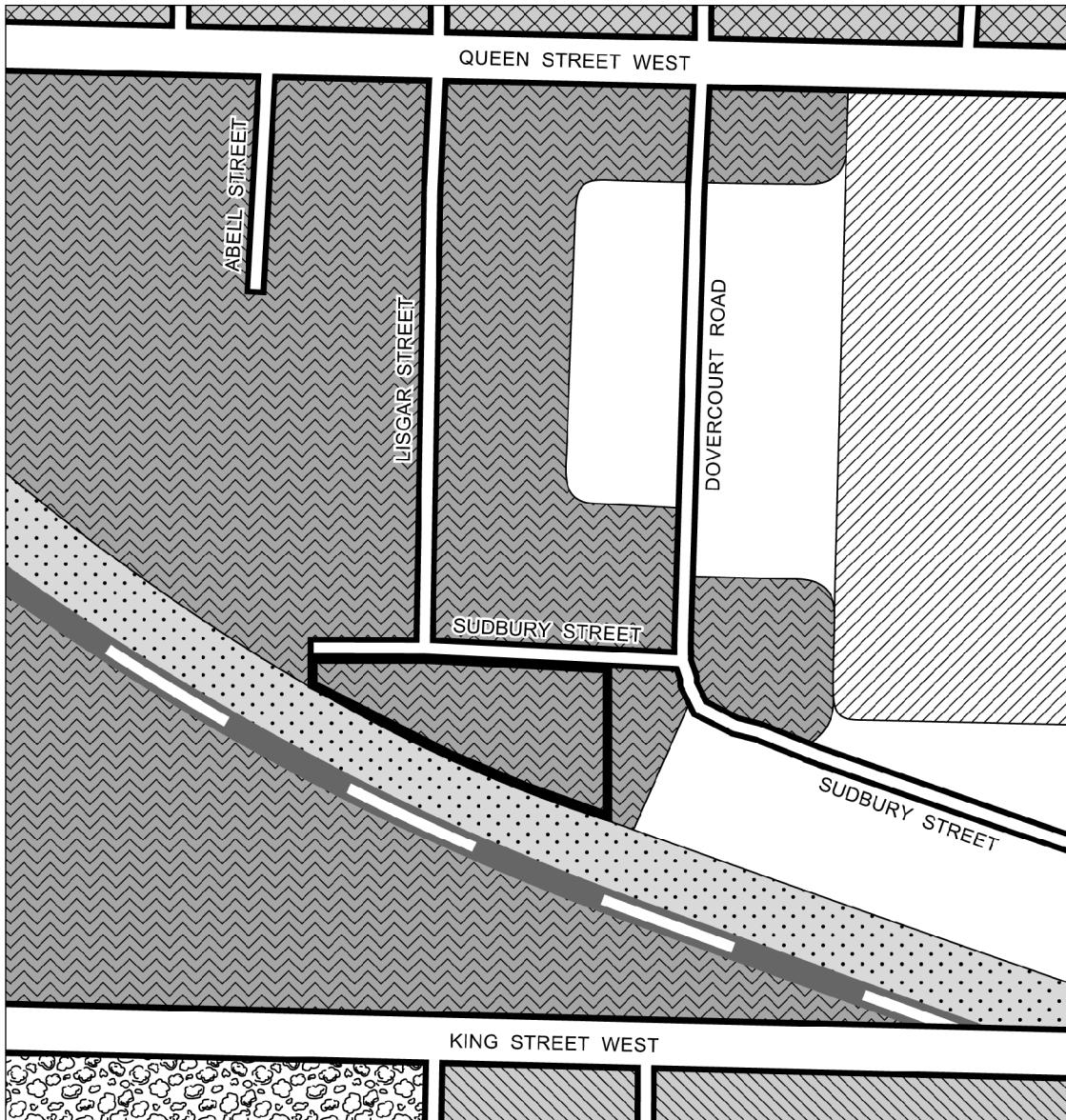
**R** Residential  
**UT** Utility and Transportation

**CR** Mixed-Use District  
**I1** Industrial District  
**I2** Industrial District  
**R3** Residential District



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Extracted: 04/17/2014

## Attachment 7: Official Plan



**TORONTO** City Planning  
**Extract from Official Plan**

**99 Sudbury Street**

File # 14 135661 STE 18 0Z

	Site Location		Parks & Open Space Areas		Institutional Areas
	Neighbourhoods		Parks		Employment Areas
	Mixed Use Areas				Utility Corridors
	Regeneration Areas				

Not to Scale  
04/17/2014

## Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	14 135661 STE 18 OZ
Details	Rezoning, Standard	Application Date:	March 31, 2014
Municipal Address:	99 SUDBURY ST		
Location Description:	PLAN 878 PT BLK 3 RP 63R4082 PART 2 PT ARMOUR ST (CLOSED) **GRID S1807		
Project Description:	Proposal for a Rezoning Application for the redevelopment of the site for a 26 storey building comprising of a 6 storey plus mezzanine podium with a 20 storey tower element plus mechanical and amenity space. This development will be comprised of 16,436m <sup>2</sup> of residential space and 11,538m <sup>2</sup> of hotel space. A total of 201 parking spaces will be provided below grade.		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BOUSFIELDS INC		Giannone Petricone Associates	2090416 ONTARIO INC

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	I1 D3	Historical Status:
Height Limit (m):	18	Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	4125	Height:	Storeys:	26
Frontage (m):	112.5		Metres:	90.5
Depth (m):	58.8			
Total Ground Floor Area (sq. m):	2206			<b>Total</b>
Total Residential GFA (sq. m):	16436		Parking Spaces:	201
Total Non-Residential GFA (sq. m):	11538		Loading Docks	3
Total GFA (sq. m):	27974			
Lot Coverage Ratio (%):	53.5			
Floor Space Index:	6.78			

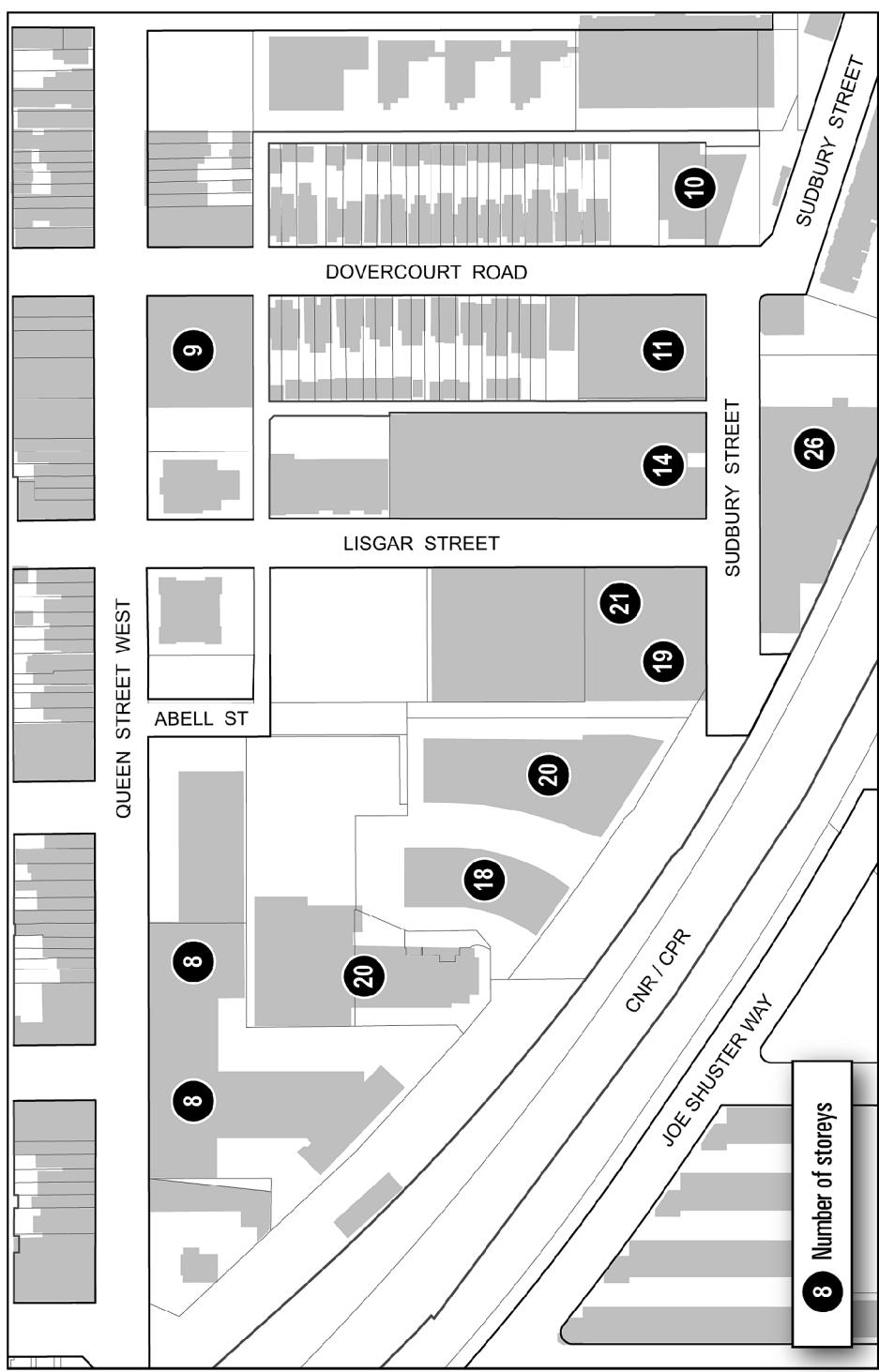
### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	16436
Bachelor:	21	Retail GFA (sq. m):	11538
1 Bedroom:	117	Office GFA (sq. m):	0
2 Bedroom:	71	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	209		

**CONTACT:**    **PLANNER NAME:** **Aviva Pelt, Planner**  
**TELEPHONE:** **416-392-0877**

## **Attachment 9: West Queen West Triangle heights**



99 Sudbury Street

File # 14 135661 STE 18 0Z

## Tower Height Map

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05/13/2014

Not to Scale  
05/13/2014