

1093 Queen St W – Rezoning – Request for Direction Report

Date:	December 8, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 18 – Davenport
Reference Number:	07 249665 STE 18 OZ

SUMMARY

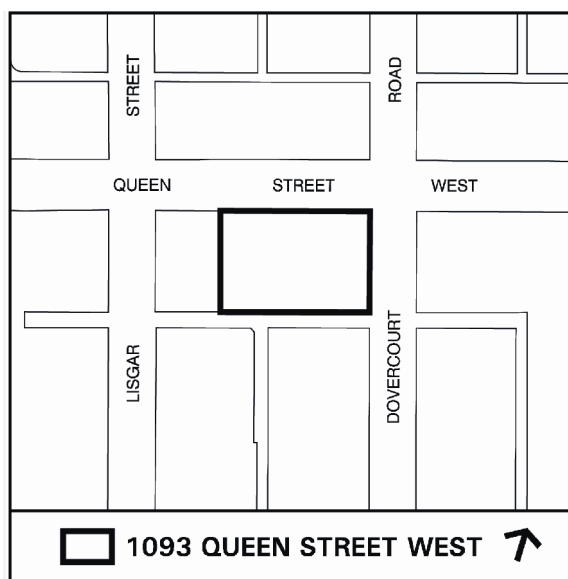
The purpose of this report is to request direction from City Council regarding the pending Ontario Municipal Board hearing on the application for a Zoning By-law amendment at 1093 Queen Street West.

This application proposes a 9-storey building with a 2-storey podium adjacent to the historic library on Queen Street West, and a 4-storey portion at the northeast corner to reflect the Great Hall on the east side of Dovercourt Road. Non-residential uses will occupy the ground and second floors.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct staff to support a Zoning By-law amendment for 1093 Queen Street West at the Ontario Municipal Board if the conditions set out in this report are met to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
2. City Council direct staff to report directly to City Council on January



- 27th and 28th, 2009, if required, on the status of the negotiations.
3. City Council request that staff secure benefits under Section 37 of the Planning Act towards any or all of the following: the development of Lisgar Park, the renovation of the Carnegie Library into a performing arts hub, affordable arts studio in the West Queen West Triangle, public art and/or affordable housing and that the Ontario Municipal Board not release any final orders until the applicant has executed the Section 37 agreement.
 4. City Council direct that the entire acquisition portion of the base 5% of the cash-in-lieu of parkland dedication be paid to the South District Parkland Acquisition Fund XR2208 as per City Council's direction from its meeting on September 25th, 26th, 27th and 28th of 2006 (Administration Committee Report 6, Clause 43).
 5. City Council determine that the development of the lands at 1093 Queen Street West reflects the pattern of development for this segment of Queen Street West as determined by the City's West Queen West Triangle Zoning Review, that overall infrastructure is available and that development can proceed prior to the completion of an Avenue Study.
 6. City Council instruct the City Solicitor, together with the appropriate staff and experts as needed, to attend the Ontario Municipal Board hearing in support of the position recommended in this report.
 7. City Council direct staff to take such other steps as may be required to implement these recommendations.

Financial Impact

There are no new 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 by the applicant on July 23, 2008 on the grounds that the City did not make a decision on the application within 120 days.

ISSUE BACKGROUND

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 is 4 storeys along Dovercourt Road, to reflect the scale of the Great Hall on the east side of Dovercourt Road and 2 storeys along Queen Street West to reflect the scale of the Carnegie Library immediately to the west of the site. The tower portion of the building is set back

substantially from Queen Street West and the single family dwellings along the west side of Dovercourt Road, south of the site.

Non-residential uses will occupy the ground and second floors of the building. The lobby for the 88 unit residential portion of the building is located off Dovercourt Road, allowing for active uses to occupy the entire Queen Street frontage. Access to loading and below grade parking for 102 parking spaces is from the public laneway that runs from Dovercourt Road along the south edge of the site.

Site and Surrounding Area

This flat, 2,259 sq.m. site is located on the southwest corner of Queen Street West and Dovercourt Road. It is currently occupied by retail stores in a one storey building.

Adjacent existing uses are:

North: Queen Street West and various stores and other commercial uses, in low-rise buildings on both sides of Queen Street West;

South: a public laneway and 2-3 storey houses beyond;

East: Dovercourt Road and, on the opposite side of the street, a heritage-designated building, known as “The Great Hall”, used for a variety of commercial and arts-related purposes; and

West: the designated Carnegie Library building, used as the offices of the City of Toronto’s Public Health Division.

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 New Official Plan designates this site Regeneration Area and identifies it as *Avenues* on the Urban Structure Map (Map 2). The site also falls within the Garrison Common

North Secondary Plan Area which contains specific policies relating to the development of this site. In addition, Section 3.1.5 Heritage Resources (Policy 2) of the Official Plan must also be considered given the historic buildings adjacent to the site.

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 (approximately 5 storeys), and is subject to a 45 degree angular plane rising inward over the lot from 13 metres above the north and east property lines.

In July 2007, City Council approved an amendment to the Zoning By-law for the area referred to as the West Queen West Triangle, including 1093 Queen Street West. By-laws have not yet been enacted to implement the Zoning By-law Amendment. For the site at 1093 Queen Street West, the West Queen West Triangle Zoning By-law Amendment would permit a mixed-use building at 7-storeys in height (22.3 metres).

Site Plan Control

No Site Plan Control application has been submitted.

Reasons for Application

The proposed development does not comply with the in-force Zoning By-law with respect to height, overall density and residential density among other requirements.

Community Consultation

Two Community Consultation meetings have been held for this application. The first was held on November 13th, 2007. The design of the building at this stage was quite different then the one that has been recently submitted. It was a nine-storey, u-shaped building with a courtyard above the second level facing Queen Street West. Concerns raised at the meeting included:

- the height;
- the relationship between the proposed building and the adjacent heritage buildings;
- the relationship between the proposed building and Queen Street West; and
- the nature of the retail and uses at grade.

A second Community Consultation Meeting was held on December 4th, 2008 to get feedback on the revised scheme as shown in Attachments 2-5. Comments and concerns raised at that meeting included:

- a general consensus that the massing is appropriate;
- a concern with traffic impacts;

- a concern about increased pedestrian traffic along the laneway;
- the provision of public parking; and
- support for modern design of the building.

These issues and concerns have been addressed in the Comments section of the report below.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal for a mixed use (commercial/residential) building is generally consistent with the Provincial Policy Statement and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Regeneration Area

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 proposed building contains a mix of uses including retail, offices and residential units. The proposal will contribute to an improved pedestrian environment along Queen Street West by widening the sidewalk and planting additional trees.

Garrison Common North Secondary Plan

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

Relating 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 the 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.

The proposal meets the major objectives in the Secondary Plan. The proposed building is well integrated into the existing urban fabric, and responds well to the adjacent heritage buildings. The building will animate Queen Street West by providing non-residential uses at grade, in storefronts with a maximum width to continue the rhythm of small scale shops that characterizes Queen Street. The ground floor will have high floor to ceiling heights (4.5 metres) to allow for a variety of uses over time, and there will be a requirement for two and three bedroom units to accommodate diverse households.

Although there is not a large amount of open space on-site, the 4 metre setback on the west side of the site allows for a shared open space with the Carnegie Library that can serve as a pedestrian connection through to the new park on Lisgar Street, and serves to highlight the historic building.

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 adjacent to two properties listed on the City's *Inventory of Heritage Properties*, the Great Hall on the southeast corner of Queen Street West and Dovercourt Road, and the Carnegie Library immediately to the west. City staff have been working with the applicant to ensure that the proposal respects these adjacent heritage buildings.

As a result of input from the community and comments from staff, the applicant has submitted a design that is substantially different than the initial application. The new design has a 2-storey podium adjacent to the Carnegie Library on Queen Street West and a 4-storey podium on Dovercourt Road across from the Great Hall. This massing reinforces the lower scale of the heritage buildings and respects the prominence of the heritage buildings on the street. The proposed design meets the intent of Policy 2 in Section 3.1.5 of the Official Plan.

The proposed design is modern, and not a replication of past times. It is therefore important that the materials used on the building reflect the heritage buildings. Staff will continue to work with the applicant to ensure that the materiality of the building is respectful of the adjacent heritage buildings.

Avenues

Queen Street West is designated as an *Avenue* in the Official Plan. The Official Plan, Section 2.2.3, states that an *Avenue Study* should be undertaken that involves "extensive public and stakeholder consultation in order to determine the appropriate scale and

intensity of development to be reflected in the zoning for the Areas along the *Avenue*.” However, Section 2.2.3 Avenues: Reurbanizing Arterial Corridors (Policy 3.a) also states that development may be permitted on the *Avenues* prior to an *Avenue Study* with a review based on all of the policies of the Official Plan including the relevant designation area, in this case, *Regeneration Area*.

The framework for new development on each *Avenue* is to be established by a new zoning by-law and design guidelines created in consultation with the local community. The zoning by-law is to set out the mix of uses, heights, densities, setbacks and other zoning standards.

To that end, the City completed an internal review of the entire West Queen West Triangle area (of which this site is part) including an open space plan, a community services strategy, a community improvement strategy, and environmental and transportation policies. City staff completed these studies as part of the overall West Queen West Triangle Zoning By-law and Official Plan Amendment. This review has addressed the Official Plan required study of the area between Dufferin and Dovercourt, with respect to development on this portion of the Avenue, prior to a full Avenue study. City Council has approved the recommendations contained in a Staff Report dated June 11, 2007 to amend the Official Plan and Zoning By-law for the entire West Queen West Triangle area. The Bills have not yet gone to Council, and therefore the proposed Zoning By-law is not yet in effect.

In addition, the Ontario Municipal Board has issued decisions on four sites in the West Queen West Triangle, including a large site fronting on Queen Street West, and these approvals have set the context for future development in this area on the south side of Queen Street West. The Council approved proposed zoning by-law in its current form does not reflect the Ontario Municipal Board decisions for other sites in the West Queen West Triangle and will be amended accordingly.

Land Use

The proposed mix of uses are appropriate for the site and is supported by the *Regeneration Area* Official Plan designation. The proposed non-residential gross floor area of 2,579 square metres (1.14 times coverage) exceeds the required 0.7 times non-residential coverage in the Council approved by-law. These 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 proposed building has an overall height of 9 storeys (27.9 metres) with a 2 and 4 storey podium. The tower portion of the building is within the 45 degree angular plane from both Queen Street West, and the rear property line. These significant setbacks, together with the narrowness of the tower allow the building to reach 9 storeys without having a negative impact on the surrounding properties and the pedestrian environment on Queen Street West.

The 2-storey podium along the westerly two thirds of the Queen Street West frontage adequately respects the Carnegie Library to the west. The setback of 4 metres from the west property line allows for a generous shared space between the buildings and affords the library the prominent position on Queen Street West that it deserves. The 4-storey portion of the building along Dovercourt Road reinforces the scale of the Great Hall and maintains a positive pedestrian scale along Dovercourt Road, and at the intersection of Dovercourt Road and Queen Street West.

The mechanical penthouse will be a maximum of 3.5 metres high and will cover no more than 30% of the roof. It must also fall with the 45 degree angular plan on both the north and south sides of the property.

The proposed massing responds well to the surrounding built form without creating negative impacts on the neighbouring properties.

Sun and Shadow

The building has been designed to meet the base Zoning By-law 45 degree angular plane requirement and therefore the shadows cast by the proposed building are acceptable.

Traffic Impact, Access, Parking

A total of 102 parking spaces for this development are proposed in a 2 ½ level underground parking garage with access from the laneway along the south side of the property. There will be 65 resident parking spaces, 11 visitor parking spaces and 26 spaces to serve the retail component of the building.

The number of bike parking spaces has not yet been determined. However, the in-force Zoning By-law requires 0.75 bike parking spaces per residential unit. The resident bicycle parking spaces must be provided indoors, but cannot be provided inside lockers.

The loading for the site will occur on-site, with access from the rear laneway which is acceptable to the Executive Director, Technical Services.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 88 residential units on a site of 0.2259 hectares (2,259m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.1173 hectares (1,173m²). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be .02259 hectares (225.9m²).

The non residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of .002259 hectares (225.9m²) would not be of a useable size and the site would be fully encumbered with below grade parking.

As a result of a parkland dedication and parkland acquisition by the City in the West Queen West Triangle, the entire acquisition portion of the base 5% of the cash-in-lieu of parkland be paid to the South District Parkland Acquisition Fund.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The building has been setback 2.5 metres from the property line along Queen Street West which will allow for a 5.5 metre sidewalk, from building face to curb. A 2 metre setback on Dovercourt Road will allow for a 5.5 metre sidewalk, from building face to curb on that façade as well. The ground floor height of 4.5 metres allows for a greater flexibility of uses. In addition, staff will secure a limit on the size and unit width of the retail spaces on the ground floor so the rhythm of Queen Street West is respected.

Toronto Green Development Standard

The applicant has not yet submitted the Green Development Standard. Staff will require that it is submitted prior to any approvals.

Section 37 Benefits

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. The application at 1093 Queen Street West exceeds the permitted density and height and therefore staff will secure benefits to be used for any or all of the following:

- (a) affordable live/work studios and/or affordable artist work studios for artists owned and operated by the City or by a not-for-profit artscape management organization approved by the Chief Planner in consultation with the Executive Director, Toronto Culture;
- (b) the development or construction of Lisgar Park;
- (c) the renovation and restoration of the Carnegie Library building at 1115 Queen Street West for use as a performing arts hub and community meeting space;
- (d) public art;
- (e) affordable housing.

The applicant is required to enter into the Section 37 agreement prior to any final orders being issued by the Ontario Municipal Board for the Zoning by-law and Official Plan Amendment.

Other matters which may need to be secured in the Section 37 agreement are the materials used in the construction of the building and mechanical penthouse screening and 1:50 lower floor elevations.

Family Units

All of the approved developments in the West Queen West Triangle area have a required percentage of units that must be appropriate for families. Family units are defined as units that have 2 or more bedrooms. The required percentage of 2 or 3 bedroom units on each site in the Triangle varies from 15% to 25%. On this site, staff are requiring that 20% of the residential units on the site must have at least 2 bedrooms.

Development Charges

It is estimated that the development charges for this project will be \$650,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

Planning staff recommend that City Council support a Zoning By-law amendment for 1093 Queen Street West at the Ontario Municipal Board, generally in conformance with the building plans attached and as per the conditions as follows:

- reduction in the height of the mechanical penthouse;
- adherence of the mechanical penthouse to the 45 degree angular planes;
- adequate provision of parking spaces as per the City Council adopted West Queen West Triangle zoning by-law;
- adequate bike parking as per the City Council adopted West Queen West Triangle zoning by-law;
- limiting the width and size of the retail spaces on the ground floor;
- submission of the Green Development Standard checklist;
- the execution of a Section 37 agreement; and
- ensuring that 20% of the units have at least 2 bedrooms.

Overall, the proposed built form is appropriate for the site, and respects the adjacent heritage buildings.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

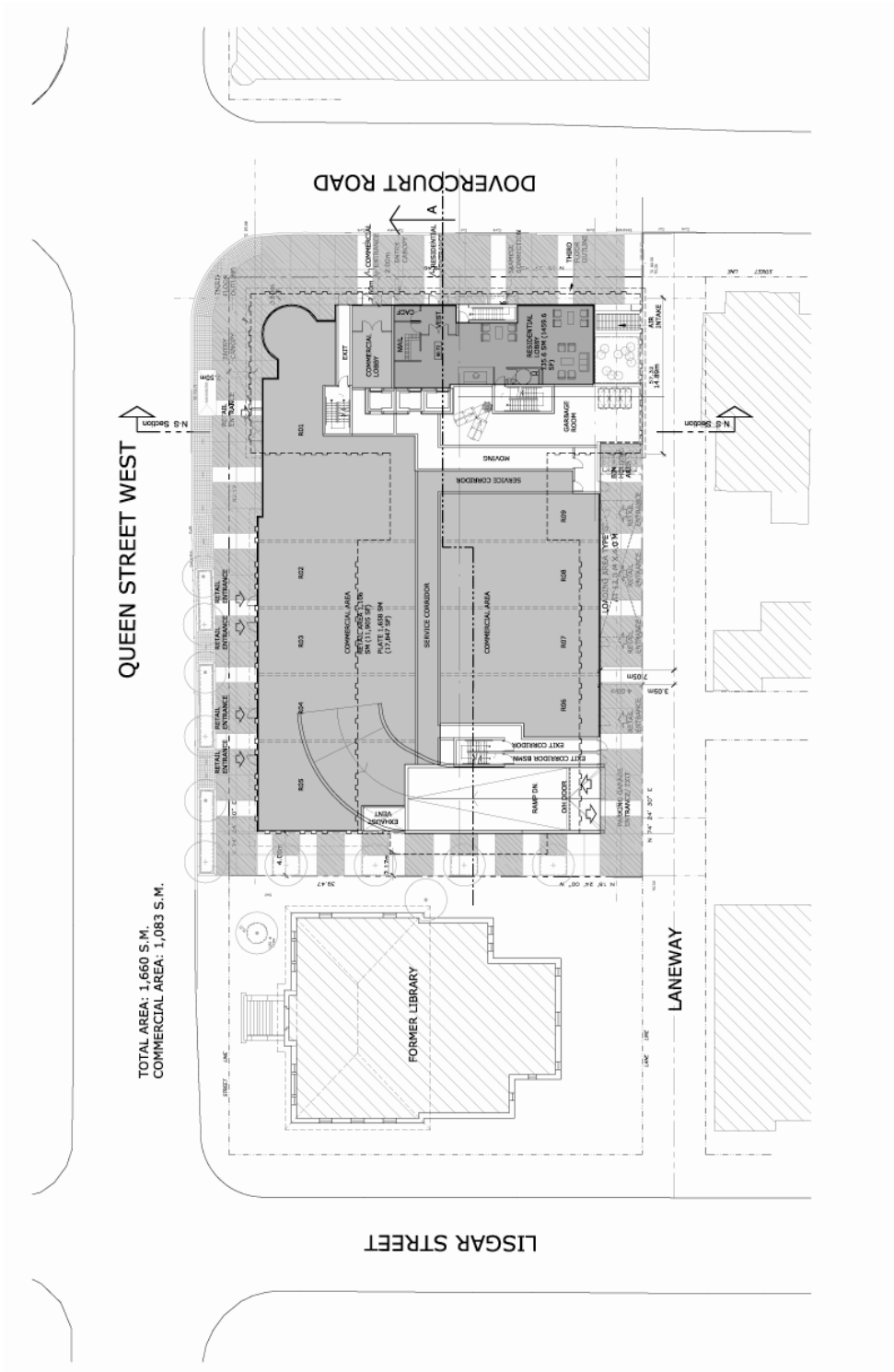
Attachment 4: East Elevation

Attachment 5: West Elevation

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 1: Site Plan



1093 Queen Street West

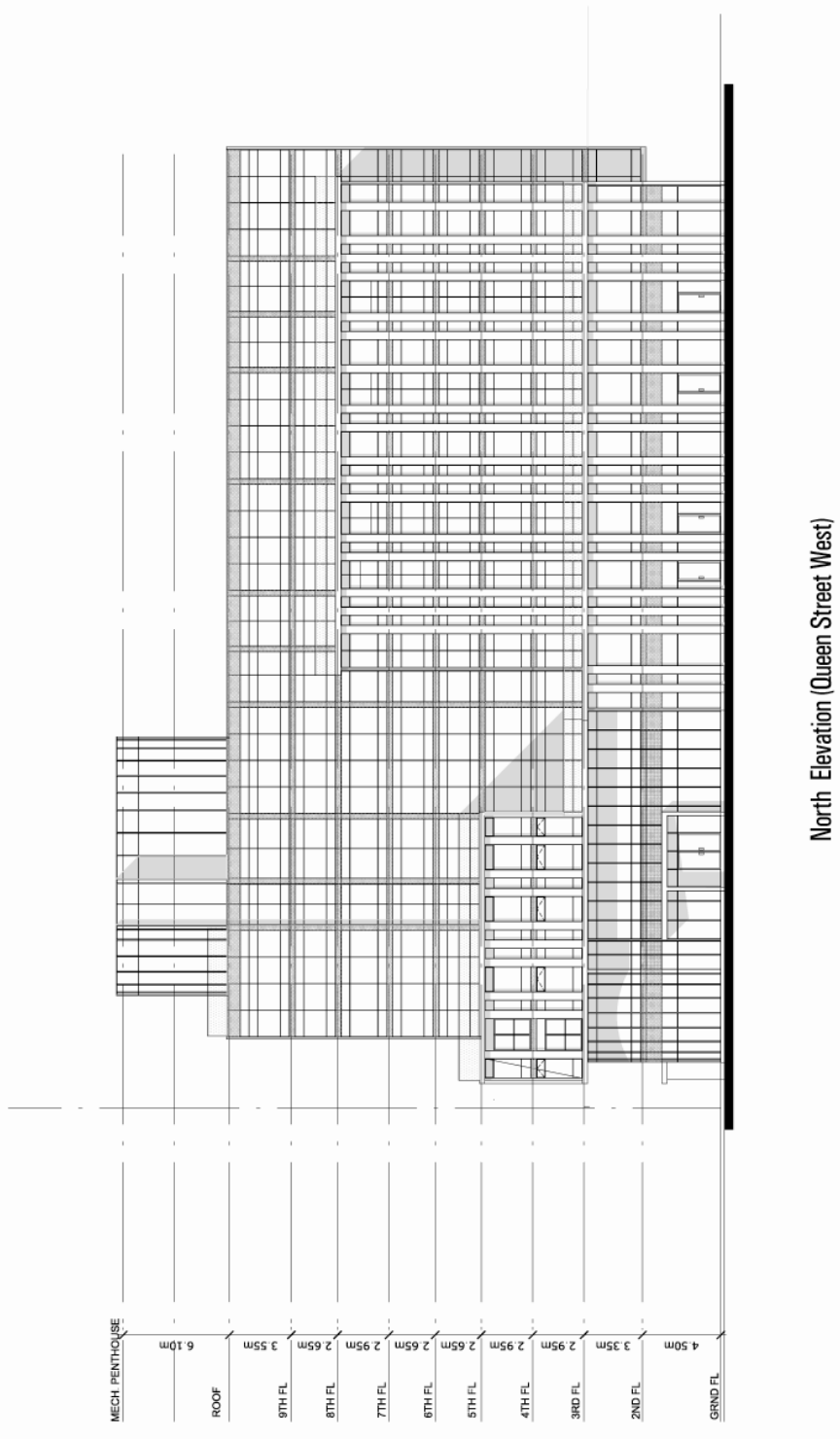
Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale
12/01/08

File # 07_249665

Attachment 2: North Elevation



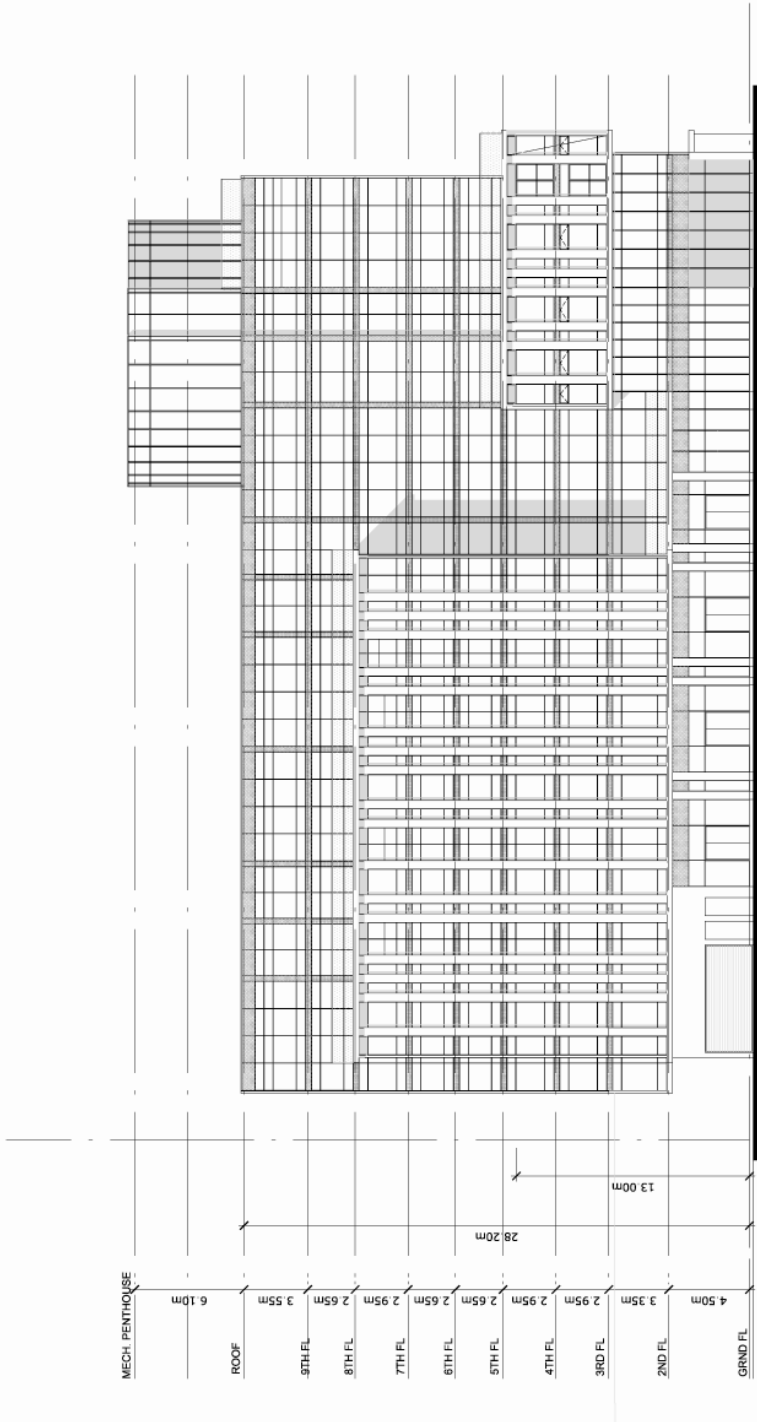
North Elevation (Queen Street West)

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 12/01/08

1093 Queen Street West

File # 07_249665

Attachment 3: South Elevation



South Elevation

1093 Queen Street West

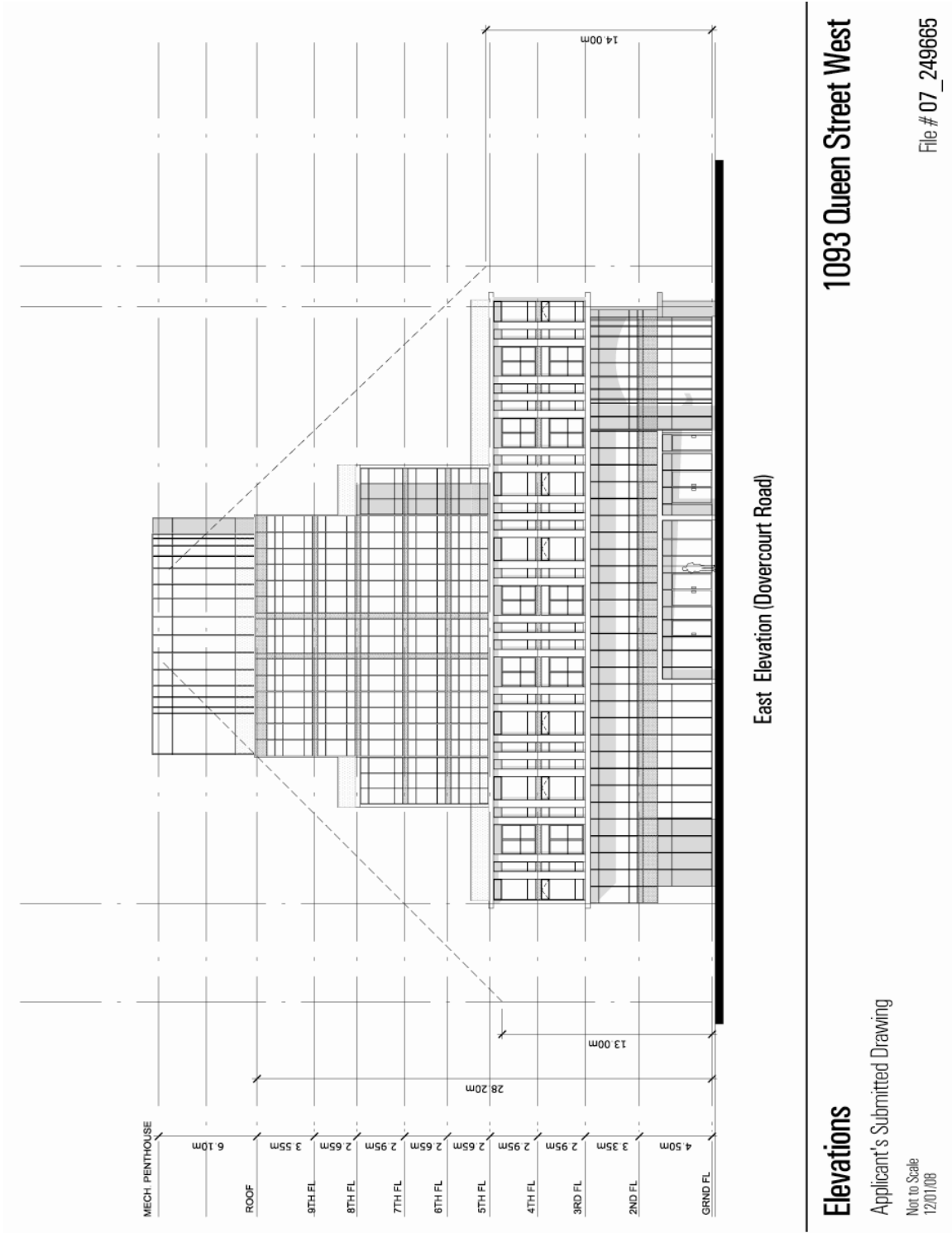
Elevations

Applicant's Submitted Drawing

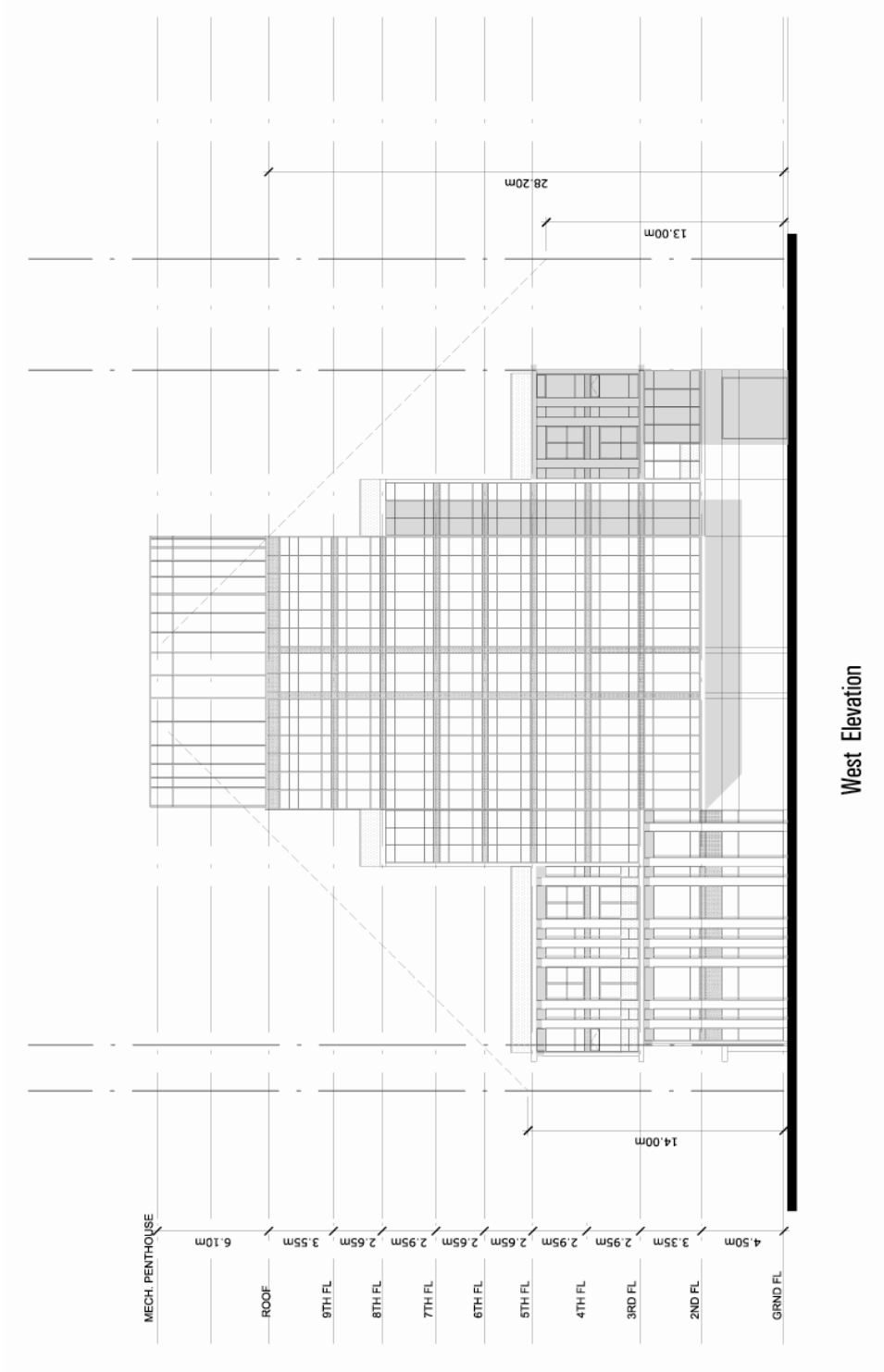
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Attachment 4: East Elevation



Attachment 5: West Elevation



1093 Queen Street West

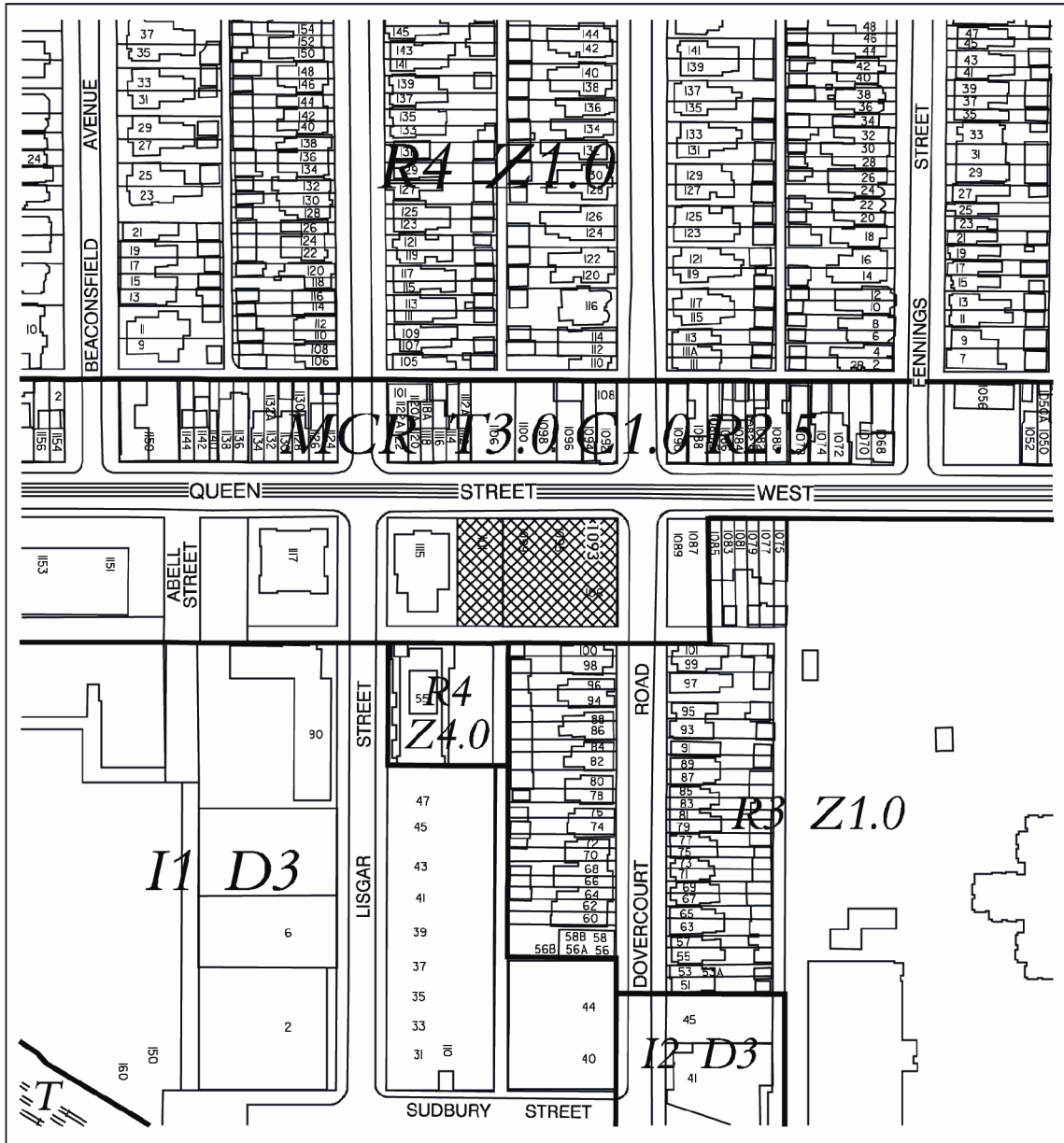
Elevations

Applicant's Submitted Drawing

Not to Scale
12/01/08

File # 07_249665


Attachment 7: Zoning



TORONTO City Planning
Zoning

1093 Queen Street West
 File # 07_249665

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


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

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	07 249665 STE 19 OZ
Details	Rezoning, Standard	Application Date:	August 1, 2007

Municipal Address: 1093 QUEEN ST W, TORONTO M6J 1J1
 Location Description: **GRID S1908
 Project Description: New 9 storey mixed residential / commercial building.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC.	BAYWOOD HOMES	PAGE & STEELE	

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	MCR T3.0 C1.0 R2.5	Historical Status:
Height Limit (m):	16	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2259	Height:	Storeys:	9	
Frontage (m):	57.17		Metres:	28.2	
Depth (m):	39.46				
Total Ground Floor Area (sq. m):	1700				Total
Total Residential GFA (sq. m):	6614		Parking Spaces:	102	
Total Non-Residential GFA (sq. m):	2579		Loading Docks	1	
Total GFA (sq. m):	9193				
Lot Coverage Ratio (%):	75				
Floor Space Index:	4.07				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	77
2 Bedroom:	11
3 + Bedroom:	0
Total Units:	88

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	6614	6614	0
Retail GFA (sq. m):	2579	2579	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	Sarah Phipps, Planner
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