

70-86 Lynn Williams Street – Zoning By-law Amendment Application – Decision Report – Refusal

Date: March 7, 2024

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 10 - Spadina-Fort York

Planning Application Number: 23 216060 STE 10 OZ

SUMMARY

This application proposes to amend the Zoning By-law to permit a 43-storey mixed-use building containing 588 rental dwelling units at 70-86 Lynn Williams Street.

The application in its current form is not supportable. It does not meet Official Plan policies in terms of public realm and built form. Moreover, the proposal does not appropriately respond to existing heritage resources and fails to meet servicing requirements.

This report recommends refusal of the application to amend the Zoning By-law because the outstanding issues could not be resolved within the legislated timeline for decision of 90 days. If City Council does not make a decision within the legislated timeline, the City may be subject to a request to refund all or part of the application fees. The report also recommends that staff work with the applicant to use mediation to resolve the outstanding issues.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District, recommends that:

1. City Council refuse the application for a Zoning By-law Amendment (Application No. 23 216060 STE 10 OZ) in its current form for the lands municipally known as 70-86 Lynn Williams Street.
2. In the event the applications are appealed to the Ontario Land Tribunal, City Council, pursuant to subsection 34(11.0.0.1) of the Planning Act, use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Zoning By-law

Amendment application, to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor.

3. City Council direct the City Clerk, should an appeal be filed, to notify all persons or public bodies who may have filed an appeal to this decision of City Council's intention to rely on subsection 34(11.0.0.1) of the Planning Act and the City Clerk shall provide notice to all prescribed persons or public bodies under subsection 34(11.0.0.2) of the Planning Act.

4. City Council direct the City Clerk, should an appeal be filed, to notify the Ontario Land Tribunal of City Council's intention pursuant to subsection 34(11.0.0.1) of the Planning Act, and that the Ontario Land Tribunal shall receive the record, the notice of appeal and other prescribed documents and materials seventy-five (75) days after the last day for filing a notice of appeal for these matters.

5. Should the Zoning By-law Amendment applications be resolved, and there is no appeal to the Ontario Land Tribunal or the appeal to the Ontario Land Tribunal has been withdrawn, City Council direct the Director, Toronto and East York Community Council, Community Planning to bring forward an Approval Report to the July 10, 2024 Toronto and East York Community Council meeting for a statutory public meeting as required under the Planning Act.

6. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years. If City Council does not make a decision on this report, there may be financial implications to the City to the current budget year and in future years.

DECISION HISTORY

Several pre-application consultation (PAC) meetings were held prior to the applicant making their application on October 18, 2023. The application was deemed complete on February 6, 2024. A Preliminary Summary of the application is available here: www.toronto.ca/86LynnWilliamsSt. Staff conducted a Community Consultation Meeting for the application on December 7, 2023. Community consultation is summarized in its own section of this Report.

THE SITE

Description: The site is located in the Liberty Village community at the northwest corner of Lynn Williams Street and Western Battery Road. The L-shaped parcel has an approximate area of 3,315 square metres, while the site has frontages of 66 metres along Western Battery Road, 77 metres along Lynn Williams Street and 28 metres along an existing private drive to the west.

Existing Uses: A two-storey heritage listed industrial warehouse building that has been partially retrofitted as a development sales centre and associated commercial offices. There is also surface parking located on site.

THE APPLICATION

Description: A 135 metre (43 storeys, plus mechanical penthouse) mixed-use building containing 588 rental dwelling units and commercial uses at grade, totaling 34,192 square metres of gross floor area.

Density: 10.3 times the area of the lot.

Non-Residential: A total of 800 square metres of retail space is proposed at grade.

Dwelling Units: 588 residential units are proposed, consisting of 56 (9.5%) bachelor units, 387 one-bedroom units (66%), 86 two-bedroom units (15%) and 59 three-bedroom units (10%).

Access, Parking, and Loading: Pedestrian access to the residential units is proposed from Western Battery Road, while retail units are proposed to have doors fronting on the private driveway on the western edge of the site. Vehicular and bicycle access to the site would be from a proposed private road. A total of 110 vehicular parking spaces are proposed (68 residential parking spaces, 30 visitor parking spaces, 11 non-residential spaces, 1 car share space, and 4 barrier free spaces) and a total of 648 bicycle parking spaces. The proposal includes one Type B and one Type G loading space.

Additional Information: See the Attachments of this report for the Application Data Sheet, Location Map, a site plan, ground floor plan, and elevations of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.toronto.ca/86LynnWilliamsSt.

Reasons for Application: The Zoning By-law Amendment application has been submitted to amend former City of Toronto Zoning By-law 566-2000, as amended through various site specific amendments, to permit an increase in the overall height and density on the site and to modify various performance standards such as those for building setbacks.

Site Plan Control: A site plan application has not been submitted.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

Official Plan

The site is designated Mixed Use Areas and is surrounded by other properties designated Mixed Use Areas. Attachment 3 to this report illustrates these land use designations. The site is also within the Garrison Common North Secondary Plan. The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The site is subject to site specific Zoning-By Law 566-2000, as amended through various site specific amendments, and is identified as Block 8, which permits residential and non-residential uses. The zoning permits a built form that retains and restores the southern portion of the block, while the north side of the block is permitted to have a building of up to 52 metres. The site is not subject to the harmonized City-Wide Zoning By-law 569-2013. See Attachment 4 of this report for the existing Zoning By-law Map.

Heritage

The property was Listed on the City's Heritage Register in 2006. The listing report identified only the southern half of the existing warehouse building as being of significance. The site specific zoning for Block 8 also recognizes the heritage value of the property, by directing that redevelopment cannot proceed without the retention and restoration of the southern portion of the building.

At its meeting on February 15, 2024, the Toronto Preservation Board recommended City Council state its intention to designate the property under Part IV, Section 29 of the Ontario Heritage Act. This recommendation will be considered at City Council in March 2024.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Draft Liberty Village Public Realm Strategy;
- Tall Building Design Guidelines;
- Pet Friendly Design Guidelines;
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Retail Design Manual; and
- Toronto Accessibility Design Guidelines.

Urban Design Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard

The Toronto Green Standard (TGS) is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the TGS. The Toronto Green Standard can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION MEETING

On December 7, 2023, City Planning staff hosted a Virtual Community Consultation on the application. Sixty-five members of the public were in attendance, as well as the applicant and the Ward Councillor. Following presentations by City staff and the applicant, the following concerns were raised:

- Liberty Village has been overdeveloped;
- lack of appropriate open space and public realm enhancements;
- built form and relationship to neighbouring buildings;
- wind and shadow impacts;
- transportation impact and parking; and
- lack of affordable housing units as well as community services and facilities.

The comments received have informed the review of the application.

Statutory Public Meeting

In making their decision regarding this application, Council members have an opportunity to consider submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application. The Community Council meeting is broadcast live over the internet and recorded for review.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of the application has had regard for the relevant matters of provincial interest set out in the Planning Act. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans. The proposal does not conform with provincial policy with regards to built form, cultural heritage, and public realm.

Public Realm

On the west side of the development fronting the existing private driveway, the ground floor is set back 11.5 metres from the property line. While this setback is generous, there is both a building cantilever above it and a vehicular layby cutting into it, which limits the viability of the space for both pedestrians and trees. Eliminating the cantilever and westerly layby will improve and reinforce the generous setback.

The development site in its entirety includes three laybys, two of which are along Weston Battery Road and in proximity to each other. These laybys detract from the usability and attractiveness of the public realm.

Sidewalk widths along the north and east sides of the development site do not meet the minimum 6 metre performance standard as described in the Tall Building Design Guidelines. The sidewalks proposed are between 3.6 and 4 metres. Wider sidewalks for a development of this scale in a neighbourhood that sees high volumes of pedestrian traffic is recommended to improve pedestrian safety and comfort. Wider sidewalks can be achieved by setting the base of the building back.

A 4-metre-wide midblock connection is proposed between the north portion of the lot where the tower is proposed and the south heritage portion of the lot. The midblock connection is too narrow given the scale of the proposal's base building height, giving it an unsafe, canyon-like feel. A wider midblock connection would achieve better pedestrian comfort and safety.

Heritage Conservation

The site includes the historic A.R. Williams Machinery Company Warehouse. The brick warehouse building was constructed in 1928-1929 as a two storey central massing with clerestory windows, flanked by one storey wings. The property is directly associated with the industrial activity which historically defined the Liberty Village area throughout most of the late nineteenth and twentieth centuries.

The property is included in the City's Heritage Register and at its meeting on February 15, 2024, the Toronto Preservation Board recommended City Council state its intention

to designate the property under Part IV, Section 29 of the Ontario Heritage Act. This recommendation will be considered at City Council's March 2024 meeting.

Section 2(d) of the Planning Act includes the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest. The Growth Plan indicates cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas, and the PPS directs that significant built heritage resources shall be conserved. The City's Official Plan requires that new construction on and adjacent to properties on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate visual and physical impact on it.

The new construction would connect to the southern portion by way of an internal atrium and proposes a 6-storey base building, rather than the 3-4 storeys that is permitted in the existing site-specific by-law to relate to the height of the existing heritage building. Staff have concerns regarding the proposed conservation strategy for the southern portion of the heritage building, as well as how the proposed development has been designed to mitigate its visual and physical impact and be compatible with the heritage building.

Built Form

The base of the proposal's building is 6 storeys (approximately 24.5 metres). Site Specific Zoning By-law 600-2005 permits a maximum base building height of 15.5 metres (generally 3-4 storeys). The purpose for this maximum height is to ensure that the base of a building for the developable north portion of the lands has an appropriate relationship to the southerly heritage building in terms of scale and mass. Staff have requested a reduction in the base building height to comply with the existing 15.5 metre standard.

Zoning By-law 600-2005 also requires the first floor of the base building to be no more than 6 metres in height. Similar to the maximum height of the base building, this performance standard is to ensure an appropriate relationship with the heritage building. The proposal has a first floor height of 6.5 metres. Staff have requested a reduction in the first floor height to comply with the existing 6 metre standard.

The base building also projects out to the west. South of this building is a proposed open space that is adjacent to the heritage building. An increased building setback for this western portion of the proposal can enhance the public realm and create a more desirable condition.

The tower separation distance between the building to the north at 125 Western Battery Road and the proposed tower is 25 metres, which is acceptable as it meets the intent of the Tall Building Design Guidelines. Staff require assurance, however, that no tall building can be proposed to the south, where the heritage building is currently located. The purchase of air rights or a limiting distance agreement would satisfy this concern.

The tower is proposed at 43 storeys, approximately 135 metres. At this height, the proposal would be the tallest building in Liberty Village. Currently, the tallest building approved in Liberty Village is 36 storeys (61-85 Hanna Avenue). Reduction in the proposal's overall building height is required to meet the existing and planned context of Liberty Village.

The tower portion of the proposed building has a floorplate slightly over 750 square metres, and has an approximately 50 metre elongated east-west shape. According to the Tall Building Design Guidelines, the tower floorplate size of 750 square metres is appropriate. A reduction in its east-west dimension would reduce the slab-like character of the tower and help to mitigate its shadow impacts on the adjacent public realm.

Shadow Study

The shadow study shows new shadowing on Bill Johnston Park for two hours at 2:18 and 3:18 PM during the Spring and Fall equinoxes. Reduction in tower height and width may improve shadow impacts on this public park, as well as on the surrounding public and private streets.

Wind Study

The wind study identified that that the wind conditions on site are generally windier than desired for most areas in the winter months and windier than desired year round for passive activities on the proposed terraces. It notes that wind safety criteria is exceeded in certain locations, albeit those exceedances are existing. The report concludes that various wind mitigation measures are recommended such as massing modifications (rounded corners), canopies, wind screens, and recessed entrances.

The report further states that the wind consultant will work with the design team to determine practical and effective mitigation measures prior to the next planning submission. Based on the wind study provided for the current proposal, the wind conditions generated from this proposal are unacceptable.

Housing

The applicant advises City Planning that the dwelling units proposed would be rental; however, the application does not propose any affordable housing units. Affordable housing units may be obtained on-site through an in-kind community benefit under the Community Benefits Charge. Alternatively, a collected payment of a Community Benefits Charge may also be directed towards affordable housing units within the City.

Unit Mix

The proposed unit mix is appropriate, meeting the Growing Up Guideline standard of 15% two-bedroom and 10% three-bedroom units.

Amenity Space

The proposal includes 1,285 square metres of outdoor amenity space and 1,185 square metres of outdoor amenity space for a total of 2,470 square metres. This amenity space provided exceeds the minimum standard of 4 square metres per dwelling unit, and is a positive attribute of the proposal.

Parkland

The proposal includes an on-site parkland dedication of 337 square metres. Parks, Forestry & Recreation Staff have determined that this on-site parkland dedication is too small to accommodate appropriate programming. As such, Parks, Forestry & Recreation recommend the applicant pursue an off-site parkland dedication of equal value or, failing that, provide cash-in-lieu.

Mobility

Transportation Services reviewed the application and the relevant transportation reports and plans and advise that a land conveyance is required for the western edge of the site that will contribute to the delivery of the future L-shaped public extension of Snooker Street. Such conveyance will require the removal of the underground parking structure from this area so that the new public street is unencumbered. Additionally, a 5-metre corner rounding conveyance is required at the southeast corner of the site to resolve the limited right-of-way space at this corner.

The proposal includes three vehicular layby areas along the west and east site frontages. Transportation Services recommends the removal of these laybys as they are not required and, as noted above, impede the enhancement of the public realm.

The proposal also includes a new private road. Transportation Services staff encourage the applicant to explore the feasibility of converting the proposed new private road along the north site frontage to a public road or laneway for improved connectivity to Hanna Avenue. The underground parking garage will need to be reconfigured, as parking is not permitted underneath any lands proposed to be conveyed.

The proposed parking supply of 110 parking spaces (68 residential spaces, 30 visitor spaces, and 11 retail spaces) is generally acceptable; however, Transportation Services requires a total of 15 accessible parking spaces to be provided whereas only four accessible parking spaces are proposed.

A total of 648 bicycle parking spaces are proposed (530 long-term spaces and 118 short-term spaces) in parking level one. Transportation Services accepts this provision of bicycle parking.

The proposal includes one Type G and one Type B loading space, both of which are acceptable to Transportation Services.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and were reviewed by Engineering and Construction Services (ECS) staff. ECS staff do not concur with the conclusions presented in the Functional Servicing and Stormwater Management Report.

In the event that the matter is appealed to the Ontario Land Tribunal, staff recommend that the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has satisfactorily addressed all comments from ECS and makes satisfactory arrangements for any upgrades to municipal infrastructure as identified in the accepted servicing report.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

Further Issues

Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

Staff recommend that Council refuse the application to amend the Zoning By-law to permit the proposed development for the reasons outlined in this report.

CONTACT

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SIGNATURE

Carly Bowman, M.Sc.Pl., MCIP, RPP
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Attachment 5: Site Plan

Attachment 6: East Elevation

Attachment 7: West Elevation

Attachment 8 North Elevation

Attachment 9: South Elevation

Attachment 10A: 3D Perspective Drawing Looking Northwest

Attachment 10B: 3D Perspective Drawing Looking Southeast

Attachment 1: Application Data Sheet

Municipal Address: 86-70 LYNN WILLIAMS STREET Date Received: October 18, 2023
Application Number: 23 216060 STE 10 OZ
Application Type: Rezoning
Project Description: Zoning By-Law Amendment for a 43-storey mixed-use building, with retail uses at grade and 588 purpose built rental units within the podium and tower.

Applicant	Agent	Architect	Owner
Collecdev Inc.	Bousfields	gh3	695238 ONTARIO LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Heritage Designation: Y
Zoning: I3 D3 (438-86) Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 3,315 Frontage (m): 18 Depth (m): 76

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,165		1,593	1,593
Residential GFA (sq m):			33,392	33,392
Non-Residential GFA (sq m):	1,165		800	800
Total GFA (sq m):	1,165		34,192	34,192
Height - Storeys:	2		43	43
Height - Metres:	15		136	136

Lot Coverage Ratio (%): 0.48 Floor Space Index: 10.3

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 33,349 43
 Retail GFA: 800
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			588	588
Freehold:				
Condominium:				
Other:				
Total Units:			588	588

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		56	387	86	59
Total Units:		56	387	86	59

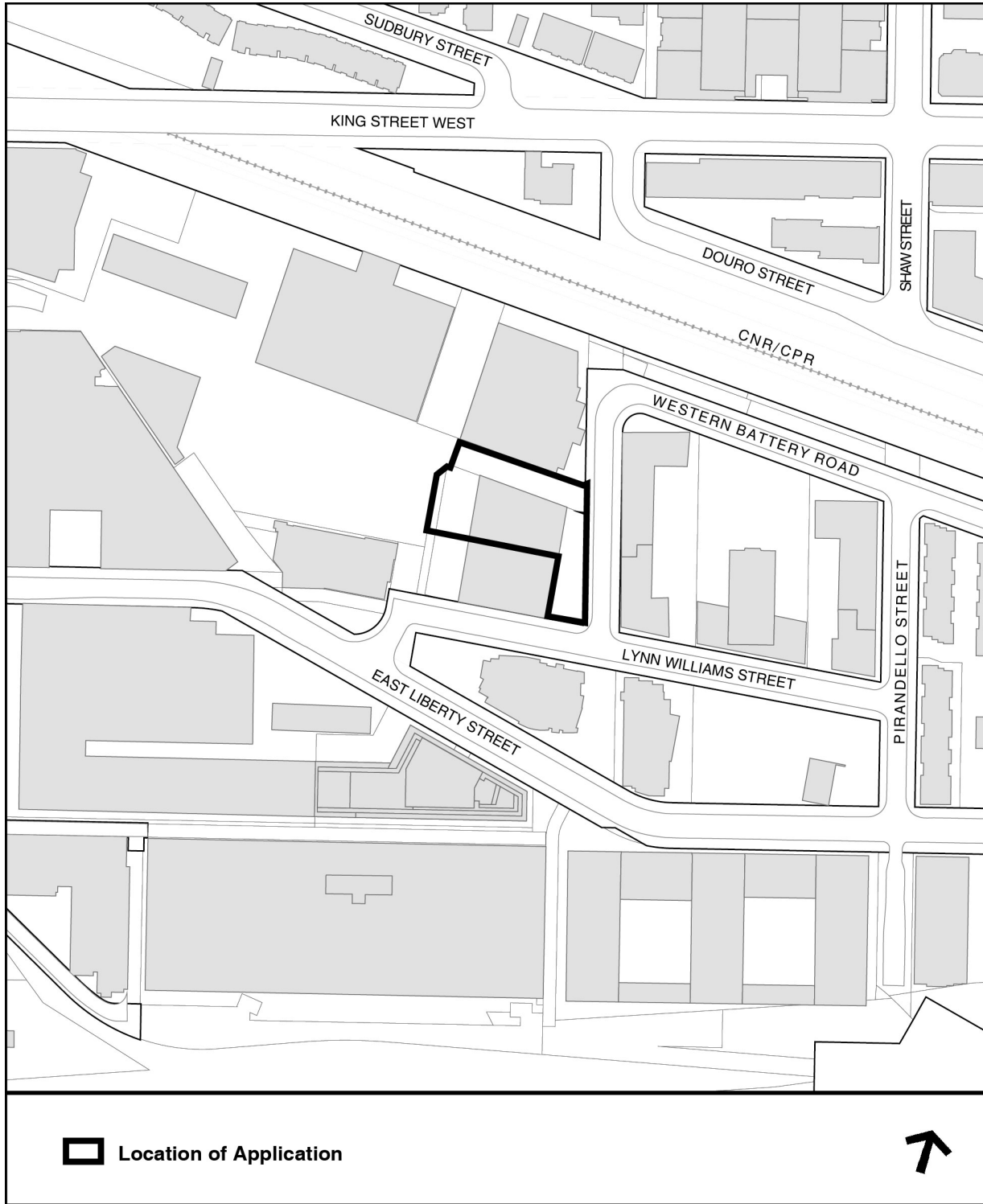
Parking and Loading

Parking Spaces: 110 Bicycle Parking Spaces: 648 Loading Docks: 2

CONTACT:

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 George.Pantazis@toronto.ca

Attachment 2: Location Map




Attachment 3: Official Plan Land Use Designation Map



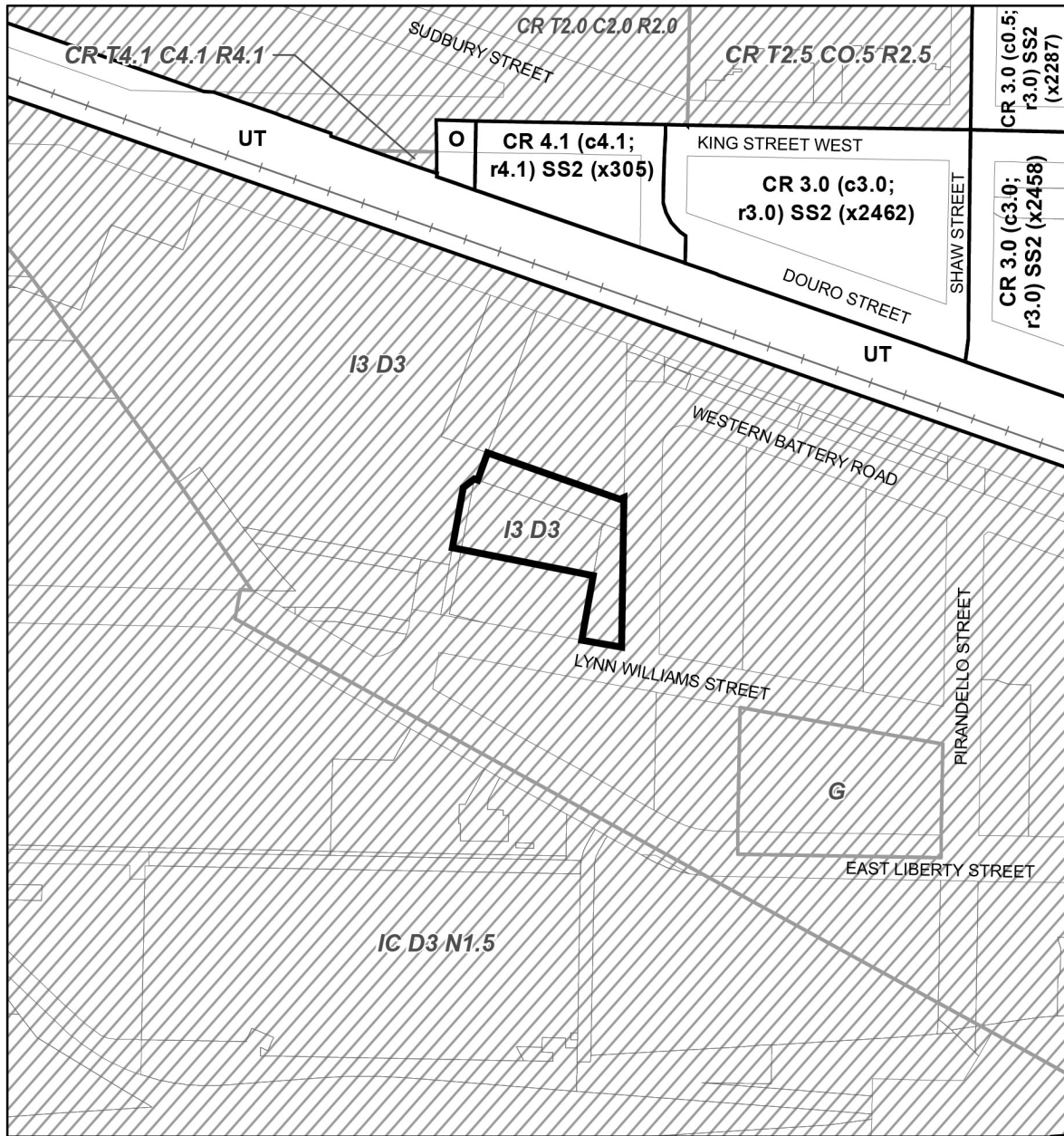
Official Plan Land Use Map #18

80 Lynn Williams Street
File # 23 216060 STE 10 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks
-  Utility Corridors
-  General Employment Areas
-  Core Employment Areas


 Not to Scale
 Extracted: 10/23/2023

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

80 Lynn Williams Street

File # 23 216060 STE 10 0Z

Location of Application

CR Commercial Residential

O Open Space

UT Utility and Transportation

See Former City of Toronto By-law No. 438-86

CR Mixed-Use District

I3 Industrial District

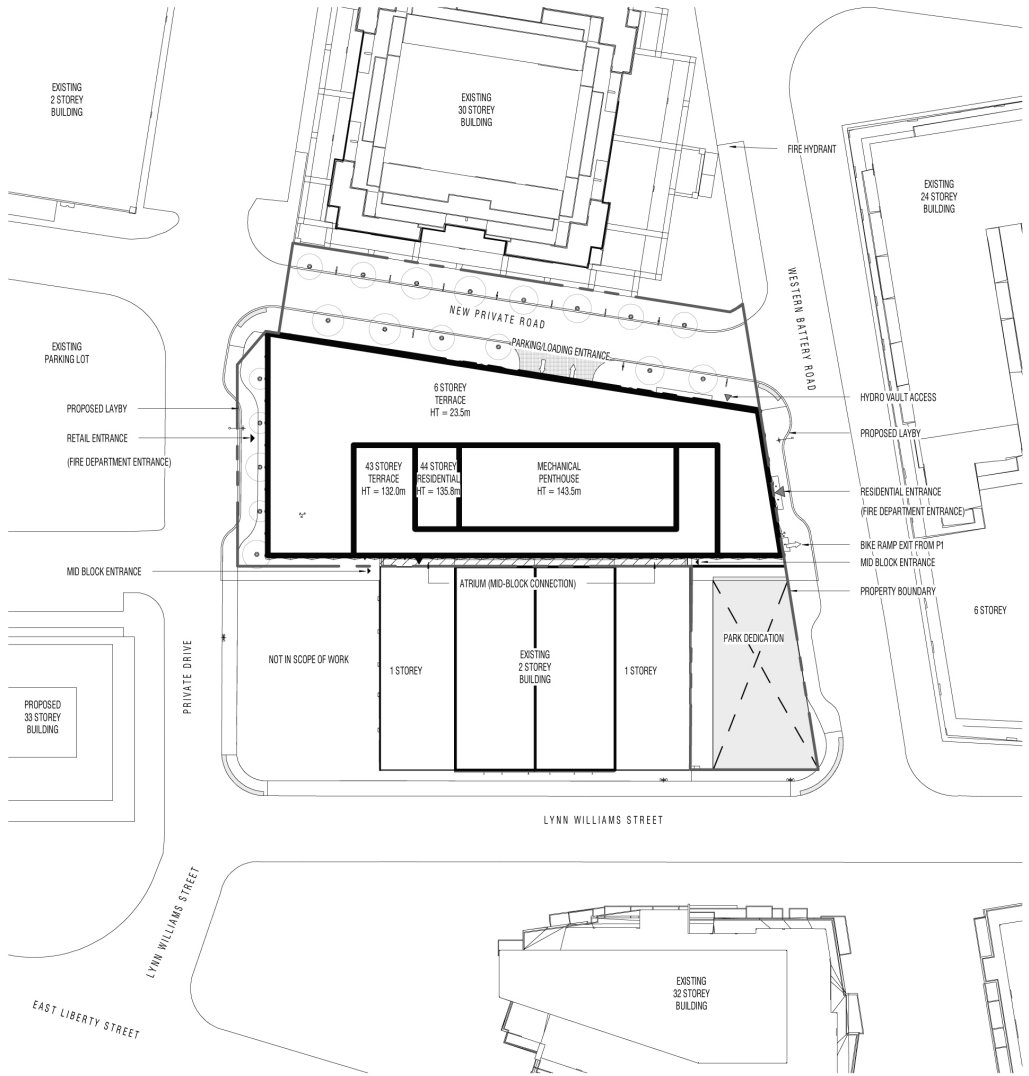
IC Industrial District

G Parks District



Not to Scale
Extracted: 10/31/2023

Attachment 5: Site Plan



Site Plan

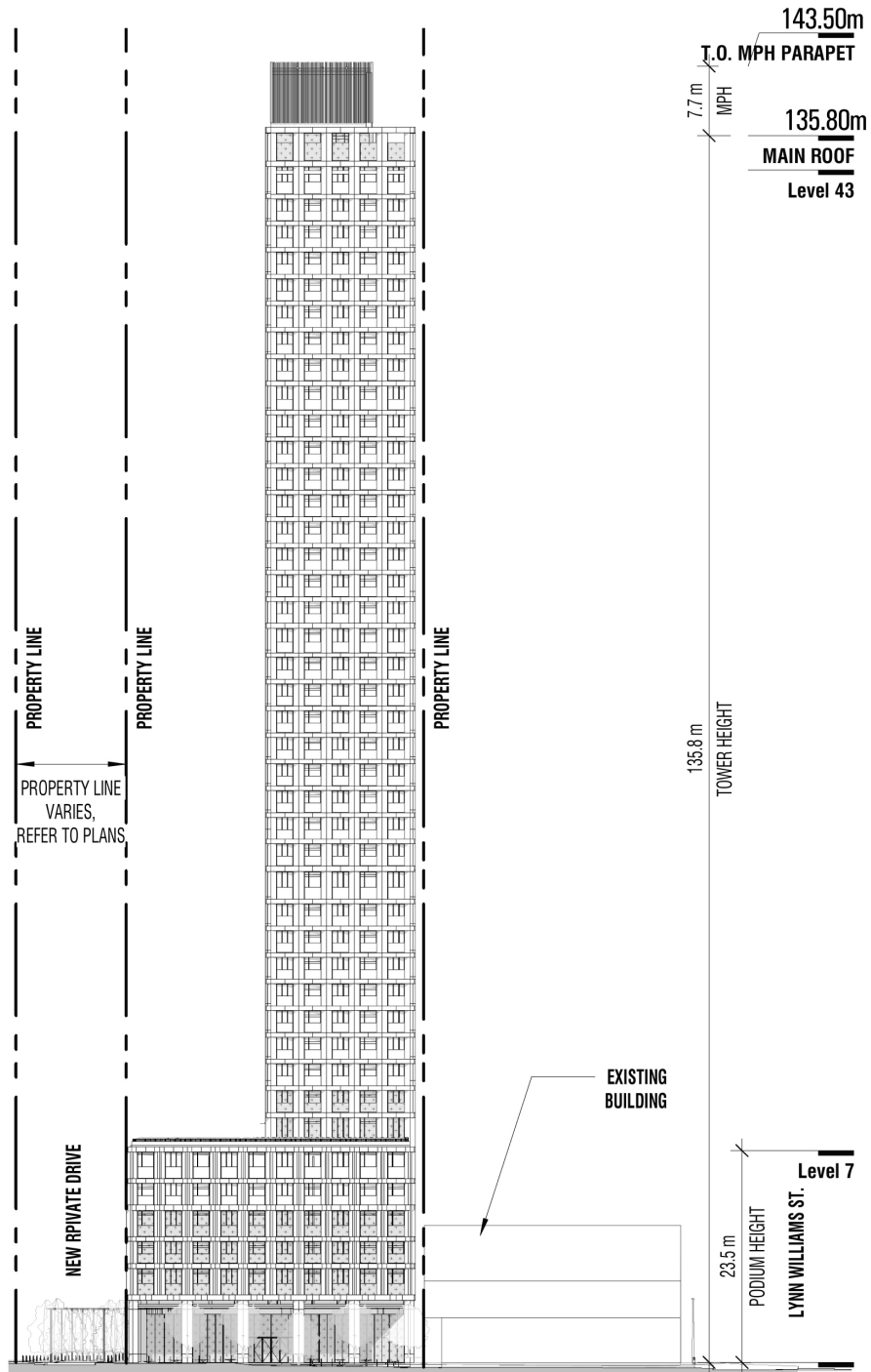


Attachment 6: East Elevation



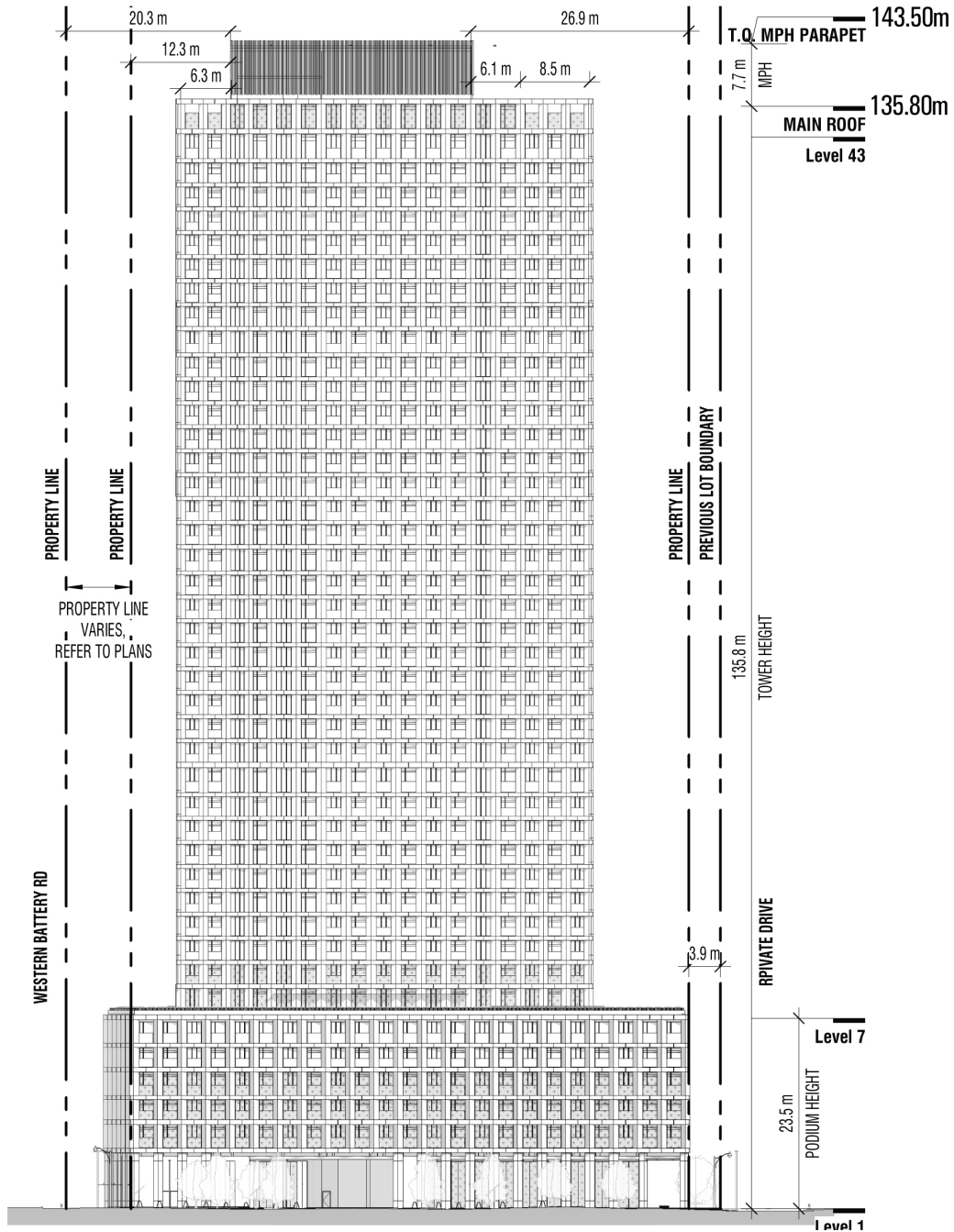
East Elevation

Attachment 7: West Elevation



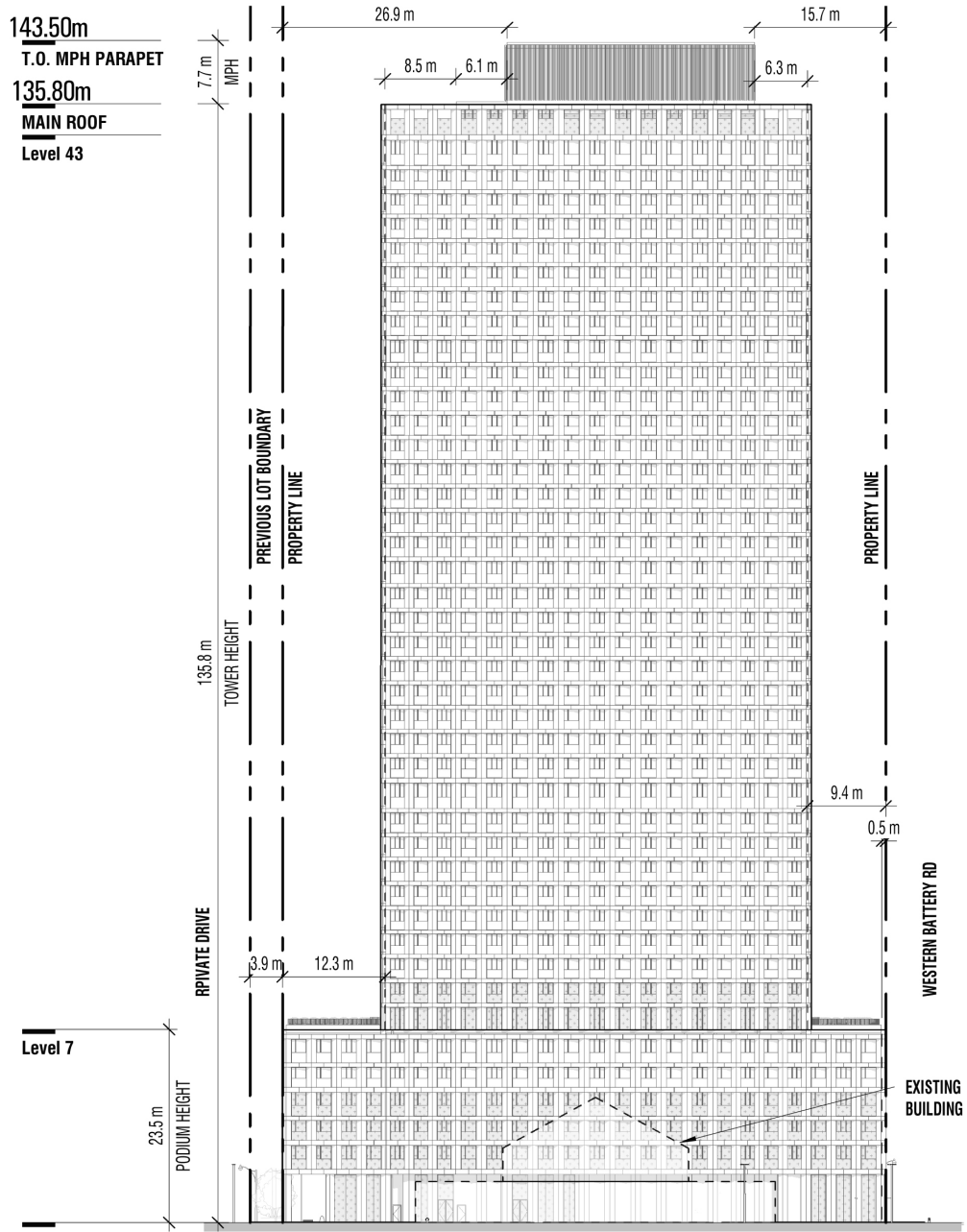
West Elevation

Attachment 8: North Elevation



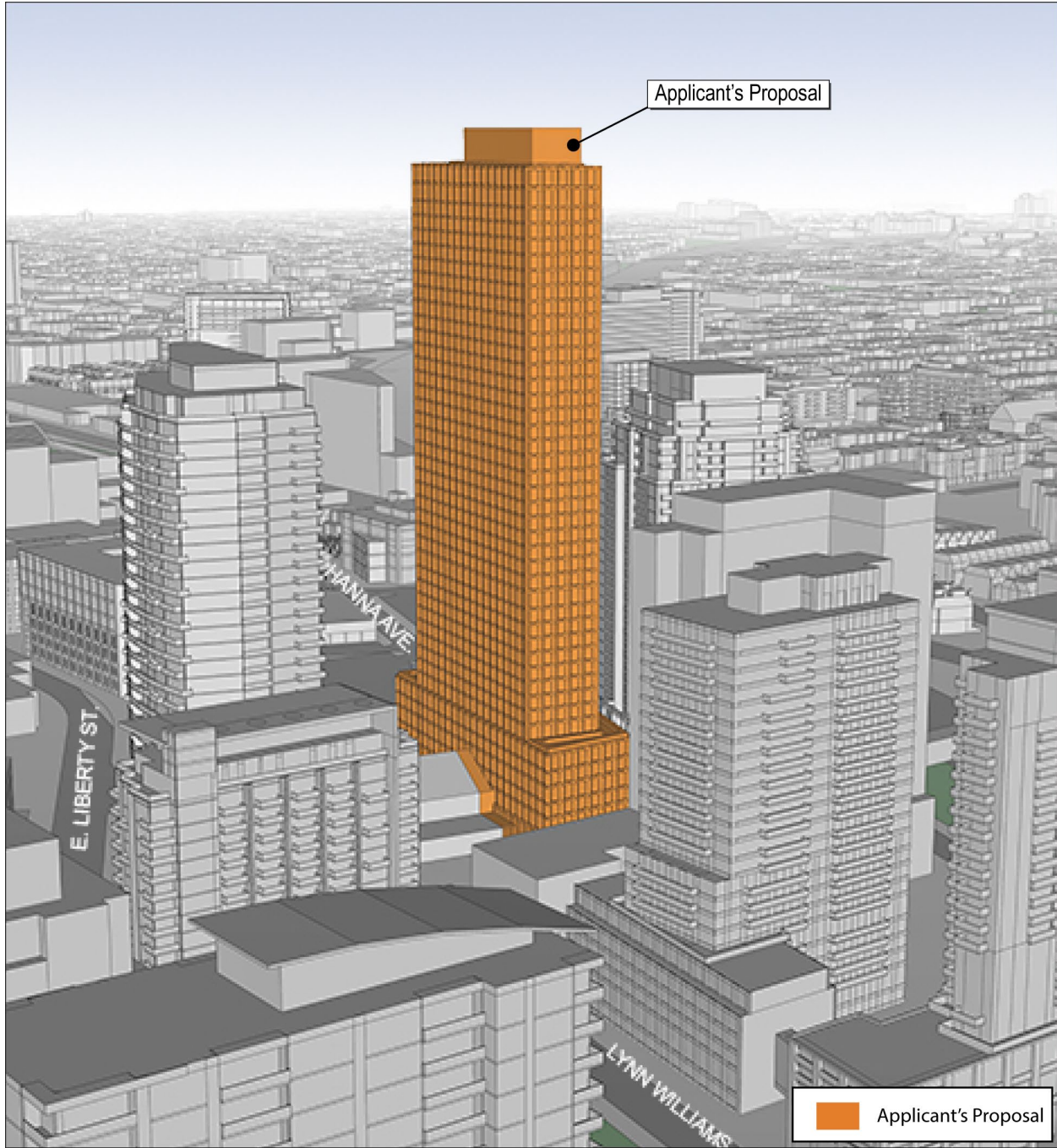
North Elevation

Attachment 9: South Elevation



South Elevation

Attachment 10A: 3D Perspective Drawing Looking Northwest



View of Applicant's Proposal Looking Northwest



02/26/2023

Attachment 10B: 3D Perspective Drawing Looking Southeast



View of Applicant's Proposal Looking Southeast



02/26/2023