

Jul 18



**STAFF REPORT
Information Only**

**West Queen West Triangle – Open Space, Affordability
and Parking Lots**

Date:	July 18, 2007
To:	City Council
From:	Ted Tyndorf, Chief Planner and Executive Director, City Planning Division
Wards:	Ward 18. – Ward Davenport
Reference Number:	File No. 2005 199764

SUMMARY

In response to the direction by TEYCC to report directly to City Council regarding mechanisms to secure publicly accessible open space, appropriate rent levels for affordable artist live/work units to be considered non-residential space and the history of certain lands used for parking in the West Queen West Triangle.

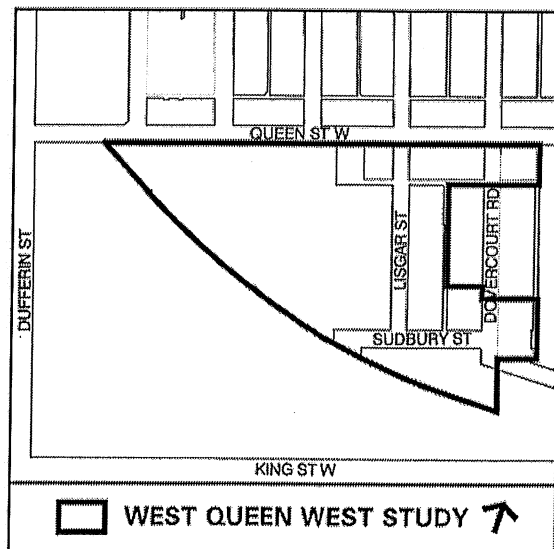
Financial Impact

There are no financial implications.

ISSUE BACKGROUND

At its meeting of June 26, 2007, the Toronto and East York Community Council considered proposed Zoning By-law Amendment and Official Plan Amendments for the West Queen West Triangle and directed:

1. the Director, Community Planning, Toronto and East York District and the City Solicitor report on securing the publicly accessible open space and mechanisms for:



- a. ensuring that the publicly accessible open space be completely free from physical obstacles to access; and
 - b. ensuring that public access remains unimpeded in perpetuity for all lawful activities.
2. the Director, Community Planning, Toronto and East York District report on the definition of artist/live work units and the appropriateness of applying 1.0 times the CMHC average rate versus 0.8 times the CMHC rate; and
 3. the Director, Transportation Services, Toronto and East York District report on the history of lands used for parking at the intersection of Abell Street and Queen Street West on the Abell Street right of way and between 1115 and 1093 Queen Street West.

The report outlining the proposed Zoning By-law Amendments and Official Plan Amendment is located at:

Staff Report

<http://www.toronto.ca/legdocs/mmis/2007/te/bgrd/backgroundfile-4716.pdf>

Proposed Official Plan and Proposed Zoning By-law Amendments

<http://www.toronto.ca/legdocs/mmis/2007/te/bgrd/backgroundfile-5333.pdf>

Mechanisms to secure publicly accessible open space

Toronto and East York Community Council requested information about how to secure public access to privately-owned landscaped open spaces for “all lawful activities” in perpetuity and to ensure the publicly accessible spaces are completely free from obstacles to access.

City Planning recommends that:

- easements be secured on title for public access in perpetuity to:
 - the mews;
 - the Northcote landscaped open space;
 - the courtyard and driveway/walkway between 48 Abell Street and 150 Sudbury Street; and
 - the green space between the two buildings at 150 Sudbury Street.
- activities within those areas be limited to those which would usually be permitted in public parks without requiring special parks permits;
- landscaping within the mews be supportive of commercial activities and a comfortable pedestrian environment;
- landscaping within the other public access areas be designed to encourage passive rather than active activities; and

- all of the above, including registration of the easements, be included in the Section 37 agreements for the appropriate sites.

The additional concern relating to ensuring there are no physical obstacles to access is partly addressed by the portion of the proposed Zoning By-law for the West Queen West Triangle which sets out the allowable permitted projections. According to the proposed Zoning By-law, no structures are permitted except within the building envelopes, but then there are exceptions. An exception in the proposed Zoning By-law would allow the following to be located in the spaces between the building envelopes and the lot lines:

- stairs;
- landscape features;
- wheelchair ramps;
- fences which, if located within 1.2 metres of grade, do not exceed 1.2 metres in height;
- safety railings which, if located within 1.2 metres of grade, do not exceed 1.2 metres in height; and
- wind mitigation structures which, if located within 1.2 metres of grade, do not exceed 1.2 metres in height.

There is a concern that if fences were permitted in any portion of the publicly accessible landscaped open space, such fences could one day be locked to prevent public access. Legal action might then be required to unlock the gates.

Planning recommends that the exception in the proposed Zoning By-law for the West Queen West Triangle be amended to specify that no fences be permitted within areas designated as publicly accessible landscaped open spaces by the Zoning By-law

Rent levels for artist live/work units to be considered non-residential space and/or eligible for Section 37 funding

The City-initiated proposed West Queen West Triangle Zoning Bylaw allows artist live/work units to count toward meeting the minimum non-residential density requirement to support the City's employment objectives in this Regeneration Area. Artist live/work studios, by definition in Zoning By-law 438-86, must be social housing. That definition states that *artist live/work studios*:

“means a suite consisting of a combination of a studio area used for the production of art and a living area containing not more than one habitable room; which the owner of the lot agrees with The Corporation pursuant to Section 5 of the City of Toronto Act, 1975 (No.2), as amended from time to time, to provide for the purpose of a social housing program,”
[emphasis added]

and *social housing program* means:

“means dwelling units which the owner of the lot, and the operator if different from the owner, agrees with the Corporation pursuant to section 2 of the City of Toronto Act, 1988 (No.2), as amended, to provide for the purposes of a social housing program, as defined in the City of Toronto Act, and is in compliance with such agreement.”

The intent of the proposed amendments to the Zoning By-law was to anchor in low-cost arts space within the West Queen West Triangle.

City Planning recommended using the definition of affordable in the Official Plan (up to 1.0 times the average rent as per CMHC data).

However, Tim Jones, Chief Executive Officer of Toronto Artscape, a not-for-profit developer which provides and manages affordable and sustainable arts work space and artist housing, requested the City use a threshold of 0.8 times commonly used by the City’s Affordable Housing Office for low-income affordable units as opposed to the 1.0 times.

The City’s Affordable Housing Office uses two thresholds of affordability. A rate of 0.8 times the average rent is called “low-income” rent. A rate up to 1.0 times is called “moderate-income” rent. A table outlining maximum rents at 0.8x, 1.0x and 1.5x the average rent for 1 bedroom units in buildings with 6 or more units in the City of Toronto as reported by Canada Mortgage and Housing Corporation (CMHC) is below (Table 1).

Table 1: Comparison of Rents for 1 Bedroom apartment at different rent levels

Affordability factor (CMHC average)	Rent (incl. heat, electricity and water)	Rent (incl. heat, electricity and water)
0.8x	<\$717.60	Affordable (Low Income)
1.0	<\$897	Affordable (Moderate Income)
1.5	<\$1345.50	Mid-range

A comparison of the maximum rents at the low-income threshold and the moderate-income threshold for different sizes of units (bachelor, 1 bedroom, 2 bedroom, 3 or more bedrooms) is provided in Attachment 1.

Culture staff strongly recommend that the City use the Affordable Housing Office’s definition for “low-income rents” so that rents are set at or below .8 times CMHC average market rents.

According to 2001 Census data analyzed by Hill Strategies Research, the average earnings of artists are \$23,500 which places them in the lowest quarter of all occupation groups. Five arts occupations have medium incomes of \$10,000 or less including craft persons, dancers, musicians, performers, and visual artists.

Average rents in each of Artscape's existing and planned affordable artist live/work studio developments are in the low-income rent category (less than or equal to 0.8 times). More specifically, ninety-seven percent of Artscape's existing affordable artist live/work studios are in the low-income rent category (less than or equal to 0.8 times). Rents in the twenty-six units planned for the Wychwood Green Arts Barns will be between 0.4 times and 0.7 times.

The proposed Zoning Bylaw Amendment that was presented to Toronto and East York Community Council on June 26 2007 required rents for artist live/work units to be no more than 1.0 times in order to count towards the minimum non-residential requirements and/or to qualify as public benefits under Section 37 of the Planning Act. Based on the discussion above, City Planning staff now recommend that required rents for artist live/work units be no more than 0.8 times in order to count towards the minimum non-residential requirements and/or to qualify as public benefits under Section 37 of the Planning Act.

City Planning staff also recommend that all artist live/work studios, by definition, include abundant natural light, natural ventilation through operable windows and supplementary mechanical ventilation and be owned and managed by a non-profit provider with a mandate to provide arts work space and/or artist housing.

Finally, City Planning staff recommend that, provided a substantial amount of affordable work studios with minimum ceiling heights of 3.0 m (10 feet) are available in conjunction with the artist live/work studios, that:

- there be no minimum size requirement for the artist live/work studios; and
- the minimum ceiling height requirement be 2.7 m (9 feet) for the artist live/work studios.

In the event that little or no additional affordable work studios are provided in conjunction with the artist live/work studios, the matter of minimum unit sizes and ceiling heights becomes more important. City Planning is not prepared to recommend a specific minimum size or a specific minimum ceiling height for artist live/work studios where little or no affordable work studios are provided without further consultation.

The recommended changes described above are being incorporated through changes to the proposed Zoning By-law for the West Queen West Triangle.

History of certain lands used for parking lots

The following discussion outlines the most recent history of land use and ownership of this area including any use or designation of this land for Park purposes.

The municipal parking lot known as 1119 Queen Street West, located at the south east corner of Queen Street West and Abell Street and identified in the Land Registry Office records as part of PIN 21298-0199 (LT), is considered a Public Highway. This parking

lot, which was opened in 1961, is presently operated by the City of Toronto Parking Authority.

Council authority for the establishment of this parking lot was authorized in Clause 14 of the Board of Control Report No. 31, on November 7, 1960. There are no records to indicate that the Parks Division undertook any maintenance work for this parking lot, nor that this area was ever owned or operated by the Parks Division.

The parking lot property immediately east of No. 1115 Queen Street West, identified in the Land Registry Office records as part of PIN 21298-0206, and known municipally as No. 1093-1101 Queen Street West, is privately owned and operated by "Lady Western of Canada Limited". There are no records to indicate that the Parks Division undertook any maintenance work for this private parking lot nor that this area was ever owned or operated by the Parks Division.

At the time of preparing this report, a long time resident of the area has suggested to City staff that the property east of No. 1115 Queen Street West, may have, at one time, been owned by the Crown or the City. The City may have sold this land parcel to the owner of No. 1093 Queen Street West.

In order to verify this information, additional background information regarding property details/ownership has been requested through Technical Services Division - Survey and Mapping Services. However, this information was not available in time for the preparation of this report.

This report has been prepared in consultation with staff from Legal and Transportation Services.

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ATTACHMENTS

Attachment 1: Comparison of Rents at 0.8 and 1.0 times CMHC's average rents in the City of Toronto

Attachment 2: Information about rents and unit sizes in Artscape's artist live/work units

**Attachment 1:
Comparison of Rents at 0.8 and 1.0 times CMHC's average rents in the
City of Toronto**

Bachelor apartment

Affordability factor (CMHC average)	Rent (incl. heat, electricity and water)	Rent (incl. heat, electricity and water)
<0.8x	<\$594.40	Affordable (Low Income)
<1.0	<\$743	Affordable (Moderate Income)
<1.5	<\$1114.50	Mid-range

1 Bedroom apartment

Affordability factor (CMHC average)	Rent (incl. heat, electricity and water)	Rent (incl. heat, electricity and water)
<0.8x	<\$717.60	Affordable (Low Income)
<1.0	<\$897	Affordable (Moderate Income)
<1.5	<\$1345.50	Mid-range

2 Bedroom apartment

Affordability factor (CMHC average)	Rent (incl. heat, electricity and water)	Rent (incl. heat, electricity and water)
<0.8x	<\$862.40	Affordable (Low Income)
<1.0	<\$1,078	Affordable (Moderate Income)
<1.5	<\$1,617	Mid-range

3 or More Bedroom apartment

Affordability factor (CMHC average)	Rent (incl. heat, electricity and water)	Rent (incl. heat, electricity and water)
<0.8x	<\$1,036.80	Affordable (Low Income)
<1.0	<\$1,296	Affordable (Moderate Income)
<1.5	<\$1,944.00	Mid-range

**Attachment 2:
Information about rents and unit sizes in Artscape's artist live/work units**

900 Queen Street West

Number of units	22
Size range	670 to 1281 square feet
Average rent of all artist live/work units at or below 0.8x?	Yes (slightly less than 0.8x)
Number of units renting above 0.8x	3 of 22 units

1313 Queen Street East

Number of units	9
Size range	740 to 858 square feet
Average rent of all artist live/work units at or below 0.8x?	Yes (range from 0.43x to 0.7x)
Number of units renting above 0.8x	None

Green Arts Barns (currently under development)

Number of units	26
Size range	433 to 1133 square feet for living unit, with work studios rented separately
Average rent of all artist live/work units at or below 0.8x?	Yes
Number of units renting above 0.8x	No data