

Master O.M.B. File Number: PL051203

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For: Bohemian Embassy Residences Inc. – (1171 Queen Street)

### **1. Qualifications**

I am a Planner with 4 years professional planning experience, currently employed as a Community Planner by the City of Toronto's City Planning Division.

My primary responsibilities are the review of planning applications and the development of comprehensive local area rezonings in Mixed Industrial-Residential Areas in an area just west of the Downtown.

In terms of application review, I am responsible for the majority of official plan amendments, zoning bylaw amendments and site plans in the Niagara Neighbourhood and in Ward 18, including all planning applications in the West Queen West Triangle Area.

In developing policies and making comprehensive area-wide amendments to the Zoning By-law, I have recently completed the Niagara Neighbourhood rezoning and have been working on and coordinating the West Queen West Triangle Area Official Plan and Zoning Review over the last 9 months.

I have been qualified as an expert witness before the OMB in land use planning matters relating to both straight-forward and complex cases.

My curriculum vitae is attached to this witness statement, demonstrating a wide range of planning experience and increasing levels of responsibility. From 2002 -2003, I reviewed site plan applications and land use amendments as a Planner for the City of Calgary and did research regarding development-related fees. In 2001-2002, I researched and developed the City of Guelph's affordable housing action plan and brownfield strategy under the direction of senior staff. In 2000, I researched energy efficiency in residential buildings. Prior to 1999, I worked as a junior hydrogeologist on brownfield remediation projects in Southern California and aquifer performance testing and water demand management for the City of Guelph.

I am a Provisional member of the Ontario Professional Planners Institute and the Canadian Institute of Planners.

### **2. Issues**

It should be noted that, except if specifically contradicted by this witness statement, my opinions are also represented in the reports regarding this application, other applications in the West Queen West Triangle and development of the West Queen West Triangle in general as expressed in reports from the City Planning Department as listed below.

1. Are the proposed amendments consistent with the purposes of the *Planning Act* as set forth in Section 1.1 of the Act?

Section 1 sets out the purpose of the Planning Act. At the time of writing of this witness statement, I am not satisfied that the proposed development is consistent with the purpose of the Planning Act.

2. Do the proposed amendments have appropriate regard to the matters of provincial interest set forth in Section 2 of the *Planning Act* and in particular, subsections (d), (f), (h), (i), (j), (k), (l), (m), (n), (o) and (p)?

Section 2 identifies matters of provincial interest that a municipality and the Ontario Municipal Board shall have regard to in carrying out their responsibilities under the Act, including in particular the subsections listed above. At the time of writing of this witness statement, I am not satisfied that the proposed development has appropriate regard to Section 2 of the Planning Act.

3. Do the proposed amendments have appropriate regard to matters of provincial interest set forth in the Provincial Policy Statement (1997) and revised Provincial Policy Statement (2005) pursuant to Section 3 of the *Planning Act*?

Issued under Section 3 of the *Planning Act*, the Provincial Policy Statement ("PPS") and revisions provide policy direction to a municipality and to the Ontario Municipal Board in carrying out their responsibilities. I am satisfied these policies are relevant to the proposal.

As at the date of this Witness Statement, I am not satisfied that the current proposal has adequate regard to the Provincial Policy Statement read as a whole.

4. Do the proposed amendments comply with or maintain the intent of the in-force Official Plan of the (former) Metropolitan Toronto (Metroplan)?

I will discuss the relevant provisions of the MetroPlan including the subsections of the MetroPlan listed at the end of this Witness Statement.

As at the date of this Witness Statement, I am not satisfied that the current proposal conforms to or adequately maintains the intent of the Metroplan policies.

5. Do the proposed amendments comply with or maintain the intent of the in-force policies of the Official Plan and the Garrison Common North Part II Plan of the (former) City of Toronto?

I will discuss the relevant provisions of this Official Plan including the subsections of the Official Plan listed at the end of this Witness Statement.

As at the date of this Witness Statement, I am not satisfied that the current proposal conforms to or adequately maintains the intent of the Official Plan policies.

6. Do the proposed amendments comply with or maintain the intent of the policies of the new City of Toronto Official Plan, the new Garrison Common North Secondary Plan and the Places to Grow Act?

I will discuss the Places to Grow Act (2006), the new City of Toronto Official Plan (2002) and the new Garrison Common North Secondary Plan (2002). These documents represent the most recent provincial and municipal planning policies to be considered as part of a thorough review of the proposed amendments.

The Places to Grow Act (2006) is implemented through the Planning Act (Section 10 regarding land use planning policies) and prevails over the Provincial Policy Statements where there is a conflict. It stipulates a target of 400 residents and jobs per hectare (emphasis added) for each of the urban growth centres in the City of Toronto. It considers retail use a non-employment use. It underlines the importance of developing complete communities, including community infrastructure such as affordable housing and protecting employment opportunities. It speaks to the Ontario economy as an economy in transition, with economic activity and wealth increasingly generated by service and knowledge industries. It also speaks to cultural amenities that offer the kinds of creative and recreational activities that can attract knowledge workers.

The sections of the new City of Toronto Official Plan (2002) and the new Garrison Common North Secondary Plan (2002) to which I will be referring are listed at the end of this report.

As of the date of this Witness Statement, I am not satisfied that the current proposal complies with or maintains the intent of the policies of these documents.

7. Do the proposed amendments represent good land use planning?

No. The proposed amendments do not represent good land use planning. Good land use planning is balanced, integrated with and consistent with comprehensive area-wide planning. Such development should support the provincial policy statements and legislation, as well as the implementing metropolitan and municipal official plans, including area-specific official plans.

Where there has been a 5-year review of the applicable official plans or where there have been significant changes to provincial policy and legislation and where major developments are being proposed which do not maintain the purpose and intent of the applicable provincial policy statements, legislation and implementing plans, the most recent provincial policy statements, legislation and implementing municipal official plan documents should be consulted.

Further planning policies, which were adopted by Council in 2002, 3 years prior to the application being submitted, but came into force and effect only this year, outline a vision for the area. The proposal is not consistent with the goals and objectives under this 2002 plan.

Also, the new Secondary Plan for this area, also adopted in 2002 but not in force until this year, required that additional planning policies be developed for this specific area, prior to significant redevelopment. The proposed development is, again, significantly at odds with many of the major goals and objectives of the policies that are already in place of the Secondary Plan. Efforts to complete the additional planning framework for the West Queen West Triangle Area are underway and nearly complete. The proposed development is not consistent with the additional planning framework under development, particularly in terms of height, mixture of uses, and ensuring the extension of the street network in conjunction with significant development west of Abell Street.

While there are several positive aspects to the proposed development, the proposed development should not proceed until, at a minimum, the proposal is revised to be consistent with the goals and objectives, expressed in a variety of plans for this area, requiring:

- a significant increase in the proportion of non-residential uses to residential uses;
  - a reduction in height and density;
  - an appropriate contribution to community services and facilities in exchange for the increase in height and density;
- and until a mechanism is in place which:
- secures the land and construction of the required road network; and
  - secures the land for required parkland.

At the date of this Witness Statement, I am not satisfied that the proposed amendments represent good land use planning.

8. Are the proposed amendments in the public interest?

It is in the public interest to plan for significant growth in a comprehensive way, as set out in the provincial policy statements, provincial legislation and municipal official plans. The public interest is well-served when development proceeds in an organized and predictable manner, with appropriate and timely provision of necessary infrastructure, including roads, piped infrastructure, parkland and other community services and facilities. The public interest is well-served when development results in

complete communities which support economic, environmental and social well-being. In the case of reurbanization, the public interest is well-served when planned development is appropriate given the existing context and fits within a comprehensive structure and framework of redevelopment.

At the date of this Witness Statement, I am not satisfied that the proposed amendments are in the public interest.

9. Do the proposed amendments maintain the intent of the in-force Zoning By-Law?

The proposed amendments do not maintain the intent of the in-force Zoning By-law. The intent of the Zoning Bylaw is, among other things, to regulate the uses, heights and densities of buildings.

The proposed amendment to the northern portion of the site results in an increase in height from 16 metres to 26.6 metres (plus 5 metre mechanical penthouse allowance) and an increase in residential density from 2.5 to 3.36 times the area of the lot on the Mixed Commercial Residential (MCR) portion of the site (35% increase). This has a significant impact not only on the character of the MCR zone along Queen Street West, but also an impact on the need for municipal infrastructure, including parkland, streets and other community facilities.

The proposed amendment to the southern portion of the site results in 220 new units of residential development where none are currently permitted and no industrial space at all where approximately 9400 square metres (3.0 times) of industrial space are permitted. It also results in an increase in height from 18 metres to 60.4 metres (plus 5 metre mechanical penthouse allowance) and the introduction of a density of 5.9 times the area of the Industrial (I2) portion of the site for residential purposes (increase from 0 dwelling units to 220 dwelling units).

10. Are the proposed setbacks, height, density, access and servicing locations, massing, bulk, scale and building placement of the proposed development appropriate having regard to the site and to the character of the West Queen West Triangle and surrounding lands? In particular, is the proposed development appropriate with respect to the existing structures and character of Queen Street?

11. Is the proposed development appropriate from an urban design perspective?

12. Does the proposed development function appropriately and efficiently having regard to the site, the pedestrian realm, future or other proposed developments, the current character of the West Queen West Triangle and surrounding lands?

My colleague, M. Van Elsberg, and I considered the proposed setbacks, height, densities, access and servicing locations, massing, bulk, scale and building placement of the proposed development. In my opinion, they do not have appropriate regard to

the site and character of the West Queen West Triangle or the existing structures and character of Queen Street West. I rely on and adopt M. Van Elsberg's opinion of the proposed development.

M. Van Elsberg addresses all of the above issues in his witness statement with the exception of density. The proposed density represents a significant increase above that outlined in the applicable planning policies of the Garrison Common North Part II Plan for this area. It is my opinion that, given the need for appropriate landscaped open space at grade and pedestrian connections through the site, the density proposed by the applicant cannot be accommodated on this site in a manner which does not unreasonably affect the character of Queen Street or which presents an appropriate built form given the context of the area.

The large increase in residential density being requested by this applicant and other landowners in the West Queen West Triangle Area will result in a significant increased demand for public services and facilities, including transit, parkland and other community services and facilities. The City has committed to addressing the increased demand for services such as public parkland and community meeting spaces based on the lower residential densities as set forth in the in-force Official Plan for the properties in the West Queen West Triangle Area. The City intends to achieve these goals both through private sector contributions under the Planning Act (S. 37 benefits and cash-in-lieu of parkland dedication) and public sector contributions (Parkland Acquisition Reserve Funds, Development Charge Credits etc.).

A smaller increase in density would be appropriate both in terms of how it translates into built form and in terms of the required private and public investments in local services and facilities.

I will address the mix of uses proposed later in this statement.

13. Does the proposed development provide the appropriate amount and configuration of landscaped open space?

The proposed development includes a large, publicly accessibly landscaped open space. The location, size and configuration of the landscaped open space is appropriate for this proposed development. It also relates well to the planned development to the east, at 48 Abell Street and to the City's proposals for the physical structure of the West Queen West Triangle, as adopted by Council in June 2006.

The details of the revised proposed landscape plan were provided by the applicant to my office by hand delivery on Friday July 28, 2006. I have not had the opportunity to personally review these revised drawings in a detailed way or to consult with appropriate City Planning staff. I intend to review this revised landscape plan prior to the hearing in September and may, if necessary, provide further comment on the landscape plan as it relates to site plan approval.

14. Does the proposed development have regard to applicable environmental planning policies?

The application does have regard to some of the more general environmental planning policies. The proposal is for redevelopment of a brownfield site which will require remediation of soils on-site or removal of any contaminated soils. The location of the proposed development has regard to applicable environmental planning policies. The application is for high density development close to existing lower-order transit lines (streetcars) and within comfortable cycling distance of the Central Area. The application reasonably addresses the environmental standards outlined in the Part I Official Plan (Section 2.4 (d), (e), (h), 2.13 (c), 2.15 (a), 2.16 (e), 2.27 (a)) and referenced in the Garrison Common North Part II Plan.

15. Is it appropriate to maintain the West Queen West Triangle as a mixed use district? If so, what is the appropriate character and mix of uses within the West Queen West Triangle district? Does the proposed development provide for the appropriate mixture of uses on the site? Is the proposed mix of dwelling unit types appropriate for the proposed development?
17. Should non-residential uses be mandatory as part of the proposed development in keeping with the City of Toronto's direction of no-net-loss of non-residential uses in the West Queen West Triangle? If so, what should constitute non-residential use and what minimum non-residential gross floor area should be required? Does the proposed development provide sufficient non-residential uses?
18. Does the proposed development contribute appropriately to the mixture of uses outlined in the in-force Official Plan? If not, does the proposed development contribute to the mixture of uses as outlined in the new Official Plan (Regeneration Area)?

In my opinion it is appropriate to maintain the West Queen West Triangle as a mixed use district. The planning framework for the area, since at least 1994, has directed that the area would be one of both economic growth and residential growth. In 1994, the in-force Official Plan designation for the north portion of the site, fronting onto Queen Street West was specified as Low Density Mixed Commercial Residential Areas, and, for the southern portion of the site, as Mixed Industrial-Residential Areas.

Since then, the entire site has been redesignated Regeneration Areas, a new land use category which is applied to unique areas of the City which, because of their current underutilization, have been identified as having potential for both economic and residential growth and where significant change is expected.

My colleague, P. Bain., will speak in detail about the larger policy framework and why it is appropriate to maintain the West Queen West Triangle as a mixed use district. He will also testify to the mix of densities for residential and non-residential

uses in the Mixed Industrial-Residential Area and the purpose of those policies. I rely on and adopt the opinions in P. Bain's witness statement.

In determining the appropriate character and mix of uses I relied on the policies of the in-force Garrison Common North Part II Official Plan as well as data provided by our staff in Planning Research, Economic Development and Culture.

My colleagues, K. Benham and L. Martin, will provide detailed testimony with respect to the importance of maintaining employment uses across the City and at this location and how best to do so. I rely on and adopt the opinions expressed in K. Benham and L. Martin's witness statements.

It is my opinion that zoning regulation which includes a minimum non-residential density is required to maintain the employment uses in the West Queen West Triangle, if residential permissions are to be granted. At a minimum, the total space for non-residential uses should not decrease. This is referred to as the "no-net-loss of residential space" direction, adopted by Council in June 2006.

Where proposed developments require significant amendments to the in-force Official Plans, such as additional residential uses beyond the maximum outlined by the plan, they should not be approved without a minimum requirement for non-residential space.

The proposal for 1171 Queen Street West does not provide an appropriate mixture of uses. Based on documents submitted to my office on June 29, 2006, the proposal is for a development of which only 3% of the building is for non-residential uses (989 square metres). This is much lower than the proportion of non-residential uses to residential uses outlined in the in-force Official Plan policies. It is also much lower than the amount of non-residential uses required on this site to maintain the existing amount of non-residential space in the West Queen West Triangle as the area redevelops.

The proposed mixture of dwelling unit types is appropriate. The proposal includes a range of bachelors and one bedroom units (55 in total), one bedroom plus den, junior 2 bedroom and 2 bedroom units (254 in total), 2 bedroom plus den (10 units) and grade-related 2 bedroom townhouse units (17 units). A number of these units are suitable for small families with children, particularly the grade-related townhouse units.

Substantial non-residential uses should be mandatory as part of the proposed development. Each property owner is proposing to build 95% - 100% residential uses and a very minimal 0% - 5% non-residential uses. There are no properties in the West Queen West Triangle that are unsuitable for residential development, except for 1199 Queen Street West. It is not appropriate to achieve a mix of uses by zoning some sites for purely or largely residential uses and some sites for purely non-residential

uses. It is possible to achieve a mixture of uses, over the long-term, by requiring non-residential uses as part of each new development.

Non-residential uses, for the purposes of the West Queen West Triangle area, include:

- commercial uses
- industrial uses
- institutional uses
- artist live/work spaces which are consistent with the Zoning By-law definition (primarily work spaces, with minimal living space, which are affordable).

Reasons for including artist live/work spaces, which are affordable, but not market condominium live/work spaces are outlined in reports listed at the end of this statement, including the report regarding Artist Live/Work Studios (1992) and the "Zoning Implementation Mechanisms for the West Queen West Triangle Area" report (June 2006).

The appropriate minimum amount of non-residential space for 1171 Queen Street West is approximately 4,300 square metres. This is based on the City's no-net-loss direction for the West Queen West Triangle. This figure is determined by taking the existing approximately 40,000 square metres of non-residential space in the Triangle, and dividing by the total buildable land area of the Triangle (excluding lands required for new roads), and multiplying by the land area of the site. It amounts to approximately 0.7 times the area of each lot. This site, because of its significant frontage along Queen Street West, has better than average capacity for non-residential uses because of the value of retail space along Queen Street West.

The proposal does not provide sufficient non-residential space. The application proposes only 989 square metres of retail space, only 21% of the minimum target of 4,300 square metres based on the no-net-loss approach. Further, when compared with the 1.0 times the area of the lot, as specified in the in-force Garrison Common North Part II Official Plan reserved for non-residential uses at maximum build-out, the 989 square metres of retail space represents only 15% of the expected 6173 square metres of non-residential space.

The proposal does not provide sufficient non-residential uses. Retail at grade on Queen, as proposed, is appropriate. However, the appropriate contribution of non-residential space includes approximately five times the amount proposed.

The proposed development does not contribute to the mixture of uses outlined in the Regeneration Area designation under the New Official Plan. The proposal is 97% residential and 3% retail. The Regeneration Area speaks to areas of the City where there should be a wide variety of uses generating economic activity and additional housing.

This proposal, individually and viewed in conjunction with the other proposals for development in the West Queen West Triangle Area, is not appropriate given the Regeneration Area designation of the City of Toronto's New Official Plan.

16. Should the proposed development be required to have certain uses that animate the neighbourhood at the street level?

Yes, the proposed development should be required to have certain uses that animate the neighbourhood at street level. Active uses at grade, particularly non-residential uses which increase street level activity and interaction will increase public use of the pedestrian and bicycle paths and privately owned, publicly accessible open space.

Additionally, working from the policies which state that this is to be a mixed use area, one important question is: if not at street level, then where? Street level space is most appropriate for certain uses, including uses that have are open to the public (retail, restaurants), uses that have specific loading requirements (such as workshops, galleries or performance spaces) and uses with high concentrations of employees (such as offices).

On Queen Street West, street-related retail uses should be located at grade. There is also an opportunity to locate non-residential uses at grade within the passage and to the south of the Queen Street building.

On Queen Street, the proposed use, retail units, is appropriate at grade. It should be noted that the two proposed retail units have very large frontages and are not in keeping with the pattern of narrow retail units along Queen Street West.

Residential units suitable for families with children are also recommended at grade, particularly fronting onto landscaped open spaces. The proposal does provide such units.

The need for active, semi-public uses at street level must be balanced with the potential to provide grade-related units for families with children.

As an illustration, if the entire first floor of the two buildings proposed at 1171 Queen Street consisted of non-residential spaces, the proposal would come close to achieving the target (86% of their share) under the no-net-loss policy for non-residential space for the site. At this time, the applicant is proposing only 21% of the target for this site.

It is my opinion that the proposed development should re-allocate space from residential uses to non-residential uses such that a minimum of 4,300 square metres of non-residential space is included in the proposal. It is my opinion that this non-residential space is best located at grade, particularly in the Queen Street building (front and back), and on the lower floors of the Queen Street building. If there is a

place where residential units could be considered at street-level, it should be where the space is used to achieve other important City objectives, such as creating dwelling units suitable for families with children with direct access to outdoor play areas.

19. Is the density of the proposed development appropriate?

No. The proposed density is not appropriate. The total density proposed cannot be accommodated with an appropriate built form (lower scale buildings, appropriate landscaped open space at grade and taller portions which do not unreasonably impact the character of Queen Street West). Further, the proportion of residential uses to non-residential uses within that density is not appropriate for the Mixed Industrial-Residential Area or for the Regeneration Area. Healthy economic activity in sectors where innovation is based on interaction requires a critical mass of non-residential space, as outlined by my colleague K. Benham. Both the proposed total density and the residential density are inappropriate.

20. Does the proposed height and/or density require a contribution pursuant to Section 37 of the Planning Act? If so, what are the nature and extent of appropriate facilities, services and matters to be secured through Section 37 of the Planning Act?

Yes. The proposed height and/or density requires a contribution pursuant to Section 37 of the Planning Act. The in-force and New Official Plans contain policies referring to the use of S. 37 to provide needed Community Services and Facilities to address the impacts of new development. In the West Queen West Triangle Area, based on a comprehensive area wide analysis and significant community consultation, the priorities for community benefits to address the impact of rezoning these light industrial lands to allow for significant residential uses and of the increases in residential density beyond those contemplated in the Garrison Common North Part II Plan are listed in the reports listed at the end of this statement, particularly the July 27, 2006 report entitled: "Supplementary Report on Zoning Mechanisms to implement mixed use development in the West Queen West Triangle"

Reasons for identifying these needs as priorities have been outlined in City Planning reports to Council listed at the end of this witness statement. It is understood that it may not be possible to fund all of the benefits listed above through contributions by this and other current applications.

21. Is it appropriate to impose holding provisions on lands in the West Queen West Triangle such that the proposed development cannot proceed until the fulfillment of conditions? What are the specific conditions for the removal of the "hold"? Is the proposed development subject to these holding provisions?

Yes, it is appropriate to impose holding provisions on the lands in the West Queen West Triangle such that the proposed development cannot proceed until the fulfillment of the conditions.

The specific conditions for the removal of the hold are:

- securing the acquisition of lands by the City for public parks;
- securing the acquisition and securing the construction of the Sudbury Street and extension from its current terminus to Queen Street West.

The proposed development at 1171 Queen Street West would be subject to these provisions.

23. Is a transportation network including Sudbury and Abell Streets required prior to any of the developments proceeding in the WQW Triangle?

Yes, a road/walkway network including Sudbury Street and Abell Street is required prior to any of the three applications being heard by the Ontario Municipal Board (48 Abell Street, 1171 Queen Street West and 150 Sudbury).

In my opinion, it is sufficient to ensure that the land for the roads will be dedicated to the City or acquired by the City, that appropriate funds have been committed for the construction of the street by the City and the proposed developments, including all appropriate elements of Sudbury Street and for the interim condition for Abell Street and that appropriate designs for the road have been completed.

It is my opinion that the road/walkway network, including not only the extensions of Abell Street and Sudbury Street but also the network of publicly accessible walkways, does not have to be constructed prior to beginning construction on these three sites.

24. Is the extension of Sudbury Street required for the proposed development? Should the applicant be required to convey the lands required to extend Sudbury Street and construct the streets and provide services within the right-of-way? If so, what is the minimum width required for such conveyance?

The extension of Sudbury Street is required for good planning for this site as well as for adjacent sites within the West Queen West Triangle. Sudbury Street, as included in the Garrison Common North Part II Plan is necessary as part of the transportation network required for the development of an integrated, accessible neighbourhood. I have consulted with transportation planning staff on this direction.

The applicant should be required to convey certain lands at the southern edge of the site for the extension of Sudbury Street.

The applicant should be required to construct or to share the costs of construction of the extension of Sudbury Street, including related servicing.

The minimum width required by the City for conveyance is 21.0 metres, plus the width of any retaining wall required as part of the crash berm on the south side of the road. This minimum width would provide landscaping including street trees on both

sides of the street, sidewalks on both sides of the street and either a) two lanes of traffic with parking on both sides or b) two lanes of traffic with parking on one side plus additional space for an off-road bicycle path.

However, it must be noted that the City respects Canadian National Railway and GO Transit's request to set the rear building back by 25 metres from the railway corridor. The difference between the required right-of-way (21 metres plus space required for safety measures) and the required setback from the railway corridor (expected to be 25 metres) can be used as landscaped front yard setback on private property on the north side of the street or for additional landscaping within the right-of-way.

25. Is the proposed development designed to minimize the conflicts between pedestrian and vehicular movements and are appropriate measures being taken to consolidate and conceal vehicular servicing requirements? (for example, underground parking and garbage/loading vehicle access).

The proposed development, taking vehicular access from Sudbury Street, is designed to minimize the conflicts between pedestrian and vehicular movements. Underground parking is provided. Garbage/loading vehicle access is at-grade, requiring a considerable amount of hard surface at the southwest corner of the site. The proposed garbage/loading turnaround area and the long driveway from Sudbury Street to the ramp to the underground parking garage should be further considered at the time of site plan review to determine whether a more appropriate and less land-intensive option can be provided.

26. Does the proposed development provide adequate noise and vibration abatement measures in consideration of the transportation network and the CN Rail/Go Transit line?

I have not reviewed the proposals for noise and vibration abatement. I will rely on the evidence presented by CN Rail/GO Transit in this regard.

27. Does the proposed development adequately address the issues raised by CN Rail/Go Transit as described in the attached Schedule 1?

I will rely on the evidence presented by CN Rail/ GO Transit in this regard.

28. Does the proposed development provide adequate and appropriate sidewalks, street access and publicly accessible space and contribute sufficiently to the open space network for the West Queen West Triangle?

Yes, in my opinion, the proposed development does provide adequate and appropriate sidewalks and street access, provided that the extension of Sudbury Street is secured. If the extension of Sudbury Street is not secured, the proposed development does not provide appropriate street access and is not consistent with City policies regarding street-related development, public safety and access.

Yes, in my opinion, the proposed development contributes adequately to the open space network of the West Queen West Triangle by providing a large, usable, publicly accessible landscaped open space and pathways leading between Queen Street West and the planned extension of Sudbury Street.

29. Does the proposed development provide for adequate parkland or parkland contribution?

The proposed development will provide cash-in-lieu of parkland at the legislated rate of 5% of the value of the land prior to issuance of the first building permit. This contribution will be pooled with the contributions of current proposals and future proposals, as well as funds from the Toronto and East York District Parkland Acquisition Reserve Fund to purchase parkland in the West Queen West Triangle Area to meet the needs of existing and future residents and workers. My colleagues, G. Short and D. Douglas, have provided witness statements providing further detail regarding local parkland deficiency, proposed park locations and mechanisms for acquiring the necessary parkland, among other things. I rely on and adopt the testimony provided in their witness statements.

30. Is it necessary to provide a Master Servicing Plan prior to the proposed development proceeding?

Yes, it is necessary to provide a Master Servicing Plan for the entire West Queen West Triangle prior to the proposed development proceeding. It is important that City Planning and Technical Services staff of the City of Toronto have the appropriate information to confirm that the proposed servicing for 1171 Queen Street West is efficient and is designed such that current public and private investments in piped infrastructure are made in a manner that will accommodate development at 48 Abell Street and 150 Sudbury Street as well as the expected levels of development planned for the rest of the West Queen West Triangle Area without unreasonable duplication. This information has not yet been provided to the City. It is my understanding that this information will be provided shortly by the applicants in a consolidated fashion and that City staff will review this information at that time. I rely on and adopt the witness statements of D. Bleaney and L. Shintani.

31. Does the Master Servicing Plan have to be implemented prior to any development proceeding and to what degree is such implementation required prior to such development?

It is my opinion that, if the required servicing can be phased, that it would be appropriate to consider phased implementation or agreements which secure the implementation of certain phases to certain developments. Whether the Master Servicing Plan has to be implemented, and to what degree, prior to development proceeding can only be determined after the Master Servicing Plan is submitted to and reviewed by appropriate City staff.

32. What is the appropriate distribution of responsibility and costs for the various aspects of infrastructure associated with the implementation of the Master Servicing Plan, new road/walkway network and parkland acquisition?
33. n/a
34. n/a

I rely on and adopt the opinions expressed in the witness statements of my colleagues G. Short, D. Douglas and D. Bleaney.

Responsibility and costs for servicing, generally, should be borne by the developments benefiting from the services. If, however, services must be oversized to address the needs of future developments, the City should contribute an amount equivalent to the incremental increase in costs. The City would later seek reimbursement from future developments in the West Queen West Triangle.

Responsibility and costs for implementing the road network should be borne by both the City and the developments. The City recognizes the importance of Sudbury Street as not only the street access for the developments at 1171 Queen (Rear Building), 48 Abell Street (West Building) and 150 Sudbury Street but also as the completion of an integrated road network through the West Queen West Triangle. It is my opinion that it would be appropriate, should this street be considered a collector street, to allocate a portion of the Development Charges levied for the developments at 1171 Queen Street West, 48 Abell Street and 150 Sudbury Street toward the cost of construction of the road.

The proposed developments at 1171 Queen Street West, 48 Abell Street and 150 Sudbury Street should convey the portions of their properties which are required for the extension of Sudbury Street. The City should acquire 1199 Queen Street West to complete the extension of Sudbury Street.

Responsibility and costs for lands and construction related to the Abell Street extension should be borne by the adjacent landowners: 48 Abell Street, 150 Sudbury Street and 2 Lisgar Street. 48 Abell Street and 150 Sudbury Street have active applications for redevelopment. 2 Lisgar does not.

48 Abell Street and 150 Sudbury Street should convey the lands required for the extension of Abell Street. It is my opinion that the Abell Street right-of-way should be an 18.5 m right-of-way lined up with the western edge of the current Abell Street right-of-way. The proposal at 48 Abell Street and the proposal at 150 Sudbury Street should convey the lands required for the proposed right-of-way based on this configuration. I note this clearly here because this is a different position than the one outlined in the City Planning Request for Directions Report regarding 150 Sudbury Street.

The Abell Street extension cannot be completed in its final form (a two lane street with one lane of parking and sidewalks and trees on both sides) at this time. In my opinion, the proposals at 48 Abell Street and 150 Sudbury should provide those elements of the road right-of-way which can reasonably be constructed prior to conveyance of the remainder of the right-of-way at the time of redevelopment of 2 Lisgar Street.

Generally, my opinion is based on the following principles:

- the land and construction costs for Abell Street, as a local street, rest primarily on the adjacent landowners;
- there will, by necessity, be an interim road condition for Abell Street prior to the redevelopment of 2 Lisgar Street;
- in the meantime, the northern portion of Abell Street must be constructed to accommodate vehicular traffic, including loading;
- in the meantime, the southern portion of Abell Street must be constructed to appropriately accommodate pedestrian and bicycle movements and occasional vehicular movements.
- the design of these interim conditions should maximize utility in the meantime while minimizing the need to rebuild significant components of the street when the full right-of-way width is acquired by the City.

It is my opinion that the western landscaped boulevard, the sidewalk and a significant portion of the paved surface of the road should be constructed at the time of development of 48 Abell Street, and costs borne by 48 Abell Street.

It is my opinion that the western landscaped boulevard, including street trees, as well as an interim walkway/bicycle path which is capable of carrying vehicles occasionally, should be constructed at the time of development of 150 Sudbury Street, and costs borne by 150 Sudbury Street.

The proposed pedestrian and bicycle connections, including connections adjacent to and through the publicly accessible landscaped open spaces and the east-west Creative Mews, are fundamental to the proposed Master Transportation Network. The responsibility and costs associated with these connections should be borne by the development on the property where the connections are located.

In my opinion, it is sufficient to ensure that the land for Abell Street and Sudbury Street will be dedicated to the City or acquired by the City, that appropriate funds have been allocated for the construction of Sudbury Street both publicly and privately, including all appropriate elements of Sudbury Street and for the interim condition for Abell Street and that appropriate designs for the road have been completed.

It is my opinion that the transportation network, including not only the extensions of Abell Street and Sudbury Street but also the network of publicly accessible walkways, does not have to be completely constructed prior to development on these

three sites. To date, no proposals for phasing of the transportation network have been brought forward which appropriately address the need to integrate these significant new developments with the fabric of the surrounding neighbourhood while ensuring the timely completion of the extension of Sudbury Street.

I further rely on and adopt the witness statement provided by D. Bleaney and advice of transportation planning staff.

35. Are the form and content of the proposed Official Plan amendment and Zoning by-law acceptable?

Yes, the form is acceptable.

No. The content is not acceptable.

First, it permits a development which, for the many reasons outlined above, it inappropriate for this site.

Second, the density figures, building envelope maps and heights do not match the current proposal before the Board. It is a straightforward matter to change these figures to reflect the revisions made to the proposal.

Third, the text and maps of the proposed zoning by-law provide undesirable additional permissions beyond those currently requested by the applicant. It is my opinion that these additional permissions are likely inadvertent on the part of the applicant and can be easily resolved.

Exception 4(1), taken together with the height map, does not require any setbacks at the top of the building or at the base of the building. It would be consistent with City of Toronto site specific zoning by-laws to conform more closely with the setbacks indicated on the drawings submitted by the applicant.

Given the desire to plan comprehensively to allow for residential development in close proximity to this site, I recommend removal of the I2 permissions and adding back in those permissions which are compatible with residential uses.

Section 1. of the text refers to "mixed use buildings containing dwelling units and certain non-residential uses hereinafter set forth". These "certain non-residential uses" are not listed in the text of the Zoning By-law. It is a straightforward matter to list these uses.

The map of building envelopes and heights does not reflect the buildings shown on the revised plans (location, townhouses, connecting building, heights).

The density figures provided in 1.(4), 1.(5) and 1.(6) are not consistent with the most recently submitted site statistics.

### 3. Document List

I will, through my testimony, refer to documents listed below. Where a document is particularly lengthy, I have specifically mentioned the applicable subsections of the documents.

#### **Metroplan: The Official Plan of the Municipality of Metropolitan Toronto: The Liveable Metropolis**

As approved by the MMA, December 30 1994.

Chapter 1: Introduction

Chapter 2: The Metropolitan Structure:

2.1 Reurbanization

Policies 3, 5, 6, 7, 8, 9, 10, 16

2.2 Metropolitan Industrial/Employment Areas (not directly relevant to this site but sets out the importance)

Policies 32, 33, 35, 36, 39, 40

2.4 Transportation

Policies 69, 72, 76, 87

2.5 Utilities

Policies 103

Policies 104-106 and 107-110 (for site plan review purposes)

Chapter 3: Sustainable Community Development

3.1 Economic Development

Policies 114-121,

3.2 Housing

Policies 122, 123, 125, 126, 127, 129, 130, 131, 134,

3.3 Regional Identity: Cultural and Recreational Resources

Policies 136, 137, 140, 141, 144, 148, 151

3.4 Community Access and Support

Policies 157, 158, 159, 162, 165, 166

3.5 Ensuring Community Health: Environmental Management

Policies 171, 173, 178, 180, 183, 184, 186

Chapter 4: Implementation

4.1 Planning Process

Policies 191 and 192

#### **Official Plan (Part I) for the former City of Toronto**

Chapter 1: The Structure and Quality of the City

1.1 The Goal of Planning in the City

1.2 The Regional Context

1.3 Environmental Objectives

- 1.4 Physical Structure and Urban Quality, especially (a), (b), (d), (e) and (i)
- 1.8 Balanced Growth
- 1.10 Community Support Services for New Neighbourhoods
- 1.11 Transportation
- 1.12 Social Equity
- 1.13 Economic Development
- 1.14 The Planning Process

#### Chapter 2: The Environment

- 2.4 Environmental Standards
- 2.5 Environmental Legislation
- 2.8 Air Pollution Reduction Objectives
- 2.12 Storm Water Management
- 2.13 Master Drainage (Sewer System) Plan
- 2.14 Promoting Water Conservation
- 2.15 Waste Reduction
- 2.16 Recycling and Re-use of Waste
- 2.19 Protection from Contaminated Soils
- 2.20 Soil Management Plans
- 2.21 Soil and Groundwater Clean-up Technologies
- 2.22 Energy Conservation
- 2.23 Energy Efficiency Measures
- 2.25 Undesirable Noise Levels
- 2.27 Development Adjacent to Rail Corridors
- 2.28 Sunshine and Wind Conditions
- 2.79 Land Use Compatibility
- 2.80 Environmental Objectives for New Development

#### Chapter 3: Physical Form and Amenity

- 3.1 Maintaining and Improving the Public Realm
- 3.3 Reinforcing the Street Pattern
- 3.6 Views and Vistas
- 3.9 Public Buildings and Public Places
- 3.10 Redeveloping Large Areas of the City
- 3.11 Re-integrating Areas of the City
- 3.12 Location of Buildings with Respect to Streets and Open Spaces
- 3.13 Relationship of New Buildings to their Built Form Context
- 3.14 Building Setbacks, Heights and Densities
- 3.15 Location of Building Entrances
- 3.16 Matters to Consider in Implementing Built Form Policies
- 3.17 Privacy Standards
- 3.18 Parking and Servicing
- 3.19 Design of At-Grade Parking Facilities
- 3.20 Safety in Design (Pedestrian Environment)
- 3.21 Pedestrian Circulation
- 3.22 Pedestrian Amenity
- 3.23 Promoting Streets for Pedestrian Activity
- 3.26 Wind Speed Levels and Pedestrian Comfort

3.27 Sunlight on Parks and Important Pedestrian Streets

3.28 Weather Protection

Chapter 4: Parks and Open Space

4.1 Creating an Open Space System

4.2 Corridors in Open Space System

4.3 Local and District Parks

4.4 Seek Public and Private Sector Co-operation

4.7 Access Points to Open Space

4.9 High Standard of Design; Local Participation in Park Design

4.10 Siting Parks for Easy Access

4.11 Variety of Parks for Year-Round Use

4.12 Standards for Local and District Parks Outside of the Central Core

4.18 Parks Levies

4.20 Providing Parkland for Social Housing

4.21 Addressing Parks Deficiency When Approving Residential Development

4.22 Capital Expenditures Plan for Parks

Chapter 5: Heritage Policies (applies only to 48 Abell)

5.1 Heritage Preservation a Priority

5.4 Heritage Designation

5.6 Re-use of Heritage Properties

5.11 Additional Commercial Density for Heritage Buildings in Industrial Area

Chapter 6: Housing

6.1 Housing Goals

6.2 Housing Objective

6.3 Affordable Housing Targets

6.4 Balance between Low and Moderate Income Housing

6.5 Area-related Housing Policies

6.13 Redesignation of Non-residential Land for Residential Purposes (Housing for Families)

6.14 Residential Intensification

6.20 Making Housing Accessible to All (Housing for People with Special Needs)

Chapter 7: Community Services and Facilities

7.1 A General Community Services and Facilities Policy

7.2 Developing Community Services and Facilities Strategic Plans Throughout the City

7.3 Implementing Community Services and Facilities Strategic Plans

7.5 Additional Density for Community Services and Facilities (Obtaining CS&F)

7.6 Use of City Resources

7.7 Community Services and Facilities that are Displaced

7.8 Local Community Use of Community Service Agency Spaces

7.9 Amenity Space in Residential Buildings

7.12 Schools are a Community Resource

7.18 Shared Use of Schools, Parks and Public Open Space

7.20 Planning for a Safer City

7.21 Planning for Older People and People with Disabilities

Chapter 8: Transportation

- 8.2 Development to be Encouraged at Transit-Served Locations
- 8.3 Discouraging Automobile Commuting to the Central Area
- 8.4 Reducing Overall Automobile Use
- 8.5 Movement of Goods
- 8.6 The Role of Housing Intensification
- 8.11 Local Surface Transit Priority
- 8.12 Surface Transit Improvements
- 8.17 Airport Link
- 8.20 Traffic Management
- 8.22 Undesirable Through Traffic
- 8.25 Periodic Review of Parking Standards
- 8.26 Improvements for Cyclists
- 8.27 Improvements for Pedestrians

#### Chapter 9: Economic Activity

- 9.1 Importance of a Strong Economic Base
- 9.2 Economic Competitiveness, especially (e)
- 9.3 Economic Diversity, especially (e), (f), (g), (i) and (j)
- 9.9 The Significance of Retail Activity
- 9.10 Supporting Retail Strips
- 9.11 Street Related Retail Activity
- 9.13 Density Reserved for Non-Residential in Central Core (example of limit to residential)
- 9.14 Priority Retail Streets
- 9.15 New Retail Development
- 9.16 Recognizing the Importance of Industrial Development
- 9.17 Considerations for Viable Industrial Uses
- 9.18 Discouraging Loss of City Industry
- 9.22 Improvement of Traffic and Loading Conditions (Industrial)
- 9.23 Public Transit Access (Industrial)
- 9.24 Parking and Loading (Industrial)
- 9.27 Municipal Services (Industrial)
- 9.28 Social Services, Parks and Recreation (Industrial)
- 9.29 Locations of Industrial Uses
- 9.37 Character (Mixed Industrial-Residential Areas)
- 9.38 Environmental Compatibility (Mixed Industrial-Residential Areas)
- 9.39 Zoning to Recognize Existing Pattern (Mixed Industrial-Residential Areas)
- 9.40 Uses and Maximum Densities (Mixed Industrial-Residential Areas)
- 9.41 Change in Use (Mixed Industrial-Residential Areas)

#### Chapter 10: The Arts

- 10.1 Importance of the Arts
- 10.2 Access to the Arts
- 10.3 Creativity and Excellence (The Arts)
- 10.4 Support for the Arts
- 10.5 Funding Support (Arts)
- 10.7 Arts Facilities
- 10.8 Additional Density for Arts or Cultural Facilities

- 10.10 Commitment to Public Art
- 10.11 Funding Enhancement for Public Art
- Chapter 12: Residence Areas
  - 12.1 General Character (Residence Areas)
  - 12.3 Improving and Maintaining the Quality of Residence Areas
  - 12.4 Restrictions on Non-residential Uses adjacent to Residence Areas
  - 12.5 Los Density Residence Area
  - 12.6 Medium and High Density Residence Areas
- Chapter 13: Mixed Commercial-Residential Areas
  - 13.1 Improving and Maintaining the Quality of Mixed Commercial-Residential Areas
  - 13.2 General Character (Low Density Mixed Commercial-Residential Areas)
  - 13.3 Maximum Density (Low Density Mixed Commercial-Residential Areas)
  - 13.4 Alternate Densities to Achieve Specific Objectives (Low Density Mixed Commercial-Residential Areas)
  - 13.5 Encouraging Residential Uses on Main Streets
  - 13.6 Matters to Consider for Main Streets Housing
  - 13.7 Design Guidelines for Main Streets Buildings and Streetscapes
  - 13.8 Encouraging Lanes along Main Streets
  - 13.10 General Character (Medium Density Mixed Commercial-Residential Areas)
  - 13.11 Density (Medium Density Mixed Commercial-Residential Areas)
  - 13.12 General Character (High Density Mixed Commercial-Residential Areas)
  - 13.13 Density (High Density Mixed Commercial-Residential Areas) (for 48 Abell and 1171 Queen only)
- Chapter 15: Community Improvement
  - 15.1 General Policies and Actions (Community Improvement)
  - 15.3 Measures to be Used by Council (Community Improvement)
  - 15.20 Objectives (Community Improvement for Industrial Areas)
  - 15.21 Measures to be Used by Council (Community Improvement for Industrial Areas)
- Chapter 16: Implementation
  - 16.1 Plan in Accordance with Planning Act
  - 16.2 Part I of Plan General, Part II Area or District
  - 16.3 Part II Amendments Prevail, and Part II May Vary Provisions of Part I
  - 16.4 Part II Study for Large Developments
  - 16.7 Numerical Figures, Except Density, Not Rigid
  - 16.8 Zoning By-law
  - 16.10 Density if Conveyance of Land for Highway Purposes
  - 16.14 Neighbourhood Planning Process
  - 16.21 General Policies Respecting Section 37
  - 16.22 (A) Zoning Heights to Ensure Character of Areas
  - 16.30 Quinquennial Reviews
  - 16.31 Monitoring, Evaluating and Reporting
- Chapter 17: Definitions

## **Garrison Common North Official Plan (Part II) for the former City of Toronto**

Section 1

Section 2

Section 3, including subsections 3.5, 3.6, 3.7, 3.8, 3.9, 3.12, 3.13, 3.14

## **Zoning By-law 438-86, as amended, for the former City of Toronto**

Various sections

## **New Official Plan for the City of Toronto**

### **Chapter 1: Making Choices**

1. Making Choices
2. Principles for a Successful Toronto
3. Implementing the Plan
4. Organization of the Plan
5. How to Read the Plan

### **Chapter 2: Shaping the City**

- 2 Shaping the City
  - 2.1 Building a More Livable Urban Region
  - 2.2 Structuring Growth in the City: Integrating Land Use and Transportation
    - 2.2.2 Centres (not applicable but explains framework of the Plan)
    - 2.2.3 Avenues: Reurbanizing Arterial Corridors
    - 2.2.4 Employment Districts: Supporting Business and Employment Growth (not applicable but explains framework of the Plan and history of designation of the site)
  - 2.3 Stable but Not Static: Enhancing our Neighbourhoods and Green Spaces
    - 2.3.1 Healthy Neighbourhoods
    - 2.3.2 Toronto's Green Space System and Waterfront
  - 2.4 Building the City Together: A Progressive Agenda of Transportation Change

### **Chapter 3: Building a Successful City**

3. Building a Successful City
  - 3.1 The Built Environment
    - 3.1.1 The Public Realm
    - 3.1.2 Built Form
    - 3.1.3 Built Form (Tall Buildings)
    - 3.1.4 Public Art
    - 3.1.5 Heritage Resources
  - 3.2 The Human Environment
    - 3.2.1 Housing (not in force)
    - 3.2.2 Community Services and Facilities
    - 3.2.3 Parks and Open Spaces (except Policy 3 not yet in force)
  - 3.3 Building New Neighbourhoods
  - 3.4 The Natural Environment (except Policy 5, 11b, 21, not yet in force)
  - 3.5 Toronto's Economic Health
    - 3.5.1 Supporting the Foundation of Competitiveness
    - 3.5.2 Creating a Cultural Capital

### 3.5.3 The Future of Retailing

#### Chapter 4: Land Use Designations

##### 4. Land Use Designations

##### 4.1 Neighbourhoods

##### 4.2 Apartment Neighbourhoods (except Policy 3c, not yet in force)

##### 4.3 Parks and Open Space Areas

##### 4.4 Utility Corridors (except Policies 1, 3, 5, not yet in force)

##### 4.6 Employment Areas

##### 4.7 Regeneration Areas

#### Chapter 5: Implementation: Making Things Happen

##### 5.1 Managing Growth and Change: The Planning Tool Box

##### 5.1.1 Height and/or Density Incentives (section not yet in force)

##### 5.1.2 Holding By-Laws

##### 5.1.3 Site Plan Control

##### 5.1.6 Acquisition of Lands to Implement the Official Plan

##### 5.1.7 Development Charges

##### 5.2 Planning and Acting Locally

##### 5.2.1 Secondary Plans: Policies for Local Growth Opportunities

##### 5.2.2 Community Improvement Plans

##### 5.3 Moving Together Beyond the Plan

##### 5.3.1 The Official Plan Guides City Actions

##### 5.3.2 Implementation Plans and Strategies for City-Building

##### 5.3.3 Strategic Reinvestment

##### 5.4 Monitoring and Assessment

##### 5.6 Interpretation

#### **Garrison Common North Secondary Plan (and all maps in the Secondary Plan)**

##### 1. Interpretation (1.1)

##### 2. Major Objectives (2.1)

##### 3. Urban Structure and Built Form (3.1 and 3.2)

##### 4. Industry (4.1 and 4.2)

##### 5. Local Commerce (5.1)

##### 6. Parks (6.1)

##### 7. Community Services 7.1, 7.2 and 7.3)

##### 8. Environment (8.1)

##### 9. Traffic and Parking (9.1 and 9.5)

##### 10. Site and Area Specific Policies (2. "Area 2" and "Area 5")

#### **Reports by City Planning relating to the West Queen West Triangle**

- Preliminary Report for 48 Abell Street (October 21, 1999)
- Preliminary Report for 1171 and 1171R Queen Street West (June 14, 2005)
- Further Report for 48 Abell Street (September 1, 2005)
- Request for Zoning Review for West Queen West Triangle Area (November 9, 2005)
- Request for Directions Report for 1171 and 1171R Queen Street West (May 30, 2006)

- Preliminary Report for 150 Sudbury Street (January 23, 2006)
- Request for Directions Report for 48 Abell Street and 1199 Queen Street West (May 30, 2006)
- Request for Direction Report for Official Plan and Zoning Review of the West Queen West Triangle Area (May 30, 2006)
- Request for Directions Report for 150 Sudbury Street (June 26, 2006)
- Supplementary Report on Zoning Mechanisms to implement a mixed use area in West Queen West Triangle Area (June 27, 2006)

**Reports by Parks relating to the West Queen West Triangle**

- Confidential Report – Parkland Acquisition for West Queen West Triangle (June 30, 2006)

**Reports by the Chief Corporate Officer**

- Mechanisms for acquiring the land needed for the extension of Sudbury Street (June 23, 2006)

**Other documents**

- Witness Statement of Katherine Gravely in relation to the Official Plan and Zoning By-law Amendments for 1100 King Street West
- Report from the Planning and Development Department of the City of Toronto to Land Use Committee entitled "Allowing Artists Live/Work Studios in Industrial Areas" (March 12, 1992)

In addition, I will also be referring to and relying on documents cited by my colleagues and listed in their witness statements which I have adopted.

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