

TORONTO STAFF REPORT

June 27, 2006

To: Toronto and East York Community Council

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

Subject: Refusal Report
OPA & Rezoning Application 06-132791 STE 18 OZ
Applicant: Lindsay Dale-Harris, Bousfields Inc.
Architect: N/A
45 Lisgar St
Ward 18 - Davenport

Purpose:

This report reviews and recommends refusal of an application to amend the Official Plan and the Zoning By-law for a 9 and 18 storey residential building at 45 Lisgar Street.

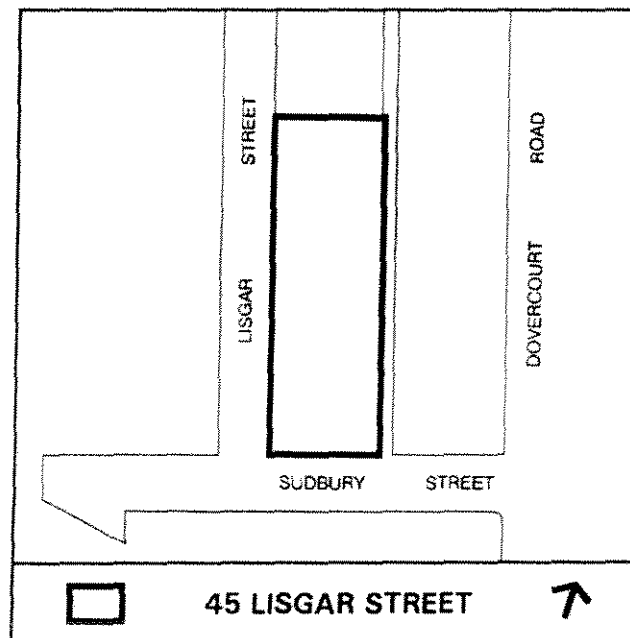
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) refuse the proposed amendments to the Official Plan and Zoning By-law 438-86 for the reasons outlined in this report;
- (2) direct staff to continue negotiations with the applicant to revise their plans to conform with the current Official Plan objectives and the May 30, 2006 request for Directions Report for the West Queen West triangle by the Director, Community Planning, Toronto and East York District;



- (3) instruct the City Solicitor, together with appropriate City staff and experts as needed, to attend any Ontario Municipal Board hearing in support of the positions recommended in this report.

Background:

This report should be read in conjunction with the following reports:

- Request for Zoning Review of the West Queen West Triangle, dated November 9, 2005;
- Request for Directions Report regarding the West Queen West Triangle, dated May 30, 2006;
- Request for Directions Report regarding 48 Abell Street and 1199 Queen Street West, dated May 30, 2006;
- Request for Directions Report regarding 1171 and 1171R Queen Street West, dated May 30, 2006; and

This application is one of four applications for rezoning and Official Plan Amendment in the area south of Queen Street West, northeast of the railway corridor and generally west of Dovercourt Road. In addition to specific conflicts with regard to heights and densities, the applications do not comprehensively address issues relating to:

- the extension of the local street network;
- the provision of new parks;
- improvements to community services and facilities;
- improvements to hard infrastructure; and
- impacts on employment in the area, including creative industries.

In November 2005, City Council directed staff to review the zoning in this area, including but not limited to a review of:

- heritage resources;
- municipal infrastructure;
- community services and facilities;
- the impact on the area's creative industries and other employment in the area;
- parks and recreation facilities; and
- transportation, including public transit.

City Planning reported back with the results of this overall review to the June 13, 2006 Toronto and East York Community Council hearing. Community Council endorsed the recommendations of the May 30, 2006, with some amendments. The proposal would not satisfy the requirements outlined in the May 30, 2006 report, including but not limited to the following:

- lack of non-residential uses; and
- height, massing and density.

The report endorsed by Community Council calls for 4 to 6 storey heights (12 m to 18 m) and a mix of uses including a substantial non-residential component on this site. The proposal is for heights between 9 and 18 storeys (25.5 m to 50 m) and does not include any non-residential uses at all.

The matter will be heard at the City Council meeting of June 27th, 28th and 29th, 2006.

Site History

There was an application in 1999 for a rezoning and Official Plan Amendment to permit a 9 storey residential building at the north end of the site. The density and height limits for that portion of the site were changed to R4 Z4.0. with a height limit of 24.64 m plus mechanical penthouse. The building contains 121 residential units and a daycare.

A minor variance was approved in 1999 to allow, on the remainder of the property, a public art gallery in addition to a contractor's shop, artists/photo studio, laboratory Class A, data processing and broadcast establishment, duplicating shop, restaurant and caterer's shop.

Proposal

The application is for amendments to the Official Plan and Zoning By-law 438-86 to allow:

- a 9 storey building fronting onto Lisgar Street, with stepbacks at 2, 7 and 8 storeys; and
- an 18 storey residential building at the north east corner of Lisgar Street and Sudbury Street, with stepbacks at 2, 6, 7 and 9 storeys.

The proposal includes 25,650 square metres of residential space (368 dwelling units) as well as 184 underground parking spaces (162 spaces for residents and 22 spaces for visitors). The proposed density is 5.5 times the area of the lot for residential purposes. The proposed site plan is provided in Attachment 1. Details of the proposal are provided in the application data sheet (Attachment 5).

The application is not complete by the City of Toronto City Planning Department's standards. Many required studies and drawings have not been submitted. However, sufficient information is provided to determine the appropriateness of the proposal.

Site and Surrounding Area

This site is located at the northeast corner of Sudbury Street and Lisgar Street and constitutes a portion of the property at 45 Lisgar Street. It is currently occupied by a residential apartment building at the north end of the site (9 storeys) and a series of industrial/commercial buildings at the south end of the site (2 to 2 ½ storey buildings). The buildings contain industrial space, offices, studios, a gallery and performance space. This proposal is only for the south end of the

site. The portion of the site which is the subject of this application is 4561 square metres (38.4 m by 118.8 m).

- North: a 9 storey residential building
- South: a 2 storey commercial/industrial building on the south side of Sudbury Street
- East: a 3 storey industrial/commercial building and 2 and 2 ½ storey semi-detached and row houses
- West: a 1 storey warehouse building.

Comments:

The in-force Official Plan for the former City of Toronto designates the lands Mixed Industrial-Residential Area. The Garrison Common North Part II Plan for the former City of Toronto designates the lands Mixed Industrial Residential Area 'B' and allows Council to pass by-laws for densities of up to 3.0 times the area of the lot for mixed-use buildings of which residential densities are to constitute a density of no more than 2.0 times the area of the lot.

The hearing on the new Official Plan is continuing at the Ontario Municipal Board. The Board has approved most of the Plan and it is anticipated that the approved portions will come into force in June 2006. The housing and Section 37 policies remain under appeal and will be adjudicated in September and October 2006. As well the hazard land policies for 'Special Policy Areas' remain under appeal.

When the New Official Plan for the City of Toronto comes into force and effect, it will designate this site Regeneration Area, permitting a mix of uses including but not limited to employment and housing. The Plan includes a requirement that development in Regeneration Areas proceed according to a secondary plan process, including the requirement for an area study. Section 4.7 Regeneration Areas states that these areas will provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form.

The Garrison Common North Secondary Plan of the new Official Plan identifies this site as being part of Area 2, and requires an area study to precede significant development which addresses a number of issues listed in the new Official Plan.

The zoning on the portion of the property which is the subject of this application is I1 D3 H18.0, permitting light industrial uses up to a maximum density of 3.0 times the area of the site with a maximum height of 18.0 metres. No residential uses are permitted.

City staff have identified the redevelopment of this area as having impacts on economic development, arts and culture, heritage preservation, servicing, transportation and recreation. The appropriate redevelopment of the area referred to as the West Queen West Triangle is an important corporate objective.

The Provincial Policy Statement includes direction for Planning authorities to promote economic development and competitiveness by providing for an appropriate mix of employment (including industrial, commercial and institutional uses) to meet long-term needs; provide opportunities for a diversified economic base; plan for, protect and preserve employment areas for current and future uses; and ensure the necessary infrastructure is provided to meet current and future needs.

Reasons for Application

The proposal for 45 Lisgar Street does not conform with the use, height or density provisions of the Zoning By-law. The zoning map is provided in Attachment 4. The proposed residential buildings located at 45 Lisgar Street are on land zoned I1 D3. No residential uses are permitted on this portion of the property. The heights of the proposed 9 (25.5 m) and 18 (50.0 m) storey buildings significantly exceed the current height limit of 18 m. The proposal would require amendments to Zoning By-law 438-86 to allow residential uses and additional height and density, among other things.

The application does not conform with either the in-force Official Plan or the in-force Garrison Common North Part II Plan of the former City of Toronto. The Official Plan for the former City of Toronto designates the lands as Mixed Industrial-Residential Area. The Garrison Common North Part II Plan of the former City of Toronto stipulates maximum densities for this site. The proposed total density on the 45 Lisgar Street site exceeds the maximum total density of 3.0 times the area of the lot as specified in the Part II Plan. While the Plans call for residential uses on this site, the proposed residential density on 45 Lisgar Street is more than twice the maximum residential density of 2.0 times the area of the lot as specified in the Part II Plan. The former City of Toronto's Official Plan map and the Garrison Common North Part II Plan Map 14-1 are provided in Attachments 2 and 3.

The new Official Plan for the City of Toronto identifies a large part of the West Queen West Triangle as Regeneration Areas, including this site. In Regeneration Areas, commercial, residential, live/work, institutional and light industrial uses can be mixed within the same block or the same building. Section 4.7 of the Plan states that "Regeneration Areas will need "tailor-made" strategies and frameworks for development, provided through a Secondary Plan".

The Garrison Common North Secondary Plan of the new Official Plan specifically identifies the industrially zoned lands in the West Queen West Triangle Area as requiring an area study prior to the approval of significant development.

Certain aspects of the proposed development are supported by City Planning. City Planning believes that some residential uses are appropriate on this site, agrees to accept cash-in-lieu instead of on-site parkland dedication and generally supports the proposed building placement. The applicant has indicated verbally that the proposal is for rental dwelling units. Support for any residential development on this site is contingent upon the coordinated redevelopment of the West Queen West Triangle, including a mechanism to secure a network of public streets, new public parkland, incorporation of a substantial amount of non-residential uses in the development and other public facilities.

This proposal includes, however, several inappropriate aspects. They include, but are not limited to:

- height of the proposed buildings;
- setback from property lines;
- density; and
- significant residential development being proposed with minimal non-residential development.

Height

Staff have completed many studies including 3-D modeling to determine what heights are appropriate in the WQWT area. Among the considerations when determining the appropriate heights are the low density neighbourhood to the east of the triangle, the character of Queen Street West, the approvals at the Centre for Addiction and Mental Health ("CAMH") site, the Ontario Municipal Board approved building at 1100 King Street West, and shadow and visual impacts on Queen Street West and the adjacent Neighbourhood to the east.

The new Official Plan includes policies with respect to the built form of buildings on sites in Regeneration Areas that are next to Neighbourhoods, such as at 45 Lisgar Street. Policy 2 of Section 2.3.1 Healthy Neighbourhoods state:

- "2. Developments in Mixed Use Areas, Regeneration Areas and Apartment Neighbourhoods that are adjacent or close to Neighbourhoods will:
 - (a) be compatible with those Neighbourhoods;
 - (b) provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those Neighbourhoods;
 - (c) maintain adequate light, view and privacy for residents in those Neighbourhoods; and
 - (d) minimize adverse traffic and parking impacts on those Neighbourhoods."

Policy 3 in Section 3.1.2 Built Form states:

- "3. New development will be massed to fit harmoniously into its surroundings and will respect and improve the local scale and character. It will minimize the impact on neighbouring buildings and open space by:
 - (a) massing new building to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;

- (b) creating a transition in scale to neighbouring buildings;
- (c) providing adequate privacy, sunlight and sky view ensuring adequate separation between building walls; and
- (d) minimizing shadows and uncomfortable wind conditions on neighbouring properties and open space.”

The proposed heights are not supported by City Planning. Most of the north building is 9 storeys (25.5 m) tall with stepbacks above the 2nd, 7th and 8th storeys. Most of the south building is 18 storeys (50.0 m) tall, with stepbacks above the 2nd, 6th, 7th and 9th storeys. Stepbacks at the 2nd storey along Lisgar Street and Sudbury Street are minimal.

The 9 and 18 storey buildings proposed at the 45 Lisgar Street site are not compatible with the adjacent Neighbourhoods. Although the proposal offers setbacks and a transition in scale towards the adjacent Neighbourhoods as required by the new Official Plan for Regeneration Areas, the starting point of the transition – 18 storeys, the overall height of the building - is much too high. Heights across the Regeneration Area, as outlined in the Planning report dated May 30, 2006 and endorsed by Community Council decrease from a maximum of 14 storeys on the western side of the Regeneration Area, far from the Neighbourhoods, to a maximum of 6 storeys on the eastern side of the Regeneration Area, next to the Neighbourhoods. The proposed height, 18 storeys, is inappropriate.

The proposal does not meet any of the criteria of Policy 3 of Section 3.1.2 Built Form as set out in the new Official Plan. A 9 and 18 storey building does not fit harmoniously with 2 and 3 storey house form buildings. The Regeneration Area designation in the new Official Plan acknowledges that the local character of the area is changing but does not decrease the need to complement the scale and character of the adjacent low-rise Neighbourhood. Development should take a much lower form than the 9 and 18 storeys proposed and preserve sky views and sunlight access for residents from rear yards and windows.

In terms of achieving appropriate street proportions, Planning has modeled the visual impacts of these buildings and compared them to the massing proposed in the City Planning report dated May 30, 2006. Staff are of the opinion that the heights proposed by the applicant will inappropriately affect the adjacent Neighbourhood and are not appropriate for either Lisgar Street or Sudbury Street, within the planned context of the area. The proposed building may also have inappropriate visual impacts on Queen Street West.

Planning staff believe that the height permitted in the current Zoning By-law (18 metres) is appropriate for the 45 Lisgar Street site, provided there is a significant rear yard setback, stepbacks at approximately 12 metres and no mechanical penthouse above the 18 m height limit.

Density

The Garrison Common North Part II Plan of the former City of Toronto specifies a maximum residential density of 2.0 times the area of the lot and a total maximum density (including non-residential uses) of 3.0 times the area of the lot. The Plan recommends that the proportion of non-residential uses to total density at full build-out is 33 per cent. The proposed development is 100% residential with a density of 5.5 times the area of the lot. The Garrison Common North Secondary Plan of the new Official Plan does not limit new development to a specific density but requires instead that a coordinated plan, including urban design guidelines, park system and open space network, among other things, be developed prior to significant redevelopment in Area 2.

Landscaped Open Space

The proposal includes a courtyard along the rear lane of the site. Proposed servicing routes and loading areas are underground, maximizing the utility of the landscaped open space.

Redevelopment of the Entire West Queen West Triangle

In addition to issues related to height, density and landscaped open space, City Planning's Request for Directions report (dated May 30, 2006) outlines issues related to redevelopment of the entire West Queen West Triangle as well as this site in detail, including:

- community facilities and services;
- provision of parkland;
- servicing;
- significant development being proposed without a mechanism to secure the appropriate street network as laid out in the Secondary Plan;
- impact on the local economy, particularly on the arts and culture industries; and
- community benefits in exchange for additional height and density under Section 37 of the Planning Act.

Community Services and Facilities

Community services and facilities are available in the immediate area, including schools, day cares, libraries, parks and publicly accessible multi-purpose meeting spaces. Local public and catholic elementary and secondary schools have the capacity to accommodate additional students from this and other proposed developments in the West Queen West Triangle area.

However, the following community services and facilities are at full capacity:

- licensed childcare facilities for children aged 0-6 years;
- most nearby recreation centres, particularly those subject to the City's Welcome Policy.

The local library and recreation centres include some multi-purpose meeting spaces. Availability is very limited because of high demand and the provision of several educational and cultural programmes, particularly in the facilities to the west of the railway corridor in Parkdale.

Parkland Acquisition

Additional parkland is required to address the needs of the proposed development at 45 Lisgar Street. City Planning recommends that the City pool the cash-in-lieu of parkland dedication from this and other development sites in the West Queen West Triangle area to purchase additional parkland in the area.

Significant residential redevelopment, as proposed at this site and throughout the West Queen West Triangle, will further increase demand for parks, community services and facilities.

Servicing

The applicant has not submitted a site servicing report. There are issues relating to the servicing of the entire West Queen West Triangle. City Planning is expecting to receive a Master Servicing Plan for the West Queen West Triangle area from other applicants which addresses how the servicing needs of the entire area, including this site, can be met in an efficient and cost-effective manner.

Sun, Shadow and Wind

The applicant has not submitted sun/shadow or wind studies.

Traffic Impact, Access, Parking

The applicant has not submitted a transportation impact study. Though no comments have yet been received for this application from Technical Services, the proposed parking for residents (0.5 spaces per unit) and visitors (0.06 spaces per unit) appears to be inadequate, given the context and current Zoning By-law requirements.

Streetscape

No elevations were provided with the submission. The proposed streetscape cannot be adequately evaluated.

Environment

The applicant will be required to provide a Record of Site Condition from the Ministry of the Environment to indicate that the site is suitable for residential development, prior to the issuance of an above grade building permit.

Tenure

The Official Plan encourages the provision of affordable and mid-range rental housing. The applicant has indicated verbally that the proposed development will be rental units. The application does not specify whether the residential building will be owned or rented, neither does it specify whether, if rented, the rents will be affordable, mid-range or high-end rents.

Community Consultation

No community consultation meeting was held with respect to this particular application. Several meetings have been held in 2005 and 2006 with respect to planning applications in the immediate area as well as with the built form and mix of uses appropriate for the West Queen West Triangle, including this site.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses have not yet been received from all agencies. Should Council choose to approve this proposal, responses received will be used to assist in formulating appropriate by-law standards.

Conclusions:

Planning staff are of the opinion that some additional residential uses could be accommodated at 45 Lisgar Street on the south portion of the site, provided residential development of the entire area proceeds in a coordinated manner with significant public and private investment in local infrastructure including the street network, parkland and community services and facilities. A mixed-use building at this location should be of a height and form which is compatible with the scale and context of the adjacent Neighbourhood to the east. In order to meet the objective of "no net loss" of non-residential gross floor area within the Triangle, City Planning recommends that a substantial portion of the gross floor area of the building be reserved for non-residential uses including commercial and compatible light industrial uses.

City Planning recommends that Council refuse the application for rezoning and Official Plan Amendment at 45 Lisgar Street. The proposed development does neither conform with the current zoning, the in-force Official Plan, the New Official Plan nor the proposed vision for the redevelopment of the West Queen West Triangle. Among other things, the proposal's entirely residential nature, its height (25.5 m and 50.5 m) and its density are inappropriate.

Should the applicant appeal this decision, City Planning recommends that Council provide authorization to the City Solicitor and any required staff or experts to attend the Ontario Municipal Board hearing.

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Gary Wright

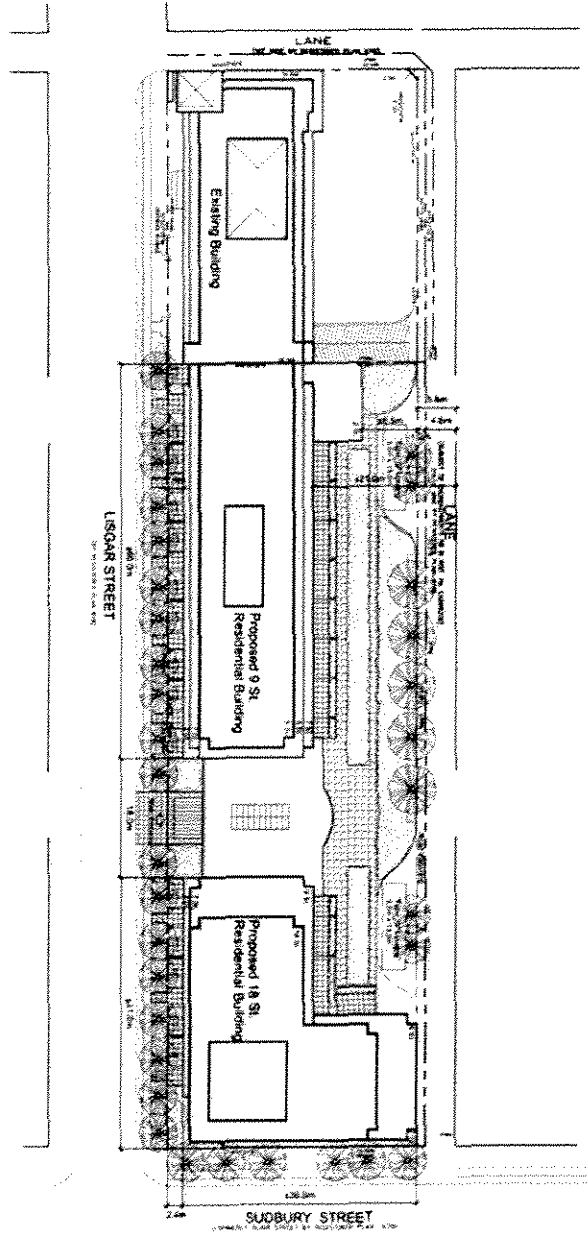
Director, Community Planning, Toronto and East York District

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List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Official Plan Map for the former City of Toronto (in-force)
- Attachment 3: New Official Plan Map
- Attachment 4: Zoning
- Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

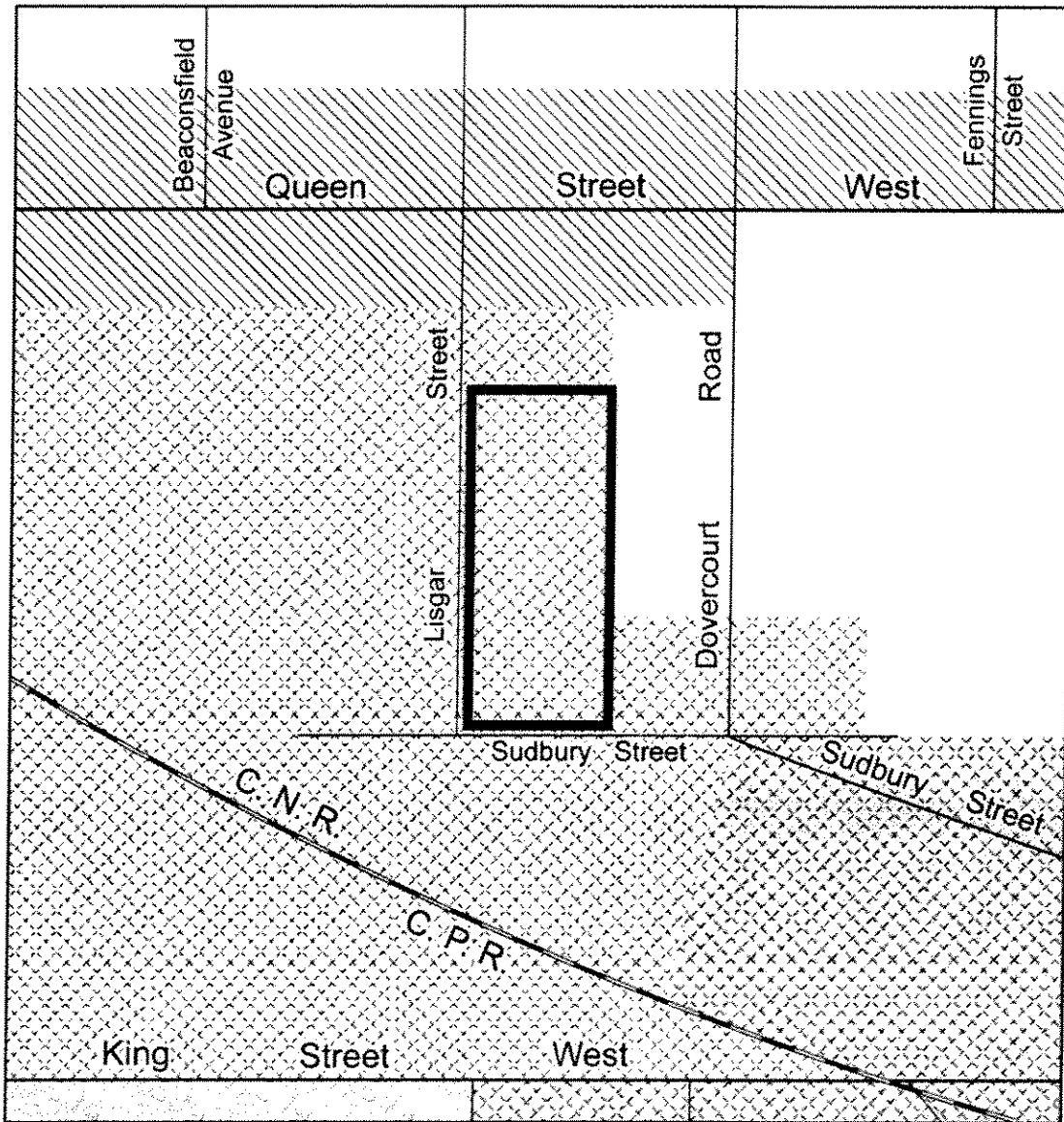
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45 Lisgar Street

File # 06_132791

Attachment 2: Official Plan Map for the former City of Toronto (in-force)



TORONTO City Planning Division
Official Plan

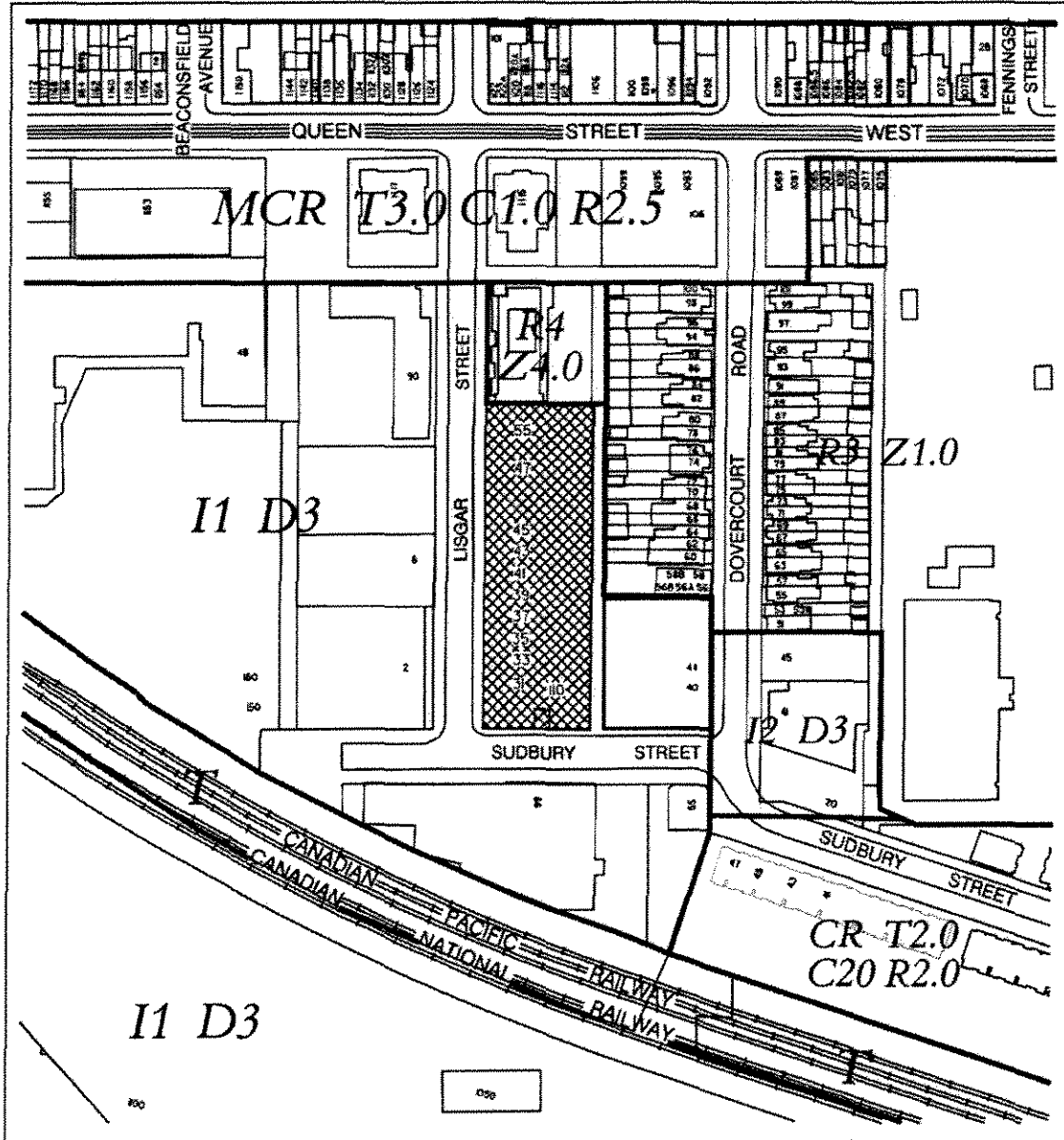
45 Lisgar Street

File # 06_132791

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|--------------------------------------------------|-------------------|
| Site | General Use Areas |
| Low Density Residence Areas | Open Space |
| Low Density Mixed Commercial - Residential Areas | |
| Mixed Industrial - Residential Areas | |

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Attachment 4: Zoning



TORONTO City Planning Division
Zoning

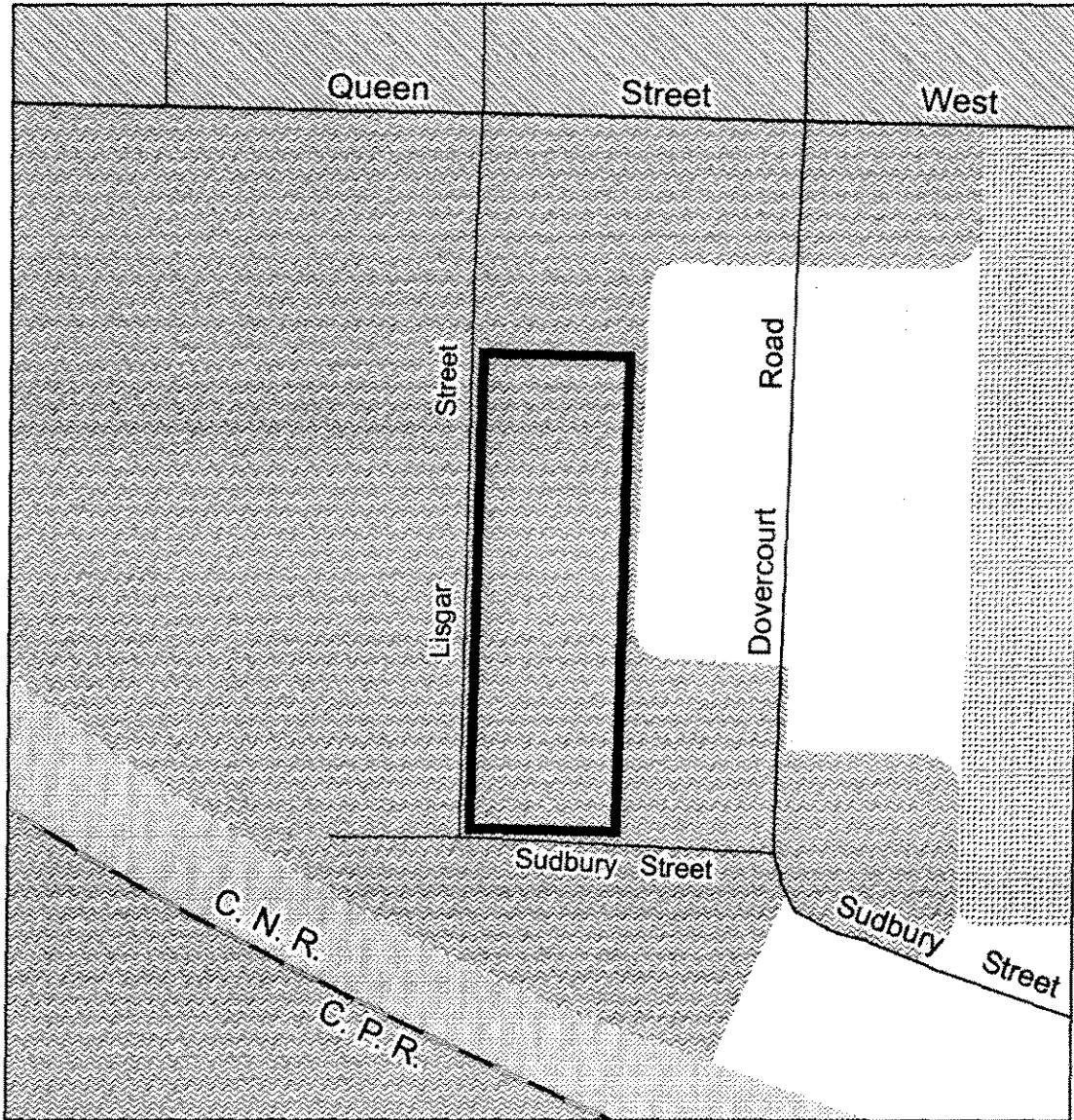
45 Lisgar Street
 File # 06_132791

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



Not to Scale
 Zoning By-law 438-88 as amended
 Extracted 06/14/06 - TA

Attachment 3: New Official Plan Map



TORONTO City Planning Division
Official Plan

45 Lisgar Street

File # 06_132791

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|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
|  Site |  Regeneration Areas |
|  Neighbourhoods |  Utility Corridors |
|  Mixed Use Areas | |
|  Institutional Areas | |

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06/15/06

