

**2-6 Lisgar St – Rezoning – Request for Direction Report**

<b>Date:</b>	December 10, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	07 268078 STE 18 OZ

**SUMMARY**

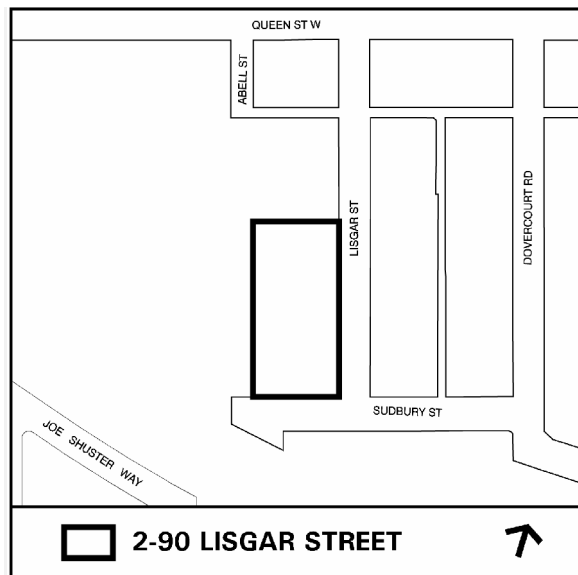
The purpose of this report is to request direction from City Council regarding the pending Ontario Municipal Board hearing on the application for a Zoning By-law amendment at 2-6 Lisgar Street.

This application proposes a fifteen-storey mixed use building at 2-6 Lisgar Street. A large grocery store is proposed for the ground floor at the north end of the building, with smaller retail units at the south end and offices on the second floor. Floors three to fifteen would provide 300 residential units.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council direct staff to continue to negotiate with the applicant to amend the application in accordance with the conditions outlined in this report.
2. City Council direct staff to support a Zoning By-law amendment for 2-6 Lisgar Street at the Ontario Municipal Board if the conditions set out in this report are met to the satisfaction of the Chief Planner and



Executive Director, City Planning Division.

3. City Council direct staff to report directly to Council on January 27th and 28th, 2009, if required, on the status of the negotiations.
4. City Council request that staff secure benefits under Section 37 of the Planning Act towards any or all of the following: the development of Lisgar Park, the renovation of the Carnegie Library into a performing arts hub, affordable arts studios in the West Queen West Triangle, public art and affordable housing and that the Ontario Municipal Board not release any final orders approving the required zoning by-law amendments until the applicant has executed the Section 37 agreement.
5. City Council instruct the City Solicitor, together with the appropriate staff to attend the Ontario Municipal Board hearing, and retain any experts as needed, in support of the position recommended in this report.
6. City Council direct that, prior to any building permit issuance, 200 square metres of land at the north end of the property, be conveyed to the City for parkland purposes. The land is to be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless the easement, encumbrance or encroachment is otherwise approved by the General Manager, Parks, Forestry and Recreation.
7. City Council direct that, prior to any parkland dedication , the owner shall be responsible for an environmental assessment of the parkland and any associated costs or remediation works required as a result of that assessment to the satisfaction of the General Manager, Parks Forestry and Recreation, in consultation with the Executive Director, Technical Services.
8. City Council direct the to owner pay for the costs of the transfer of the parkland, including any Land Transfer Tax and the preparation and registration of all relevant documents. Prior to dedication, the owner shall provide, to the satisfaction of the City Solicitor, all legal descriptions and applicable reference plans of survey for the new parkland.
9. Prior to any building permit issuance, the owner shall pay to the City cash in lieu for the value of the base park improvements for the 200 metres to be dedicated to the City for park construction. The estimate of the value of the base park improvements will be to the satisfaction of the General Manager, Parks, Forestry and Recreation.
10. Prior to the issuance of any building permit, the owner shall enter into a Limiting Distance agreement with the City, related to Lisgar Park.

11. City Council direct that the residential portions of the development be subject to parkland dedication By-law 07-1420. Any commercial or industrial components of the project will be subject to Chapter 165 of the former City of Toronto
12. The parkland dedication for this site will be satisfied by the 200 square metres dedicated to the City as well as a cash-in-lieu of parkland payment. The value of the cash in lieu payment shall be the difference between 10 % of the site area and the fair market value of the 200 square metres being conveyed to the City. Such payment must be paid to the City prior to issuance of any building permit.
13. City Council direct staff to take such other steps as may be required to implement these recommendations.

### **Financial Impact**

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

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is for a fifteen-storey (60 metre) mixed use building containing a total of 21,978 square metres of residential gross floor area and 6,470 square metres of non-residential gross floor area for a total of 28,448 square metres. The overall density of the site would be 4.8 times the area of the lot, including 1 times non-residential density. The non-residential space would occupy the ground and second floors. The ground floor is proposed to contain a large grocery store at the north end, smaller retail units at the south end of the building and office space on the second floor.

Parking for 310 vehicles would be provided in a 3-level below grade parking garage with ingress from Lisgar Street and egress to Sudbury Street. Loading is located on the ground floor off a service lane which runs in an east/west direction through the site. Amenity space is provided on the third floor, with access to the roof of the second storey, and on the roof of the building.

### **Site and Surrounding Area**

The site is 5,971 square metres and is currently occupied by a one and two-storey warehouse building. The City has purchased the northern 0.3 hectares of the site for parkland, with the rest of the site being subject to this development application.

North: north of the proposed park is Postal Station C, which is listed on the Toronto Heritage Properties Inventory. Two to three-storey buildings dominate the north side of Queen Street.

West: a number of sites have recently been granted approvals at the Ontario Municipal Board. These include the following:

Address	Podium Height (in storeys)	Podium Height (in metres)	Overall Height (in storeys)	Maximum Heights (in Metres)
150 Sudbury St.	7	21-23 m	18	59.05 m
48 Abell St.	8	25 m	16 and 14	50.5 and 42 m
1171 Queen St. (Queen St. frontage)	4-6	14-19.7 m	8	29 m
1171 Queen St. (tower portion)	17-19	52-56 m	20	59.5 m

East: a nine-storey residential building and an Ontario Municipal Board approved fourteen-storey (41 metres) residential building at 45 Lisgar Street.

South: Sudbury Street forms the southern edge of the subject site and industrial buildings run along the south side of Sudbury Street.

### Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### Official Plan

The site is designated *Regeneration Area* in the City of Toronto Official Plan. *Regeneration Areas* are areas of the City with a mix of uses including commercial, residential, live/work, institutional and light industrial. These areas are no longer in productive urban use due to shifts in the local or global economies, but they represent an opportunity to direct growth in the City.

The site is within the Garrison Common North Secondary Plan Area. The Secondary Plan’s major objectives include:

- ensuring that new development be integrated into the established city fabric;
- permitting a variety of land uses and densities;
- community services and facilities; and
- a range of housing types in terms of size, type, affordability and tenure.

Within the Secondary Plan, the site is located in Area 2 which has specific policies regarding studies that need to be completed prior to significant development. These include urban design guidelines, an open space plan, a community services strategy, a community improvement strategy, and environmental and transportation policies. City staff have drafted Official Plan and Zoning By-law amendments to address these issues but they are not yet in force. Urban design guidelines have not been prepared.

With respect to urban structure and built form, the Plan calls for new developments to be designed to easily adapt to conversion with particular focus on:

- use of street level spaces;
- ability to facilitate changes in market demand for services and activities;
- ability to provide for a range of dwelling types, with an emphasis on grade related units that are suitable for households with children; and
- shared open space, parking facilities and servicing areas between development parcels, where possible.

## **Zoning**

The site is zoned I1 D3.0 with a height limit of 18 metres in Zoning By-law 438-86.

## **Site Specific By-law – West Queen West Triangle**

The City has approved the recommendations contained in the Staff Report dated June 11, 2007 to amend the Official Plan and Zoning By-law for the entire West Queen West Triangle area (of which this site is part). The Bills have not yet gone to Council, and therefore the By-laws are not yet in effect.

The approved, but not in-force, By-law designates the park portion of the site as “G” and the developable portion as RA(h), with a podium height of 18 metres (6 storeys) and a tower height of 36 metres (12 storeys). The residential portion of the development would only be permitted if the non-residential Zoning By-law requirement of 0.7 times the area of the lot is provided as part of the redevelopment. The (h), hold, related to the RA zoning was intended to prevent any residential development on the site until new parkland had been secured. The City has recently purchased parkland immediately to the north of this site so the (h) will no longer be required.

## **Site Plan Control**

An application for Site Plan Approval was made on October 15<sup>th</sup>, 2008, however, it was not deemed complete until November 17, 2008.

## **Reasons for the Application**

The application for a Zoning By-law Amendment is required since the proposed residential use, building height and density do not comply with the in-force zoning.

## **Community Consultation**

A Community Consultation meeting was held on June 3<sup>rd</sup>, 2008 and approximately 20 members of the public attended. One of the major issues with the proposed development

was its integration with the public park immediately to the north. Active 18, a local community based resident and business owners organization, presented to the community some ideas and precedent images about how the building and the park could work together, followed by a presentation by the architect for the project. The relationship between the park and the proposed building created the most discussion in the meeting, however other comments and/or concerns that were raised included:

- the overall building design;
- the location of the retail on the south end of the site;
- the need to animate Lisgar and Abell Streets with active uses; and
- the provision of natural light into the proposed public parking garage which meant raising the grocery store above grade.

These issues are addressed in the Comments section of this report below.

### **Agency Circulation**

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

### **COMMENTS**

While City staff and the applicant continue to work together towards an appropriate building massing and design for this site, the application has been appealed to the Ontario Municipal Board. City staff require direction from City Council for the upcoming Board hearing for which a pre-hearing conference is anticipated early in the new year. At that time hearing dates may be set.

In order for City staff to support the application the following changes are required.

### **Height**

The total height of the building according to the measurements on the latest drawings is 50 metres to the top of the residential floors, with a 5.2 metre tall penthouse for mechanical equipment and amenity space on the roof. The total height for the first 15 levels (50 metres) is acceptable.

- The amenity space on the roof must be removed and the mechanical space cannot be higher than 3.5 metres (including all elevator overruns, stair towers, equipment etc.).
- The mechanical space should be located on the southern portion of the roof, it cannot occupy more than 40% of the area of the roof and should be set back from all roof edges.

### **Sun and Shadow**

This site is located directly south of a new City-owned park. Funds have been secured to construct the park in late 2009 or early 2010. The park is surrounded by buildings which do and will shadow the park, but the City has tried to minimize those shadows as much as

possible. The Official Plan contains policies to protect the utility of parks by reducing shadowing. Section 3.1.2 Built Form, Policy 3(e) states:

“New development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties by...minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.”

Section 3.2.3 Parks and Open Spaces, Policy 3 states:

“The effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.”

The current design of the building locates the tallest massing towards Sudbury Street and steps down towards the park.

- The amount of stepping must be increased thereby reducing the shadows on the park.

### **Streetscape**

As this building will be surrounded by streets on 3 sides it is important that all the facades contribute to the animation of the streets. While there are smaller retail units proposed along Sudbury Street and Abell Street (at the south end) it is unclear as to how the outdoor edges of the grocery store will provide animation to the street.

- The applicant needs to provide additional details as to how the ground floor façade will be treated, be it with public art or smaller retail shops, for staff to assess.

### **Relationship with Adjacent Park**

The relationship between the proposed building and the adjacent park is critical to this application. The most recent plans, date stamped as received by the City on October 17<sup>th</sup>, 2008, show access from the building to the park which is appropriate.

- The applicant needs to provide a plan to clearly show the way that the interior space, directly accessed from the park will be used. Staff would like to see active uses which can spill out into the park to create a lively dynamic between the park and the building.

### **Bicycle Parking**

Bicycle parking will be provided as per the former City of Toronto By-law 438-86 except that bicycle parking spaces are not capped at a 200 space maximum and the bicycle storage spaces cannot be within individual storage lockers.

## **Family Units**

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

- On this site it is required that 20% of the residential units must have at least 2 bedrooms.

## **Amenity Space**

The applicant is proposing 1.5 square metres per residential unit of indoor and outdoor amenity space which is acceptable. The indoor space is not all contiguous which is appropriate given the location of the outdoor space on top of the 2-storey podium, on either side of the tower. However, it is not clear as to where the washrooms and kitchens are located.

- Each amenity space must have direct access to a washroom and a kitchen should be included in any indoor space which is adjacent to an outdoor space.

## **Land Use**

The applicant is proposing a mixed-use building with a grocery store, smaller retail units on the ground floor, offices on the second floor and residential units above. This mix of uses is appropriate for this site, and meets the policies outlined in the Official Plan for *Regeneration Areas*.

## **Traffic Impact, Access, Parking and Servicing**

The proposed building has a service and access corridor that runs through the site between Abell and Lisgar Streets. This corridor includes the access to the underground parking garage for non-residential parking, loading for the grocery store, garbage pick-up and loading for the smaller retail and office uses. A secondary access is located at the southeast end of the site, which provides access to the parking garage for the residential units, and access to the residential lobby. These two service and access areas are well located and contain all the loading and servicing on-site. There are 310 parking spaces proposed to serve the development. City staff are reviewing this amount to determine that it is acceptable.

The initial plans showed that the underground parking at the north end of the site was not fully underground. It contained high windows that faced the park, and let natural light into the commercial parking lot. Both the community and staff requested that the parking level be completely underground for access between the park and the building which is reflected in the revised plans.

## **Open Space/Parkland**

On December 5<sup>th</sup>, 2007 the City of Toronto and the owner reached a settlement relating to the acquisition by the City of a portion of this development site that corresponds



roughly to 90 Lisgar Street. The new park will be created by a combination of land purchased from the applicant, land dedicated as parkland by the applicant and land owned by the City presently used as a laneway and pay parking.

The mediated settlement calls for a strip of land that totals 200 square metres in area being dedicated in partial fulfillment of the parkland dedication requirements. The parkland requirement will be fully met by payment of cash-in-lieu of parkland for the remainder of the 10% parkland requirement.

For the 200 square metre conveyance, the owner shall be responsible for an environmental assessment of the lands and any associated costs or remediation works required as a result of that assessment to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Executive Director of Technical Services. The owner shall also pay the City cash-in-lieu of the value of the base park improvements, for the land dedicated as parkland only and that prior to building permit issuance, the owner shall provide an estimate of the value of the base park condition to the satisfaction of the General Manager, Parks, Forestry and Recreation. The cash in lieu monies collected will be used towards the construction of Lisgar Park.

### **Toronto Green Development Standard**

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. The Standard has 63 possible green development targets. Based on the applicant's submission of the Toronto Green Development Standard Checklist, the proposed development is intended to achieve 36 targets. Some of the targets proposed to be met include:

- 20% of materials harvested, manufactured and supplied within 800 kilometres of the subject site;
- secure bicycle storage;
- zero use of CFC based refrigerants and Halons in fire suppression;
- 45% of materials, including adhesives, sealants, paints, coatings, composite wood and agrifiber products are low emitting;
- 70% of all fixtures are Energy Star compliant;
- 80% of total suspended solids removed from all runoff leaving the site;
- drought resistant plant material used;
- all water features meet efficiency standards;
- a substantial portion of the roof to be a green or white roof;
- storage facilities for recycling and organic waste; and
- no lighting directed towards the sky.

### **Section 37 Benefits**

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. The application at 2-6 Lisgar Street exceeds the permitted density and height and therefore staff will secure benefits which can be used towards any or all of the following:

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

The Section 37 agreement will also secure the materials used to screen the mechanical equipment, secure the green or white roof, and 1:50 elevations of the lower levels of the buildings.

### **Development Charges**

It is estimated that the development charges for this project will be \$2.1 million. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **Conclusion**

Planning staff recommend that City Council direct staff to continue to negotiate with the applicants towards reaching a settlement. This report outlines the changes that are required to be made to the plans to enable Planning staff to recommend a settlement. If Planning staff require further direction from City Council we will report to Council on January 27<sup>th</sup> and 28<sup>th</sup>, 2009.

### **CONTACT**

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### **SIGNATURE**

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

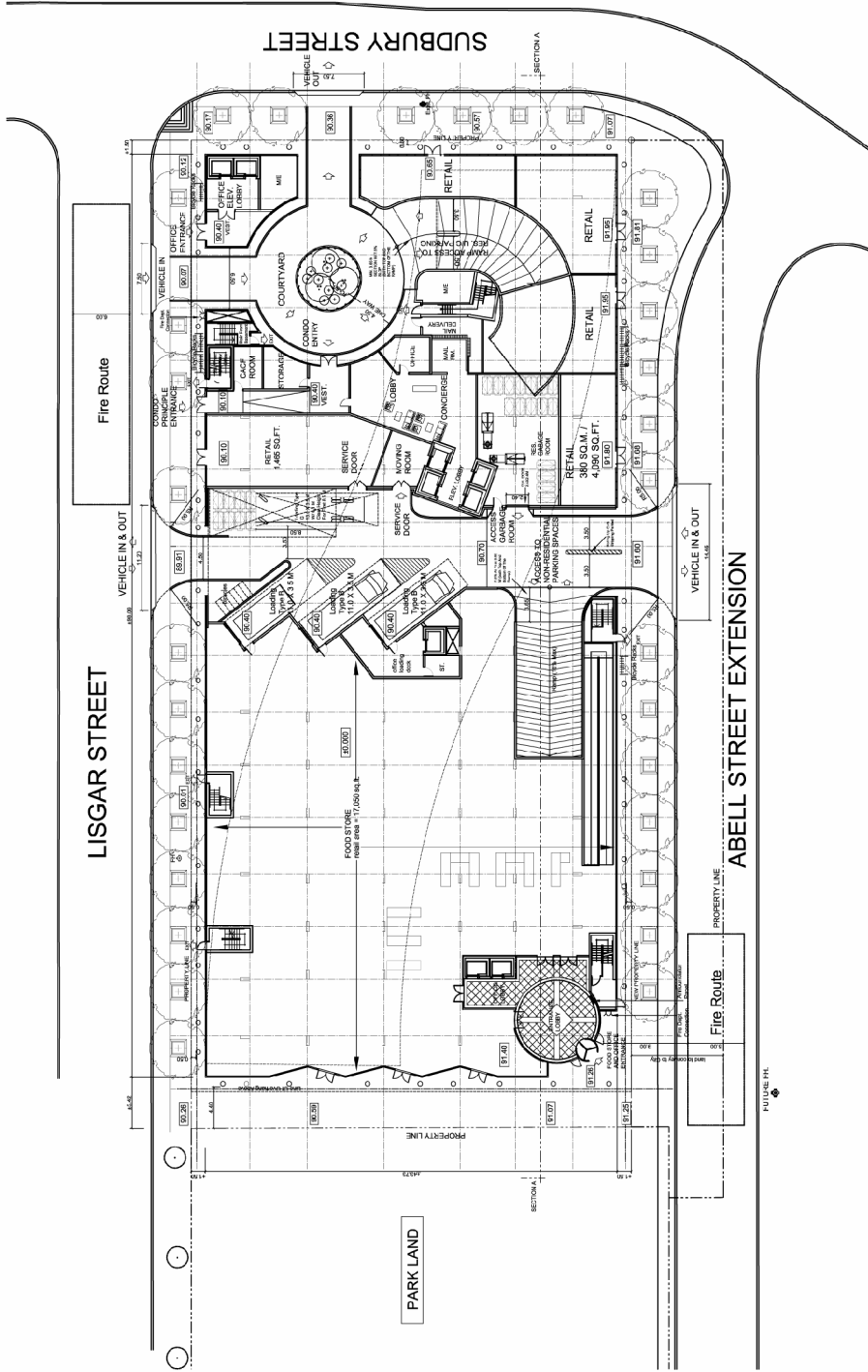
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### **ATTACHMENTS**

Attachment 1: Ground Floor Plan

Attachment 2: Third Floor Plan  
Attachment 3: West Elevation  
Attachment 4: South Elevation  
Attachment 5: North Elevation  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet

Attachment 1: Ground Floor Plan



2 - 6 Lisgar Street

File # 07\_268078

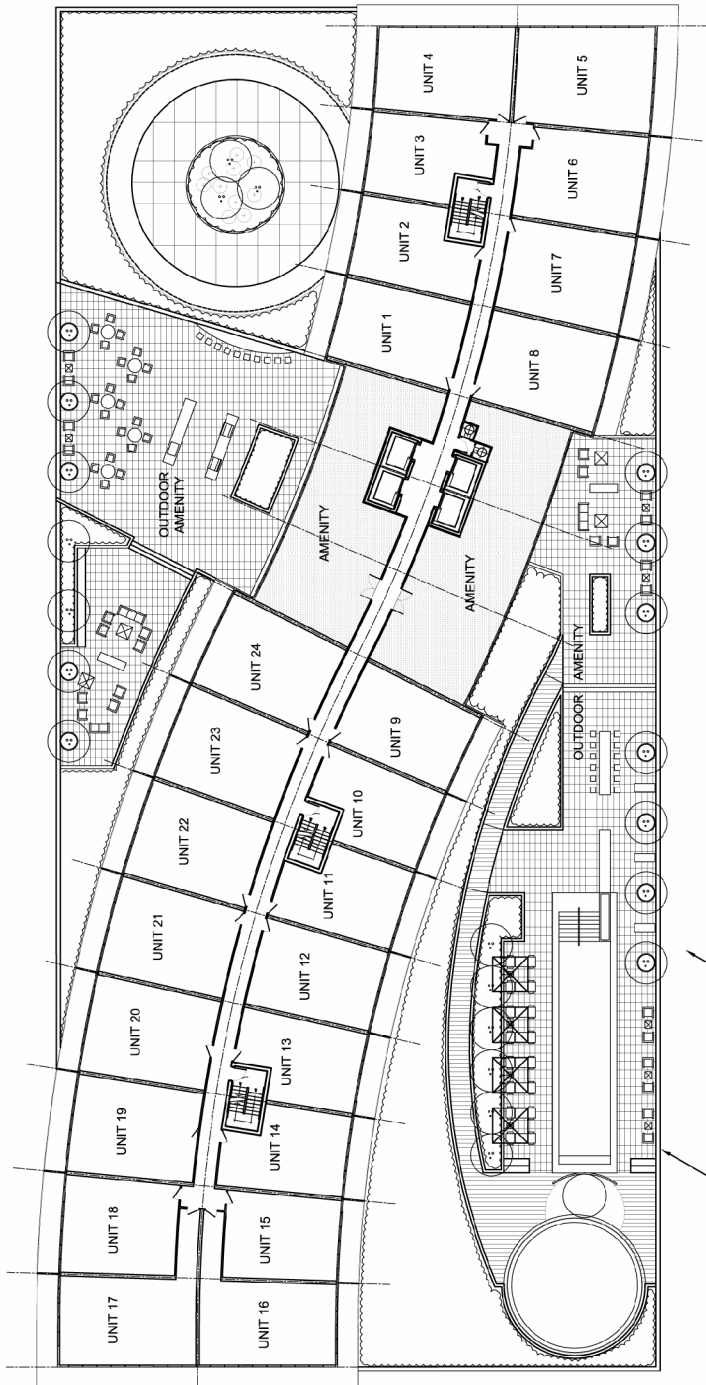
Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale  
11/20/08



Attachment 2: Third Floor Plan



2 - 6 Lisgar Street

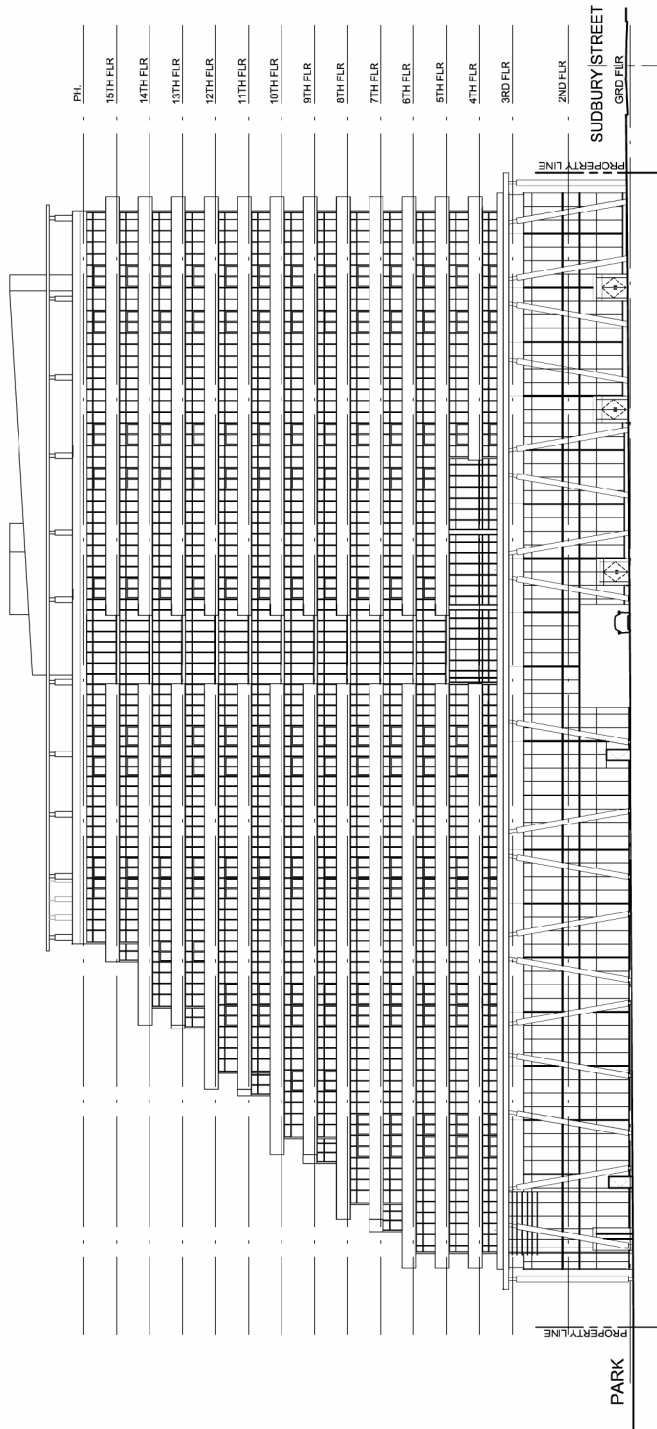
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3rd Floor Plan

Applicant's Submitted Drawing

Not to Scale  
11/20/08

Attachment 3: West Elevation

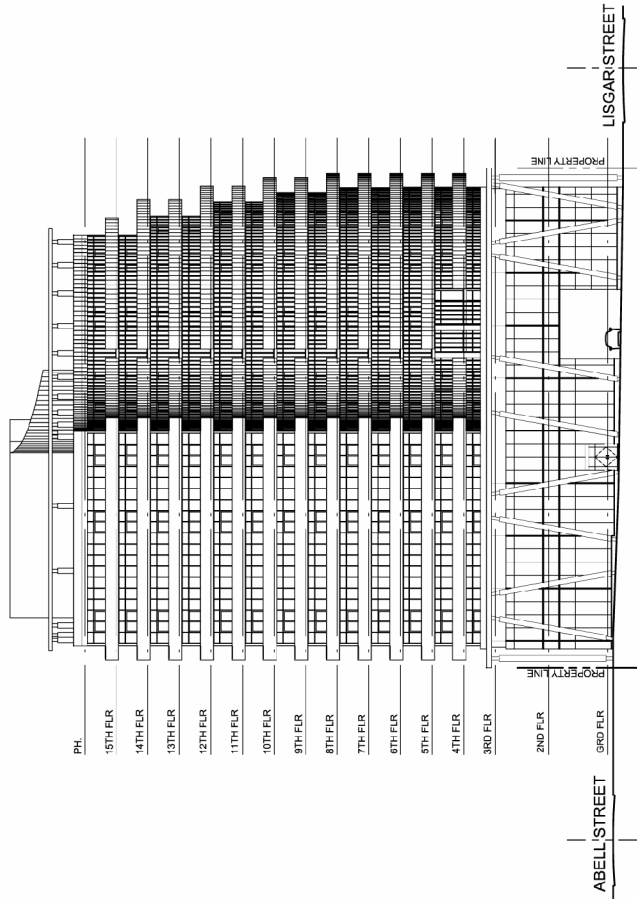


West Elevation

Applicant's Submitted Drawing  
Not to Scale  
11/20/08

2 - 6 Lisgar Street  
File # 07\_268078

Attachment 4: South Elevation



2 - 6 Lisgar Street

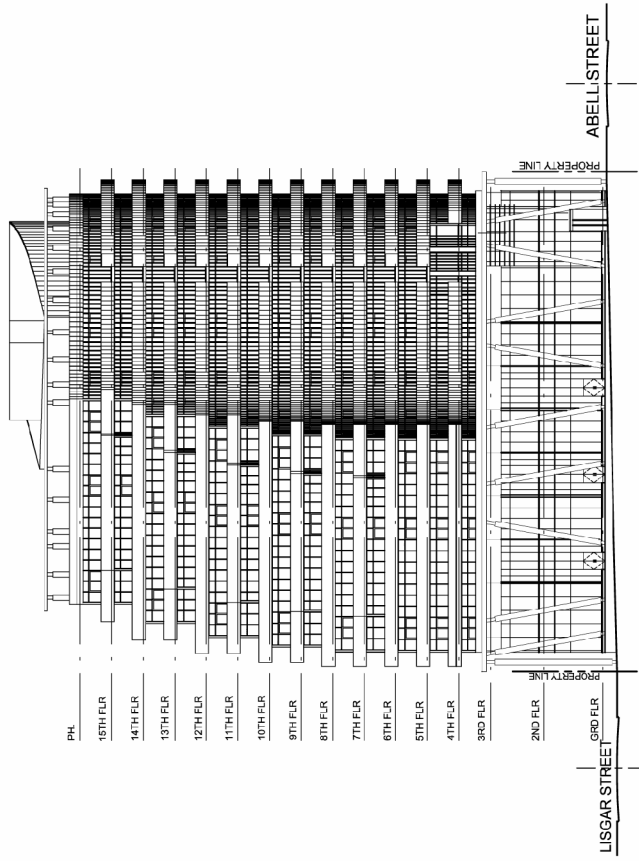
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South Elevation

Applicant's Submitted Drawing

Not to Scale  
11/20/08

Attachment 5: North Elevation



North Elevation

Applicant's Submitted Drawing

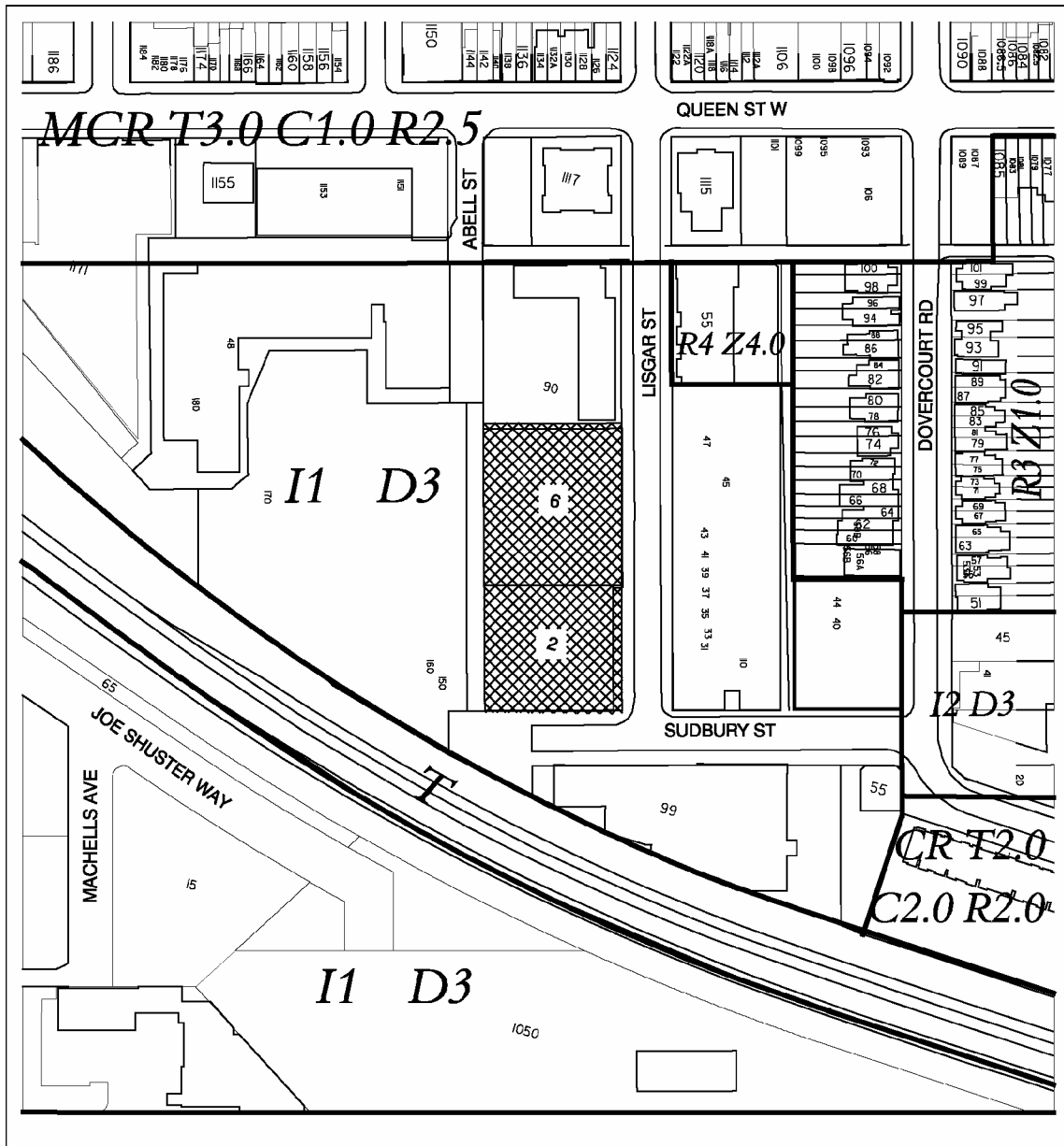
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2 - 6 Lisgar Street

File # 07\_268078



## Attachment 6: Zoning



**2-6 Lisgar Street**  
File # 07\_268078

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



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 11/24/08 - PL

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	07 268078 STE 18 OZ
Details	Rezoning, Standard	Application Date:	October 9, 2007

Municipal Address: 2-6 LISGAR ST

Location Description: PL 960 LTS 10 TO 12 PT LT9 PT ABELL ST CLOSED RP66R-17443 PTS 13&14 WITH ROW FPRM 3 100% \*\*GRID S1807

Project Description: Proposed 15 storey mixed use building consisting of a 2 storey retail podium with 13 floors of residential use above.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BOUSFIELDS INC		PAGE AND STEELE	UNITED PORTUGUESE WHOLESALE

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Area	Site Specific Provision:	
Zoning:	I1 D3	Historical Status:	N
Height Limit (m):	18	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	5971.3	Height:	Storeys:	15
Frontage (m):	56.4		Metres:	50
Depth (m):	104.9			
Total Ground Floor Area (sq. m):	3470			<b>Total</b>
Total Residential GFA (sq. m):	21978		Parking Spaces:	310
Total Non-Residential GFA (sq. m):	6470		Loading Docks	4
Total GFA (sq. m):	28448			
Lot Coverage Ratio (%):	61.7%			
Floor Space Index:	4.76			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	229
2 Bedroom:	62
3 + Bedroom:	9
Total Units:	300

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	21978	21978	0
Retail GFA (sq. m):	2373	2373	0
Office GFA (sq. m):	4097	4097	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Sarah Phipps, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-7622</b>