

**375, 375R, and 381 Queen Street West - Zoning
Amendment Application - Refusal Report**

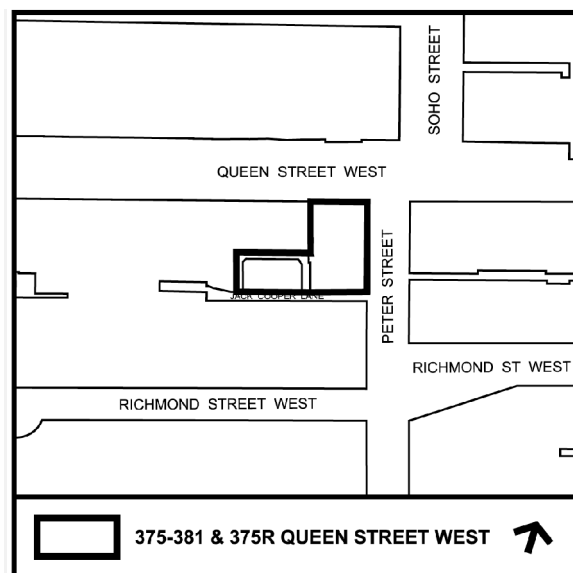
Date:	April 22, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	11-310776 STE 20 OZ

SUMMARY

This application proposes to redevelop the lands at 375, 375R, and 381 Queen Street West with a 7-storey non-residential building containing retail at grade and office uses above.

This report recommends refusal of the Zoning By-law amendment application. The policies contained within the City of Toronto Official Plan provide the basis for refusing this proposal as it does not meet the intent of the Plan as it relates to the conservation of the city's heritage resources. The proposed density and building height do not respect the Queen Street West Heritage Conservation District Plan, nor does it affirm the Zoning By-law for the Queen Street West Heritage Conservation District. In addition, the proposal in its current form would destabilize the Heritage Conservation District by setting an inappropriate precedent and level of intensification, while other properties within the Heritage Conservation District have been restored and redeveloped in conformity with the Heritage Conservation District Guidelines.

The *Ontario Heritage Act* specifies that if a Heritage Conservation District Plan is in effect in a municipality, Council shall not



carry out any public work in the district that is contrary to the objectives set out in the plan, or pass a by-law for any purpose that is contrary to the objectives set out in the Heritage Conservation District Plan.

Staff recommend that City Council refuse the proposal, and that Staff support Council's refusal of the proposed development should the application be appealed to the Ontario Municipal Board.

This report also seeks Council's direction for staff to attend the Ontario Municipal Board in opposition to the development should the application be appealed.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the proposed Zoning By-law Amendment application at 375, 375R, and 381 Queen Street West for the reasons outlined in the report dated March 18, 2013 from the Director, Community Planning, Toronto and East York District;
2. In the case that the applications are appealed to the Ontario Municipal Board, City Council authorize the City Solicitor and necessary City Staff to appear before the Ontario Municipal Board in support of Council's refusal; and
3. In the case that the applications are appealed to the Ontario Municipal Board, City Council direct the Chief Planner and Executive Director to hold an information meeting in the community to discuss the application and to notify owners and tenants within 120 metres of the site and the Ward Councillor.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Pre-Application Meeting

A pre-application meeting was held in October 2011. At the pre-application meeting staff identified that the site was within the Queen Street West Heritage Conservation District, as well as issues with the height and density proposed by the applicant.

The Ward Councillor held a pre-application consultation meeting in the community on October 26, 2011.

Proposal

This application proposes to redevelop the lands at 375, 375R, and 381 Queen Street West with a 7-storey non-residential building containing retail at grade and office uses

above. The applicant's proposal seeks 8,082m² of non-residential gross floor area, resulting in an overall density of 5.33 times the lot area. The overall building height proposed is approximately 36 metres to the top of the mechanical penthouse.

The proposal is intended to function as Phase 2 of the approved 16-storey building located at 364 Richmond Street West and 134 Peter Street. The two phases are proposed to be connected by a building over Jack Cooper Lane, at the second floor. The proposal also seeks to span over a portion of the u-shaped lane to the west above the second floor. Both lanes are owned by the City. No parking spaces are proposed on site. The applicant proposes to secure 37 parking spaces off-site, within 300 metres of the subject site.

Site and Surrounding Area

The site is located at the southwest corner of Peter Street and Queen Street West, and is within the Queen Street West Heritage Conservation District. The site is L-shaped, having 27 metres of frontage on Queen Street West, and approximately 43 metres of frontage on Peter Street. The overall site area is approximately 1,516m².

Development in the vicinity of the site is as follows:

North: The north side of Queen Street West contains mixed-use buildings, with retail at grade, having heights ranging from 1 to 3-storeys. At the corner of Soho Street and Queen Street West, is a commercial parking lot.

East: To the west of the site, Queen Street West consists of mixed-use buildings with retail at grade, having heights ranging in heights from 2 to 4-storeys

South: Immediately south of the site is Phase 1, of the Queen Richmond Centres West, located at 364 Richmond Street West and 134 Peter Street. The site will contain a 16-storey office building which is currently under construction.

West: To the west of the site, Queen Street West contains mixed-use buildings with retail at grade, having heights ranging in heights from 1 to 3-storeys.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Map 2 of the Official Plan identifies that the subject site is located Downtown, one of the areas of the city which can accommodate a vibrant mix of residential and employment growth. The Plan identifies that the Downtown will continue to evolve as a healthy and attractive place to live and work, as new development that supports the reurbanization strategy and the goals for Downtown, is attracted to the area. In particular, Section 2.2.1.1 of the Plan identifies that the Downtown policies of the Plan will shape the City's future by accommodating development that:

- builds on the strength of *Downtown* as the premier employment centre in the GTA; and
- provides a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting.

The subject site is designated *Mixed Use Areas* in the Official Plan. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale. Although *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service uses in the City, not all *Mixed Use Areas* will experience the same scale or intensity of development.

The development criteria in *Mixed Use Areas* includes:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto's growing population on underutilized lands;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks;
- providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors; and
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

The Heritage Resource policies, contained within Section 3.1.5 of the Official Plan speak to heritage resources in the city, and identify that our heritage buildings, districts, and landscapes create a unique sense of place and a rooted sense of local identity and continuity. The Official Plan focuses on conserving Toronto's remaining irreplaceable heritage resources. Policy 3.1.5.1 states that "significant heritage resources will be conserved by: listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties, designating them and entering into conservation agreements with owners of designated heritage properties; and designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character."

Queen Street Heritage Conservation District

The subject property falls within the Queen Street West Heritage Conservation District (HCD). The HCD Plan was adopted by City Council in September 2006, after extensive consultation with the community, ratepayers, and affected landowners. The Queen Street West HCD comprises almost all properties fronting onto Queen Street West from Simcoe Street to Bathurst Street.

In July 2007, as part of a settlement to an objection to the Queen Street West Heritage Conservation District, 219 Queen Street West was excluded from the Heritage Conservation District, and as such, is not subject to the guidelines of By-law 979-2007 that regulates the Queen Street West Heritage Conservation District.

Zoning

The subject site is zoned MCR T3.0 in Zoning By-law 438-86, as amended. This zoning category permits an overall density of 3 times the lot area. The overall building height permitted on the site is 16 metres.

Site Plan Control

The subject site and application are subject to Site Plan Control. A Site Plan Control application has been submitted and is being reviewed concurrently with the Zoning By-law Amendment application.

Reasons for the Application

The applicant is seeking an amendment to the Zoning By-law to permit the height and density proposed. The current maximum height for the site is 16 metres, whereas the applicant is proposing an overall building height of 36 metres. The density permitted on the site is 3.0 times the lot area, or 4,548m² of gross floor area, whereas the applicant is proposing a density of 5.33 times the lot area, or 8,082m² of gross floor area.

Community Consultation

The Ward Councillor held an additional community information meeting on April 10, 2013. Questions and comments raised by individuals included: limiting the size of the retail units in order to maintain the fine grain pattern of Queen Street West, the extent of

demolition to occur, building height, streetscape improvements, and the bridge connection over the public laneway to service this proposal.

COMMENTS

The redevelopment of lands in an established urban setting requires consideration of the immediate site context and the larger area. Developments should recognize the defining urban characteristics of the area into which they are to be inserted and should seek to complement the established urban form. New development must relate, enhance and contribute to its surroundings. This proposal before Council fails to meet these objectives, and should be refused for the reasons outlined in more detail below, and as illustrated in Attachment 2 to this report.

Land Use

The Provincial Policy Statement indicates that the Official Plan is to direct development to suitable areas. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

The subject site is designated *Mixed Use Areas* in the Official Plan. The Official Plan identifies that these areas are intended to achieve a multitude of planning objectives by combining a broad array of residential, office, retail and service uses. *Mixed Use Areas* are intended to be areas which allow residents to live, work and shop in the same area, even in the same building, giving individuals an opportunity to be less dependent upon their automobiles, while creating districts along transit routes that are animated, attractive, and safe. Although *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service uses in the City, not all *Mixed Use Areas* will experience the same scale or intensity of development.

The development criteria contained within Section 4.5.2 of the Official Plan seeks to ensure that, among other matters, development in *Mixed Use Areas* creates a balance of high quality commercial, residential, and institutional uses that reduce automobile dependency while meeting the needs of the local community. The Plan also seeks to create and sustain well paid, stable, safe and fulfilling employment opportunities on lands designated *Mixed Use Areas*. The proposed mix of office and commercial uses is consistent with the land use provisions of the Official Plan. The built form proposed by the applicant does not respond to the policies related to built form, and heritage, particularly given the recognition of this area as a Heritage Conservation District.

Queen Street West Heritage Conservation District and Guidelines

The Queen Street West Heritage Conservation District (HCD) Plan was adopted by City Council in September 2006. The Queen Street West HCD comprises almost all properties fronting onto Queen Street West from Simcoe Street to Bathurst Street, with the exception of 219 Queen Street West. This area of Queen Street contains a significant concentration of heritage resources, and is distinguished because of its built form and

uses. The history and identity of this portion of Queen Street results from strong connections and the relative location of the street within the downtown and adjacent neighbourhoods, from the welcoming pedestrian quality of the street environment, and the scale, rhythm, and composition of buildings that line the street. Much of the appeal and character of the street relate to its heritage attributes.

The Queen Street West HCD Guidelines are intended to provide guidance and assistance to those proposing alterations, new construction and demolition in the Queen Street West HCD. The Guidelines aim to ensure that development in the district maintains or enhances this portion of Queen Street West, as defined in the Heritage Character Statement. The Guidelines state that buildings that contribute to the unique heritage character of the district not be demolished. They also provide for no buildings to be higher than 16 metres, which is the maximum height permitted under the current Zoning By-law.

The current proposal does not meet the HCD objectives or support the heritage character statement within the HCD Plan. The proposal in its current form conflicts with the objectives contained within the Queen Street West HCD Plan and cannot be supported by staff. Heritage Preservation Services will report out under separate cover directly to Toronto Preservation Board with their recommendations on the application.

Height and Massing

The Queen Street West HCD Guidelines contain a section entitled Building Heights. This section of the guidelines identifies that the heritage attributes for the HCD include building heights that typically range between 2 and 4 storeys, and that the upper levels interact with the street through windows and active uses accessible at grade. Other valuable attributes identified include a 16-metre height limit with a stepback at 13 metres. Existing building heights and height limits that allow sunlight to reach the north side of Queen Street West through most of the day and during most seasons. The scale and character of the street create a character and openness that contribute to its popularity and identity as an internationally known main street.

The guidelines, as they relate to building height, identify that that facades must be a minimum of 2-storeys, and no more than the permitted maximum height of 16 metres, and that the existing Zoning By-law allowing a 16 metre height with a stepback at 13 metres along a 45 degree angular plane is affirmed.

The Recommendations Section of the guidelines at no time identify that the existing height limit for Queen Street West should be amended. The 16 meter height limit is affirmed in the Queen Street West HCD Guidelines, and is contained within the Zoning By-law. By affirming the height contained within the Zoning By-law, the HCD Plan, as adopted by Council, upholds the validity of the height as prescribed by Zoning By-law 438-86, as amended.

Both the HCD Guidelines and the Zoning By-law identify a maximum building height of 16 metres with a setback at 13 metres, to which the angular plane is applied. The proposal is able to achieve the setback at 13 metres, with the angular plane above, but seeks to significantly increase the height above the 16 metre height permission.

The applicant proposes to construct a building with an overall height of 36 metres, which is more than 2 times the permitted height in the Zoning By-law, as well as the height that is upheld by the HCD Plan. Due to the depth of the lot, as well as the proposed structure above the public laneway, there is significant height and mass proposed at the rear of the site, which is within the HCD boundary. The scale of the proposal overwhelms Queen Street West, and the properties within the HCD are negatively impacted, as can be seen in Attachment 2. The visual coherence of Queen Street, which results from a continuous street wall, which is defined by the cumulative character of building scale, mass, height and proportion, is not achieved by this proposal. In addition, the overall height proposed by the applicant, regardless of its location within the angular plane remains problematic.

Given that the site is currently occupied by 3-storey mixed-use buildings which have existing building heights of approximately 11 metres, opportunity exists to intensify the site within the permitted height restriction. It should be noted that other sites on Queen Street West, within the HCD, have been able to intensify their sites while complying with the HCD guidelines.

The significant variation between the height of the proposed building and those buildings within the HCD fails to reflect the lower scale of the area. The proposed height is not appropriate in this location. The proposal in its current form ignores fundamental and clearly stated aspects of the Queen Street West HCD including the protection of the scale, character and massing of the Queen Street West Heritage Conservation District as a whole. The proposed increase in height and density could begin a site by site erosion of the coherent streetscape that exists on Queen Street West and there are no particular characteristics of this site that differentiate from others in the HCD.

Laneway

The proposal requires the closure of public laneways. Staff are not supportive of the application in its current form, and as such, the closure of the public laneways to accommodate the proposal is premature unless required for a supportable development.

Conclusion

The policies contained within the City of Toronto Official Plan provide the basis for refusing this proposal because it does not meet the intent of the Plan as it relates to the conservation of the city's heritage resources. The proposed density and building height do not respect Queen Street West Heritage Conservation District. The proposal would destabilize the Heritage Conservation District, and result in a level of intensification which does not comply with the Heritage Conservation District Plan or the Zoning By-law which continues to be appropriate for this area.

Staff recommend that City Council refuse the proposal, and that Staff support Council's refusal of the proposed development should the application be appealed to the Ontario Municipal Board.

CONTACT

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SIGNATURE

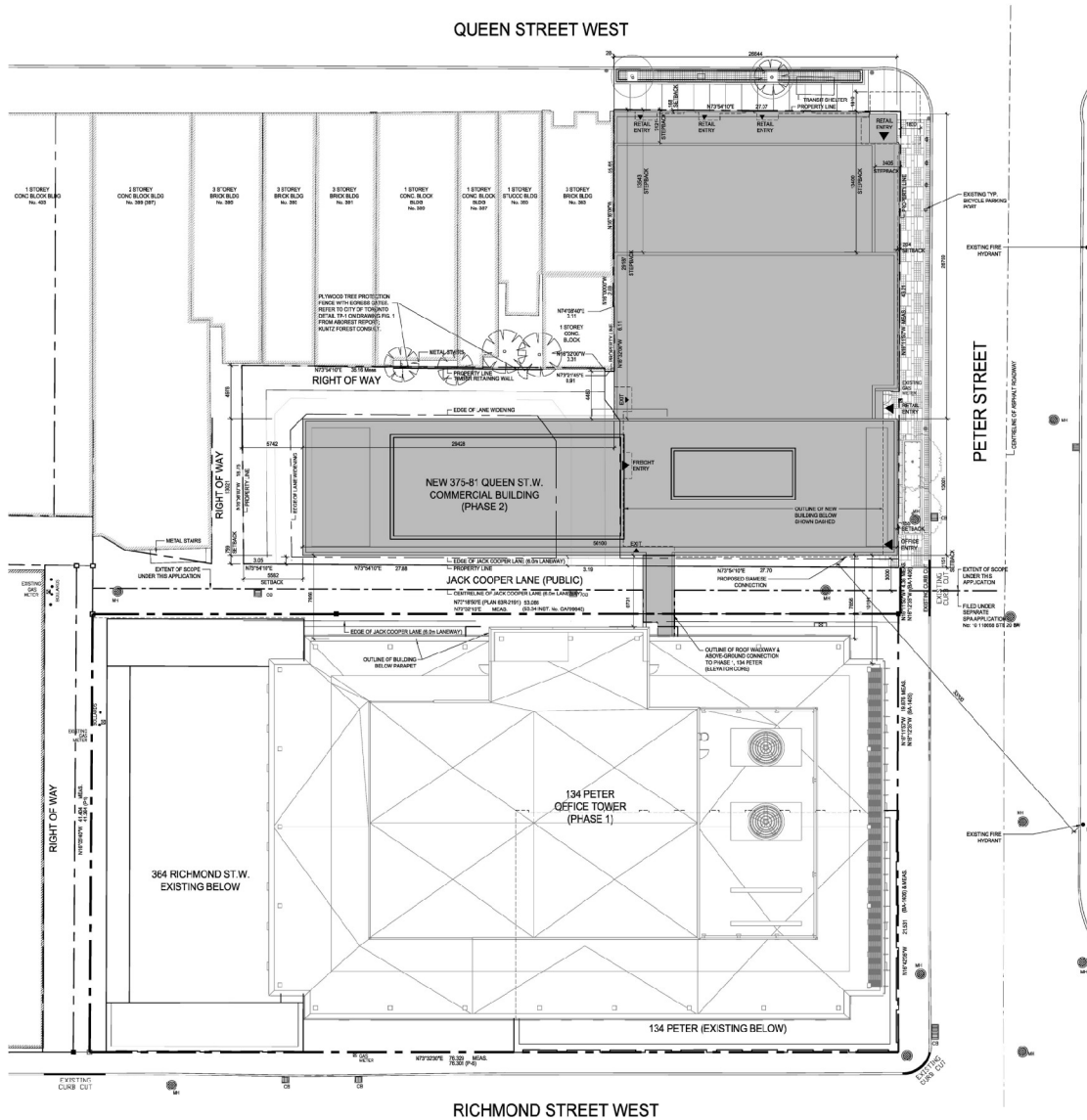
Gregg Lintern, MCIP RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Official Plan
Attachment 7: Zoning
Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

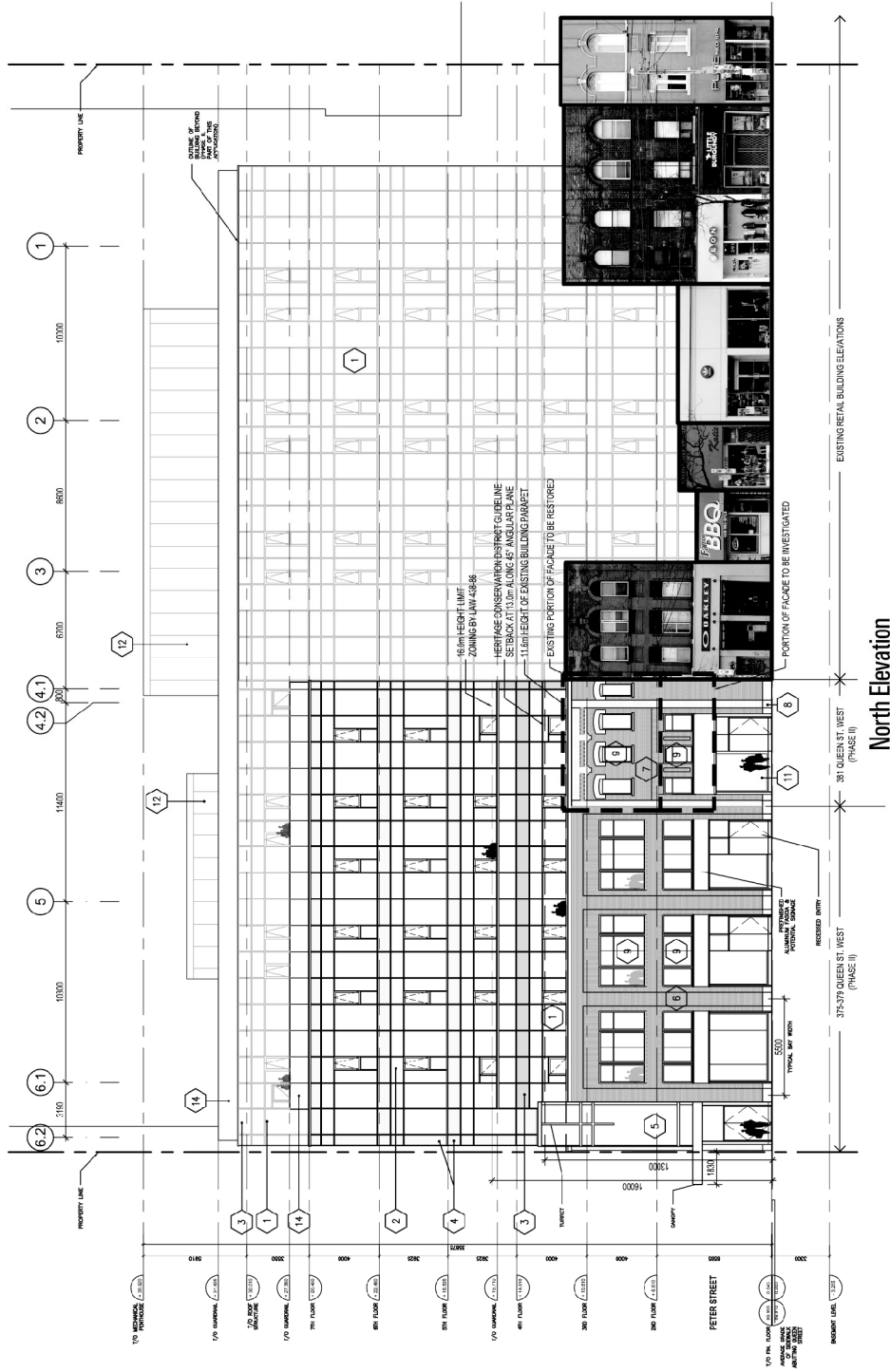
375-381 & 375R Queen Street West

Applicant's Submitted Drawing

Not to Scale 01/19/2012

File # 11 310776 02

Attachment 2: North Elevation

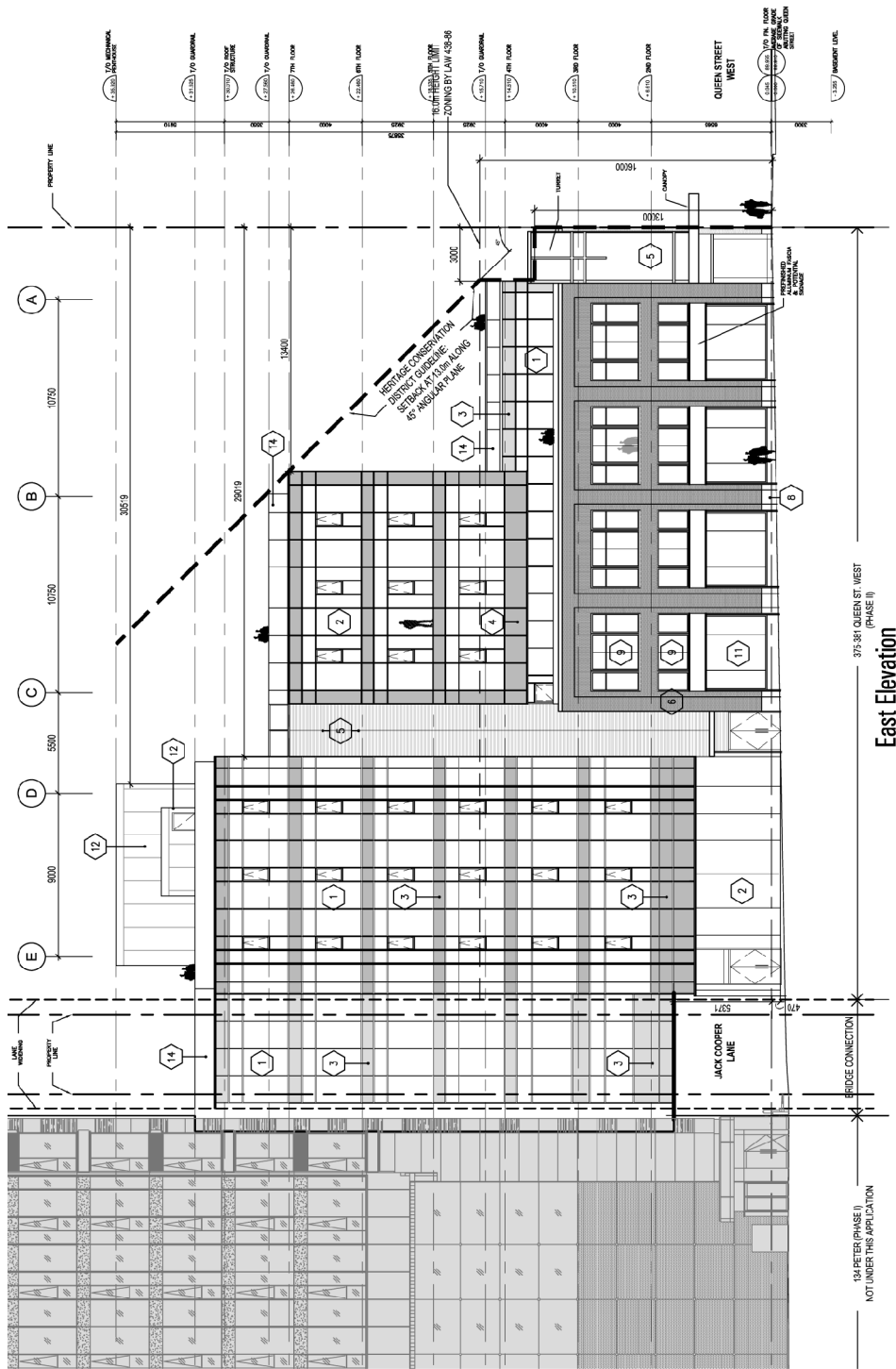


Elevations
Applicant's Submitted Drawing
 Not to Scale
 01/19/2012

375-381 & 375R Queen Street West

File # 11 310776 0Z

Attachment 3: East Elevation



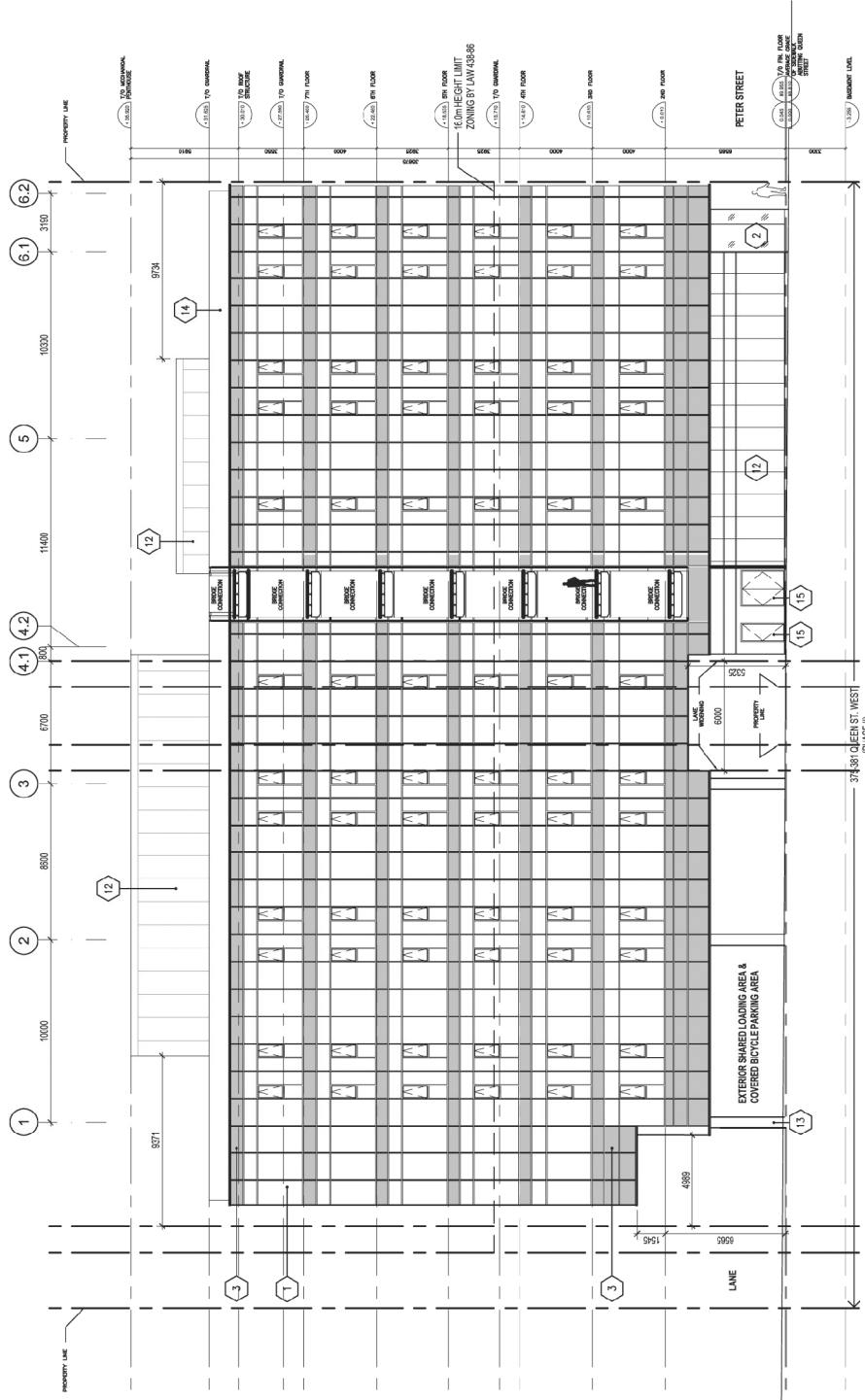
375-381 & 375R Queen Street West

Elevations
 Applicant's Submitted Drawing

Not to Scale
 01/19/2012

File # 11 310776 0Z

Attachment 4: South Elevation



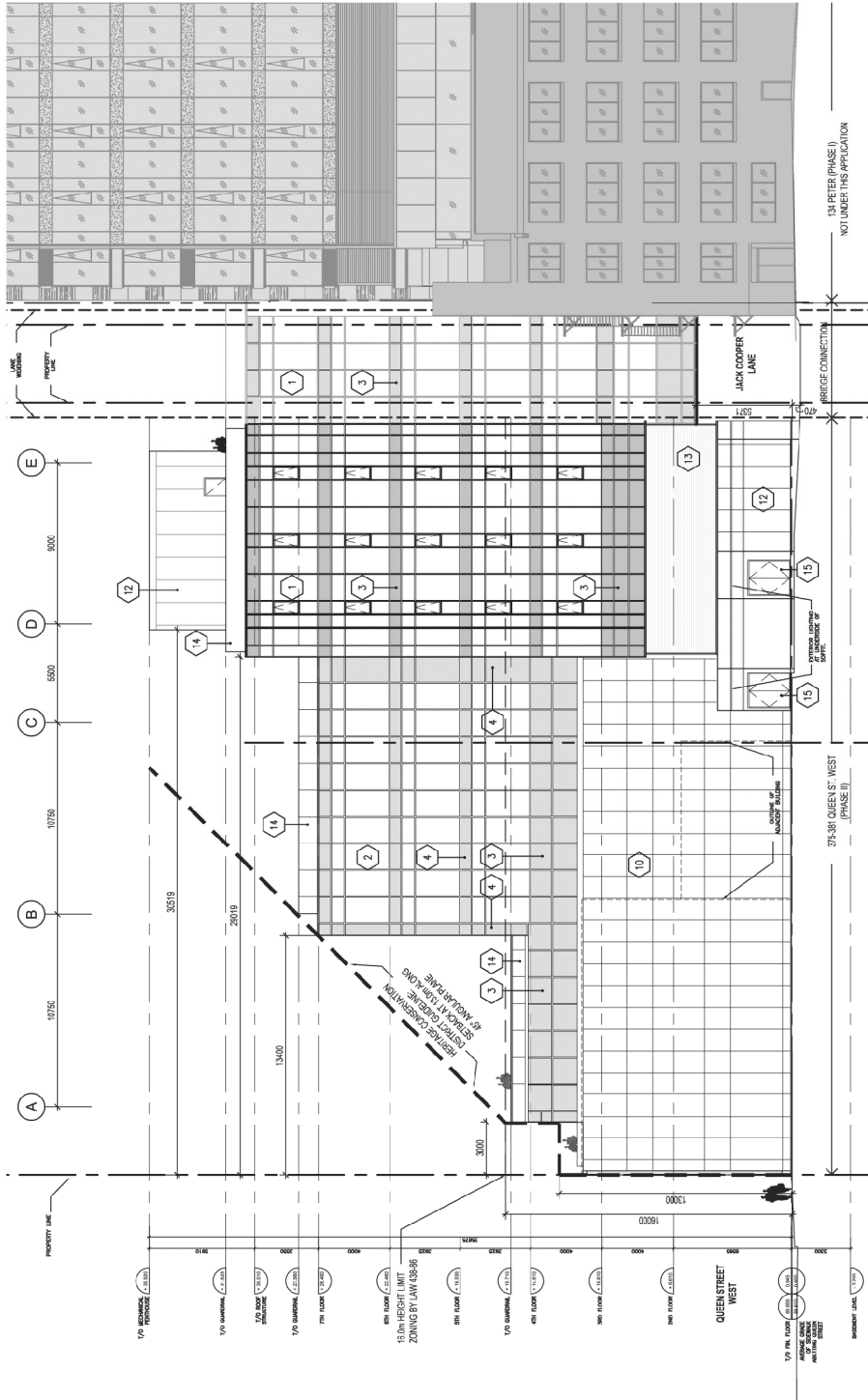
South Elevation

Elevations
Applicant's Submitted Drawing
 Not to Scale
 01/19/2012

375-381 & 375R Queen Street West

File # 11 310776 0Z

Attachment 5: West Elevation



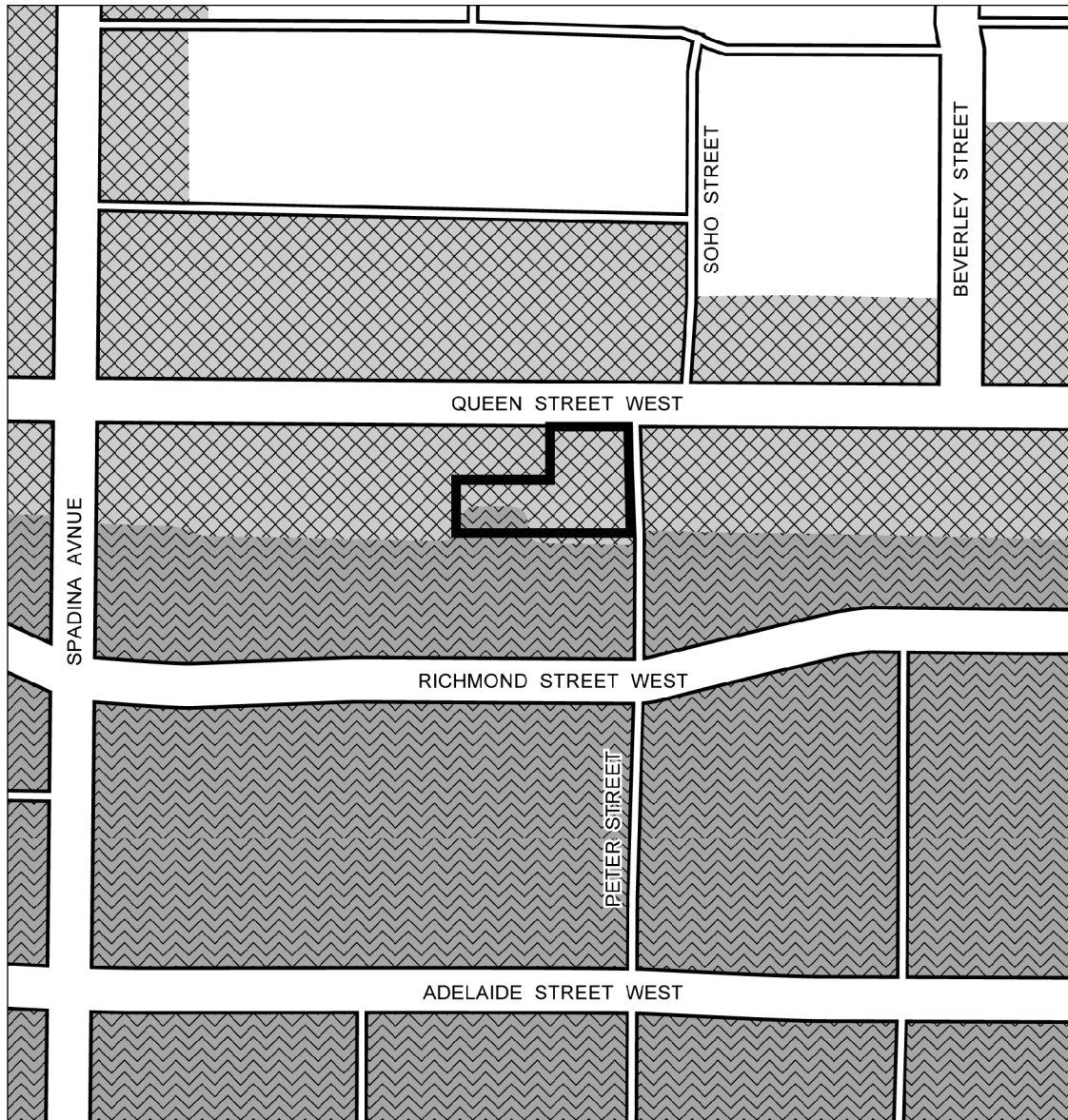
West Elevation

Elevations
Applicant's Submitted Drawing
 Not to Scale
 01/19/2012

375-381 & 375R Queen Street West

File # 11 310776 02

Attachment 6: Official Plan



TORONTO City Planning
Official Plan

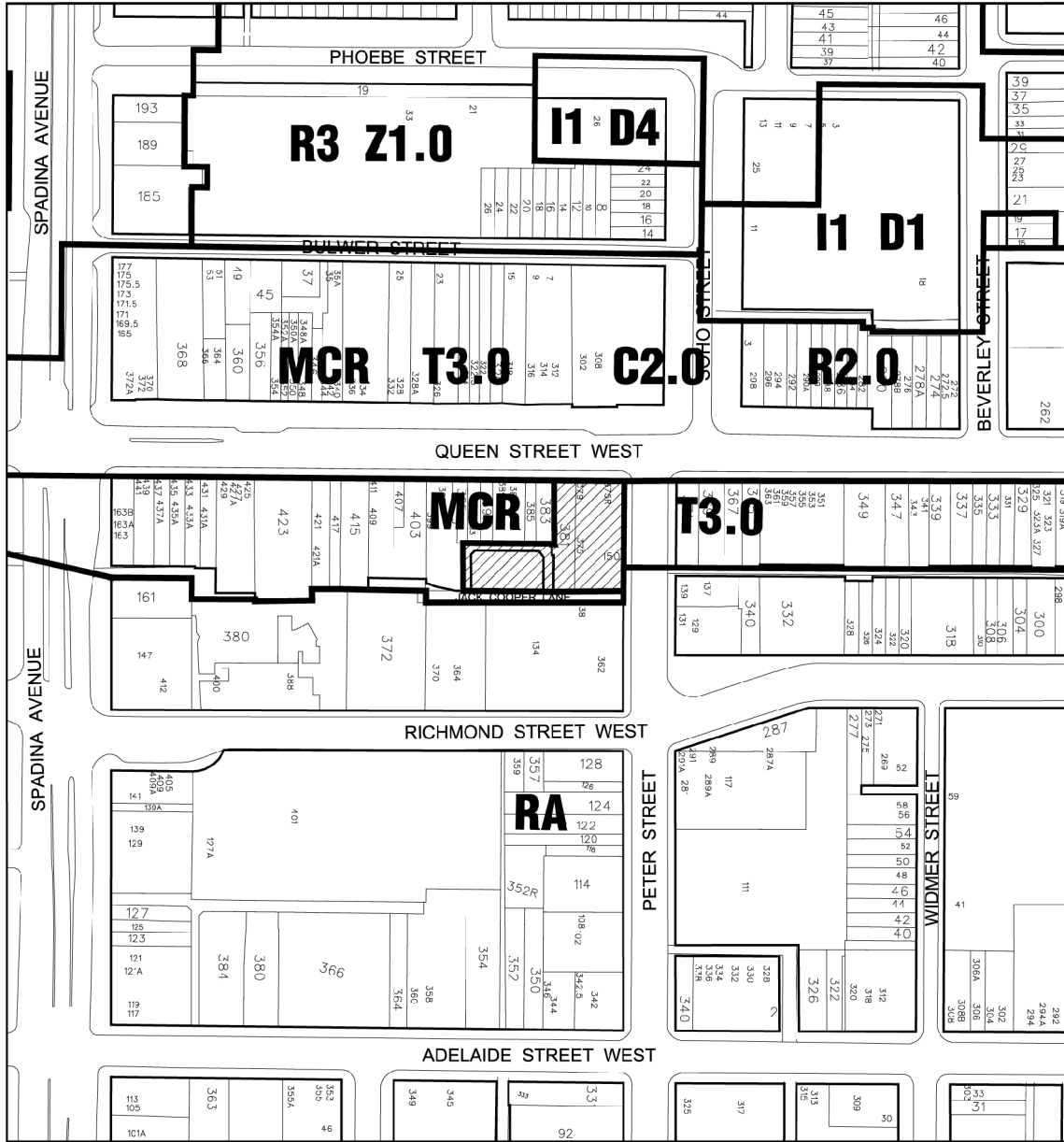
375-381 & 375R Queen Street West

File # 11 310776 0Z

- Site Location
- Neighbourhoods
- Mixed Use Areas
- Regeneration Areas

Not to Scale
 01/23/2012

Attachment 7: Zoning



375-381 & 375R Queen Street West

File # 11 310776 0Z

- R3 Residential District
- RA Mixed-Use District
- MCR Mixed-Use District
- I1 Industrial District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 01/23/2012

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	11 310776 STE 20 OZ
Details	Rezoning, Standard	Application Date:	November 16, 2011
Municipal Address:	375 QUEEN ST W		
Location Description:	PLAN 1B LOT 20 PT LOT 21 RP 63R4373 PART 2 RP 63R3570 PARTS 8 TO 10 **GRID S2013		
Project Description:	Rezoning and Site Plan approval applications to permit a seven-storey (plus mechanical penthouse) non-residential building containing retail at grade and retail/office uses above. Part of the proposed building (second to the seventh floors) would be constructed over that part of Jack Cooper Lane to create a connection to the development occurring on the lands to the rear at 134 Peter Street. A similar connection is also proposed over the portion of the public lane separating 375 Queen Street West and 375 R Queen Street West. Parking for the development would be secured at an off-site location.		

Applicant:	Agent:	Architect:	Owner:
SWEENEY STERLING FINLAYSON & CO.		SWEENEY STERLING FINLAYSON & CO.	375-381 QUEEN STREET WEST INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	MCR T3.0	Historical Status:	Y
Height Limit (m):	16	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	824.1	Height:	Storeys:	7	
Frontage (m):	19.3		Metres:	35.92	
Depth (m):	42.7				
Total Ground Floor Area (sq. m):	990				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	37	
Total Non-Residential GFA (sq. m):	8082		Loading Docks	5	
Total GFA (sq. m):	8082				
Lot Coverage Ratio (%):	0				
Floor Space Index:	5.33				

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	1578	140
Office GFA (sq. m):	6010	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Marian Prejel, Senior Planner
	TELEPHONE:	(416) 392-9337