

**1155 Queen St W – Zoning Amendment Application –  
Final Report**

<b>Date:</b>	February 26, 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 171926 STE 18 OZ

**SUMMARY**

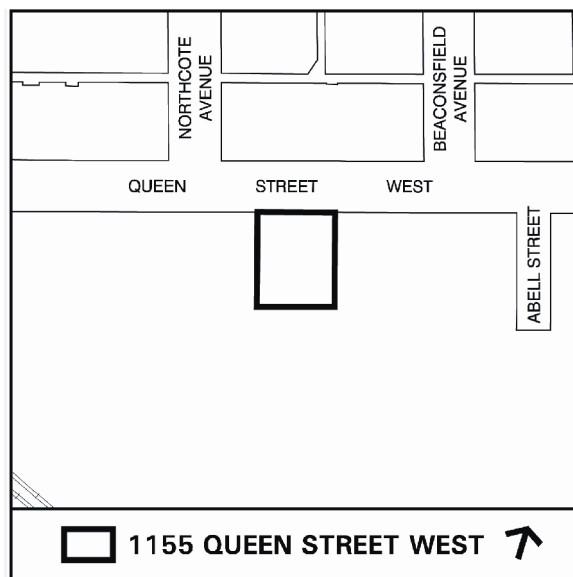
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes an 8-storey (26 metre) mixed use building containing 40 residential units, and non-residential units at grade and second floor, at 1155 Queen Street West. This report reviews and recommends approval of the application to amend the Zoning By-law 438-86.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the Zoning By-law for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;



3. City Council require the owner to provide and maintain an irrigation system, at the applicants expense, for the proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services, and requirements to maintain in good order and operation; and
4. Before introducing the necessary Bills to City Council for enactment, City Council authorize the appropriate City officials and require the owner to execute an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor. The agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
  - (i) \$175,000 towards:
    - (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 artscape management organization approved by the Chief Planner in consultation with the Executive Director, Toronto Culture; or
    - (b) the development or construction of Lisgar Park; or
    - (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;
  - (ii) street tree irrigation;
  - (iii) public accessibility to the landscaped open space and Mews;
  - (iv) integration and connectivity of the landscaping; and
  - (v) servicing requirements.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting of July 16-18 2007, Council adopted City-initiated Official Plan and Zoning By-law Amendments for the entire West Queen West Triangle generally bounded by Queen Street West, Sudbury Street and Dovercourt Road, and including this site. By-laws have not yet been enacted to implement the amendment to the Official Plan.

This site is adjacent and connects to an approved development at 1171 Queen Street West. That development was approved by the Ontario Municipal Board (the “OMB”). The OMB decision was appealed by the City and a settlement subsequently accepted by Council at its meeting on July 16-19, 2007.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is for an 8-storey (26 metre) mixed-use building with commercial uses at grade and on the second floor and residential uses above. Total proposed density is 5.09 times the area of the lot (5,451 square metres). 40 residential units are proposed, along with 55 parking spaces.

### **Site and Surrounding Area**

This flat, 1,070 square metre site is located on the south side of Queen Street West. There is a carwash on the site now.

Adjacent existing uses are:

- North: various stores and other commercial uses in low-rise buildings on the north side of Queen Street West
- South: a private laneway and a 3-storey industrial building
- East: an art supply store, offices and residential units in a 2 storey building
- West: a 1 storey sales centre for a residential condominium

Recently approved future uses and buildings adjacent to this site include:

- South: a mixed use development (referred to as 48 Abell Street) including 190 affordable dwelling units and artist live/work studios in an 18 storey building and commercial and light industrial uses as well as dwelling units in a mixed use building of up to 14 storeys.
- West: a mixed use development (referred to as 1171 Queen Street West) including commercial and dwelling units in an 8 storey building and a 20 storey building.

### **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. This proposal is 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. This proposal is consistent with the Growth Plan.

## **Official Plan**

The New Official Plan designates this site as a Regeneration Area and identifies it as Avenue on the Urban Structure Map (Map 2). It is also part of the Garrison Common North Secondary Plan area.

Regeneration Areas are areas of the City which should include a mix of uses including commercial, residential, live/work, institutional and light industrial. These are areas that 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.

Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

The Garrison Common North Secondary Plan's major objectives include ensuring that new development be integrated into the established city fabric, include a variety of land use and densities including community services and facilities, provide for a range of housing types in terms of size, type, affordability and tenure

Relating to urban structure and built form, the Plan calls for new developments to be designed to easily adapt to conversion with particular focus on street level spaces, to facilitate changes in market demand for services and activities, to provide for a range of dwelling types, with an emphasis on grade related units that are suitable for households with children and to share open space, parking facilities and servicing areas between development parcels, where possible.

## **Zoning**

The current zoning for the site is MCR T3.0 R2.5 C1.0, permitting mixed commercial-residential development up to a total density of 3.0 times the area of the lot, with a maximum residential density of 2.5 times the area of the lot and a maximum commercial density of 1.0 times the area of the lot.

The height limit for the site is 16 metres, and is subject to an angular plane rising inward over the lot at a 45 degree angle from a point 13 metres above the north property line.

## **Site Plan Control**

An application for Site Plan Control has been submitted and is being reviewed.

## **Reasons for Application**

The proposed development does not comply with the in-force Zoning By-law.

## **Community Consultation**

A community consultation meeting was held on November 13, 2007 which covered this proposal as well as applications at 1093 and 1181 Queen Street West. Approximately 60 people attended the meeting. Comments from the meeting about this proposal included:

- the design of the building is not appropriate for the character of the neighbourhood;
- the character of new buildings in this area should be eclectic;
- the south side of Queen Street is going to look like one big building, not small, individual storefronts;
- there should be more environmental features proposed for this building;
- the proposed height is too tall;
- the proposed height is fine;
- the artist live and work space needs to be protected;
- there is already too much traffic in this area;
- there is too much parking proposed; and
- there is not enough parking proposed given that parking in the neighbourhood is already difficult.

Consideration was given to all the comments received at the meeting and the issues raised by the community are addressed in the Comments section 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 and to formulate appropriate by-law standards.

## **COMMENTS**

### **Land Use**

The proposal is for a mixed-use building containing, retail, commercial and residential uses. This mix of uses is provided for in the in-force zoning and is appropriate for the site. The ground floor retail space will provide animation to Queen Street West, and will line up with the streetwall that has been approved along the south side of Queen Street.

As part of the Ontario Municipal Board settlement on the adjacent site, 1171 Queen Street West, the owner has agreed to provide a total of 0.625 times coverage of non-residential space, over the following sites: 1181, 1171, 1155, 1093 Queen Street West and 2-90 Lisgar Street. On this site, the proposed non-residential density is 1.68 times the area of the lot.

### **Density, Height, Massing**

The proposed building is 8-storeys tall, with stepbacks at the 5<sup>th</sup> and 7<sup>th</sup> floors. From Queen Street the first four floors are set back 2.5 metres from the property line, the 5<sup>th</sup> and 6<sup>th</sup> floors are setback a further 4 metres (6.5 metres from the property line) and the 7<sup>th</sup> and 8<sup>th</sup> floors are setback a further 5 metres (11.5 metres from the property line). These

stepbacks ensure that the building complies with the 45 degree angular plane from the property line at 14 metres in height, across the rest of the site. On the south side of the building, there is a stepback 2 metres from the property line for the first 2 floors, 7 metres from the property line at the 3<sup>rd</sup> floor, and 8.5 metres above the 6<sup>th</sup> floor.

A 3.0 metre mechanical penthouse is proposed, and it is set back at least 3.0 metres from the edges of the building, respecting the 45 degree angular plane on Queen Street.

The proposed built form will fit into the built form context, as defined primarily by the approved building at 1171 Queen Street West and is appropriate for the site. The setback at the property line will ensure a widened sidewalk along the south side of Queen Street West, and the stepbacks at the 5<sup>th</sup> and 7<sup>th</sup> storeys will allow sunlight to penetrate to the north sidewalk during the middle of the day, and will provide an appropriate scale next to the pedestrian realm.

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

This building is being built in conjunction with the approved building at 1171 Queen Street. These two buildings will share access, amenity space, elevator cores, loading, garbage and recycling rooms and the underground parking garage.

A total of 55 parking spaces for this development are proposed in a 2 level underground parking garage which is joined with the parking garage at 1171 Queen Street West. The parking exceeds the requirements listed under the West Queen West Triangle By-law (not yet in force). The 5 visitor parking spaces will be located under the development at 1171 Queen Street West which is acceptable. The access for the shared underground parking garage is off Sudbury Street.

The proposal will provide 30 bicycle parking spaces, 24 for residents and 6 for visitors. This is an appropriate number of spaces. The resident bicycle parking spaces are to be provided indoors, but cannot be provided inside lockers.

All the servicing for the development at 1155 Queen Street will occur in shared facilities in the development at 1171 Queen Street. The garbage and recycling rooms have been enlarged to service both developments.

### **Open Space/Parkland**

No significant outdoor open space is provided on the property at 1155 Queen Street West. The required amount of open space is provided at 1171 Queen Street West. Given that these two buildings are being developed comprehensively it is appropriate to consolidate the open space in one area. A pedestrian Mews and a generous pedestrian linkage from Queen Street to the proposed extension of Sudbury Street will provide adequate outdoor amenity space for residents.

### **Streetscape**

The building has been setback 2.5 metres from the property line along Queen Street West which will allow for a 5.5 metre sidewalk, from building face to curb, or 4.0 metres from

building face to street trees. The proposed development includes a ground floor, floor to floor height of 4.5 metres to allow for a greater flexibility of uses. This is consistent with the ground floor height of 4.5 metres at 1171 Queen Street West. In addition, the draft By-law limits the size of the retail spaces on the ground floor to a maximum of 465 square metres, to reflect the retail character of the area.

### **Toronto Green Development Standard and Environment**

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 62 possible green development targets. Based on the applicant's submission of the Toronto Green Development Standard Checklist, the proposed development is intended to achieve 38 targets. Some of the targets proposed to be met include:

- the primary entrance of the proposed building is within 200 metres of a transit stop and direct integration with existing pedestrian routes;
- dedicated parking spaces for car-sharing;
- zero use of CFC-based refrigerants and Halons in fire suppression;
- a combination of a green roof and light coloured roofing materials over 75% of the roof;
- 90% of materials including adhesives, sealants, paints, coatings, carpets, composite wood and agrifiber products are low-emitting;
- 70% of the appliances are Energy Star compliant;
- all water features meet efficiency standards;
- user friendly and accessible handling and storage facilities provided for recyclable and organic waste;
- 15% of the projects materials are comprised of recycled content; and
- Bird friendly development guidelines are adhered to.

The applicant is also pursuing LEED (Leadership in Energy and Environmental Design) certification for the development.

### **Section 37**

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 1155 Queen Street West exceeds the permitted density and height and therefore staff have secured \$175,000.00 which can be used towards 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 artscape management organization approved by the Chief Planner in consultation with the Executive Director, Toronto Culture; or
- (b) the development or construction of Lisgar Park; or
- (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.

The applicant is required to enter into the Section 37 agreement prior to the Bills being introduced to City Council.

### **Development Charges**

It is estimated that the development charges for this project will be \$382,400. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **CONTACT**

Sarah Phipps, Planner

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Fax No. (416) 392-1330

E-mail: sshipps1@toronto.ca

### **SIGNATURE**

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

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### **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Ground Floor Plan

Attachment 3: Elevation

Attachment 4: Elevation

Attachment 5: Elevation and Section

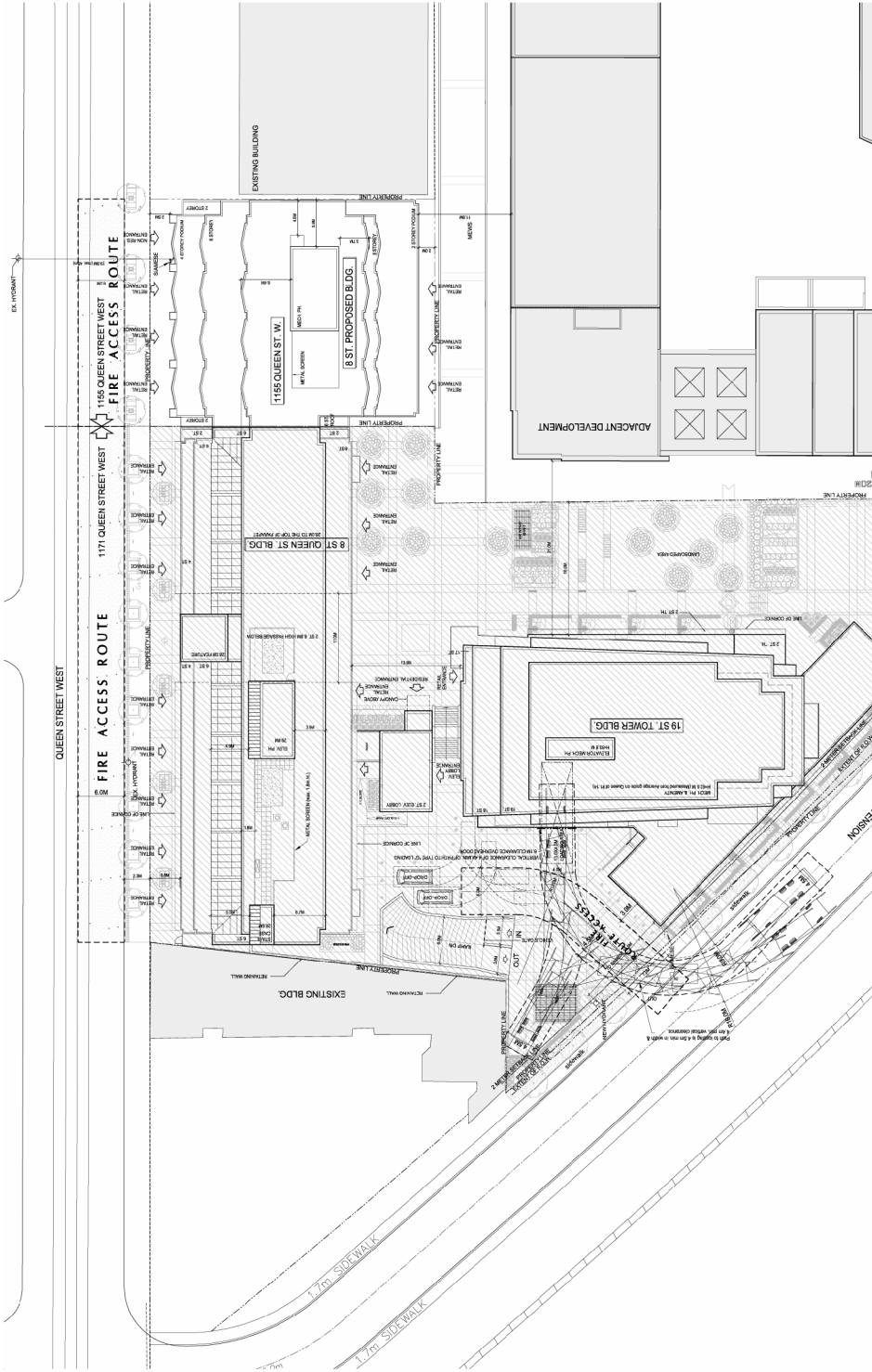
Attachment 6: In-force Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment



# Attachment 1: Site Plan



1155 Queen Street West

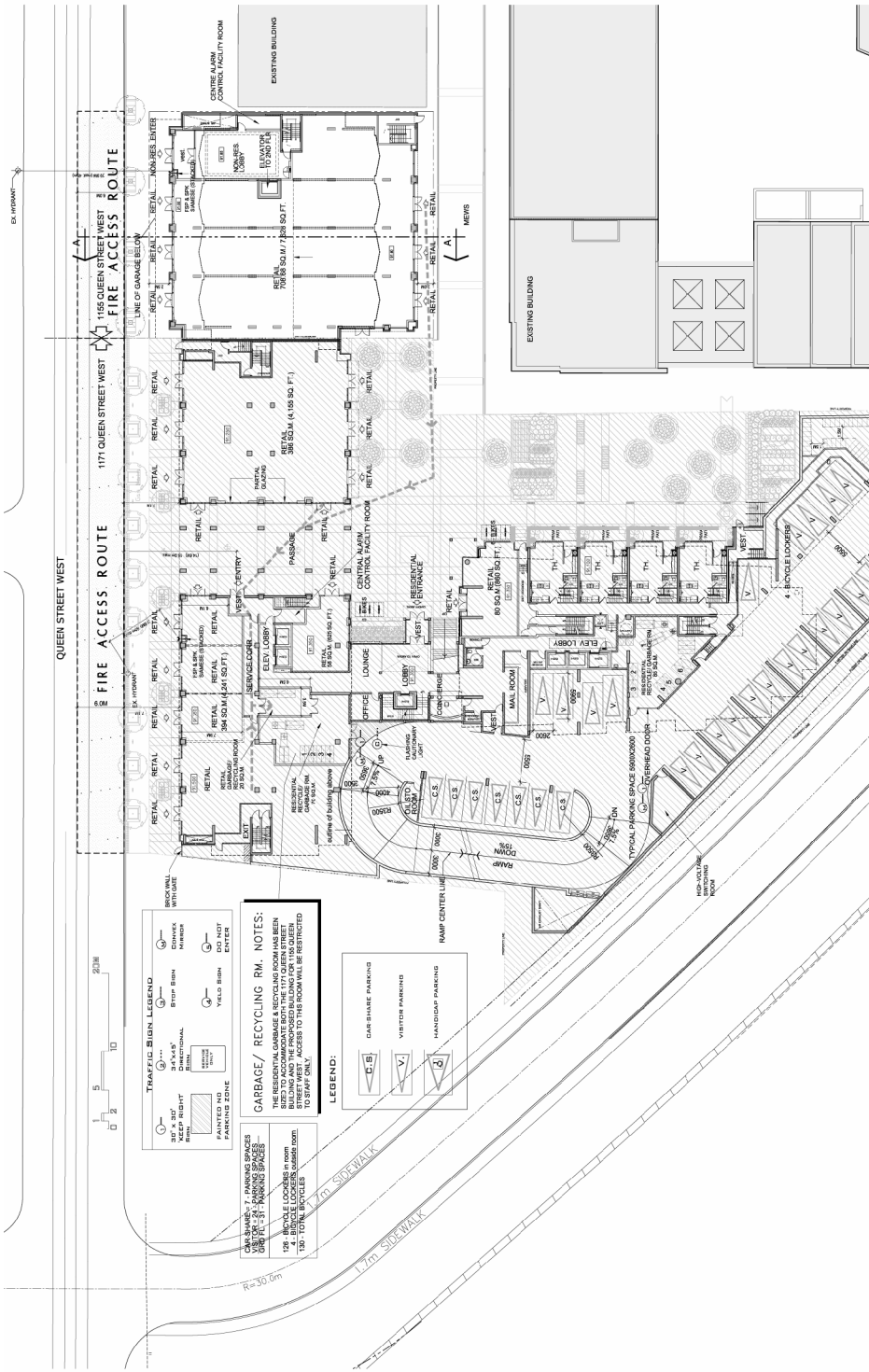
**Site Plan**  
 Applicant's Submitted Drawing

File # 07\_171926

Not to Scale  
 03/04/08



# Attachment 2: Ground Floor Plan



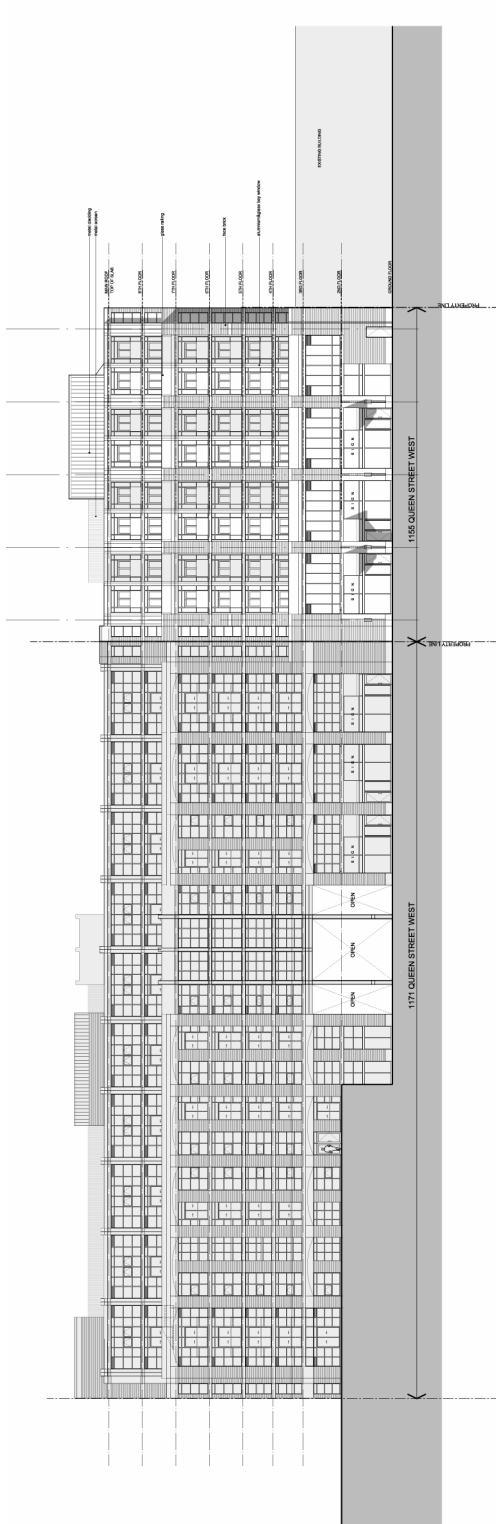
1155 Queen Street West

Ground Floor Plan  
 Applicant's Submitted Drawing

File # 07\_171926

Not to Scale  
 03/04/08

Attachment 3: Elevation



South Elevation

Elevation

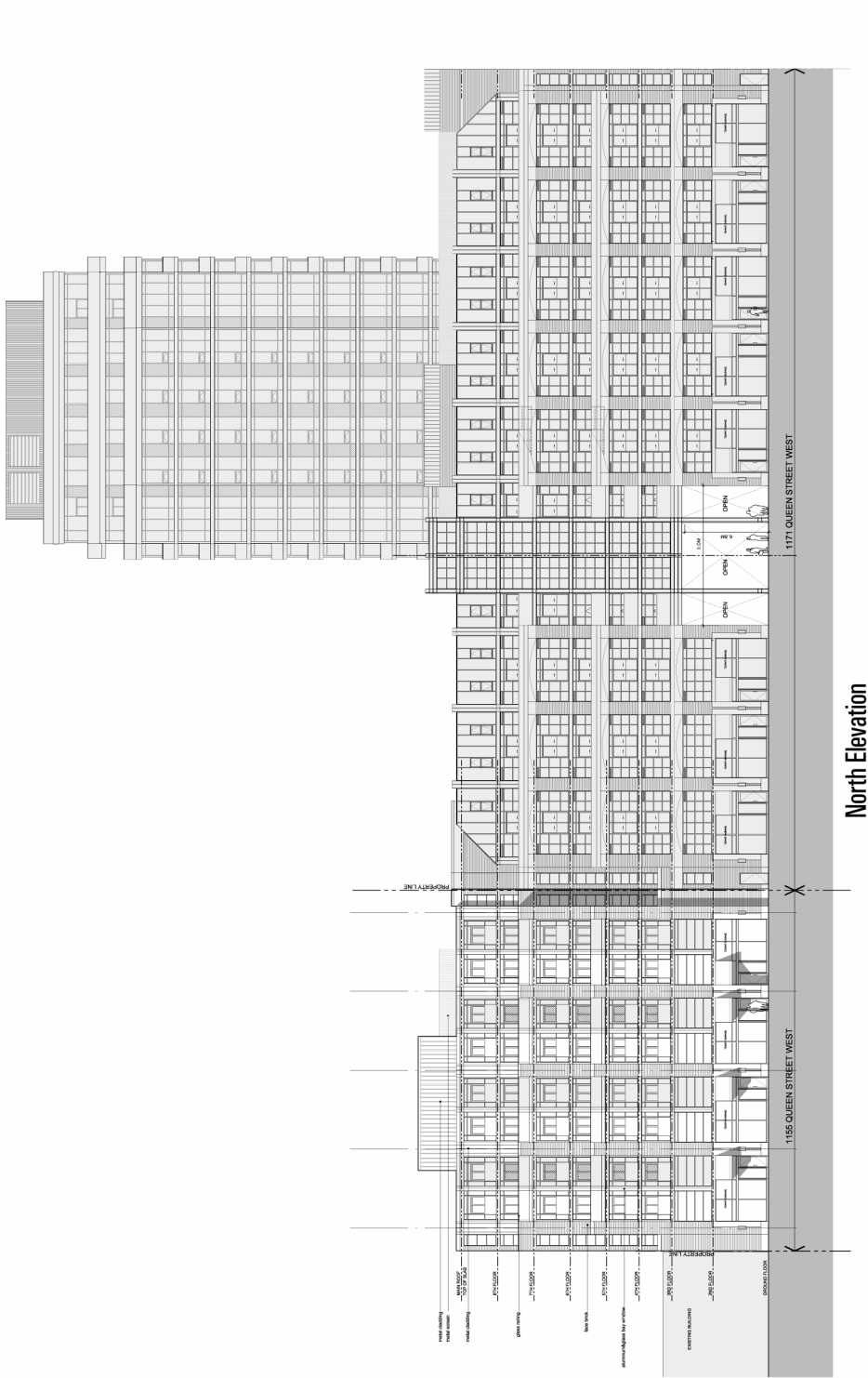
Applicant's Submitted Drawing

Not to Scale  
03/04/08

1155 Queen Street West

File # 07\_171926

# Attachment 4: Elevation



**Elevation**

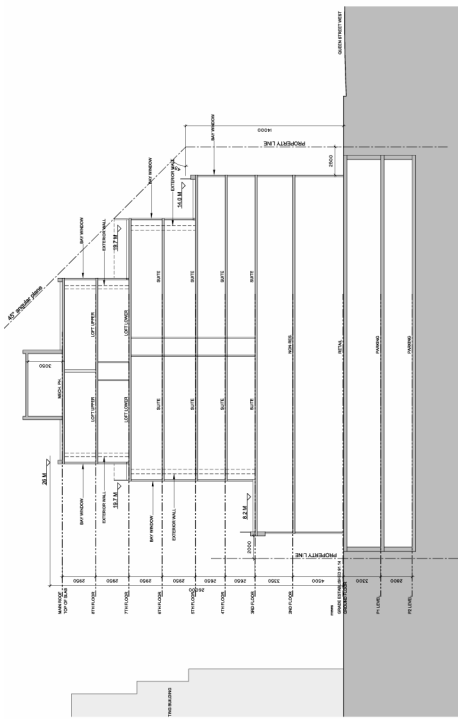
Applicant's Submitted Drawing

Not to Scale  
03/04/08

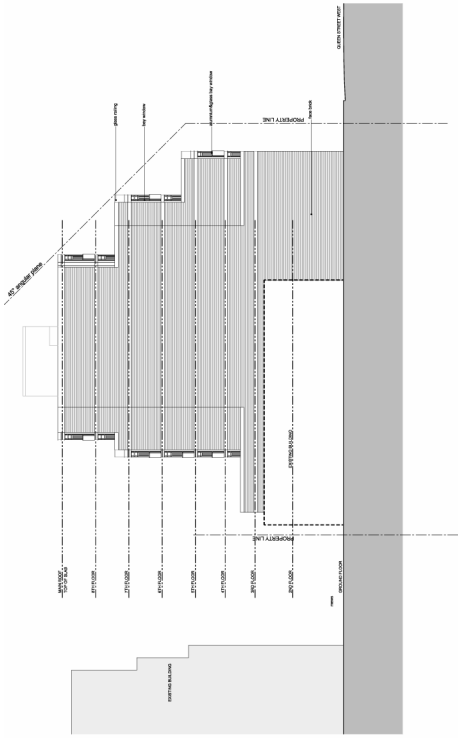
**1155 Queen Street West**

File # 07\_171926

**Attachment 5: Elevation and Section**



**Section A-A**



**East Elevation**

**1155 Queen Street West**

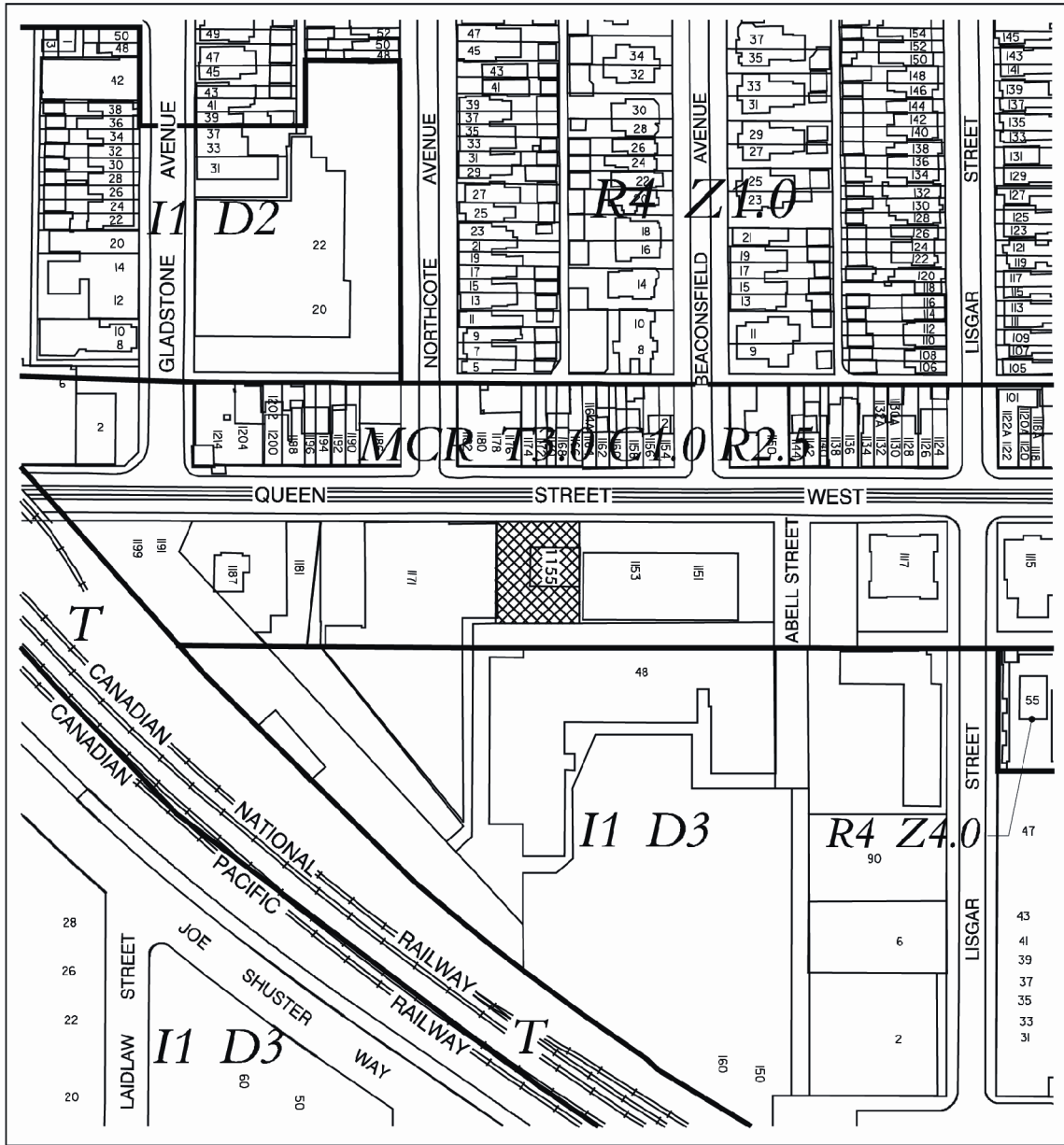
**Elevation**

Applicant's Submitted Drawing

Not to Scale  
03/04/08

File # 07\_171926

## Attachment 6: In-force Zoning



1155 Queen Street West

File # 07\_171926

- R4 Residential District
- MCR Mixed-Use District
- I1 Industrial District
- T Industrial District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 05/24/07 - TA

## Attachment 7: Application Data Sheet

Application Type	Zoning Amendment	Application Number:	07 171926 STE 18 OZ
Details	Rezoning, Standard	Application Date:	April 24, 2007

Municipal Address: 1155 QUEEN ST W

Location Description: PT ORDNANCE RESERVE WITH ROW \*\*GRID S1807

Project Description: Proposed 8-storey mixed-use, street-related residential condominium building fronting on Queen Street West. Overall building height of approximately 26 metres and a total gross floor area of 5451 square metres and 40 residential units. This building will share facilities with the adjacent building at 1171 Queen Street West.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Bousfields Inc.	Bousfields Inc.	Page and Steele	2070869 Ontario Inc.

### PLANNING CONTROLS

Official Plan Designation:	RA	Site Specific Provision:	
Zoning:	MCR T3.0 C1.0 R2.5	Historical Status:	N
Height Limit (m):	16	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1070	Height:	Storeys:	8
Frontage (m):	29.27		Metres:	26
Depth (m):	36.58			
Total Ground Floor Area (sq. m):	901			<b>Total</b>
Total Residential GFA (sq. m):	3651		Parking Spaces:	55
Total Non-Residential GFA (sq. m):	1800		Loading Docks	1 (shared with 1171 Queen Street)
Total GFA (sq. m):	5451			
Lot Coverage Ratio (%):	84			
Floor Space Index:	5.09			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	8
1 Bedroom:	16
2 Bedroom:	16
3 + Bedroom:	0
Total Units:	40

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	3651		0
Retail GFA (sq. m):	901		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	899		0

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

**Attachment 8: Draft Zoning By-law**

**Authority:** Toronto and East York Community Council Report \_\_\_\_, Clause \_\_\_\_, as adopted by City of Toronto Council on \_\_\_\_\_

**Enacted by Council:** \_\_\_\_\_

**CITY OF TORONTO**

**Bill No.**

**BY-LAW NO. \_\_\_\_\_ - 2008**

**To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto respecting lands known municipally in the year 2008 as 1155 Queen Street West**

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has conducted at least one public meeting in accordance with the Planning Act regarding the proposed Zoning By-law amendments; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owner of the lands known at the date of enactment of this By-law as 1155 Queen Street West (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by Zoning By-law 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto; and The Council of the City of Toronto HEREBY ENACTS as follows:



1. Amending Appendix A, Map 49G-321 to rezone lands shown within the heavy lines on Map 1 of this exception from MCR T 3.0 C 1.0 R 2.5 to RA as shown on Map 1 of this exception.
2. Adding the following exception to 12 (2):

On the lands outlined by heavy lines and identified as 1155 Queen Street West on Map 1 to this section, no person shall use any land or erect or use any building or structure that does not comply with the following:

**1. EXCEPTIONS FROM ZONING BY-LAW 438-86, AS AMENDED**

1. The following sections of Zoning By-law 438-86, as amended, do not apply to any building or structure to be erected or used on the *lot*:
  - Section 4 (2)
  - Section 4 (16)
  - Section 4(17)
  - Section 7 (2)
  - Section 7 (3) Part I
  - Section 7 (3) Part II 1
  - Section 7 (3) Part II 3 through 7
  - Section 7 (3) Part IV
2. The following definitions in Section 2 of Zoning By-law 438-86, as amended, shall be replaced by the definitions in Section 15 of this exception:
  - i.. *artist live/work studio*;
  - ii. *grade*;
  - iii.. *height*;
  - iv. *parking space*;
  - v. *residential amenity space*; and
  - vi. *street-related retail and service uses*

**2. PERMITTED USES**

Notwithstanding the uses permitted in the RA zone by Section 7 (1) (f) of Zoning Bylaw 438-86, as amended, only the uses listed in subsection d) below and accessory uses thereto are permitted on the *lot* and only on lands zoned RA, subject to the following qualifications:

- a) A use is permitted by the chart below when the letter “P” is set in the line opposite the use.
- b) A use is permitted by the chart below when the letter “q” followed by a number or numbers is set in the line opposite the use but only subject to the qualification or qualifications bearing the number or numbers that follow the letter “q” forming part of this subsection.

- c) Uses accessory to a use that is permitted by the chart are themselves permitted by the chart as accessory uses when an asterisk is set in the line opposite the designation of the use and in the column under the heading “Acc.”.

a)	RESIDENTIAL USES	Acc.	RA
(i)	HOUSING COMPRISING DWELLING UNITS		
	Any of the uses permitted in a RA district in section 7(1)(f)(a)(i)	*	Q1, Q7
	<i>Artist live/work studio</i>	*	P
(ii)	SHARED HOUSING CONTAINING DWELLING ROOMS		
	Any of the uses permitted in a RA district in section 7(1)(f)(a)(ii)	*	Q1, Q7, Q8
(iii)	ASSOCIATED / ACCESSORY RESIDENTIAL USES		
	Any of the uses permitted in a RA district in section (7)(1)(f)(a)(iii)	*	Q1
(b)	NON-RESIDENTIAL USES		
(i)	PARKS, RECREATION, PLACES OF AMUSEMENT AND ASSEMBLY		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b) (i) except: A. arena, stadium, racetrack are not permitted; and B. <i>club</i> is not permitted	*	Q2
(ii)	COMMUNITY SERVICES, CULTURAL AND ARTS FACILITIES		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(ii)	*	Q4
(iii)	GENERAL INSTITUTIONS		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(iii)	*	P
(iv)	RETAIL AND SERVICE SHOPS		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(iv) except <i>A. entertainment facility</i> is not permitted		Q2, Q3, Q9
(v)	WORKSHOPS AND STUDIOS		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(v)	*	P
(vi)	OFFICES		
	Any of the uses permitted in a RA district in section (7)(1)(f)(b)(vi)	*	P
(vii)	AUTOMOBILE RELATED USES		
	<i>Parking area</i>	*	P
	<i>Parking garage</i>	*	P
	<i>Parking stacker</i>	*	Q5
	<i>Private garage</i>	*	P

		<i>Taxicab stand or station</i>	*	P
		<i>Carshare parking space</i>	*	P
	(viii)	WAREHOUSING AND STORAGE		
		<i>Cold storage locker plant</i>		P
		<i>Cold storage plant</i>		P
		<i>Storage warehouse, class A</i>		P
		<i>Wholesaling establishment – general</i>		P
	(ix)	INDUSTRIAL WORKSHOPS		
		<i>Bookbinder’s shop</i>		P
		<i>Carpenter’s shop</i>		P
		<i>Contractor’s shop, class A</i>		P
		<i>Sheet metal shop</i>		P
		<i>Welder’s shop</i>		P
		<i>Open air market</i>		P
	(x)	MANUFACTURING AND RELATED USES		
		<i>Bakery</i>		P
		<i>Brewery</i>		P
		<i>Ceramics factory</i>		P
		<i>Fur goods factory</i>		P
		<i>Garment factory</i>		P
		<i>Manufacturing plant</i>		P
		<i>Metal wares factory</i>		Q6
		<i>Packaging plant</i>		P
		<i>Pharmaceutical factory – secondary</i>		P
		<i>Printing plant</i>		P
		<i>Winery</i>		P
	(xi)	MISCELLANEOUS USES		
		<i>Animal hospital</i>		P
		<i>Commercial bakery</i>	*	P
		<i>Commercial school</i>	*	P
		<i>Hotel</i>	*	P
		<i>Market gardening</i>		P
		<i>Massage establishment</i>	*	P
		<i>Newspaper plant</i>	*	P
		<i>Ornamental structure</i>		P
		<i>Public transit</i>	*	P
		<i>Trade school</i>	*	P
		<i>Undertaker’s establishment</i>	*	P

Qualifications to be complied with before certain uses are permitted within the Reinvestment Area (RA) District:

1. No person shall erect or use a building or structure having any basement or floor level below or partly below *grade* containing *dwelling units*.
2. A bake-shop, caterer’s shop, restaurant, take-out restaurant, concert hall, place of amusement or place of assembly are

permitted uses and a patio may be provided in connection therewith except:

- i) no person shall use for the purposes of a *patio*:
    - a) any portion of the building above the first *storey*;
    - b) any part of the roof of a building containing one of those uses; or
    - c) outdoor areas designated within *publicly accessible landscaped open space* as indicated on Map 3; or
    - d) a portion of the *lot* between the building in which the associated *bake-shop, caterer's shop, restaurant or take-out restaurant* is located and a *lot* abutting or within 10 metres of an 'R' district;
  - ii) no person shall use any building or portion of a building for the purpose of a *bake-shop, caterer's shop, restaurant or take-out restaurant* or combination thereof where the *non-residential gross floor area* of the building or portion thereof of any single establishment used for one of these purposes exceeds 300 square metres; and
  - iii) the combined *non-residential gross floor area* of all *bake-shops, caterer's shops, restaurants and take-out restaurants* on the lot cannot exceed 0.3 times the area of the lot;
3. A *retail store* or *showroom* is permitted provided:
- i) the frontage of any one *retail store* or *showroom* establishment abutting Queen Street West is limited to no more than 15 metres; and
  - ii) the total *non-residential gross floor area* of any one *retail store* or *showroom* is limited to no more than 1800 square metres; and
  - iii) notwithstanding ii) above, the total *non-residential gross floor area* of any one *retail store* or *showroom* abutting Queen Street West or the *mews* is limited to no more than 465 square metres; and
4. The premises of a *charitable institution, non-profit institution* or other community or social agency are permitted uses provided they are used for the purpose of providing a community service such as, but not limited to, employment, immigration, counselling, welfare or legal services.
5. A *parking stacker* is permitted, provided:
- i) it is *accessory*; and
  - ii) it is located within a building.
6. A *metal wares factory* is permitted provided the use does not exceed 475 square metres.
7. One or more *dwelling units* or *dwelling rooms* in a building is permitted provided the building contains uses that are permitted in the RA district in which the building is located.

8. A *rooming house* is permitted provided the aggregate number of *dwelling rooms* and *dwelling units* does not exceed 25.
9. A *courier service* is permitted provided the *non-residential gross floor area* does not exceed 150 square metres.

### 3. NON-RESIDENTIAL USES

1. A minimum non-residential gross floor area of 1800 square metres shall be provided on the ground and second floor only. For the purpose of calculating the minimum non-residential gross floor area, non-residential uses are as defined in the chart in Section 2 of this exception except:
  - (i) *non-residential gross floor area* relating to the following uses shall not count toward meeting the minimum non-residential use requirement of this exception:
    - a) uses listed in the chart in Section 3(d)(b)(vii) of this exception under the heading “Automobile-Related Uses”;
    - b) park;
    - c) *public park*
    - d) *public playground*;
    - e) *open air market*;
    - f) *market gardening*;
    - g) *bicycle parking spaces*; and
    - h) *parking spaces*; and
  - (ii) *residential gross floor area* of an *artist live/work studio(s)* shall be permitted to be counted as *non-residential gross floor area* solely for the purpose of meeting the minimum non-residential density requirement of this section.

### 4. USES AT GRADE

1. No person shall erect or use a building or structure fronting onto the *mews* or Queen Street West for any purpose unless:
  - i) *street related retail and service uses* are provided;
  - ii) at least 80 percent of the aggregate width of any building facades facing onto the *mews* is used for *street-related retail and service uses* and/or for the purpose of an *artist’s or photographer’s studio, custom workshop, performing arts studio, public art gallery* or *commercial school* at the main floor level of the building;
  - iii) at least 70 percent of the aggregate width of any building facades facing onto Queen Street West is used for *street-related retail and service uses* at the main floor level of the building;
  - iv) the frontage of any single establishment located either:

- a. abutting Queen Street West; or
  - b. abutting the *mews*;
- and which is used for *street related retail and service uses* is limited to no more than 15 metres; and

## 5. BUILDING ENVELOPES AND MAXIMUM HEIGHTS

1. Notwithstanding the “Height and Minimum Lot Frontage” Map 49G-321 contained in Appendix ‘B’ of Zoning By-law 438-86, as amended, no person shall erect or use a building or structure on the lands shown on Map 1 unless any portion of such building or structure located at or above ground is erected within the heavy lines shown on Map 2 and provided the following paragraphs are complied with:
  - i) No person shall erect or use a building or structure having a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H” as shown on Map 2;
  - ii) For clarity, where either no height limit or a height limit “H 0” is specified, no buildings or structures are permitted.
  - iii) Paragraph i) does not prevent the erection of parapets, fences, safety railings and wind mitigation structures on the building not exceeding 1.2 metres in height, so long as they do not exceed a height of 26.0 metres;
  - iv) Paragraph i) does not prevent the erection or use of stair towers, elevator overruns, mechanical equipment and/or enclosures for any of the foregoing on the roof of the 8<sup>th</sup> storey of the building, provided:
    - a. the combined area of the stair towers, elevator overruns, mechanical equipment and enclosures on the building does not exceed 30% of the area of the roof of the 8<sup>th</sup> storey of the building; and
    - b. the stair towers, elevator overruns, mechanical equipment and enclosures on the building do not exceed 3 metres above the height shown on Map 2;
    - c. the stair towers, elevator overruns, mechanical equipment and enclosures comply with the angular plane described in viii) below; and
    - d. the stair towers, elevator overruns, mechanical equipment and enclosures are located no closer than 3 metres from the edge of the roof on the 8<sup>th</sup> floor on the south, west and east sides.
  - v) Notwithstanding i) and ii) above, no person shall erect a building or structure on the *lot* above finished ground level closer to a lot line than the heavy lines indicated on Map 2 except:

- a. stairs (excluding stairs providing access to underground areas) , landscape features, uncovered ramps (including garage and wheelchair ramps); and
- b. the permitted projections outlined in the chart below:

PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	ADDITIONAL QUALIFICATIONS
A. eaves, cornices, ornamental elements, architectural details,	Beyond the heavy lines shown on Map at that height	0.65 metres from the wall to which it is attached	
B. canopy	Beyond the heavy lines on Map at that height	2.5 metres from the wall to which it is attached	
C. fences, safety railings, balustrades and wind mitigation structures	Beyond the heavy lines shown on Map at that height	the extent of the roof of the storey below, or 2.0 metres from the main exterior wall, whichever is greater	(I) height of fence or safety railing not to exceed 1.2 metres (II)if projecting into the angular plane described in Section 5(1)(viii) of this exception, at least 80% of the materials must be transparent
D. balconies	Beyond the heavy lines on Map at that height	2.0 metres from the main exterior wall to which it is attached except if fronting onto Queen Street West and located on any of the first four storeys of the building, shall not exceed 0.45 metres;	(I) combined width of all projecting bay windows and balconies on a façade at a given <i>storey</i> not to exceed 50% of the length of that façade at that <i>storey</i>

- (vi) No building or structure shall be erected which does not have:
  - a. a minimum of 2 *storeys*; and
  - b. a minimum first *storey* floor-to-floor height of 4.5 metres.;

- (vii) Subject to the above, no person shall erect a building or structure abutting Queen Street West unless the building or structure is erected such that one or more of its walls abutting Queen Street West is built to the Build-To Line shown on Map 2 for at least 75% of the frontage onto Queen Street West with a minimum building *height* of 12.0 metres at the Build-To Line.
- (viii) All parts of any building or structure must be located within a southward 45 degree angular plane rising from a line located at a height of 14 metres, from the lot line abutting the south side of Queen Street West. Where the angular plane is more restrictive than any other building envelope provisions of this exception, the angular plane provisions will prevail, with the exception of:
  - a. parapets, fences, balustrades, safety railings and wind mitigation structures not exceeding 1.2 metres *height*, , where such structures must be located at least 1.2 metres away from the edge of the roof of the 8<sup>th</sup> storey of the *building*.

**6. LANDSCAPED OPEN SPACE**

- 1. No person shall erect or use a building or structure on the *lot* unless *publicly accessible landscaped open space* at grade is provided as indicated on Map 3.

**7.. PARKING AND LOADING**

- 1. Notwithstanding the provisions of Section 4(4)(b) of Zoning By-law 438-86, as amended;
  - (i) parking spaces required by this section may be provided on the adjacent land municipally known in 2008 as 1171 Queen Street West and in accordance with the following standards;
  - ii) a minimum number of parking spaces for residents shall be provided and maintained on the lot for residential uses according to the following table:

Unit type	Minimum parking spaces
<i>Bachelor Unit</i>	0.3 per unit
<i>1 bedroom Unit</i>	0.7 per unit
<i>2 bedroom Unit</i>	1.0 per unit
<i>3 or more bedroom Unit</i>	1.2 per unit
<i>live/work unit</i>	1.0 per unit
<i>Affordable (low-income) Bachelor Unit</i>	0.1 per unit
<i>Affordable (low-income) Unit with 1 or more bedrooms</i>	0.3 per unit



<i>Affordable (moderate-income) Bachelor Unit</i>	0.3 per unit
<i>Affordable (moderate-income) Unit with 1 or more bedrooms</i>	0.5 per unit
<i>Artist live/work studio</i>	0.3 per unit

iii) a minimum of 0.12 *parking spaces* per dwelling unit shall be provided for visitors to the residential portion of the building.  
The visitor *parking spaces* shall:

- a. be individually designated by means of clearly visible signs as being for the exclusive use of visitors to the residential portion of the building; and
- b. be equally available to visitors of all residents of the site;
- c. be accessible by driveways or passageways designating the way from the street to the visitors' parking facilities with the route to the visitor parking spaces designated by clearly visible signs.

(iv) pursuant to (i) above, up to 10% of the *parking spaces* required by subsection i) may be *small car parking spaces*.

2. Parking for non-residential uses, shall be subject to a requirement of 1 parking space for each 100 square metres of *non-residential gross floor area*, or fraction thereof, and may be located on the lot municipally known in 2008 as 1171 Queen Street West

i) notwithstanding the above, places of assembly, concert halls, community centres, performing arts centres will be required to provide parking in accordance with the following requirements:

- a) 0 *parking spaces* for the first 300 persons as generally accommodated;
- b) 1 *parking space* for up to 400 persons generally accommodated by the largest performance or meeting space.
- c) 1 *parking space* for each additional 10 persons above 400 persons generally accommodated by the largest performance or meeting space

iii) notwithstanding i) above, *public art galleries, private art galleries, private museums* and *public museums* will be required to provide and maintain parking in accordance with the following requirements:

- a) 0 parking spaces for the first 350 square metres of *non-residential gross floor area*; and
- b) 1 parking space per each additional 175 square metres of *non-residential gross floor area* in excess thereof.

3. Notwithstanding Section 4(13)(a) of Zoning By-law 438-86, as amended, the minimum requirement for bicycle parking shall be as described in Section 4(13) but the requirement:
  - (i) at least 24 of the bicycle parking spaces described in i) above shall be provided indoors but not within individual storage lockers.
4. The provisions of Section 4(6) of Zoning By-law 438-86, as amended, shall be satisfied by one *loading space – type G* being provided on the lands known municipally in 2008 as 1171 Queen Street which will act as a shared loading facility for both buildings.

## 8. RESIDENTIAL AMENITY SPACE

1. Notwithstanding the provisions of Section 4(12) of Zoning By-law 438-86, as amended, indoor *residential amenity space* shall be provided as follows:

For buildings containing 20 or more dwelling units a minimum of 1.5 square metres per dwelling unit of indoor *residential amenity space* shall be located in a multi-purpose room or rooms provided that at least one room or contiguous group of rooms shall:

- i) be the lesser of 100 square metres in size or the minimum requirement;
  - ii) contain a kitchen and have access to a washroom;
  - iii) be adjoining and directly accessible to at least 40 square metres of the required outdoor *residential amenity space*; and
  - iv) may be provided on lands known municipally as 1171 Queen Street West
3. Notwithstanding the provisions of Section 4(12) of Zoning By-law 438-86, as amended, outdoor *residential amenity space* shall be provided as follows:

For buildings containing 20 or more dwelling units a minimum of 1.5 square metres per dwelling unit of *outdoor residential amenity space* shall be located on the lands municipally known in 2008 as 1155 Queen Street West or 1171 Queen Street West.

## 9. HOUSING MIX

1. Any development containing residential *dwelling units* shall provide:
  - i) a minimum of 25 percent of residential *dwelling units* having 2 or more bedrooms.

## 10. SITE SPECIFIC EXCEPTIONS

1. The following site specific exceptions shall be deleted from the Index of Exceptions for 1155 Queen Street West:
  - i. Section 12 (1) 287; and
  - ii. Section 12 (1) 290;

## **11. IMPLEMENTATION**

1. No person shall erect or use any building or structure unless the development includes:
  - (i) loading and vehicular access which is to designed to be shared with the sites known in 2008 as 1171 Queen Street West and 1181 Queen Street West;
  - (ii) garbage and recycling storage, indoor and outdoor *residential amenity space*, and residential, visitor and non-residential parking which is designed to be shared with the site known in 2008 as 1171 Queen Street West;
2. No person shall erect or use any building or structure above grade prior to satisfying the following conditions:
  - i) the owner of the Lands shall enter into an agreement with the City of Toronto pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters required in Section 12 (1) herein, the said agreement to include provisions relating to indemnity, insurance, GST, termination, unwinding, registration and priority of agreement, and the indexing of any financial contributions and register against the title to the lot as a first charge;
  - ii) the owner, at its own cost, shall provide a certified cheque for \$175,000 (indexed to the non-residential building construction price index as of December 1 2008) to the City for one or more of the following capital facilities within the vicinity of the site to enhance the West Queen West Triangle Lands' role as an arts employment cluster:
    - a. affordable *artist live/work studios* and/or *affordable artist work studios* for artists owned and operated by the City or by a not-for-profit artspace management organization approved by the Chief Planner and Executive Director in consultation with the Executive Director, Toronto Culture;

- b. the development or construction of Lisgar Park; or
- 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;

(iii) all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this site have been built or secured via a letter of credit acceptable to the Executive Director of Technical Services;

## **12. SECTION 37 OF THE PLANNING ACT**

1. The owner of the lot at its own expense and in accordance with and subject to the agreement referred to in Section 12 (2) herein shall provide the following facilities, services and matters to the City:

(i) Street Tree Irrigation

the owner shall, at its own expense, install and maintain in good working order and operation, an irrigation system for all street trees in the public right-of-way that includes an automatic timer which is designed as being water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a back flow preventer to the satisfaction of the City, if required;

(ii) Publicly Accessible Landscaped Open Space and Mews

prior to condominium registration, the owner shall authorize and permit public access to the publicly accessible landscaped open space and mews shown on Map 3;

(iii) Integrated Landscaping and Connectivity

a. the owner shall provide for integrated landscaping with the sites known municipally in 2008 as 180 Sudbury Street, 1171 Queen Street West and 1181 Queen Street West, to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. the owner shall provide for integrated bicycle and pedestrian connectivity with the sites known municipally in 2008 as 180 Sudbury Street and 1171 Queen Street West to the satisfaction of the Chief Planner and Executive Director, City Planning.

(iv) Servicing Requirements

the owner shall be required to service the lands outlined in heavy lines on Map 1 attached hereto, including but not limited to, the construction of services for water services, sanitary and storm sewer systems, roads, streetscaping and landscaping, street trees and tree irrigation systems and utilities;

2. Notwithstanding any of the foregoing provisions, the owner and the City may modify or amend the said Section 37 agreement from time to time and, upon the consent of the City and the owner, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.

### 13. DEFINITIONS

All italicized words and expressions in this exception have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the terms *artist live/work studio*, *grade*, *height*, *residential amenity space* and *street-related retail and service uses*.

The following definitions either replace the definitions listed above or provide definitions for new terms:

*affordable artist work studio* shall mean a studio for the production of art and which is the subject of an agreement between the City and the owner, registered on title, that it will be rented at below market rates to a working artist or artists to the satisfaction of the Director, Business Development and Retention and/or the Director of Culture for a period no less than 20 years from the date of first occupancy of the studio;

*affordable (low-income)* shall mean, when used in relation to a dwelling unit, that the dwelling unit is the subject of an agreement between the City and the owner, registered on title, that the unit will be rented at no more than 0.8 times the CMHC average rate for dwelling units of similar type for a period no less than 20 years from the date of first occupancy of the unit;

*affordable (moderate-income)* shall mean, when used in relation to a dwelling unit, that the dwelling unit is the subject of an agreement between the City and the owner, registered on title, that the unit will be rented at between 0.8 times and 1.0 times the CMHC average rate for dwelling units of similar type for a period no less than 20 years from the date of first occupancy of the unit;

*artist live/work studio* shall mean a dwelling unit containing a studio space for the production of art containing a habitable room or room(s) and which is the subject of an agreement between the City and the owner, registered on title, that it will be rented at no more than 1.0 times the CMHC average rate for dwelling unit of similar size for a period of no less than

20 years from the date of first occupancy of the unit and inhabited only by a working artist and his or her household;

*floorplate* shall mean the total floor area of a storey measured to the exterior walls of that storey.

*grade* means

For any portion of the building or structure, *grade* shall mean the average elevation of the sidewalk on Queen Street West adjacent to the *lot* (90.89 masl);

*height* shall mean, the vertical distance between *grade* and the highest point of the roof or, where there is no roof, the highest point of the structure.

*mews* shall mean a *publicly accessible landscaped open space* area, as identified on Map 3, which is primarily for the use of pedestrians and cyclists

*parking space* shall mean an unobstructed area, at least 5.9 metres in length and at least 2.6 metres in width which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, or a parking space within a *parking stacker*;

*publicly accessible landscaped open space* shall mean a *landscaped open space* area as identified on Map 3 which is open and accessible to the public at all times;

*residential amenity space* shall mean a common area or areas within the *lot* provided for recreational and social purposes, any portion of which:

- a. is located indoors shall be provided exclusively for the use of the residents of the buildings at 1171 Queen Street West and 1155 Queen Street West; and
- b. is located outdoors shall generally, but not exclusively, be provided for the use of the residents of the building;
- c. is located outdoors cannot include a passive or otherwise inaccessible green roof.

*small car parking spaces* shall mean a *parking space* having a minimum unobstructed area 2.4 metres wide by 5.0 metres long which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, except the width of the parking space shall be:

- a. 2.7 metres wide where there is an obstruction on one side of the space; or
- b. 3.1 metres wide where there are obstructions on both sides of the space.

*soft landscaping* shall mean an open, unobstructed area that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and shall include planters.

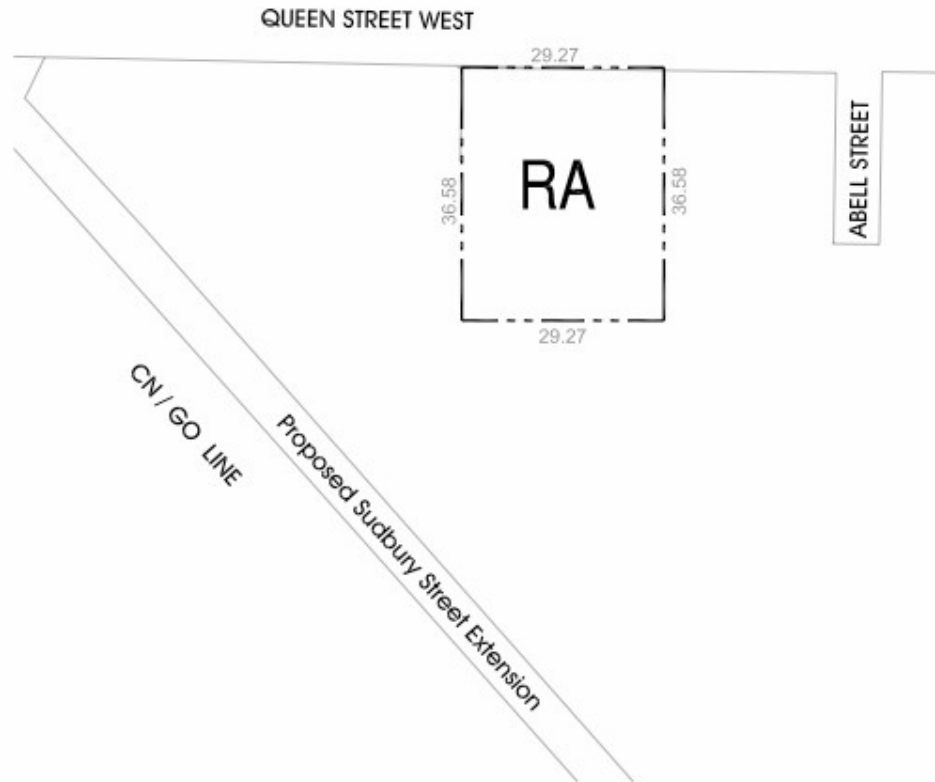
*street-related retail and service uses* shall:

- a. have the same meaning as defined in Section 2 of Zoning By-law 438-86, as amended, for the portion of the building facades which face onto a public highway;
- b. mean, for the portion of building facades which face onto the *mews*, one or more of the uses listed in sections 8(1)(f)(b)(i), (ii) and (iv), other than a public park or playgrounds, where the principal public entrance to each shop or store is located in the exterior wall of the building which is directly accessible by pedestrians along a route no more than 3 metres from the *mews* and the level of the floor of the principal public entrance to each shop or store is located within 0.2 metres of the level of the *mews* opposite such entrance.

*West Queen West Triangle Lands* means the lands delineated by the heavy lines on Map 4 of this exception.

**14.** Despite any existing and future severance, partition or division of the Lands as shown on Map 1, the provisions of this exception shall apply to the whole *lot* as if no severance, partition or division occurred.

Map 1



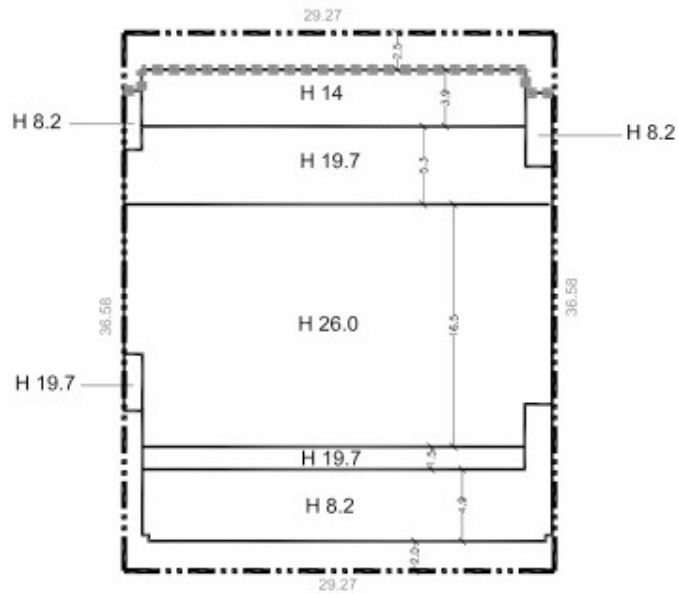
Lands known municipally as 1155 Queen Street West in 2008





Map 2

QUEEN STREET WEST



Lands known municipally as 1155 Queen Street West in 2008

■■■■■■■■■■ Build - to - Line

H DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



Map 3



*Lands known municipally as 1155 Queen Street West in 2008*

 Publicly Accessible  
Landscaped Open Space



**Map 4**

