

**40 Dovercourt Rd – Rezoning Application – Final Report**

<b>Date:</b>	October 15, 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>	08 159729 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.

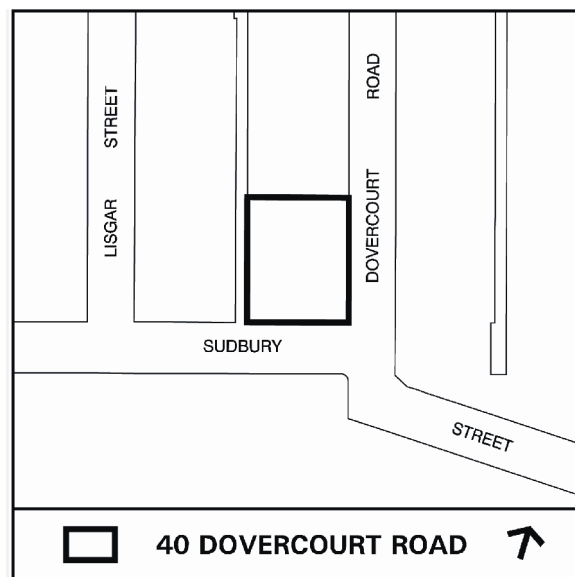
This application proposes an eleven storey mixed-use building at 40 Dovercourt Rd. The building will contain non-residential uses on the ground floor, and residential units above, with parking and loading accessed from the public lane at the west side of the property. The highest point of the building is located towards Sudbury Street and the building steps down in height towards the low density neighbourhoods located north of the site.

This report reviews and recommends approval of the application to amend the Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the Zoning By-law 438-86, as amended 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. 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, is to secure \$450,000 for the following facilities, services and matters:
    - (a) affordable live/work studios and/or affordable artist work studios for artists to be 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; or
    - (b) the design or construction of the new City park on Lisgar Street, south of Queen Street West; 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; or
    - (d) public art in the immediate vicinity of the site.
  4. Before introducing the necessary Bills to City Council for enactment, the owner shall revise the design of the Type G loading to the satisfaction of the Executive Director, Technical Services.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is for an eleven storey (34.5 metre plus mechanical) mixed use building containing a total of 11,260 square metres of residential gross floor area and 1,328 square metres of non-residential gross floor area for a total of 12,588 square metres. There is a minimum requirement for non-residential space of 0.7 times the area of the lot which will occupy the ground floor.

Parking for 107 cars will be provided in a 3 level underground parking garage. Ninety-two spaces are proposed for residents, and fifteen spaces are dedicated to the non-residential portion of the development. Loading and access to the underground garage is located on the ground floor off the public lane and resident amenity space is provided on the second floor and the outdoor terrace on the fifth floor.

## **Site and Surrounding Area**

The subject site is 1,896 square metres in area abutting Dovercourt Road on the east, Sudbury Street on the south and a public lane to the west. Currently on the site is a 2 storey commercial building occupied by several tenants and vacant warehouse space.

North: Immediately to the north are low-scale semi-detached dwellings averaging 2 ½ storeys in height.

West: The site abuts a public lane on the west. An approval for a 14 storey, 41 metre building across the lane has been ordered by the Ontario Municipal Board.

South: Immediately south of the subject site is an office building and associated surface parking. Southeast of the site is a recently developed townhouse project that continues along the south side of Sudbury Street.

East: Dufflet Bakeries, in a one-storey commercial building, is located across Dovercourt Road from the site, and low-scale dwellings continue northward from the bakery along the east side of Dovercourt Road.

## **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.

Staff will review the proposed development for consistency with the PPS and for conformity 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 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.

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;
- including a variety of land uses and densities;
- including community services and facilities; and
- providing for 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 an open space plan, a community services strategy, a community improvement strategy, and environmental and transportation policies. City staff completed these studies as part of the overall West Queen West Triangle by-law and Official Plan Amendment which are not yet in force. Urban design guidelines are also required, but they have not yet been prepared.

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;
- 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 former City of Toronto Zoning By-law 438-86.

## **Site Plan Control**

No application for Site Plan Approval has been submitted. Site Plan approval will be required and an application will be submitted at a later date.

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

The City has approved the recommendations contained in a Staff Report dated June 11, 2007 to amend the Official Plan and Zoning By-law (the “Proposed Zoning By-law”) for the entire West Queen West Triangle area (of which this site forms part). The Bills have not yet gone to Council, and therefore the Proposed Zoning By-law is not yet in effect. The Proposed Zoning By-law designates this site as RA(h) with a total height of 18 metres (6 storeys) with a podium of 12 metres (4 storeys). This Proposed Zoning By-law in its current form does not reflect the Ontario Municipal Board decisions for other sites in the West Queen West Triangle and will be amended accordingly.

## **Reasons for Application**

The application for a Zoning 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 26<sup>th</sup>, 2008. Approximately 12 members of the public attended and raised the following issues:

- shadowing on the properties to the north of the subject site;
- increase in traffic and provision of parking;
- noise impact from the development on the surrounding properties;
- impact of the construction (especially the excavation) on the properties immediately adjacent to the subject site;
- provision of family units; and
- use of green technologies for building construction and material choices.

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 a mix of commercial and residential uses. This mix of uses is appropriate for the site and follows the policies set out for *Regenerations Areas* in the Official Plan. The ground floor retail space, while providing live/work units for artists, and/or space for non-residential uses, will also animate Sudbury Street and Dovercourt Road.

As part of the Ontario Municipal Board settlement on other sites in the West Queen West Triangle, the City agreed to pursue securing a minimum of 0.7 times non-residential space on every development site to continue to provide a mix of uses, and provide space for the creative arts that thrive in the community. On this site, the proposed non-residential density is 0.7 times the area of the lot.

### **Height and Massing**

The proposed building has an overall height of 34.5 metres (11 storeys) at its tallest point, however it steps down towards the residential neighbourhoods to the north. Please see Map 2 which is at the end of the Draft By-law (Attachment 8 to this report) for a detailed plan of the proposed height limits.

The overall height continues the pattern of heights that has been set in the rest of the West Queen West Triangle. The tallest buildings are located in the west end of the triangle, adjacent to the rail corridor, and set back from Queen Street. As one moves east, the heights get lower, from 20 storeys at 1171 Queen Street, to 18 storeys at 48 Abell Street, to 15 storeys proposed at 2-90 Lisgar Street and 14 storeys at 45 Lisgar Street. The proposed building at 11 storeys is appropriate given the context of the other approvals in the West Queen West Triangle area.

The lots to the north of the subject site are designated as *Neighbourhoods* in the Official Plan, and they are zoned for residential use, with a maximum height of 10 metres. These are stable areas that need to be protected from any negative impacts of development. Therefore, there needs to be a transition from the heights that are appropriate on the subject site, designated *Regeneration Area*, and the properties to the north. The proposed building steps down from a height of 34.5 metres (11 storeys) on the southern half of the site to 25.5 metres (7 storeys), to 19.5 metres (6 storeys) and then to 13.5 metres (5 storeys). However these heights only occur on the northeast part of the building. On the northwest corner, the building drops from the 34.5 metre height, straight down to the 13.5 metre height (5 storeys). In addition, there is a raised courtyard in the middle of the northern half of the building that is at 7.5 metres which provides outdoor space for the units on the 3<sup>rd</sup> floor.

The mechanical penthouse is only permitted in a small zone in the middle of the site, on the north side of the tallest portion of the roof, to a maximum height of 38.5 metres. The City will secure the right in the Section 37 agreement to review the materials that will be used to screen the mechanical penthouse to ensure it fits in with the overall design of the building.

With respect to setbacks from the property lines, the owner will need to convey 1.2 metres along the west property line to widen the public laneway, and the building is setback 2 metres from the property line along Sudbury Street. This is consistent with the setback required at 45 Lisgar Street, the property on the other side of the lane. This will ensure a consistent setback along Sudbury Street, with enough width to provide landscaping and a generous sidewalk.

Planning staff believe that the proposed heights and building massing reduces the impacts on the adjacent properties, provides a suitable transition from the taller portion of the building to the low density residential to the north and is appropriate for the site.

## **Shadow**

One of the concerns that was raised most repeatedly both at the community meeting and through letters, emails and phone calls from the community to the Area Planner was the shadow impact from the proposed building on the residential properties to the north. The applicant submitted shadow studies which showed the shadow impact from the proposed building as well as the approved building at 45 Lisgar Street. These studies were presented to the community at the community meeting, and they have been thoroughly reviewed by City staff.

Given that the subject site is located to the south of the residential neighbourhood, there will be additional shadow on the residential properties from this proposal. However, there would be additional impact even if the applicant constructed what is currently permitted on the site (a height of 18 metres). In fact, the portion of the building immediately adjacent to the residential properties is lower than the as-of-right height at 7.5 and 13.5 metres.

The rear of the residential properties on the west side of Dovercourt will be shadowed by the approved development at 45 Lisgar. The approved height for that building is 41 metres (14 storeys) and is located immediately west of the proposed building, across the lane from the residential dwellings. When reviewing the shadow studies it was important to look at the increased shadow from the proposed building, and not confuse the shadow from the approved 45 Lisgar Street with the shadows from this proposal.

In staff's opinion, the applicant has massed the building in a way to minimize the shadow on the adjacent properties. The properties immediately adjacent to the subject site would be shadowed by any development on this site, even within the as-of-right height limit. By pushing the taller portion of the building south, the building casts most of its shadow on itself, thereby reducing the shadow on adjacent properties.

### **Traffic Impact, Access, Parking**

The applicant submitted a Traffic Impact Study for review as part of their application. Both Technical Services staff and Planning staff have reviewed the study and agree that the traffic generated by the development is appropriate, and it can be accommodated on the existing road network. The parking supply will be provided according to the ratios set out in the Council adopted West Queen West Triangle zoning by-law.

The loading and garbage pick-up for the site is proposed to be off the lane, adjacent to the underground parking garage ramp. Although Technical Services has agreed that this is the most appropriate place to provide loading, and the applicant has provided diagrams showing the truck turning movements required for the garbage trucks, the final details of the dimensions and orientation of the loading space needs final sign-off from Technical Services. It is recommended that the final Bills are not presented to City Council for enactment until Technical Services has approved the layout of the loading space.

The lane on the west side of the site is being used not only for access to this development, but also to the development at 45 Lisgar Street. Both properties will be providing land towards widening the lane which will allow for easier access to the parking garages and loading facilities for both buildings.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The

site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 118 residential units on a site of 0.1897 hectares (1,897 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.1533 hectares (1,533 square metres). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.01897 hectares (189.7 square metres).

The non residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.01897 hectares (189.7 square metres) would not be of a useable size and the site would be encumbered with below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of building permit issuance.

### **Bicycle Parking and Amenity Space**

Bicycle parking and amenity space will be provided as per the former City of Toronto By-law 438-86 except for the following. The indoor amenity space can be provided in 2 non-contiguous rooms, although one of the indoor spaces must be contiguous to the outdoor amenity space. In addition, 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 we are requiring that 20% of the residential units on the site must have at least 2 bedrooms.

### **Noise Impact on Adjacent Properties**

The residents to the north of the subject site expressed concern about the noise that may be generated on the private patios on the north side of the building, and the impact that the noise would have on their ability to enjoy their backyards. At the community meeting the architect explained that the patios were not large, and that they are for the private use of the owners of the adjoining condominiums. Planning staff believe that outdoor space for residents is important and that these patios will be used in a respectful way by their owners. If problems arise in the future about noise there are ways that disputes can be mediated, and the City's noise by-law is enforceable and can provide guidance.



## **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 41 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;
- 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;
- 45% of materials including adhesives, sealants, paints, coatings, carpets, composite wood and agrifiber products are low-emitting;
- 70% of the appliances are Energy Star compliant;
- user friendly and accessible handling and storage facilities provided for recyclable and organic waste;
- at least 50% of non-hazardous construction and demolition debris salvaged or recycled;
- bird friendly development guidelines are adhered to;
- a minimum of 10% of building materials to be locally sourced (within 800 kilometres);
- building to be 25% more efficient than Model National Energy Code for buildings;
- Trombe wall – passive solar heating estimated to supply 5-10% of the projects total heating energy; and
- water conserving fixtures – low flush toilets, urinals and faucets.

### **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 40 Dovercourt Road exceeds the permitted density and height and therefore staff have secured \$450,000.00 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 arts management organization approved by the Chief Planner in consultation with the Executive Director, Toronto Culture; or
- (b) the design 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; or
- (d) public art in the immediate vicinity of this site.

The Section 37 agreement will also secure the materials used to screen the mechanical equipment and the green and/or eco-roof on 80% of the roof area.

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 \$713,183.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **Conclusion**

Planning staff recommend approval of the application at 40 Dovercourt Road.

### **CONTACT**

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Fax No. (416) 392-1330  
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### **SIGNATURE**

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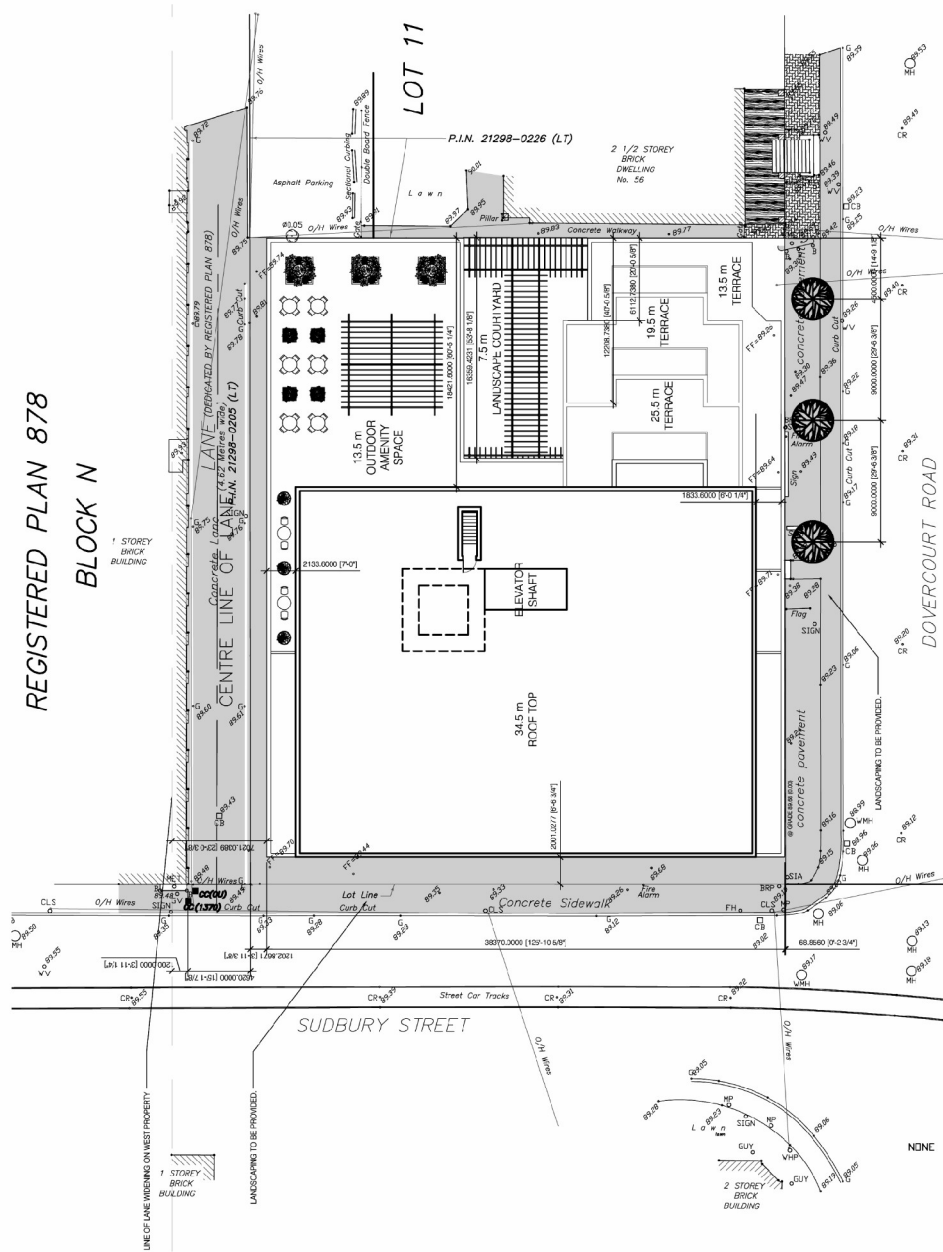
Raymond David, Acting Director  
Community Planning, Toronto and East York District

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### **ATTACHMENTS**

Attachment 1: Site and Landscape Plan  
Attachment 2: Ground Floor Plan  
Attachment 3: North Elevation  
Attachment 4: South Elevation  
Attachment 5: East Elevation  
Attachment 6: West Elevation  
Attachment 7: In-force Zoning  
Attachment 8: Draft Official Plan Amendment  
Attachment 9: Application Data Sheet

# Attachment 1: Site and Landscape Plan



## Site & Landscape Plan

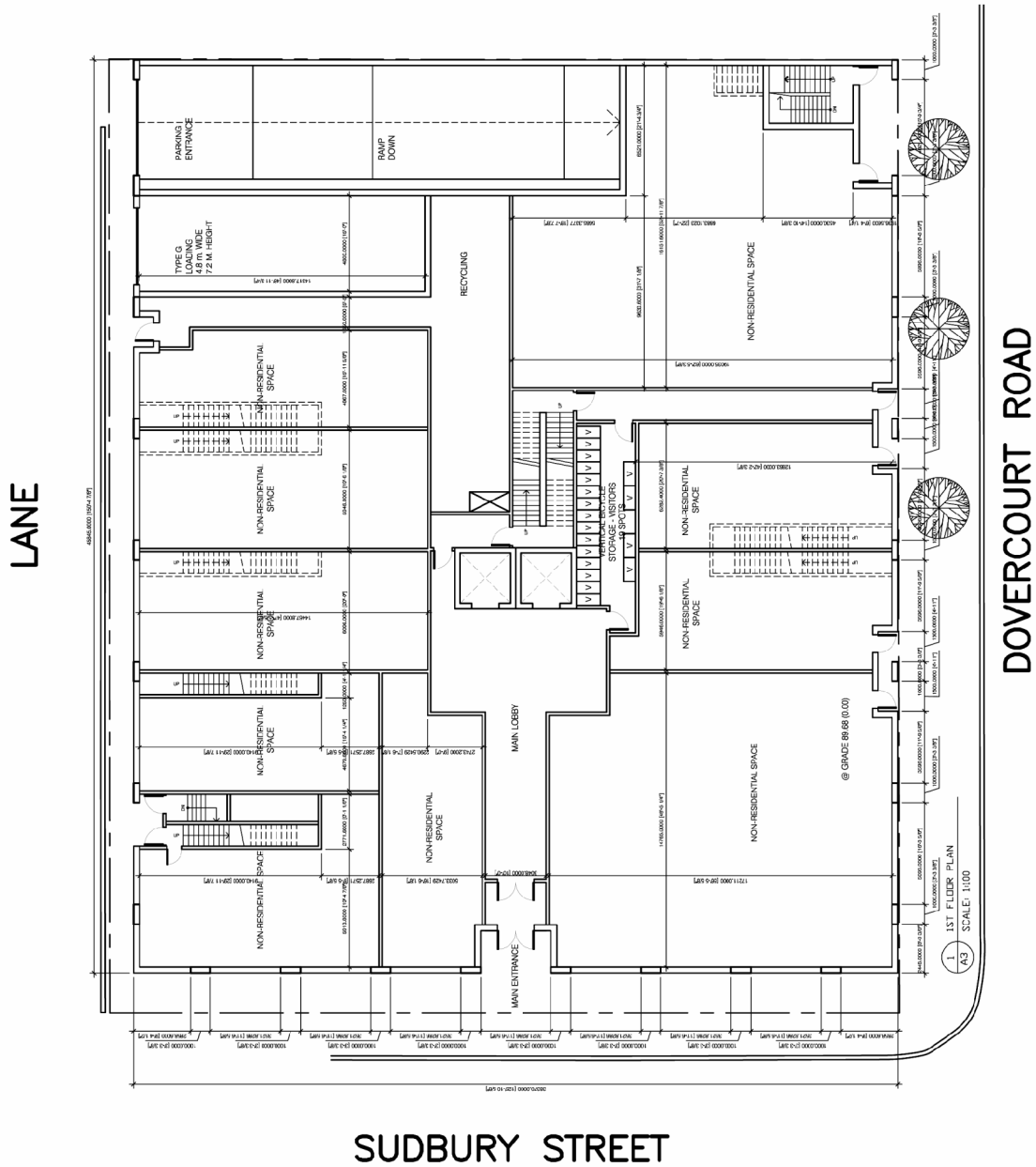
40 Dovercourt Road

Applicant's Submitted Drawing

Not to Scale 

File # 08\_159729

# Attachment 2: Ground Floor Plan



## First Floor Plan

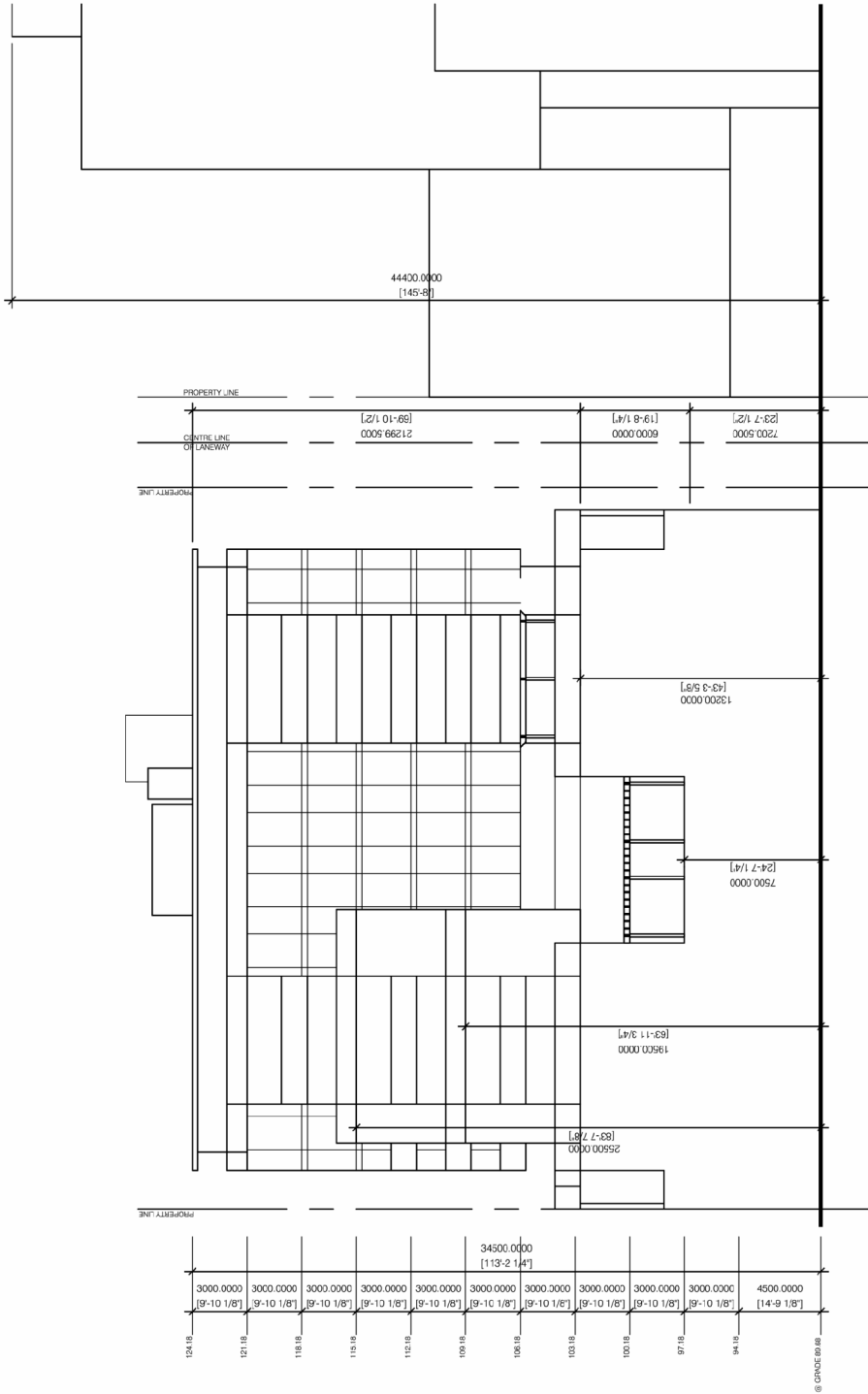
40 Dovercourt Road

Applicant's Submitted Drawing

Not to Scale 

File # 08\_159729

### Attachment 3: North Elevation



40 Dovercourt Road

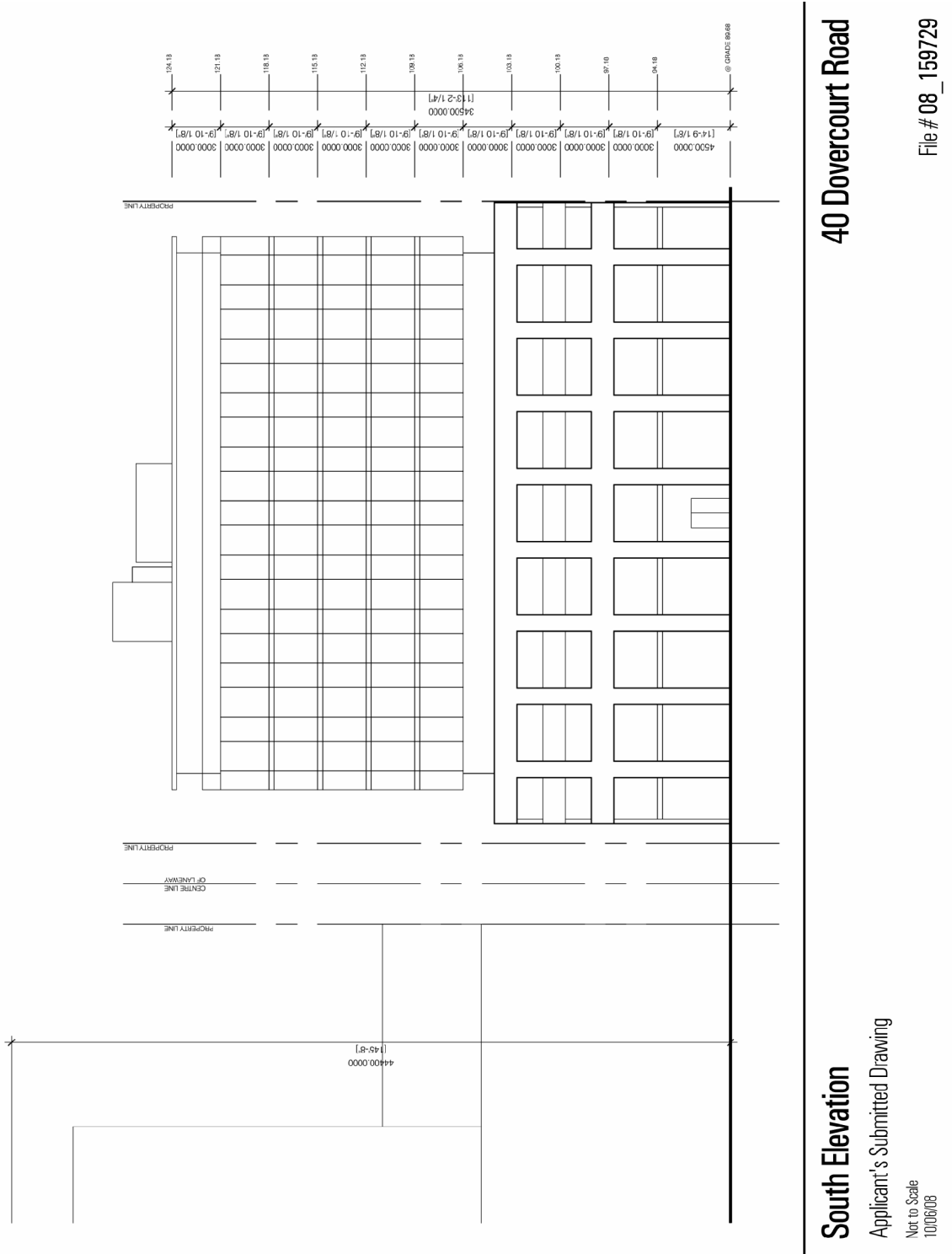
File # 08\_159729

North Elevation

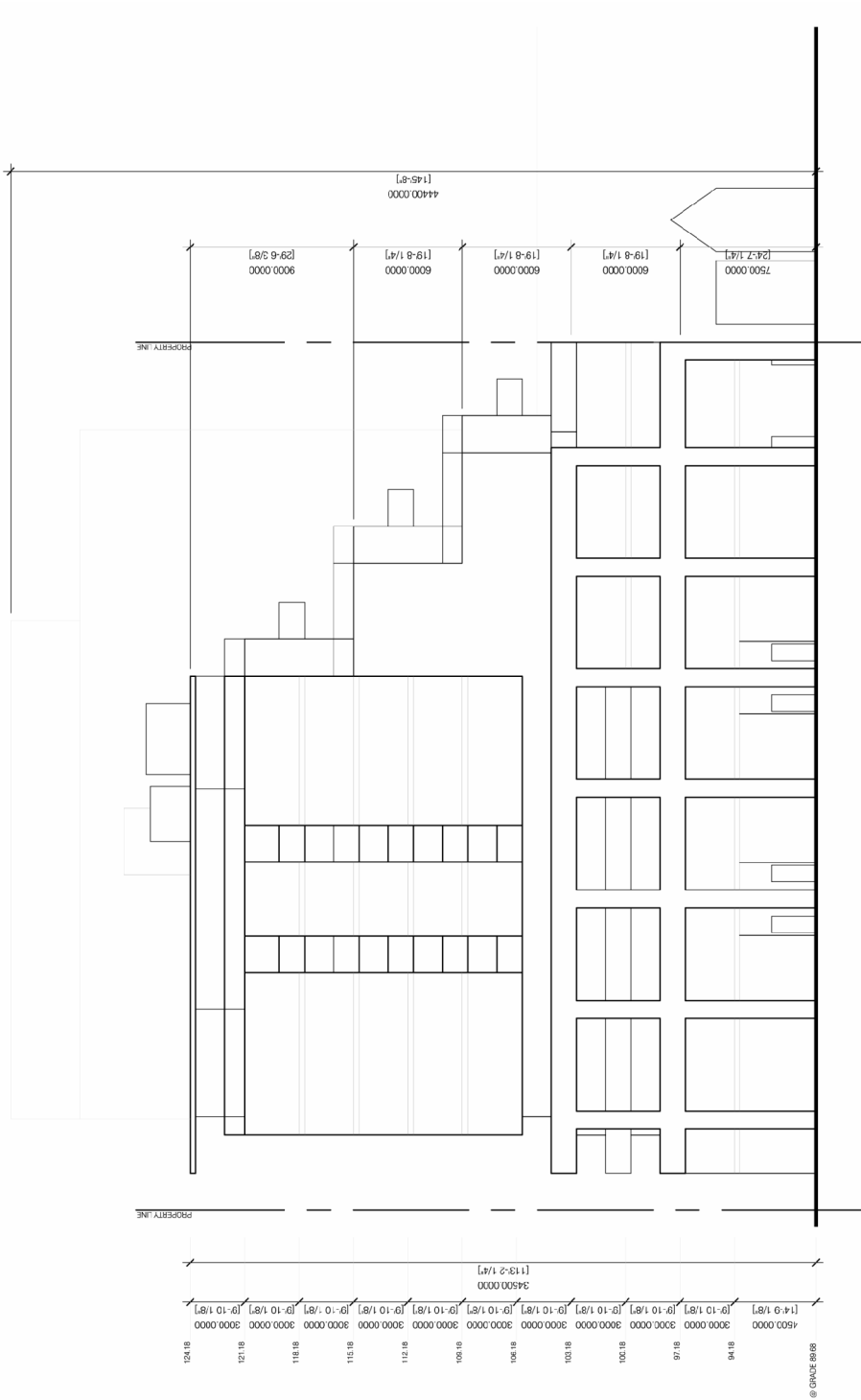
Applicant's Submitted Drawing

Not to Scale  
10/06/08

# Attachment 4: South Elevation



# Attachment 5: East Elevation



40 Dovercourt Road

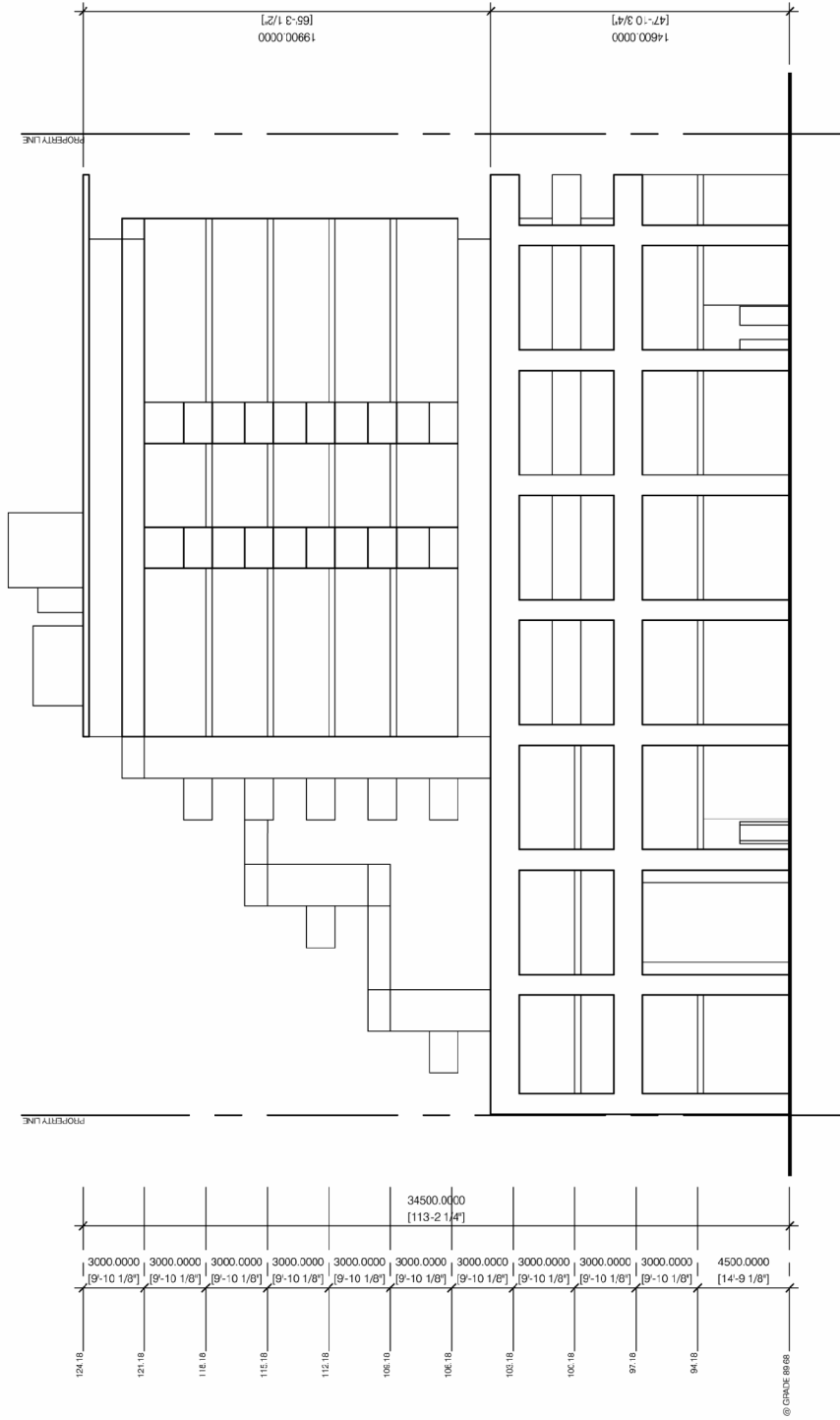
File # 08\_159729

East Elevation

Applicant's Submitted Drawing

Not to Scale  
1/16" = 1'-0"

# Attachment 6: West Elevation



40 Dovercourt Road

File # 08\_159729

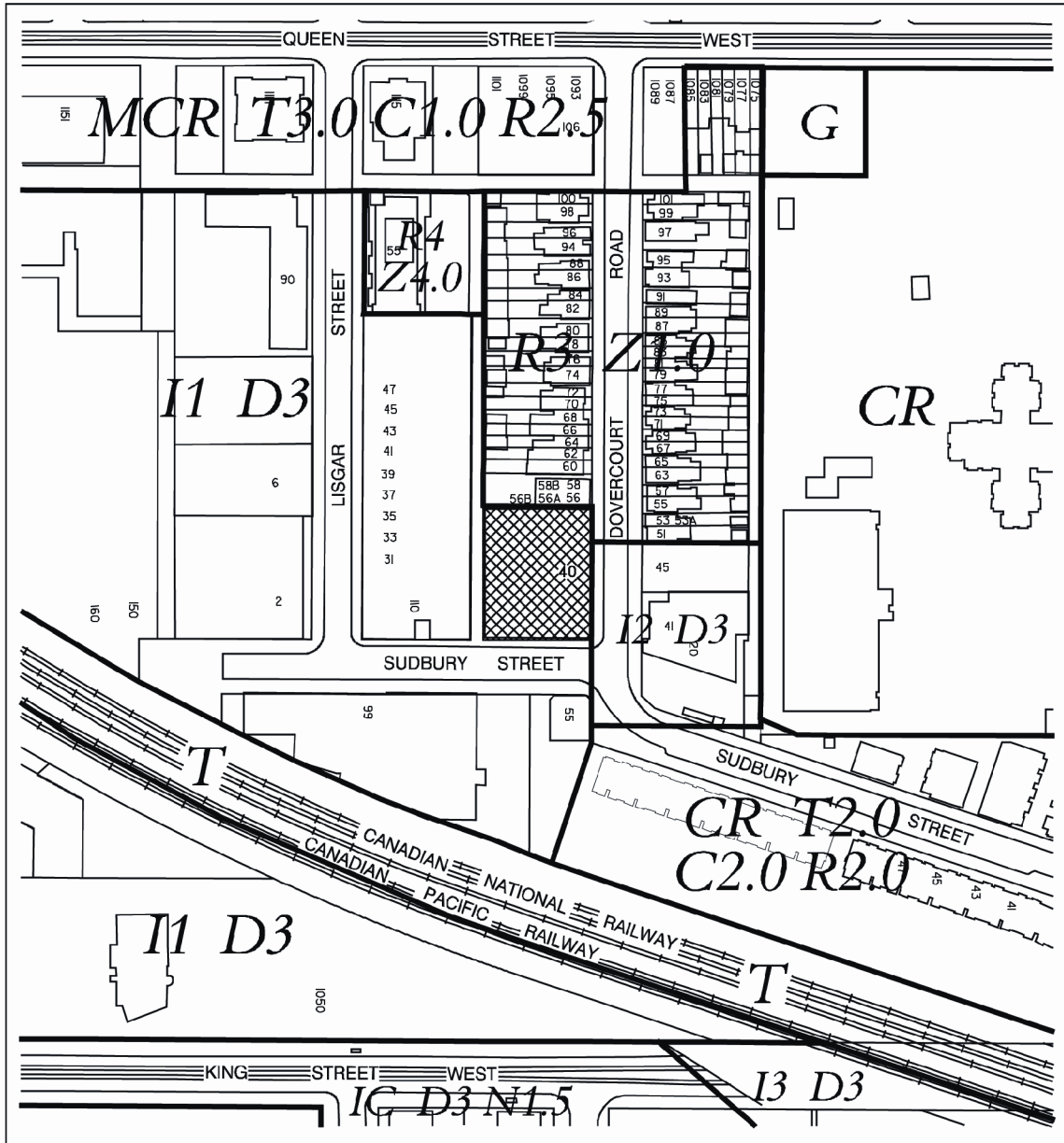
West Elevation

Applicant's Submitted Drawing

Not to Scale  
10/06/08




## Attachment 7: Zoning



**TORONTO** City Planning  
Zoning

**40 Dovercourt Road**  
File # 08\_159729

R3 Residential District	I2 Industrial District
R4 Residential District	I3 Industrial District
CR Mixed-Use District	IC Industrial District
MCR Mixed-Use District	T Industrial District
I1 Industrial District	G Parks District

  
 Not to Scale  
 Zoning By-law 438-86 as amended  
 Extracted 05/30/08 - TA

## Attachment 8: Draft Zoning By-law Amendment

### 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 40 Dovercourt Road.**

**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 amendment; 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 40 Dovercourt Road (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;

The Council of the City of Toronto **HEREBY ENACTS** as follows:

Amending Appendix A, Map 49G-321 to rezone the lands shown within the heavy lines on Map 1 of this By-law from I1 D3 to RA.

#### **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. Nothing in Section 12(2) of Zoning By-law 438-86, as amended shall apply to prevent construction of any building or structure on the *lot* in accordance with this by-law.

**2. PERMITTED USES**

1. 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 the chart below and accessory uses thereto are permitted on the *lot*, 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:	*	Q2

		A. arena, stadium, racetrack are not permitted; and B. <i>club</i> is not permitted		
	(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>Car-share 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
		Winery		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
		Public transit	*	P
		<i>Trade school</i>	*	P
		<i>Undertaker's establishment</i>	*	P

2. The following qualifications are to be complied with before certain uses are permitted:
- a) No person shall erect or use a building or structure having more than one basement or floor level below or partly below *grade* containing *dwelling units*.
  - b) 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. 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*.

- c) A *retail store* or *showroom* is permitted provided the total *non-residential gross floor area* of any one *retail store* or *showroom* is limited to no more than 1800 square metres.
- d) 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.
- e) A *parking stacker* is permitted, provided:
  - i) it is *accessory*; and
  - ii) it is located within a building.
- f) A *metal wares factory* is permitted provided the use does not exceed 475 square metres.
- g) 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.
- h) A *rooming house* is permitted provided the aggregate number of *dwelling rooms* and *dwelling units* does not exceed 25.
- g) 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 0.7 times the area of the *lot* shall be provided. 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 By-law except:
  - a) *non-residential gross floor area* relating to the following uses shall not count toward meeting the minimum non-residential use requirement of this By-law:
    - i.) uses listed in the chart in Section 3(d)(b)(vii) of this By-law under the heading “Automobile-Related Uses”;
  - b) *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. 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:
  - a) 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.
  - b) For clarity, where either no height limit or a height limit “H 0” is specified, no buildings or structures are permitted.
  - c) For clarity the *height* limit specified by the numbers following the symbol “H” as shown on Map 2 includes all stair towers, elevator overruns, mechanical equipment and/or enclosures for any of the foregoing on the roof of the building.
  - d) 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 Maps 2 except:
    - i.) stairs (excluding stairs providing access to underground areas), landscape features, uncovered ramps (including garage and wheelchair ramps);
    - ii.) the permitted projections outlined in the chart below:

PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION
A. eaves, cornices, ornamental elements, architectural details	Beyond the heavy lines shown on Map 2 at that height	0.65 metres from the wall to which it is attached
B. uncovered platform that is landscaped open space and is less than 1.2m above finished grade	Beyond the heavy lines on Map 2 at that height	2.5 metres from the main exterior wall to which it is attached
C. porch (covered platform) that is landscaped open space and is less than 1.2 m above finished grade	Beyond the heavy lines on Map 2 at that height	2.5 metres from the most exterior portion of the wall to which it is attached
D. canopy	Beyond the heavy lines on	2.5 metres from the wall

	Map 2 at that height	to which it is attached
E. balustrades and wind mitigation structures	Beyond the heavy lines shown on Map 2 at that height	the extent of the roof of the storey below, or 2.0 metres from the main exterior wall, whichever is greater
F. fences or safety railings	Beyond the heavy lines shown on Map 2 at that height	Height not to exceed 1.2 metres

- e) No building or structure shall be erected which does not have:
  - i.) a minimum of 2 *storeys*; and
  - ii.) a minimum first *storey* floor-to-floor height of 4.5 metres.
  
- f) No person shall on any *lot* erect or use any building or any portion thereof for any use unless:
  - i.) the main floor is located no more than 0.2 metres below and no more than 1.2 metres above the level of the sidewalk or publicly accessible area directly opposite the entry to the unit;
  - ii.) all exterior entrance doors, other than service entrance doors, which provide access to a non-residential use within the building, shall be directly accessible from the public sidewalk or the *publicly accessible landscaped open space* opposite the door by a level surface or a ramp not exceeding a gradient of 1 in 25 (4%).

**5. RESIDENTIAL AMENITY SPACE**

- 1. Notwithstanding Section 4(12) of By-law 438-86, the indoor residential amenity space can be provided in 2 non-contiguous rooms.

**6. PARKING AND LOADING**

- 1. Notwithstanding the provisions of Section 4(4)(b) of Zoning By-law 438-86, as amended:
  - a) a minimum number of *parking spaces* for residents shall be provided and maintained on the *lot* in accordance with the following table:

Unit type	Minimum <i>parking spaces</i>
Bachelor Unit	0.3 per unit
1 <i>bedroom</i> Unit	0.7 per unit
2 <i>bedroom</i> Unit	1.0 per unit



3 or more <i>bedroom</i> Unit	1.2 per unit
<i>live/work unit</i>	1.0 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 unit</i>	0.1 per unit

- b) a minimum of 0.12 *parking spaces* per dwelling unit shall be provided on the *lot* for visitors to the building.  
The visitor *parking spaces* shall:
- i.) 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
  - ii.) be equally available to visitors of all residents of the site; and
  - iii.) 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.
- c) pursuant to a) above, up to 10% of the *parking spaces* required by subsection i) may be *small car parking spaces*.
- d) for each on-site *car-share parking space* provided on the *lot* up to a maximum of 7 *car-share parking spaces*, the minimum resident parking required by (a) above shall be reduced by 5 *parking spaces*. If after not less than a period of 3 years following the date of registration of the last condominium or the date of occupancy of the last rental unit, the car-share operation fails to be sustainable, to the satisfaction of the Chief Planner, such spaces shall revert as follows:
- i.) 51% of any such spaces shall be provided and maintained on the site as a residential visitor *parking space* for the exclusive use of residential visitors to the site and signed as such and equally available to all residents of the site; and
  - ii.) 49% of any such spaces shall be provided and maintained as a resident *parking space*, for the exclusive use of residents of the site.
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.

- a) 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:
    - i.) 0 *parking spaces* for the first 300 persons as generally accommodated;
    - ii.) 1 *parking space* for up to 400 persons generally accommodated by the largest performance or meeting space.
    - iii.) 1 *parking space* for each additional 10 persons above 400 persons generally accommodated by the largest performance or meeting space.
  - b) 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:
    - i.) 0 *parking spaces* for the first 350 square metres of *non-residential gross floor area*; and
    - ii.) 1 *parking space* per each additional 175 square metres of *non-residential gross floor area* in excess thereof.
3. Notwithstanding 2 above, the *owner* or occupant of the building existing on the lot on the day of the passage of this by-law shall be exempt from the requirements of this by-law to provide motor vehicle parking facilities in respect of the use of the building for non-residential purposes, as permitted in an I1 zone in By-law 438-86, as amended, provided that the *non-residential gross floor area* of the building does not exceed the *non-residential gross floor area* of the building on the date of the passage of this by-law.

## 7. BICYCLE PARKING

- 1. Notwithstanding Section 4(13)(a) of Zoning By-law 438-86, as amended
  - a) the minimum requirement for bicycle parking shall be as described in Section 4(13) but the requirement shall not be capped at 200 *bicycle parking spaces*; and
  - b) the bicycle parking spaces shall not be provided in individual storage lockers.

## 8. HOUSING MIX

- 1. Any portion of the *lot* containing residential *dwelling units* shall provide:

- a) a minimum of 20 percent of residential *dwelling units* having 2 or more bedrooms; and
- b) a minimum of 75 per cent of any residential *dwelling units* at the main floor level, excluding *artist live/work studios* to have 2 or more bedrooms.

## 9. IMPLEMENTATION

- 1. No person shall erect or use any building or structure prior to satisfying the following conditions:
  - a) 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 11 (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 Lands as a first charge;
  - b) the owner of the Lands, at its own cost, shall provide a certified cheque for \$450,000 (indexed as of December 1 2008 in accordance with the non-residential building construction price index ), prior to the issuance of any building permit, save and except excavation and shoring, 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:
    - i.) *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 in consultation with the Executive Director, Toronto Culture;
    - ii.) public art;
    - iii.) 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; and/or
    - iv.) development of Lisgar Park;

- c) the owner of the Lands shall convey for nominal consideration prior to the issuance of an above grade permit, and at no cost to the City, any lands within the heavy lines shown on Map 1 that are required for the lane conveyance;
- d) the owner of the Lands shall ensure that 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 prior to the issuance of a below grade permit.

## 10. SECTION 37 OF THE PLANNING ACT

- 1. The owner of the *Lands* at its own expense and in accordance with and subject to the agreement referred to in Section 10 herein shall provide the following facilities, services and matters to the City:

- a) 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;

- b) Mechanical Penthouse Screening

the materials on the faces of the mechanical penthouses will complement the architectural features of the building and will be similar in quality and compatible with the materials used on the exterior elevations of the Building, to the satisfaction of the Chief Planner and Executive Director, City Planning.

- c) Roofing Materials

roofing materials for 80% of the roof will consist of white, low-emissivity materials or a green roof, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- d) Wind Mitigation Measures

the owner shall construct, or cause another party to construct, any wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner; and

- e) 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 of the Lands 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.

## 11. DEFINITIONS

Each words or expressions italicized herein shall have the same meanings as such word or expression as defined in By-law No. 438-86, as amended, unless otherwise set out in this By-law. For the purposes of this By-law, the following definitions shall apply:

*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;

*car-share* means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and do include use of cars on an hourly basis

*car-share parking space* means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is accessible to non-resident car-share members at all times;

*grade* means  
the average elevation of the sidewalk along Sudbury Street and Dovercourt Road;

*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, as shown on Map 2;

*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*;

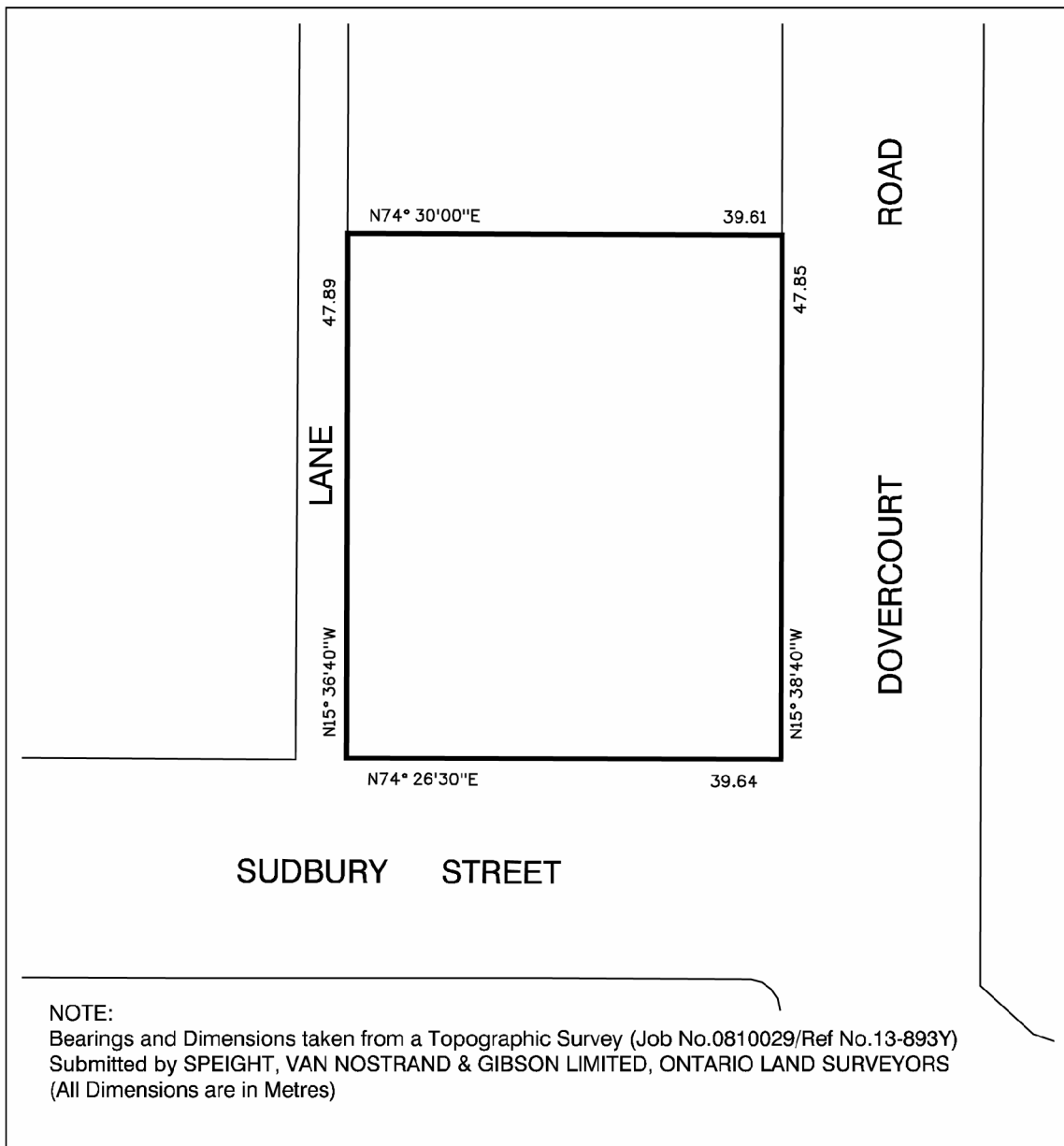
*small car parking spaces* shall mean a *parking space* having a minimum unobstructed area 2.4 metres wide by 5.0 metres long which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, except the width of the *parking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

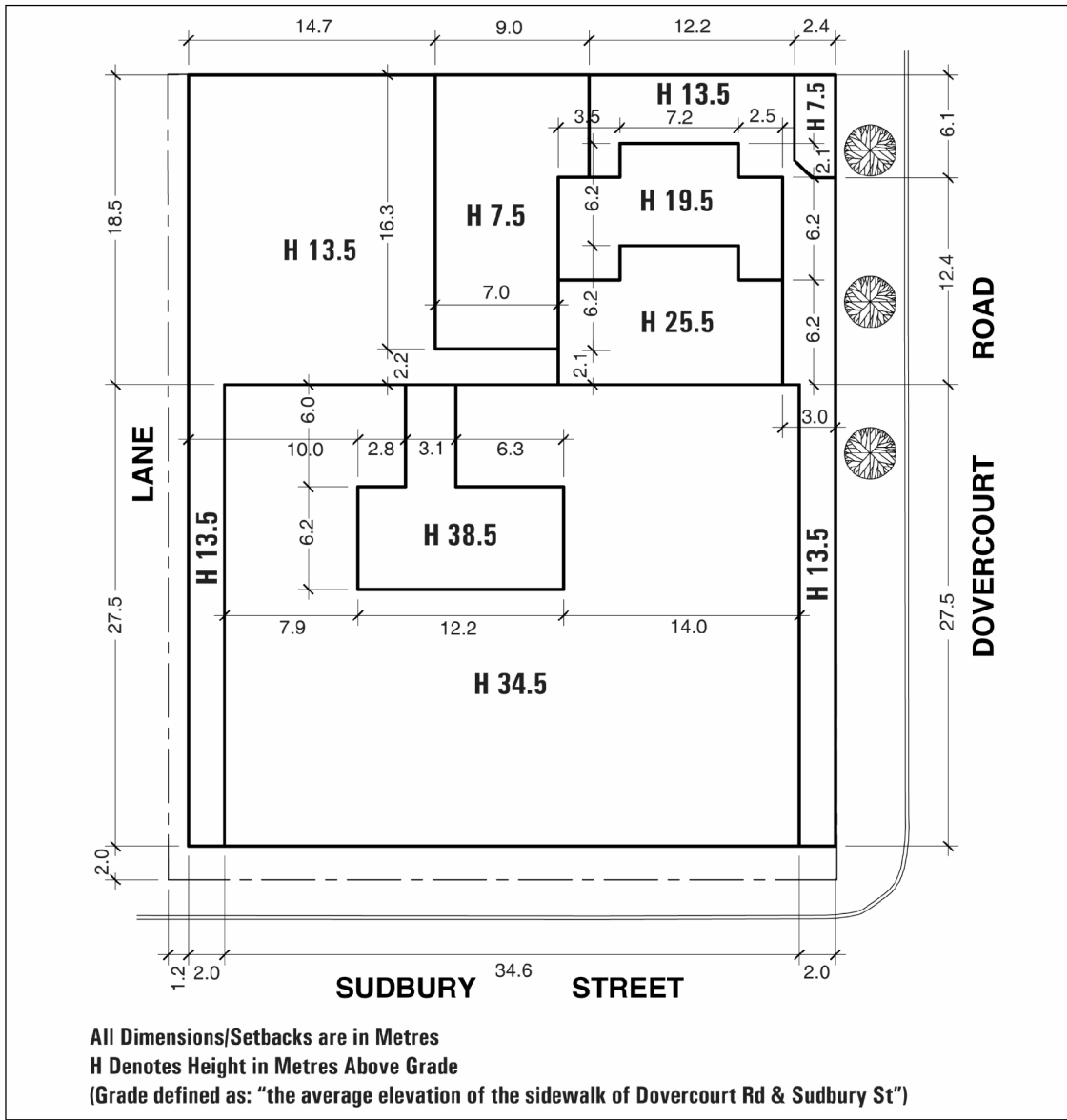
- a. 2.7 metres wide where there is an obstruction on one side of the space; or
- b. 3.1 metres wide where there are obstructions on both sides of the space.

*West Queen West Triangle Lands* means the lands delineated by the heavy lines on Map 3 of this By-law.

## **12. FUTURE SEVERANCE**

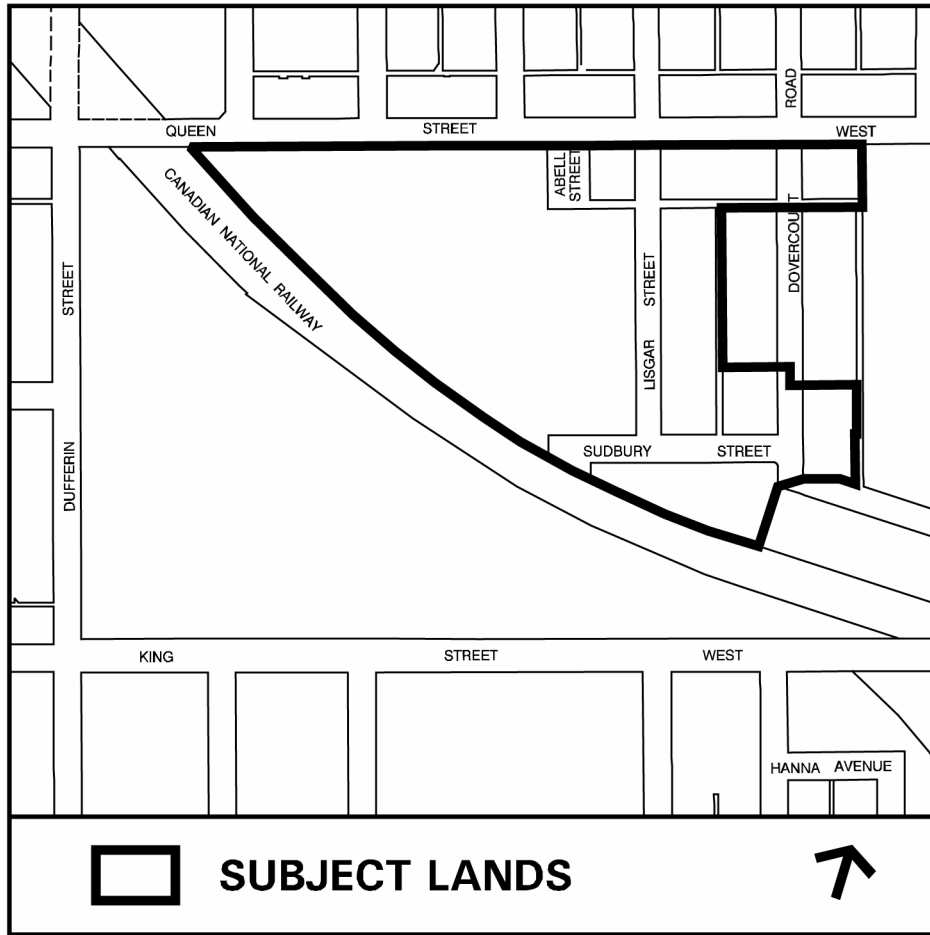
Despite any existing and future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.







### Map 3



## Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	08 159729 STE 18 OZ
Details	Rezoning, Standard	Application Date:	May 16, 2008

Municipal Address: 40 DOVERCOURT RD  
 Location Description: PL 893 LTS 12 TO 15 PT LT11 \*\*GRID S1807  
 Project Description: Rezoning application to permit the redevelopment of the site for an 11-storey mixed use development consisting of grade related retail and upper storey residential uses. Included in the proposal is below grade parking to accommodate up to 118 dwelling units on the lands

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
ANDREW DALES, ANDREW DALES CONSULTING	ANDREW DALES, ANDREW DALES CONSULTING	OLESON WORLAND ARCHITECT	

### PLANNING CONTROLS

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

### PROJECT INFORMATION

Site Area (sq. m):	1896.8	Height:	Storeys:	11
Frontage (m):	39.6		Metres:	34.5
Depth (m):	47.9			
Total Ground Floor Area (sq. m):	1759.1			<b>Total</b>
Total Residential GFA (sq. m):	11260.1		Parking Spaces:	107
Total Non-Residential GFA (sq. m):	1327.3		Loading Docks	1
Total GFA (sq. m):	12588			
Lot Coverage Ratio (%):	93			
Floor Space Index:	6.5			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	36
1 Bedroom:	57
2 Bedroom:	16
3 + Bedroom:	9
Total Units:	118

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	11260.1		0
Retail GFA (sq. m):	1327.3		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

**CONTACT: PLANNER NAME: Sarah Phipps, Planner**  
**TELEPHONE: (416) 392-7622**