
HEMSON Toronto Land Use Report

Proceedings of the Toronto Land Use Committee

SEPT. 19, 1996

THIS ISSUE INCLUDES THE FOLLOWING PROCEEDINGS:

- ✓ *Toronto Land Use Committee — September 15, 1996*
- ✓ *Special Toronto Land Use Committee — September 12, 1996*
- ✓ *Joint Toronto Land Use Committee/Toronto Economic Development Committee — September 4, 1996*

DEPUTATIONS

FINAL REPORT ON FESTIVAL HALL ENTERTAINMENT/RETAIL COMPLEX, 126 JOHN STREET/265-267 RICHMOND STREET WEST. Following presentations from staff planner Elyse Parker and applicant Michael Dennis, Widmer Street and local area residents and businessmen made detailed objections to the massing and scale of Toronto's next major entertainment complex, concentrating on light, noise, and traffic implications for Widmer Street and questioning whether the Festival Hall proposal adheres to key provisions of the newly adopted King-Spadina Part II Official Plan. Solicitor Greg Daly, on behalf of four Widmer Street landowners, gave a detailed explanation of height and setback that he claimed departed from secondary plan provisions that development fit into its immediate surroundings and was one of several deputants who questioned why the **Parking Authority of Toronto**, operator of the parking facility in the proposed complex, should require secondary exits that would force exiting southbound vehicles onto local Widmer Street. A Public Works official later told Councillor Michael Walker that no consideration had been given to making Widmer Street one-way northbound because the narrow street was assumed to have sufficient capacity and because there was concern about the ability of the Peter Street-Richmond Street intersection to absorb more traffic. About 40% of the exiting traffic will be through Widmer Street.

Widmer Street resident and businessman Don Rodbard provided details on abutting and nearby building heights, claiming that Festival Hall would tower over even the relatively large CITY-TV building while claiming the Planning staff report had misrepresented the low townhouse scale of most nearby development. Mr. Rodbard also worried about noise and fumes from trucks queued on Widmer Street while waiting to get into the complex, also noting the absence of sun/shadow studies for an equivalent to a residential 10-storey building west wall of the development that would put all Widmer Street

buildings in shadow until noontime. **Allen Zimmerman**, whose property is just off Widmer Street, raised his concern with the proposed build-over above a lane right-of-way (he later conceded the concern is a private matter), said that the applicant's traffic analyst **BA Consulting** had found the Widmer Street-Adelaide Street intersection to be congested based on traffic generated by a lower number of theatre seats than the current proposal, and suggested the applicant modify his design in order to permit Widmer Street to be widened. Mr. Zimmerman claimed that neither City officials nor the applicant had contacted local property owners since May, while a host of reports have been prepared and variety of meetings have taken place in the interim. Committee Chair **Councillor Steve Ellis** countered that only one of 450 mailed notices of the public meeting had been returned.

Realtor and appraiser **John Combs**, director of the **Toronto Entertainment District Association** (also the **Yorkville BIA**), disputed an earlier deputant's contention that the development would ruin Widmer Street property values, concedes the application had some glitches, but urged support for the development. The OPA/ZBA on the 7,491 m² former **Dover Elevator** site is for a 23,828 m three-storey building with 370 parking spaces at 3.31 times density. The complex will contain about 13,000 m² retail plus 4,329 seats divided among 14 theatres on the top floor. Approval is recommended on the basis of satisfying the objectives of the new King-Spadina Part II Official Plan. Agent is **Azure Development Ltd.** Designer is **The Kirkland Partnership Inc.**

Local ward **Councillor Dan Leckie** moved adoption of the staff report, and that Planning and Legal report on matters raised (process, traffic, height, massing, setbacks, shadows, compatibility) in two solicitors' letters. Councillor Leckie said Festival Hall would be a cornerstone development in the ward and in the Entertainment District, that a "phenomenal amount" of discussion and preparations had taken place, that most Widmer Street property owners were satisfied with the proposal, and that the development would add to the City's vitality by attracting thousands of people. Councillor Leckie was especially pleased with the building design and its emphasis on street-related focus. The complex may become the future home of the **Festival of Festivals**. Avid movie goer **Councilor Tom Jakobek** ("this is a great proposal") was pleased that the industrial jobs-or-else diehards had seen the light and asked the applicant to do the right thing by upgrading the Widmer Street building facade. [ITEM 3]

MERTON STREET STUDY FINAL REPORT DEFERRED. Local ward **Councillor Michael Walker** gently chided solicitors and former Councillors **Andrew Paton** and **Michael Gee** following the latter's comment about the Merton Street solution being 30 years in the making, as they might have found the solution during their tenures on Council. Mr. Paton suggested the Belt Line lands be included in the zoning, then rezoned to open space once in City ownership. Mr. Gee asked that the City not delay in stating its position on his client's OMB hearing (54-84 Merton St.) slated to begin on October 20. Councillor Walker assured that the matter was well in hand before moving deferral to the October 10 Land Use Committee meeting, so the Planning Advisory Committee could meet and make recommendations in the interim.

The main recommendation of the final report is to replace the General Use designation on the south side of Merton Street with a Low Density Mixed Commercial-Residential Areas designation, the same as the current designation on the north side of the street. The staff report also recommends a new OP section that requires future development to satisfy Development Guidelines "addressing matters including massing, building setbacks and terracing, streetscape treatment and at-grade conditions of the building, building servicing and parking, pedestrian and vehicular circulation." The planning policies will be reviewed no less frequently than every five years. The OP will permit three times density, while as-of-right zoning is limited to two times, requiring further site-specific ZBAs. Corresponding Zoning By-law amendments will replace the CR T3.0 C2.0 R2.0 zoning on the south side of Merton Street with CR T2.0 C2.0 R2.0. Should Council adopt a development charges by-law, locally generated funds will be used for local area traffic management (Merton Street is a collector road) and other local improvements. Commercial facilities and parks are considered adequate with the exception of schools. Current OP and Zoning controls passed in 1978 are to be repealed. The recommendations follow input from a local working committee chaired by local ward Councillor **Michael Walker** and is the latest attempt at consensus over the future of a mixed residential-commercial-industrial area in transition abutted to the south by the controversial Belt Line, now a City linear park, and Mount Pleasant Cemetery. [ITEM 4]

26 NOBLE STREET LIVE/WORK PROPOSAL. No deputants appeared prior to the motion by Councillor **Kay Gardner** to adopt an OPA/ZBA including an amendment requested by local ward Councillor **Chris Korwin-Kuczynski** regarding a boulevard parking space. In August the Executive Committee had exempted the project from a parks levy on the basis of the timing of the building permit application having been submitted prior to July 25, 1995. The OPA/ZBA application is to convert a three-storey non-residential condo building into 12 live-work units, the work component being restricted to offices, custom workshops, and studios. [ITEM 1]

SIGN VARIANCES AT 350 QUEEN'S QUAY WEST. Deputations by **John Monk** of **Brill-Light Neon Signs**, **Jamie Ayers** of **Brewers' Retail**, and solicitor **Nat Cohen** (the latter on behalf of the landlord **Huang & Danczkay Properties Inc.**) that the staff recommendations should be modified because the open space on either side of the beer store is water and that the below-grade store needs added identification. Planner **Raymond David** told the Committee that the applicant had been given several options that they had chosen not to consider. The variance applications are for one illuminated fascia sign and the lighting of an existing fascia sign for The Beer Store. The Planning and Development report recommends approval of the Sign By-law variance to illuminate the existing sign but recommends refusal of the proposed added sign. The motion to adopt the staff recommendations was placed by local ward Councillor **Dan Leckie**. [ITEM 2]

COMMUNICATIONS

PRELIMINARY REPORTS

322 CLINTON STREET INFILL HOUSING. Aridor Investments Ltd. has applied on behalf of the Silverberg Estate for a ZBA to permit a nine-unit (eight townhouses, one detached dwelling), 11 parking space infill residential development previously refused by the Committee of Adjustment as a variance application. The 1,276 m² site proposed for severance into 10 lots is on the west side of Clinton Street between Clinton Place and Page Street. A local public meeting will be scheduled. [ITEM 5]

175 HANSON STREET REZONING/SITE PLAN. Hotson Bakker Architect is proposing 24 freehold townhouses and 16 stacked townhouse condo units including a southerly extension of Bastedo Avenue. A local public information meeting will be scheduled at Monarch Park Collegiate Institute on October 2. The 8,742 m² site is abutted on the south by CN railway tracks east of Coxwell Avenue. Current OP designation is Industrial-Residential. [ITEM 6]

1 WILTSHIRE AVENUE LIVE-WORK DEVELOPMENT. Irving and Mel Himel (agent John Kirk) have applied for OPA/ZBA permission to convert an existing 5,788 m² factory (plus a proposed 892 m² addition) to 33 live/work units plus 40 workshops and studios. The 6,968 m² site is at the southeast corner of Wiltshire Avenue and Adrian Avenue and abuts railway tracks on the east and south sides, though light industrial uses will continue to abut the rail lines. Planning issues include the environment (health risk from former felt manufacturing), area study for redesignation of industrial land, setbacks from rail lines, extension of Wiltshire Avenue, and provision of a streetscape plan. The Planning Advisory Committee will hold a public meeting. [ITEM 7]

OTHER REPORTS

CP RAIL APPLICATION TO AMEND OLD STOCKYARD DISTRICT PART II OFFICIAL PLAN FOR SUPERMARKET. By motion of Councillor Kyle Rae a Planning and Development report was adopted directing the City Solicitor to prepare the by-laws for an OPA redesignating 3.6 ha south of the Home Depot and Canadian Tire sites from Special Study Area to part of General Use Area B in the Old Stockyards District Part II Official Plan. A Provigo supermarket is proposed for the site. In return, applicant CP Rail is asked to withdraw OMB objections against the Part II OP and the by-laws for both abutters to the north of their site, also to have its transportation consultant review the capacity and need for improvements to the Keele Street-Dundas Street intersection. The OPA also includes several added and amended text sections that, among others, require the store main entrance to be visible from the main

street, and gives Council discretion to require off-site street and transit improvement contributions through Section 37 agreements. The Commissioner of Urban Development Services will report further on the technique to assess off-site street and transit improvements among various affected developments. **Provigo** is expected to submit a site-specific ZBA application.

The late arriving Planning report was placed on the Committee agenda at the request of **Councillor Betty Disero**. Citing the applicant's precedent with the **Dufferin Mall** appeal against the City's floor area cap for retail additions to retail strips, **Councillor Rob Maxwell** expressed concern that the applicant's commitment to withdraw their OMB appeals on approval of the application would leave the City without adequate guarantees. The City would appear to have given way without improving the City's position, and other potential OMB appeals could threaten to do likewise. Manager **Michael Ufford** said that the City was protected to the extent that the current approval is for the OPA and that the implementing ZBA would be subject to public input. Further, the OPA report lists the issues that any rezoning must address. Finally, the Bills in Council for the OPA would not be passed until CP has withdrawn its OMB appeals.

[ITEM 31]

SIGN BY-LAW VARIANCE APPLICATIONS

THE FOLLOWING APPLICATIONS FOR VARIANCES FROM THE SIGN BY-LAW HAVE BEEN RECOMMENDED FOR APPROVAL: 2 Jefferson Ave. — illuminated projecting **Public Storage** sign, illuminated fascia sign [ITEM 10]; 225 King St. West — 2 projecting concourse shops/services signs [ITEM 11]; 277 Front St. West — illuminated projected sign, three illuminated fascia **Planet Hollywood** signs [ITEM 12]; 200 Wellington St. West — two projecting concourse shops/services signs [ITEM 13]; 40 King St. West — alterations to pedestal **Scotia Capital Markets** sign [ITEM 14]; 8 Wellesley St. East — two illuminated awning signs, illuminated fascia **Rogers Video** sign

[ITEM 15].

RECENT OMB APPEALS

THE FOLLOWING HAVE BEEN APPEALED TO THE OMB: Teletheatre in former Greenwood Racetrack [ITEM 21, forwarded to Council without recommendation on motion of **Councillor Tom Jakobek** with legal and planning staff to report to Council on potential for expansion including a casino], Woodbine Park development on former Greenwood Racetrack [ITEM 22, received on motion of **Councillor Tom Jakobek**], Legal directed to seek to have appeal dismissed as frivolous], Queen Street East between Woodbine Avenue and Nursewood Road [ITEM 23, **Business Depot**, 542 Keele St. and **Delta Bingo**, 1799 St. clair Ave. West [ITEM 24, 1199 Lansdowne Ave. [ITEM 25], Yonge Street-Bay Street-Church Street-Davenport Road area [ITEM 26], 121 Avenue Road [ITEM 27], 3050 Yonge St. [ITEM 28], below grade and at-grade garage regulations and residential front yard landscaping [ITEM 29].

A brief memo from **John Morand**, Commissioner, Urban Development Services, recommends that City staff attend the OMB hearing on the Committee of Adjustment refusal of a variance to permit a restaurant at 2276 Gerrard St. East [ITEM 17].

RECENT OMB DECISIONS

A refusal of a Committee of Adjustment variance on parking and use of illegally converted mezzanine space for seating at 411-417 Danforth Ave. was reversed by the OMB. [ITEM 19]

Two appeals on 2376-22388 Dundas St. West were settled in favour of five and 11-storey building heights. The City had approved two eight-storey buildings. [ITEM 20]

BRIEFLY NOTED COMMUNICATION ITEMS

A status report on Official Plan and Zoning By-law amendments for the **University of Toronto** area states that a report has been submitted to the Planning Advisory Committee requesting a public hearing at Innis College (2 Sussex Ave.) on October 22. The draft Part II OP is sufficiently different from that prepared for the PAC public meeting last October to merit another public meeting. Final recommendations will be submitted to the December 12 Land Use Committee meeting. [ITEM 16]

The **Greenwood Racetrack Working Committee** has been recommended for disbanding and replacement with advisory committees on parkland development in Woodbine Park and traffic matters related to the Kingston Road extension. A further report will address terms of reference for the advisory committees. [ITEM 18]

A Clerk's Department memo recommends reduction of the **Gardiner/Lake Shore Corridor Task Force** from 10 to eight members, as well as the appointment of **Christopher Blythe** as an alternate for **David Windrim** representing the **Beach Triangle Residents' Association**. [ITEM 30]

RECENT APPLICATIONS

The Following Applications Were Received Between May 9 and May 29:

SITE PLAN APPLICATIONS: 311 Bay St. — retail store, sales or hire garage, commercial parking lot; 1292 College St. — detached house; 653-661 Gerrard St. East — commercial parking lot; 325 Kingston Rd. — 8-unit residential condo building; 2365 Queen St. East — amend undertaking for ramp width reduction; 1287 Queen St. West — 2 retail stores, 6 dwellings.

OFFICIAL PLAN/REZONING APPLICATION: 465 Dundas St. East — community health centre.

SIGN BY-LAW VARIANCE APPLICATIONS: 832 Bay St. — fascia sign; 55 St. Clair Ave. West — illuminated fascia sign, encroaching awning sign; 754 Yonge St. — illuminated awning sign.

REVISED ZONING CONTROLS FOR AVROA DEVELOPMENT ON MARINE TERMINAL 27, 25 QUEEN'S QUAY WEST. The apparent good feeling between applicant **Avro Quay Ltd.** and abutter **Redpath Sugars** following a summer of intensive negotiations facilitated through City staff to reach zoning and urban design consensus on Avro's proposed 1,400 d.u. development on Marine Terminal 27 soured considerably, when Avro planning consultant **Sharon Vincent** provided the Land Use Committee members with a report on about 16 development options that the Redpath representatives hadn't seen or reviewed. Avro head **Fred Eisen** urged the Committee to adopt the recommendations and forward the matter to Council saying, among other things, that development on the Martin Terminal 27 site had been under discussion for 20 years. Redpath solicitor **Jim Harbell** initially stated that only technical details needed to be ironed out before the ZBA/Section 37 agreement package went straight to Council, while Redpath planning consultant **Leon Kentridge** said that Avro had agreed to a meeting between himself and Avro architectural consultant **Michael Kirkland** the previous day, making Mr. Eisen's request premature. The site is one of the last remaining outstanding Cityplan OMB appeal settlements.

The summer-long effort had been directed by the Committee in early June to respond to Redpath's concerns about mitigating the effects of their non-stop sugar refinery operation on future residents' concerns. Both boards of education had submitted letters to the effect that Avro had yet to sign legal agreements for per-unit education payments that should be finalized prior to any rezoning approvals. A City Solicitor report cautioned that a Planning and Development proposal to exempt a sloped roof area from density calculations warranted an OPA, as the density was being increased beyond the Official Plan maximum. The Planning and Development zoning recommendations, termed by Avro architect **Michael Kirkland** the most detailed since Baron Housmann's controls for the rebuilding of Paris, in effect move much of the earlier urban design guidelines into the Zoning By-law in an attempt to limit offending views and minimize noise emanating from the Redpath refinery and its attendant rail and truck movements.

The Zoning By-law will require a 12-metre high wall or building, possibly a daycare or 1,300 m² community centre, on the entire buildable length of the property on the Avro-Redpath lot line to screen views for the first four residential levels of Redpath operations and reduce truck noise prior to any residential development. A 'build-to' residential building on the eastern edge of the property will be 20 metres high and 50 metres wide and "will be located on the eastern edge of the property line within a zone lying between 36 and 131 metres of the northern property line of the site and on the eastern property line...to restrict views into what is being described as the 'Principal Activity Area' at Redpath."

A system of noise control zones (defined as Zones A and B) will be incorporated into the zoning rather than in a Section 37 agreement to block views of Redpath's defined Principal Activity Area and will variously prohibit, limit, or direct orientations of windows, balconies, and other openings. The zoning will also include a 'build-when' provision that limits development to 150 d.u. east of Freeland Street, all at least 30 metres from the east lot line, none with east views from primary windows (a term yet to be defined) prior to construction of the 'build-to' building "assuring Redpath and the City that the 'build-to' building is built in a timely fashion within the total phased development of the site."

Site plan and building permit approvals will require that all residential units satisfy Toronto and MOEE noise level requirements. Avro has agreed to provide funds to mitigate noise (installation and maintenance) at the following sources on the Redpath property through a Section 37 agreement: lime delivery system, start-up and steam venting, enclosing of gas pressure reduction system, and silencing ventilation louvres.

Local ward **Councillor Kyle Rae** successfully moved adoption of the Planning report as well as to ignore the City Solicitor's advice that an OPA was necessary. Due to a procedural technicality, Councillor Rae will request that the matter be referred back from the September 16 Council meeting, so the matter will be addressed at Council on October 6. Councillor Rae said that tight deadlines would force out resolution of the remaining issues, while praising the City staff for their hard work to resolve the issues. **Councillor Michael Walker** emphasized the need to protect Redpath's future expansion, and Councillor Rae undertook to request Council not to delegate site plan approval of Avro's development. [SPECIAL LAND USE COMMITTEE MEETING, SEPT. 12]

EAST BAYFRONT WORKING COMMITTEE ZONING RECOMMENDATIONS. The East Bayfront working committee representing area stakeholders, local ward Councillors, and environmentalists (chaired by **Meena Dhar**) has recommended significant zoning changes for the area bounded by the Gardiner Expressway, Cherry Street, Toronto Harbour, and Freeland Street (the planning area excludes **Avro Quay's** Marine Terminal 27 site). Zoning would be changed from I2D2N0.5 to ICD2N1.5, permitting tourism, entertainment, and commercial uses under an Urban Recreation heading to rise from 0.45 to 1.5 times density. I2 uses would be permitted in the new IC zoning, but live/work uses would be prohibited. Retail floor space up to 4,500 m² would be permitted east of Jarvis Street through an exemption from the City's 1,800 m² retail cap. Commercial parking would be a permitted use, and the **Parking Authority of Toronto** should report on suitable sites for commercial parking structures. A definition of "place of amusement" would be added to the Zoning By-law. The working committee report includes urban design guidelines for the planning area and recommends a range of streetscape and infrastructure improvements ranging from removal of overhead electrical wires and improved pedestrian and cyclist water's edge access. New development over 3,000 m² should provide traffic impact studies prior to site plan approval.

The Planning and Development covering report recommended adoption of the working committee recommendations, preparation of the required reports and Zoning By-law amendments, and reports on the more general working committee recommendations. The staff report notes that overall density will remain 3.0 times. Road and rail access for industry will be maintained, while "large, one storey buildings with significant surface parking" are expected to be the development form in the future. (JOINT LAND USE COMMITTEE/ECONOMIC DEVELOPMENT COMMITTEE, SEPT. 4)

The reader is cautioned that, unless otherwise noted, staff recommendations reported on in this land use newsletter may not represent the actions taken by a Committee of Council or subsequently by Council itself. To confirm Council actions, please contact the municipality's Clerk's Office.

Volume 13, Number 11

The HEMSON Toronto Land Use Report is published by:

Hemson Consulting Ltd.
30 St. Patrick Street
Suite 1000
Toronto, Ontario
M5T 3A3
Telephone: (416)593-5090
Facsimile: (416)595-7144
e-mail: hemson@hemson.com