

## 48 Abell Street– Zoning Amendment Application – Final Report

<b>Date:</b>	March 29, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	11 315464 STE 18 OZ

### SUMMARY

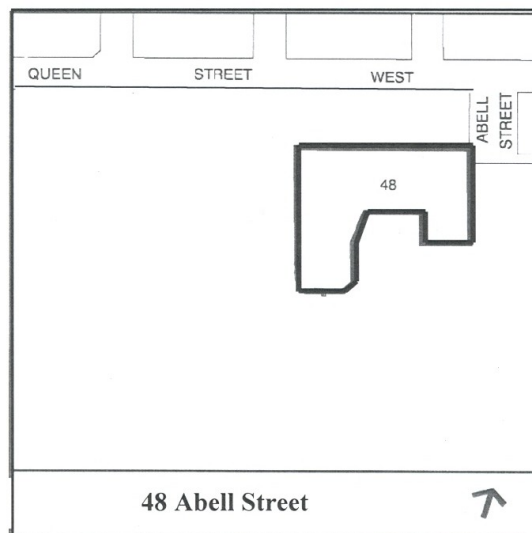
This application proposes amendments to Site Specific Zoning By-law 1166-2009 to permit the construction of a 21-storey tower with an 11-storey podium oriented in an east-west direction at 48 Abell Street. A non-profit arts and culture space has been proposed at 2 - 6 Lisgar Street as a Section 37 contribution from this proposal jointly with the project at 2 - 6 Lisgar Street.

This report reviews and recommends approval of the application to amend the Zoning By-law, subject to modifications to the current proposal as described in this report.

### RECOMMENDATIONS

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 1166-2009, for the lands known in 2012 as 48 Abell Street substantially in accordance with the draft Zoning By-law Amendment to be available prior to the April 17, 2012 Toronto and East York Community Council meeting.
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 require the owner of the lands at 48 Abell Street to enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure:
  - (a) Arts Space at 48 Abell Street
    - (i) the owner shall enter into an agreement to sell approximately six (6) at-grade workshops fronting on the *mews* (approximately 430 square metres) to the City, or an art-space management organization acceptable to the City, at \$250.00 per square foot, indexed to the construction price index from July 17, 2007; and
    - (ii) the agreement referred to in subsection (1)(i) hereof shall include an option for the City to purchase additional at-grade workshops in the *mixed use building* fronting on the *mews* for *affordable* arts-related space at market rates of \$350.00 per square foot, indexed to the construction price index from July 17, 2007.
  - (b) Non-profit Arts Space at 2-6 Lisgar Street
    - (i) The owner shall provide, at no cost to the City, a minimum of 2,800 square metres of gross floor area which:
      - (a) shall be conveyed directly to a non-profit arts and culture organization to the satisfaction of the Chief Planner and Executive Director, City Planning Division; or
      - (b) shall be conveyed directly to the City of Toronto for another non-profit community use or a City Division; or
      - (c) if a suitable non-profit arts and culture, community or City use cannot be identified, the space may be sold by the City and the proceeds directed to community services and facilities or parkland/open space, and/or streetscape improvements in Ward 18.

The space to be conveyed shall be to a finished, commercial standard, ready for occupancy for the intended use to the satisfaction of the Director, Real Estate Services.

- (ii) The non-profit art space located at 2-6 Lisgar Street shall be conveyed to the City prior to condominium registration of 48 Abell Street.

Additional matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development as described in this report.

4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 48 Abell Street to enter into a Site Plan Agreement under Section 41(16) of the *Planning Act* and Section 114 of the City of Toronto Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The site was subject to a Ontario Municipal Board (OMB) hearing in 2007 which was consolidated with hearings for two adjacent properties in the West Queen West Triangle. As part of that hearing, the OMB approved a terraced building along the mews that runs along the northern limits of the site, which ranged from 4 to 8-storeys, with an 18-storey affordable housing building fronting onto Sudbury Street, and 14-storey tower fronting onto Abell Street. The site is subject to Site Specific Zoning By-law 1166-2009, approved by the OMB.

The 18-storey affordable housing building which fronts onto Sudbury Street has been constructed as Phase I of the development of the lands and is not subject to this Rezoning Application.

### **ISSUE BACKGROUND**

In 2011, the City was approached by Active 18 (a Ward 18 residents association) and TMAC (the Toronto Media Arts Cluster) to consider the incorporation of non-profit arts and culture space in the base of the proposed development at 2-6 Lisgar Street. This request is consistent with the City's interest in preserving and creating arts and culture related space in the Queen West Triangle. Similar space has been secured in new developments in the area. In support of this goal and to enhance the existing arts cluster in the area, the City agreed to review the request.

In order to accommodate the over 2,800 square metres that TMAC was pursuing the owner requested more height and density. A working group was set up by the Ward Councillor to look at how TMAC could be accommodated on the site in a way that was acceptable in the planning policy framework and context and that delivered functional space to TMAC.

## **Proposal**

The applicant proposes to develop Phase II of the site with a 21-storey tower fronting onto Abell Street, which would have an 11-storey terraced building oriented in an east west direction and running along the mews south of Queen Street West.

The proposed development would have an overall gross floor area of 31,050 m<sup>2</sup>, of which 520m<sup>2</sup> would be dedicated for non-residential gross floor area, 263 m<sup>2</sup> dedicated to a gallery space, and 425.5m<sup>2</sup> for workshops which will front onto the mews at grade.

The overall height of the tower component of the building, not including mechanical penthouse, is proposed to be approximately 60 metres. The building along the mews will have an overall height of approximately 32 metres. The applicant's proposal would have a density of 5.45 times the lot area. Four hundred and thirty-eight vehicular parking spaces are proposed as part of this development.

## **Site and Surrounding Area**

The subject site has an area of approximately 5,695 square metres, and contained a 3-storey warehouse type building which had recently been demolished. Development in the vicinity is as follows:

North: North of the site is Queen Street West which is lined with predominantly 2-3 storey mixed use buildings.

East: Immediately east of the site is the future location of a City owned park, currently referred to as Lisgar Park.

West: To the west of the site is a 19-storey residential condominium building connected to an 8-storey building fronting onto Queen Street West.

South: South of the site are two residential buildings with heights of 8 and 20 storeys which will be connected below grade to the proposed building. Further south is Sudbury Street and the rail corridor.

## **Provincial Policy Statement and Provincial Plans**

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

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

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

## **Official Plan**

The site is designated *Regeneration Area* in the City of Toronto Official Plan.

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

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

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

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

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

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

## **Zoning**

The property is subject to Site Specific Zoning By-law 1166-2009 as described in the decision history section of this report.

## **Site Plan Control**

The subject site and development is subject to Site Plan Control. At the time of writing of this report, a Site Plan Control application had not been received.

## **Reasons for the Application**

A Zoning By-law Amendment Application is required for the height and density proposed, as well as to modify the Section 37 provisions contained within the By-law.

## **Community Consultation**

A Community Consultation Meeting was held by the City Planning Division on December 7, 2011 at St. Veronica's/St. Ambrose School. Approximately 65 members of the public were in attendance.

Matters and issues raised by the public at the community meeting, and via letters and comments received, are as follows:

- Questions regarding amount of parking being proposed, number of units proposed, and heights proposed;
- Concerns with the height and density proposed by the application;
- Concerns with potential increase in traffic in the area;
- Issues with the loss of light, view and privacy;
- Questions about whether there is sufficient capacity for the TTC to handle the influx of people in the area;
- Questions regarding whether sufficient capacity and infrastructure exist to handle the additional dwelling units;
- Concerned with level of intensification proposed in return for the Section 37 benefit;
- Questions regarding the allocation of Section 37 benefits and whether they should be assigned to one particular group; or go to other benefits such as affordable housing and more green space; and
- Other general issues with respect to other developments in the area were raised.

## **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**

### **Provincial Policy Statement and Provincial Plans**

Staff have reviewed the proposal and determined that it is consistent with the Provincial Policy Statement, and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## Land Use

The Official Plan identifies that *Regeneration Areas* open up unique areas of the City to a wide array of uses to help attract investment, re-use buildings, encourage new construction and bring life to the streets. Policy 4.7.1 states that *Regeneration Areas* will provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form to:

- revitalize areas of the City that are largely vacant or underused;
- create new jobs and homes that use existing roads, transit, sewers, social services and other infrastructure and create and sustain well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- restore, re-use and retain existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures, through the use of incentives;
- achieve streetscape improvements and the extension of the open space network; and
- promote the environmental clean-up and re-use of contaminated lands

The applicant is proposing a mixed-use building with a small retail unit on the ground floor fronting Abell Street, space which may be sold to a non-profit arts organization fronting onto the mews, and residential units above. This mix of uses proposed within this development is appropriate for this site, and meets the policies outlined in the Official Plan for *Regeneration Area*.

## Height and Density

As part of the OMB decision, the applicant currently has approval for a mixed use building that has an 8-storey podium and 14-storey tower fronting onto Abell Street. After reviewing the application, as well as the area context, Staff have identified that they are willing to support the modified heights as shown on Map 2 attached to the draft Zoning By-law. The heights that staff recommend are less than those that the applicant has requested. Staff recommend overall building heights of 57.0 metres for the tower and 29.5 meters for the podium. Using the applicant's proposed floor heights of approximately 2.7 metres, and a ground floor of 4.5 metres, this would result in buildings with heights of 9-storeys for the podium and 19-storeys for the tower. These floor to floor heights reflect the minimums permitted under the Ontario Building Code. More traditional floor-to-floor heights will yield fewer floors within the recommended heights.

	<b>Previously approved Proposal (Phase II Development)</b>	<b>November 24, 2011 submission</b>	<b>Planning Report Recommendation</b>
<b>Building Height in metres</b>	Podium: 25.0 metres Tower: 42.0 metres	Podium: 32.4 metres Tower: 59.7 metres	Podium: 29.5 metres Tower: 57.0 metres
<b>Building Height in storeys</b>	Podium: 8-storeys Tower: 14-storeys	Podium: 11-storeys Tower: 21-storeys	Podium: 10-storeys Tower: 20-storeys

The attached draft Zoning By-law contains height limits along with minimum ground floor heights for the space facing the mews. Reviewed in the context of the surrounding area, and adjacency to a new City park, Planning Staff are of the opinion that the modified heights identified in Map 2 are acceptable.

### **Sun, Shadow, Wind**

The Official Plan contains policies to protect the utility of parks by limiting shadowing. Section 3.1.2 Built Form, Policy 3(e) states: “New development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties by minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.”

Section 3.2.3 Parks and Open Spaces, Policy 3 states: “The effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.”

This site is located directly west of a new City-owned park. Funds have been secured to construct the park. The park will be surrounded by buildings which do and will shadow the park, but the City has tried to minimize those shadows as much as possible. As stated in the comments above, Staff is of the opinion that although a tower with a maximum height of 57.0 metres will cast new and additional shadows on the park, the amount of additional new shadow on Lisgar Park is acceptable.

### **Traffic Impact**

The applicant submitted a Traffic Impact Study as part of their application. The City's Technical Services Division has not provided Planning Staff with comments at the time of writing of this report as it relates to the Traffic Impact Study. Should Technical Services identify that the consultants Traffic Impact Study requires revisions to address Staff's concerns, Staff recommend holding the introduction of the Bills until Site Plan Control has been obtained in order to ensure that if issues are raised by the Technical



Services Division, the applicant has the ability to address those matters to the satisfaction of the Executive Director, Technical Services Division.

## **Parking**

The applicant proposes to provide 438 residential parking spaces at 48 Abell Street. Of the 438 parking spaces, a maximum of 101 spaces are proposed to be used as parking spaces for residents of 2-6 Lisgar Street. The applicant proposes no on-site visitor parking as part of this application, but instead identifies that visitor parking for the building at 48 Abell will be provided at 2-6 Lisgar Street, within the Toronto Parking Authority Lot.

Technical Services staff have indicated they generally have no concerns with the provision of off-site parking at this location, provided that:

- The attached draft Zoning By-law amendment identifies the maximum number of off-site parking spaces that will be permitted;
- The attached draft Zoning By-law amendment identifies the location of the off-site parking spaces;
- As a condition of Site Plan Control, the off-site parking spaces at 48 Abell are explicitly identified on the applicable parking structure drawings and comply with the dimensional requirements of the draft Zoning By-law; and
- All off-site parking spaces at 48 Abell are secured through an acceptable and enforceable lease agreement between the two buildings/condominium corporations.

At the time of writing of this report, Technical Services had not been able to provide staff with written comments regarding the application. In discussions with Technical Services Staff, they had indicated that they would be supportive of the parking ratio used at 2-6 Lisgar Street for this site in principle, but subject to further review of the application. The performance standards as they relate to parking are contained within the draft Zoning By-law attached to this report.

In order to prepare draft Zoning By-law standards, and as per discussions with Technical Services staff, the parking ratios contained within By-law 1431-2011 have been carried over to the draft Zoning By-law attached to this staff report. Staff recommend holding the introduction of the Bills until Site Plan Control has been obtained in order to ensure that any issues that may potentially be raised by the Technical Services Division as they relate to parking, and the allocation of parking have been addressed to the satisfaction of the Executive Director, Technical Services Division, and the necessary sign-offs have been obtained.

## **Servicing**

Developments within the West Queen West triangle area are required to comply with approved servicing requirements that were part of a Master Servicing Report, and Master Servicing Plan. The Master Servicing Report and Master Servicing Plan are currently being reviewed by City Staff.

As a condition of approval, Staff is recommending that City Council hold Bills until such time as the applicant has made Site Plan Control Application, and obtained Notice of Approval conditions. This will allow for the review of the studies by City Staff, allow the applicant to make any necessary revisions, and allow the applicant to obtain the necessary approvals/sign-off from the Executive Director, Technical Services Division.

## **Open Space/Parkland**

In accordance with the OMB decision dated January 8, 2008, the development is required to provide a cash-in-lieu payment of parkland contribution equal to 5% of the value of the site. The 5% parkland dedication requirement, based on the net size of the site is 284 m<sup>2</sup>.

The applicant proposes to convey 203.5m<sup>2</sup> parcel of land from their development site at 2-6 Lisgar as a parkland dedication to the existing City owned park site located at 90 Lisgar Street. Parks Forestry and Recreation has identified that the shortfall in the required parkland dedication would be 80.5 m<sup>2</sup> and is required to be provided as cash-in-lieu of parkland dedication payment.

As a condition of approval, the Parks, Forestry and Recreation Division requires that the owner be required to provide a letter of credit equal to the value of the parkland to be conveyed to the satisfaction of the General Manager of Parks, Forestry and Recreation, which will be held as security until the lands are transferred to City ownership. In addition, the owner will also be required to pay the cash-in-lieu amount for the parkland shortfall, prior to the issuance of any above-grade building permit for this site.

As part of the approvals, the applicant will also be responsible for an environmental assessment of the lands to be conveyed for parkland, as well as for base park construction and installation of the park at 90 Lisgar subject to a number of conditions. These conditions will be secured in the various agreements to be registered on title against the property.

## **Residential Amenity**

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development, in addition to identifying that each resident will have access to outdoor amenity spaces. In addition, the former City of Toronto Zoning By-law requires that a minimum of 2m<sup>2</sup> per unit of indoor and outdoor amenity space be provided.

The applicant proposes to provide a total of 823 square metres of indoor residential amenity space as part of this project. The 192 square metres of indoor amenity space is

proposed to be located at grade, with the remaining 630 square metres to be located at the P1 level of the building. The provision of indoor amenity space below grade and is not acceptable. This space is intended to be multi-functional, and should not be provided in a sub-standard location, which is better suited to parking and building infrastructure. The draft zoning by-law requires that at least a part of the indoor and outdoor amenity space be contiguous and that all of the indoor amenity space be provided at or above grade.

The applicant proposes to provide a total of 758 square metres of outdoor residential amenity space on the roof of the podium building, as part of this project. The outdoor amenity space is proposed at level twelve, and is accessed by a single door. The location of the space is something staff can work with, but as stated above, it is preferable to have indoor and outdoor amenity spaces be contiguous. The draft Zoning By-law will require that the applicant provide at least a portion of the indoor and outdoor amenity space as contiguous spaces.

The minimum gross floor area of indoor and outdoor amenity space has been secured as a standard within the draft Zoning By-law attached to this report.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

### **Section 37**

The applicant also owns the site at 2-6 Lisgar Street. As part of this application, the owner has agreed to provide space on the second and third floor of the building at 2-6 Lisgar Street for a group known as the Toronto Media Arts Cluster as part of the Section 37 contribution for the site. The original Section 37 agreement for this site allowed for the City, or an art-space management organization acceptable to the City to purchase space for non-profit arts and culture uses at reduced rates on the first floor of the building at 48 Abell Street. This benefit will remain in place.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- (a) Arts Space at 48 Abell Street
  - (i) the owner shall enter into an agreement to sell approximately six (6) *at-grade* workshops fronting on the

*mews* (approximately 430 square metres) to the City, or an art-space management organization acceptable to the City, at \$250.00 per square foot, indexed to the construction price index from July 17, 2007;

- (ii) the agreement referred to in subsection (1)(i) hereof shall include an option for the City to purchase additional at-grade workshops in the *mixed use building* fronting on the *mews* for *affordable* arts-related space at market rates of \$350.00 per square foot, indexed to the construction price index from July 17, 2007;

(b) Non-profit Arts Space at 2-6 Lisgar

- (i) The owner shall convey, at no cost, a minimum of 2,800 square meters of gross floor area to a non-profit arts and culture organization, the City of Toronto, or a non-profit and culture organization acceptable to the City of Toronto.
- (ii) The space to be conveyed shall be finished to a commercial standard for the intended use to the satisfaction of the Director, Real Estate.
- (iii) The non-profit arts and culture space located at 2-6 Lisgar Street shall be conveyed to the City prior to condominium registration of 48 Abell Street.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

(c) 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;

(d) Sudbury Street Extension

Prior to a issuance of the first above grade building permit, the owner shall construct, or cause another party to construct, the extension of Sudbury Street from the intersection of Gladstone Avenue and Queen Street West to

its existing terminus, providing that in the event that Sudbury Street has not been extended from its existing terminus to the westerly boundary of the site known municipally in 2007 as 150 Sudbury Street, the City makes all necessary arrangements to enable the owner to construct that portion of the extension;

(e) Abell Street Extension

Prior to condominium registration of *Building B*, the owner shall construct, or cause another party to construct, that portion of Abell Street which forms part of the lands identified within the heavy lines on Map 1, unless such portion of Abell Street has already been constructed.

(f) Crash Mitigation Measures

The owner shall construct, or cause another party to construct, crash mitigation measures related to the rail corridor, as set out in an agreement with Greater Toronto Transit Authority and Canadian National Railway Company dated December 4, 2006, as may be amended;

(g) Noise and Vibration

The owner shall construct, or cause another party to construct, any works required by the agreement with Greater Toronto Transit Authority and Canadian National Railway Company dated December 4, 2006, as may be amended;

(h) Publicly Accessible Landscaped Open Space and Mews

Prior to a designated building permit for *Building A*, the owner shall authorize and permit public access to the *publicly accessible landscaped open space* and *mews* shown on Map 3, including permissions for when public access may be closed to be detailed in the Section 37 agreement;

(i) 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;

(j) Pedestrian Openings

The owner shall provide two pedestrian openings, as shown on Map 3 and provided for in the by-law, with no doors, gates or other barriers at either end, and which provides unobstructed pedestrian access except for some pillars and structures associated with the buildings;

(k) Integrated Landscaping and Connectivity

- a. the owner shall provide for integrated landscaping with the sites known municipally in 2007 as 1171 Queen Street West and 150 Sudbury Street, to the satisfaction of the City;
- b. the owner shall provide for integrated bicycle and pedestrian connectivity with the sites known municipally in 2007 as 1171 Queen Street West and 150 Sudbury Street, to the satisfaction of the City;

(l) Podium Design

The owner shall construct, or cause another party to construct, the podium base of the building substantially in accordance with the elevation drawings prepared by Architects Rasch Eckler Associates Ltd., dated February 2007, as may be revised pursuant to the site plan approval process;

(m) Servicing Requirements

The owner shall provide all matters 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;

(n) Building Elevations

The owner shall include 1:50 scale drawings for the first to fourth storey portions of all elevations with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian.

(o) Tier 1 Performance Measures

The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee.

(p) Additional Arts and Culture Space

The owner shall convey to the City, the additional 713 sq.m. of non-profit arts and culture space as secured in the letter of intent between the owner and TMAC at no cost, should TMAC not occupy the space or choose to vacate the space.

### **Non-Residential Space for Not-for-profit Use**

As part of the Section 37 contribution for this project, the owner proposes to convey approximately 3,513 square metres of non-residential space within the development at 2-6 Lisgar Street to a non-profit organization called the Toronto Media Arts Cluster (TMAC) at a reduced rate. The Toronto Media Arts Cluster (TMAC) project is designed to respond to the needs of Toronto artist-run, not-for-profit Media Arts organizations with ownership of shared work space, not unlike a housing co-op model. TMAC consists of seven media arts organization which has formed as a not for profit group and who since 2003 have been working towards securing a shared, stable, affordable, publically accessible and efficient purpose-built facility as a creative cluster.

As a creative cluster, TMAC will be capable of playing a vital role in both the social and economic development of the surrounding neighbourhood in the West Queen West Arts + Design District. This concentration of seven media arts groups made up of Canadian Filmmakers Distribution Centre, Charles Street Video, Gallery TPW, Images Festival, Interaccess, le LABO and the Toronto Animated Image Society with their pooled resources are able to optimize the creation, production, dissemination and exploitation of creative works within this proposed development at 2 – 6 Lisgar Street.

The space is proposed to include public, private and shared administrative, production, distribution, and exhibition space. This space is to be secured as a community benefit under the City's Section 37 policies. The City's Official Plan policies on Section 37 community benefits, and specifically policy 5.1.1.6 (d) recognize the contribution of capital facilities to non-profit arts, cultural, community or institutional facilities.

The West Queen West neighbourhood, is home to the 5<sup>th</sup> highest concentration of artists in all of Canada. Secured through a Section 37 Agreement there is benefit to retaining some arts amenities at the neighbourhood level and not displacing a critical mass of media arts groups as the neighbourhood is being gentrified. Staff is recommending that

the City be a party to the Agreement of Purchase and Sale between the owner and TMAC to ensure the City's intent is realised. The City will direct title be given to TMAC on closing, but in the event of default by TMAC, the City will have the ability to redirect the title to an appropriate organization at no cost to the City and no loss of the benefit. This will be secured in greater detail within the Section 37 Agreement.

### **Development Charges**

It is estimated that the development charges for this project will be \$5,026,949.20. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

In addition, the applicant acknowledges that they shall not be entitled to any development charge credit for their costs to design and construct the base park improvements.

### **Conclusion**

Subject to the modifications as recommended by staff, and the further resolution of technical matters outlined, the proposal is appropriate development for the site. Planning staff recommend approval of the proposal in a revised form that is consistent with the draft Zoning By-law as contained within Attachment 7.

Should the review of outstanding technical information result in revisions to the performance standards contained within the draft Zoning By-law, staff will report back at a later date with a supplementary report outlining the modifications required, and the reasons for such.

### **CONTACT**

Lynda H. Macdonald, Manager  
Tel. No. (416) 392-7618  
Fax No. (416) 392-1330  
E-mail: lmacdon1@toronto.ca

### **SIGNATURE**

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

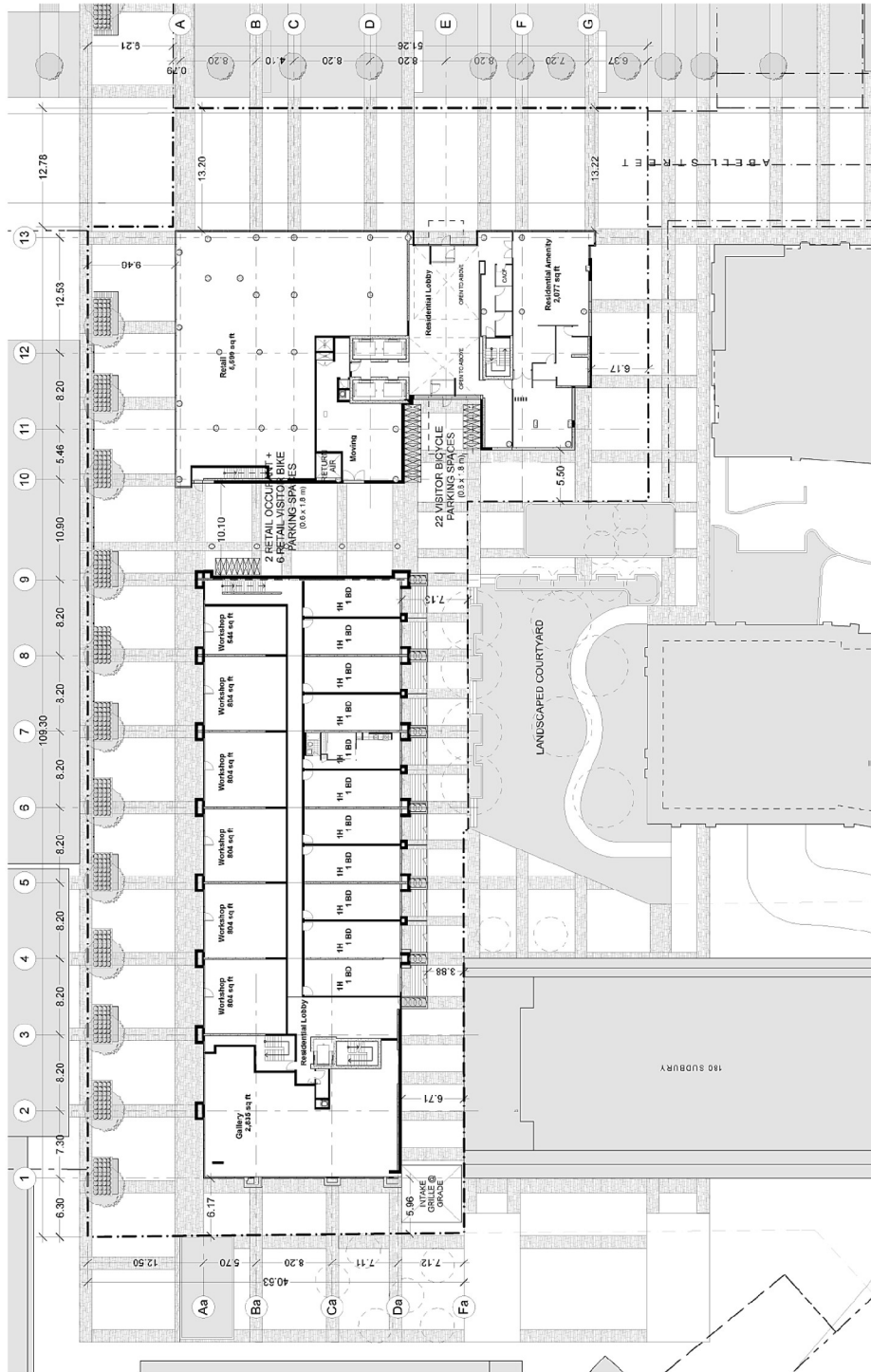
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### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Elevations  
Attachment 4: Elevations  
Attachment 5: Elevations



# Attachment 1: Site Plan

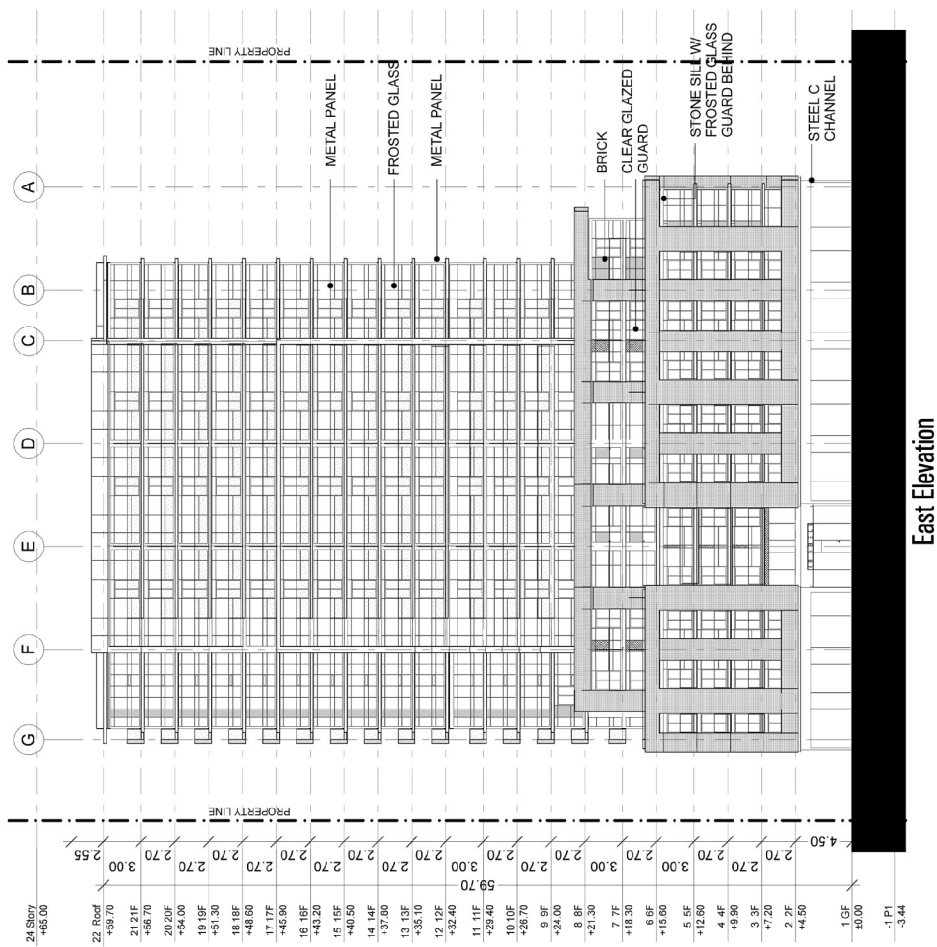


48 Abell Street

**Ground Floor Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 12/05/2011

File # 11 315464 02

Attachment 2: East Elevation



48 Abell Street

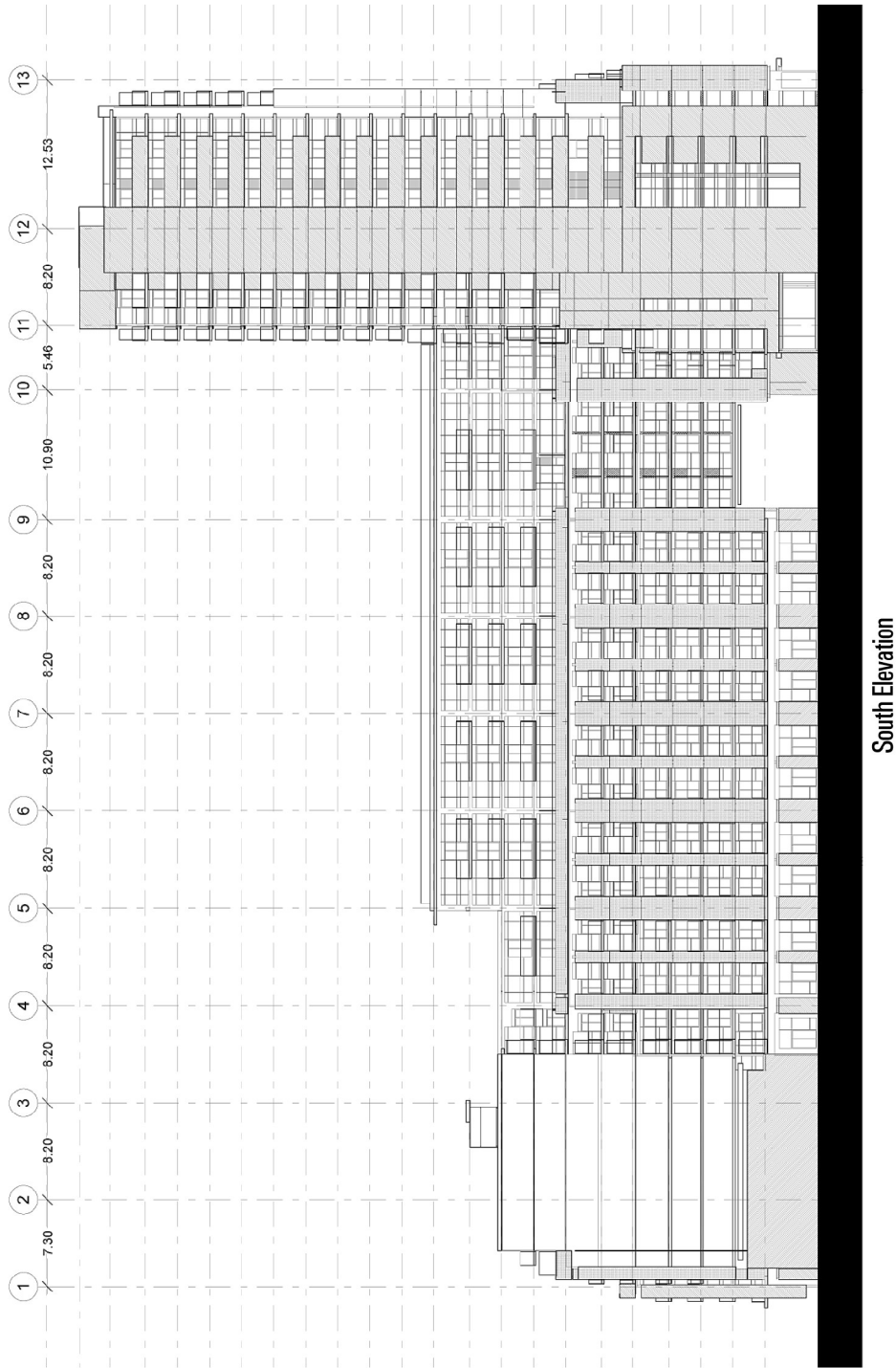
File # 11 315464 02

Elevations

Applicant's Submitted Drawing

Not to Scale  
12/05/2011

### Attachment 3: South Elevation



#### Elevations

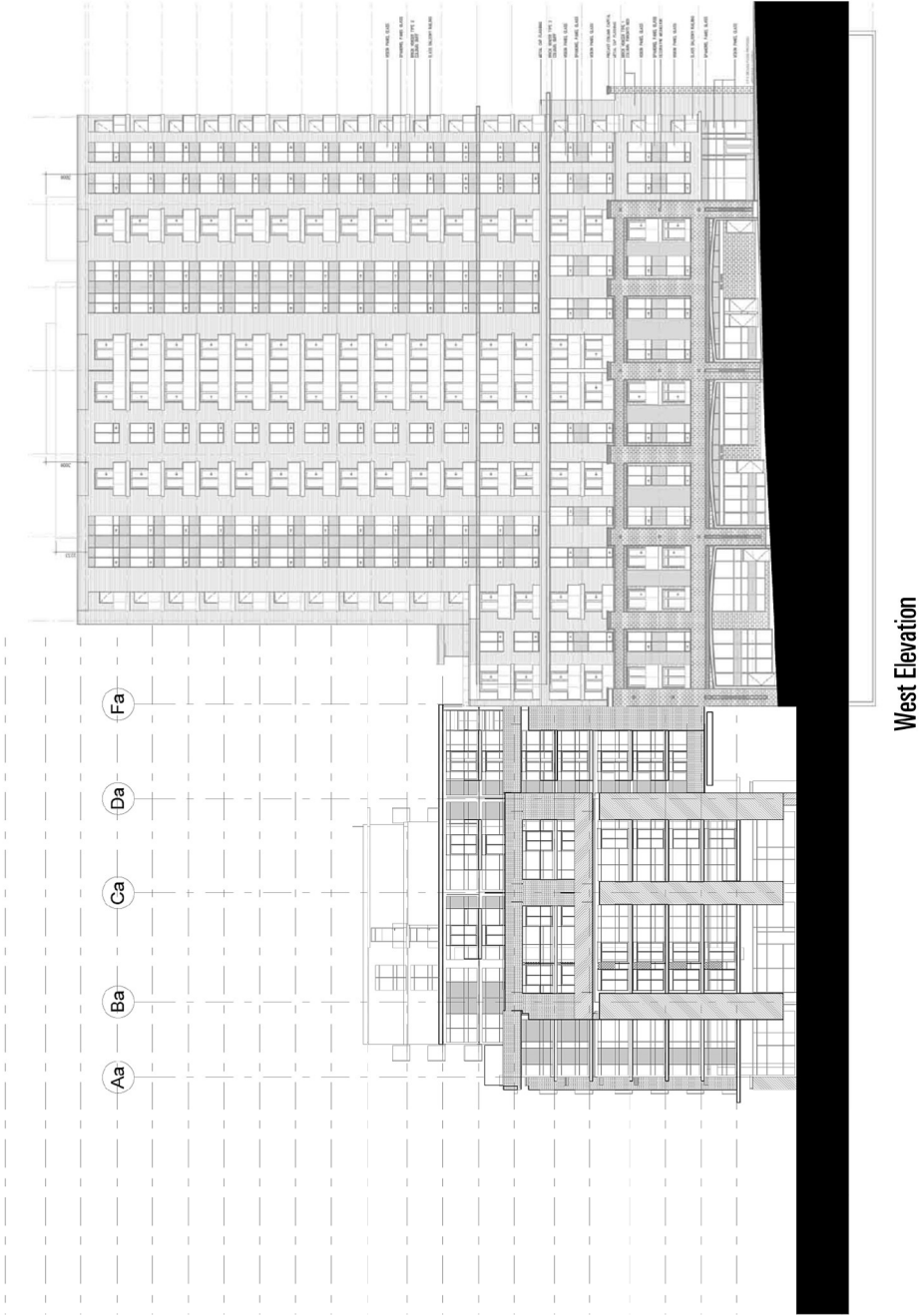
Applicant's Submitted Drawing

Not to Scale  
12/05/2011

48 Abell Street

File # 11 315464 02

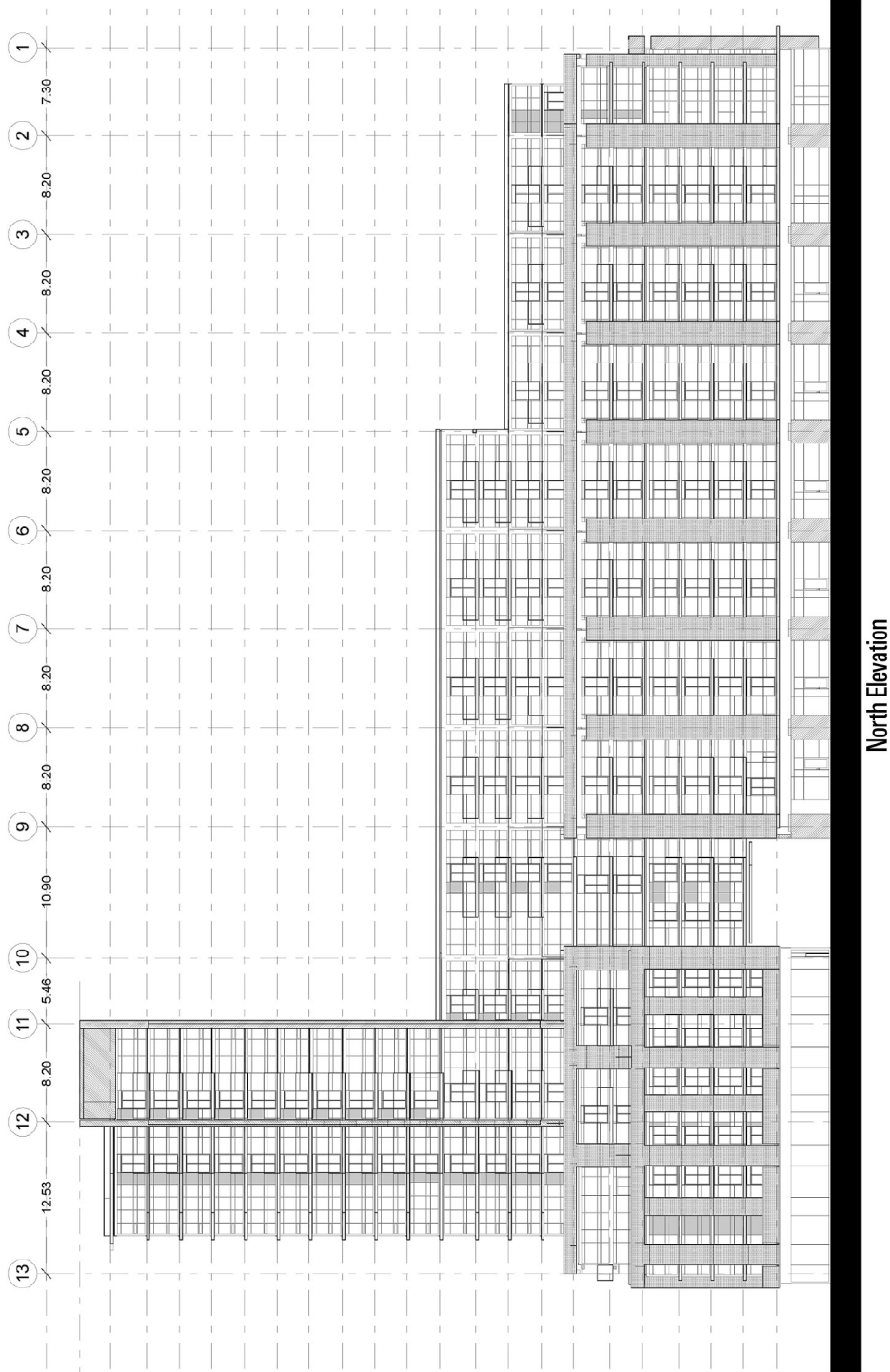
Attachment 4: West Elevation



**Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
12/05/2011

**48 Abell Street**  
File # 11 315464 02

## Attachment 5: North Elevation



### Elevations

48 Abell Street

Applicant's Submitted Drawing

Not to Scale  
12/05/2011

File # 11 315464 02