

# **1880 and 1882 Queen Street East and 196 Woodbine Avenue – Zoning Amendment Application - Request for Direction Report**

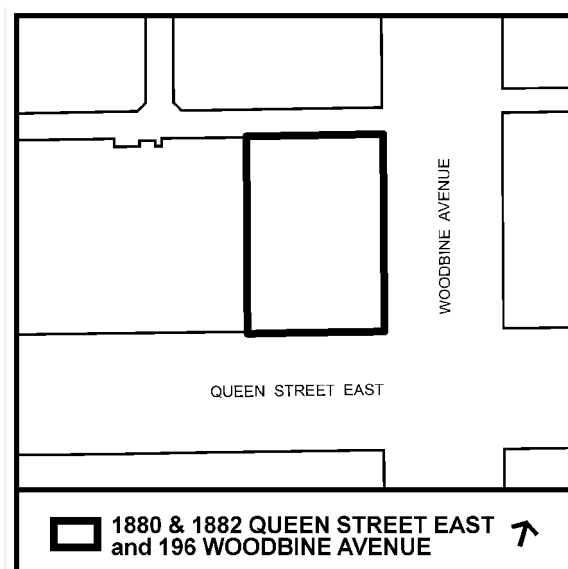
<b>Date:</b>	March 19, 2013
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 32 – Beaches-East York
<b>Reference Number:</b>	12-142308 STE 32 OZ

## **SUMMARY**

The owner of the property at 1880 and 1882 Queen Street East and 196 Woodbine Avenue has appealed its zoning amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the *Planning Act*.

The application proposes to amend the former City of Toronto Zoning By-law No. 438-86 to permit the construction of a new 6-storey mixed-use building with 29 residential units and 450 square metres of retail use. Two levels of below-grade parking are proposed with 34 parking spaces, accessed by a car elevator and an additional 5 surface parking spaces are proposed off of the public lane at the rear of the property. Twenty-two bicycle parking spaces are proposed. Vehicular access would be provided from the lane on the north side of the property.

At its meeting of November 27, 2012, City Council adopted new Urban Design Guidelines for Queen Street East between Coxwell Avenue and Nursewood Road. The proposed development is not in keeping with these built form guidelines, which recommend specific



setbacks and heights for all properties covered by the Guidelines. The proposed development is inconsistent with the vision contained in the Official Plan and the Queen Street East Urban Design Guidelines and would set a negative precedent for future development.

The purpose of this report is to seek City Council's direction for the City Solicitor to oppose the proposed development.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 1880 and 1882 Queen Street East and 196 Woodbine Avenue (File No. 12-142308 STE 32 OZ), and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate.
2. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

### **Preliminary Report**

A Preliminary Report dated August 20, 2012, was before Toronto and East York Community Council at the September 11, 2012 meeting. A link to the Preliminary Report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-49572.pdf>

### **Queen Street East Urban Design Guidelines**

At its meeting of January 10, 2012, Toronto and East York Community Council requested the City Planning Division to undertake a Visioning Study in 2012 for Queen Street East, between Coxwell Avenue and Neville Park Avenue.

At its meeting of November 27, 2012, City Council adopted new Urban Design Guidelines for Queen Street East between Coxwell Avenue and Nursewood Road.

Link to the Queen Street East – Coxwell Avenue to Nursewood Road Urban Design Guidelines:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-51604.pdf>

## **ISSUE BACKGROUND**

### **Proposal**

The development proposal submitted on March 23, 2012 proposes a 6-storey mixed-use building which has 29 residential units and 450 square metres of retail uses at grade. The proposed building would have a total gross floor area of approximately 3,247 square metres, which results in a density of 4.17 times the area of the lot.

The applicant proposes to provide 34 parking spaces in a below-grade two-level parking garage accessed by means of a parking elevator and an additional 5 parking spaces at the rear of the property off of the public lane. The proposal includes 22 bicycle parking spaces. A small indoor amenity space is to be provided below grade. No outdoor amenity space is proposed.

### **Site and Surrounding Area**

The site is located on the north west corner of Queen Street East and Woodbine Avenue. The site is surrounded by the following uses:

North: Immediately across a public lane at 208 Woodbine Avenue is a 3-storey detached house with 3 units. The remainder of the block up to Dixon Avenue is made up of detached and semi-detached house form buildings.

South: Across Queen Street East is a 5-storey mixed-residential/commercial building with retail at grade (part of the former Greenwood Racetrack Development).

West: A 2-storey mixed-residential/commercial building containing 2 one-storey retail units along Queen Street East and a 2 storey house form building to the rear of the retail. Further to the west at 1864 to 1876 Queen Street East is a 6-storey mixed-use building that is under construction (same developer).

East: Across Woodbine Avenue is a vacant site, formerly a Shell gas station which is the subject of a Rezoning Application for a 6-storey mixed-use building at 1884 Queen Street East, containing retail at grade and 5 floors of residential units.

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

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

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

and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The Official Plan designates the site *Mixed Use Areas*, made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open space and utilities. The Plan provides a list of development criteria that include:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- provide an attractive, comfortable and safe pedestrian environment; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

The site is located on an Avenue, as shown on Map 2 – Urban Structure of the Official Plan.

Avenues are “important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents”, according to Section 2.2.3 of the Plan.

The Avenues will be transformed incrementally. They will change building-by-building over a number of years. The framework for new development on each Avenue will be established through an Avenue Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. The zoning by-law will set out the mix of uses, heights, densities, setbacks and other zoning standards.

Section 2.2.3 Avenues: Reurbanizing Arterial Corridors (Policy 3.a) states that development may be permitted on the Avenues prior to an Avenue Study and will be considered on the basis of all of the policies of this Plan. Development applications on the Avenues prior to an Avenue Study are required to be accompanied by an Avenue Segment Study, which discusses the implications for the portion of the Avenue resulting from the proposed development and whether the proposed development would be setting a positive precedent for future development of the remainder of the Avenue.

As stated in the Official Plan, “Some of the Avenues already serve as “main streets” that are focal points for the local community with attractive and bustling sidewalks.” These traditional “main street” Avenues already permit mixed-use development. This portion of Queen Street East is such an Avenue.

## **Queen Street East – Coxwell Avenue to Nursewood Road - Urban Design Guidelines**

The purpose of the Visioning Study was to look at the built form and physical character of this portion of Queen Street East and to develop urban design guidelines for future development. The study involved extensive community consultation between June and September of 2012. The final report on the proposed guidelines was before Toronto and East York Community Council on November 6, 2012 and resulted in the adoption of new Design Guidelines for the area by City Council on November 27, 2012.

The report to Toronto and East York Community Council dated October 25, 2012 contained a recommendation requesting the Chief Planner to report back in early 2013 to Toronto and East York Community Council on proposed amendments to Toronto Zoning By-law 438-86 as amended, to implement specific restrictive portions of the urban design guidelines. That report will be before Toronto and East York Community Council on the same day at this report.

The subject property is located within the Woodbine Beach Precinct of the Guidelines. The massing requirements for Development within this precinct require:

- a setback of the building of 4.8 metres from the curb of Queen Street East,
- a 3 metre by 3 metre chamfer at the Queen and Woodbine corner,
- a setback at an angular plane of 45 degrees above the 12.5 metres height (above the 4<sup>th</sup> floor),
- a total height of 18.5 metres (6 storeys),
- mechanical penthouses provided within the angular plane,
- a rear setback of 7.5 metres from the rear lot line with an angular plane of 45 degrees measured from a height of 10.5 metres from the setback requirement, and
- bay widths between 9 to 12 metres.

## **Zoning**

The site is zoned MCR T2.0 C1.0 R2.0 in the former City of Toronto Zoning By-law 438-86. This is a mixed-use zoning category that permits development up to 2.0 times

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the area of the lot, of which a maximum of 1.0 times may be non-residential and a maximum of 2.0 times may be residential. The maximum permitted height is 12.0 metres.

### **Site Plan Control**

The proposed development is subject to site plan approval. A site plan application was submitted concurrent with the zoning amendment application.

### **Reasons for Application**

The proposed development would exceed the permitted density of 2 times the area of the lot with a proposed density of 4.17 times the area of the lot. The proposed building would exceed the permitted height of 12 metres with a proposed height of 19.5 metres. In addition, the proposed building does not comply with other zoning standards that are in effect on the lands, including the required angular plane, certain setbacks and provision of the required amount of both indoor and outdoor amenity space.

### **Ontario Municipal Board Appeal**

On March 13, 2013 the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the OMB, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. No date has been set for the hearing.

### **Community Consultation**

A community consultation meeting was held on February 13, 2013 at the Balmy Beach clubhouse to present the subject application along with a Rezoning application for a 6-storey mid-rise building on an adjacent property at 1884 Queen Street East (File No. 12 256312 STE 32 OZ). Both development proposals were presented to the local community by Planning staff. The overall response from the local community was consistent with staff's opinion that the proposed development at the subject site should comply with the newly adopted urban design guidelines for Queen Street East.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **COMMENTS**

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

The Provincial Policy Statement (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. The PPS promotes strong, liveable and healthy communities, the environment, public health and safety, and economic growth.

The Growth Plan for the Greater Golden Horseshoe guides decisions on a wide range of issues such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Redevelopment and intensification of this site represents a type of development that is consistent with the intent of the Growth Plan for the Greater Golden Horseshoe. The proposed built form however, is not consistent with the policies contained within the Official Plan, which the PPS refers to as the most important vehicle for implementing the PPS (and the Growth Plan). While staff supports redevelopment of the site in a manner that is consistent with the objectives of the Growth Plan, the proposed built form does not respect its existing and planned context as required by the Official Plan.

## **Official Plan**

The proposed development is inconsistent with the vision for the area, as supported by the City's Official Plan policies.

This portion of Queen Street East is located on an Avenue, as shown on Map 2 – Urban Structure of the Official Plan. The Official Plan notes that not all Avenues are the same. "Each Avenue is different in terms of lot sizes and configurations, street width, existing uses, neighbouring uses, transit service and streetscape potential. There is no "one size fits all" program for reurbanizing the Avenues".

A sidebar in chapter three of the Official Plan sets out the concept of existing and planned contexts. The sidebar considers the relationship between what is currently present in an area and what is intended in the future. For mixed use areas, where change is anticipated, the zoning by-law is the benchmark for appropriate heights and densities. The sidebar further explains that the existing context will help to determine an appropriate planned context. The Plan policies call for an Avenue Segment Study as a means to evaluate the larger context and implications for the area.

The Official Plan anticipates the adoption of urban design guidelines to help implement the Plan's objectives over time by providing a more detailed framework for built form and public improvements. Specifically, policy 5.3.2.1 states: "Implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and policies of this Plan." The guidelines are intended to provide for more guidance and precision for the implementation of the policies of the Official Plan, and have been recently updated for Queen Street East to achieve this goal.

Policy 4.5.2 of the Official Plan set out the development criteria for new development in mixed use areas. The policy specifically requires that new development provide a transition between areas of different intensity and scale, through setbacks and/or stepping down of heights. It also requires that development limit shadow impact on adjacent Neighbourhoods.

## **Land Use**

The proposed mix of residential and commercial uses is consistent with the land use provisions of the Official Plan and the Zoning By-law.

## **Queen Street East – Coxwell Avenue to Nursewood Road - Urban Design Guidelines**

The proposed development does not meet all of the development criteria of the Woodbine Beach Precinct. The proposed development does not comply with the front, rear and side setback requirements. The proposed development at 19.5 metres high exceeds the maximum height permitted of 18.5 metres. The 3 metres by 3 metre chamfer has not been fully provided at grade and is not provided at all above grade. The only performance standard of the guideline that is met by the proposed development is the maximum bay width requirement, which would be further detailed at the site plan approval stage.

## **Avenue Segment Review**

As set out in the City's Official Plan, the Mixed Use Avenues, as well as Downtown and the Centres, are to accommodate growth in population and jobs. New development along the Avenues is to be compatible with and not adversely impact upon the Neighbourhoods which they serve. Contextually appropriate massing, scale, siting and organization of buildings and appropriate scale transitions to adjacent areas are to be achieved with new development.

A Segment Study, as required by the Official Plan for development on Avenues prior to the completion of an Avenue Study, was submitted as part of this application and looks at the development potential in the area, focusing on the stretch of Queen Street East between Kingston Road and Woodbine Avenue. The change that is anticipated through the Segment Study suggests that there are limited opportunities for redevelopment due to existing conditions (e.g. heritage designation, shallow lots with no rear access, existence of 6 or more rental units, fragmented ownership). The Avenue Segment Study concludes that the proposed development would not create a negative precedent for the area studied.

Staff agrees with the methodologies, assumptions and conclusions cited in the study.

Due to the small number of units proposed (29 units) staff did not require a review of community services. However, City Policy staff reviewed a Community Services and Facilities study done by an adjacent property owner as part of their development application. The conclusion of the study that the area is generally well served by existing community services and facilities and there is no anticipated need for new facilities and City Policy staff concurs with this conclusion.

## **Density**

The proposed development would result in a density of 4.17 times the area of the lot (3,247 square metres), while the zoning permits a total density of 2.0 times the area of the lot. To comply with the intent of the Official Plan, as implemented by the Queen Street



East Design Guidelines, the proposed development will need to be reduced to permit the building setbacks required by the guidelines.

## **Height and Massing**

The proposed 6-storey building does not adequately respect and relate to its existing context. The Official Plan directs new buildings to be designed to fit harmoniously into their existing and/or planned contexts by ensuring that the massing of new buildings is appropriate in relationship to neighbouring development (Policy 3.1.2.1). The massing of the proposed building does not provide an adequate transition in scale to neighbouring buildings to the rear of the property.

## **Site Servicing**

City Engineering staff have requested that the applicant submit a site servicing assessment to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development: to demonstrate how the site can be serviced; and, to confirm whether existing municipal infrastructure is adequate to service the development.

## **Traffic, Access, Parking and Loading**

Vehicular access and servicing for the site is off the lane on the north side of the property, which is accessed from Woodbine Avenue and extends through to Rainsford Road (see Attachment 1, Site Plan). The existing lane is required to be widened to City standards as part of the development application and this has been reflected on the applicant's plans and drawings. The applicant's plans call for the provision of 39 vehicular parking spaces and 22 bicycle parking spaces.

City Transportation staff require additional information from the applicant's traffic consultant with respect to the operations of the car elevator.

## **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 provision across the City. The subject lands are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is located in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Parkland Dedication By-law 1020-2010.

The application proposes 29 residential units and 450 square metres of commercial space on a site with a net area of 779.5 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.0386 hectares (57.59% of the site area). However, for sites of less than 1 hectare in size a cap of 10% applies for residential uses and 2% for the proposed non-residential use. In total, the parkland dedication requirement is 61 square metres.

The applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 61 square metres would not be of useable size and would be encumbered with below

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grade parking. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit if an approval is granted.

## **Conclusion**

The *Avenue* overlay and the *Mixed Use Areas* designation in the Official Plan support the intensification and reurbanization of this site in a manner that is consistent with its existing and planned context. The Queen Street East – Coxwell Avenue to Nursewood Road Design Guidelines help to articulate a planned context that is compatible with the existing context, while allowing for a reasonable level of intensification.

The proposal does not adequately respect and relate to either its existing context or the planned context in the Official Plan and the Queen Street East Design Guidelines. The height, massing and density of the proposed building do not fit harmoniously, and would create a negative precedent and undermine the planning framework for the development of the Queen Street East. It is for these reasons that staff recommend that the City Solicitor be directed to attend the OMB hearing in opposition to the proposed development.

## **CONTACT**

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## **SIGNATURE**

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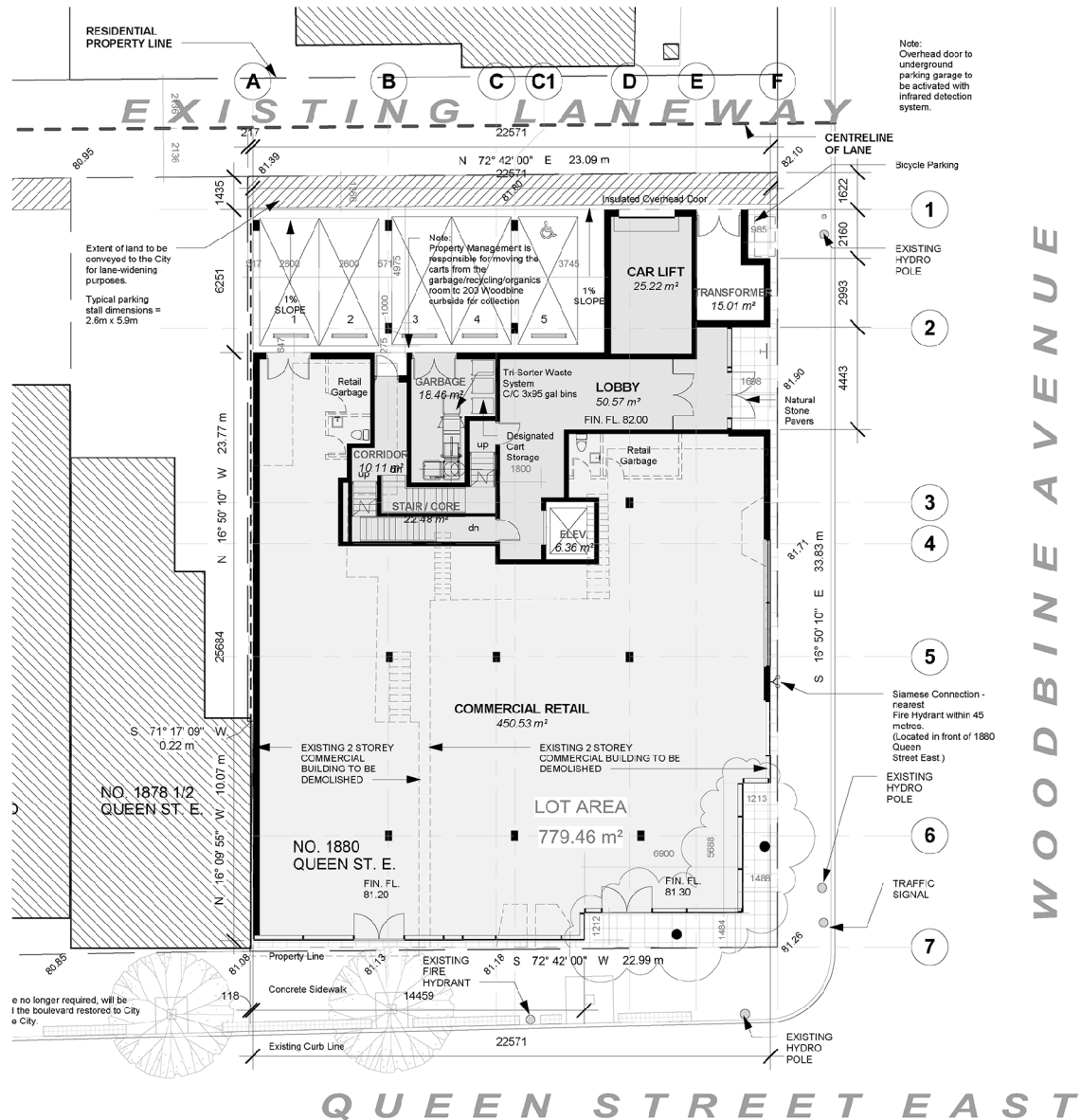
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

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

## Attachment 1: Site Plan



### Site Plan

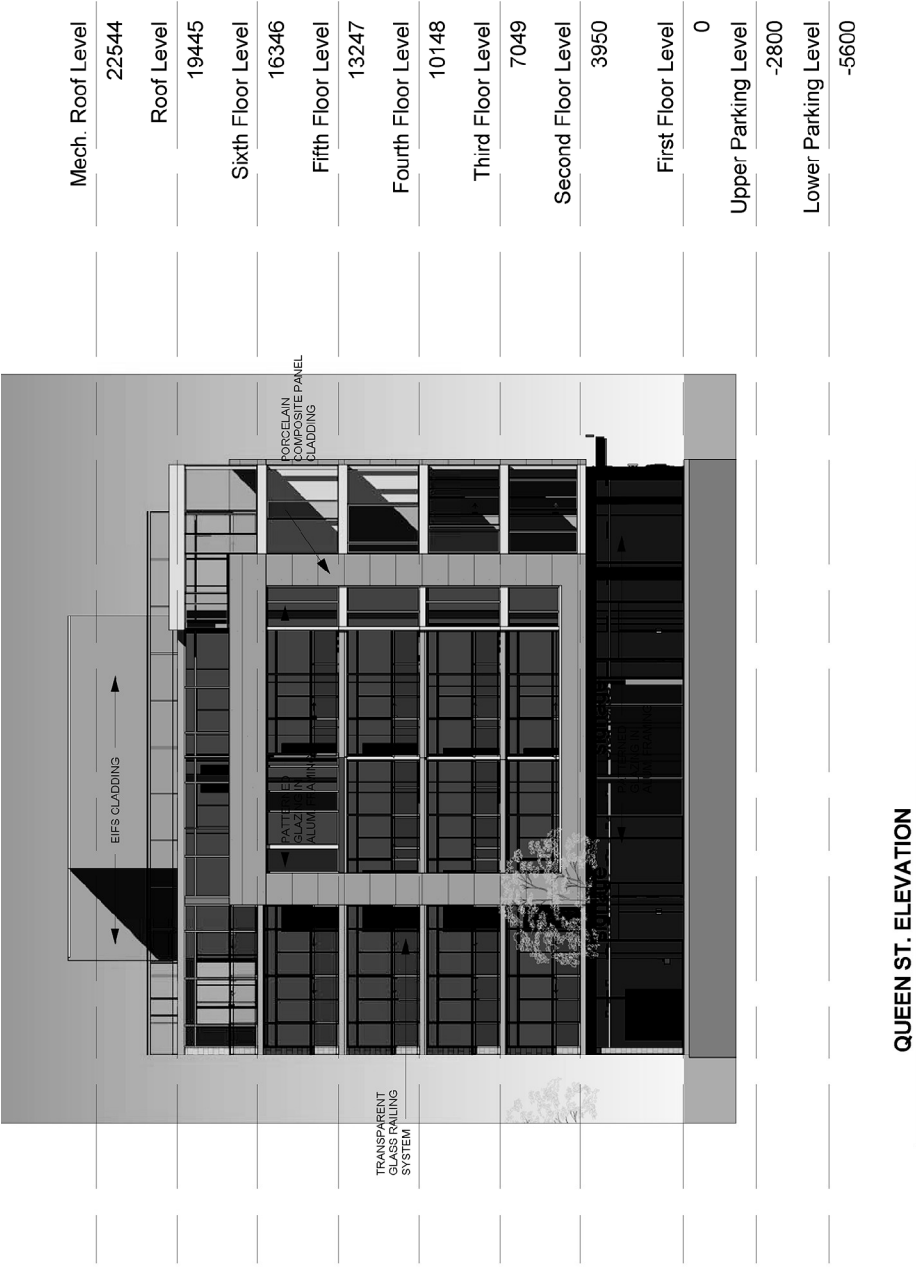
Applicant's Submitted Drawing

Not to Scale  
01/28/2013

1880 & 1882 Queen Street East  
and 196 Woodbine Avenue

File # 12 142308 0Z

Attachment 2: South Elevation



Elevations

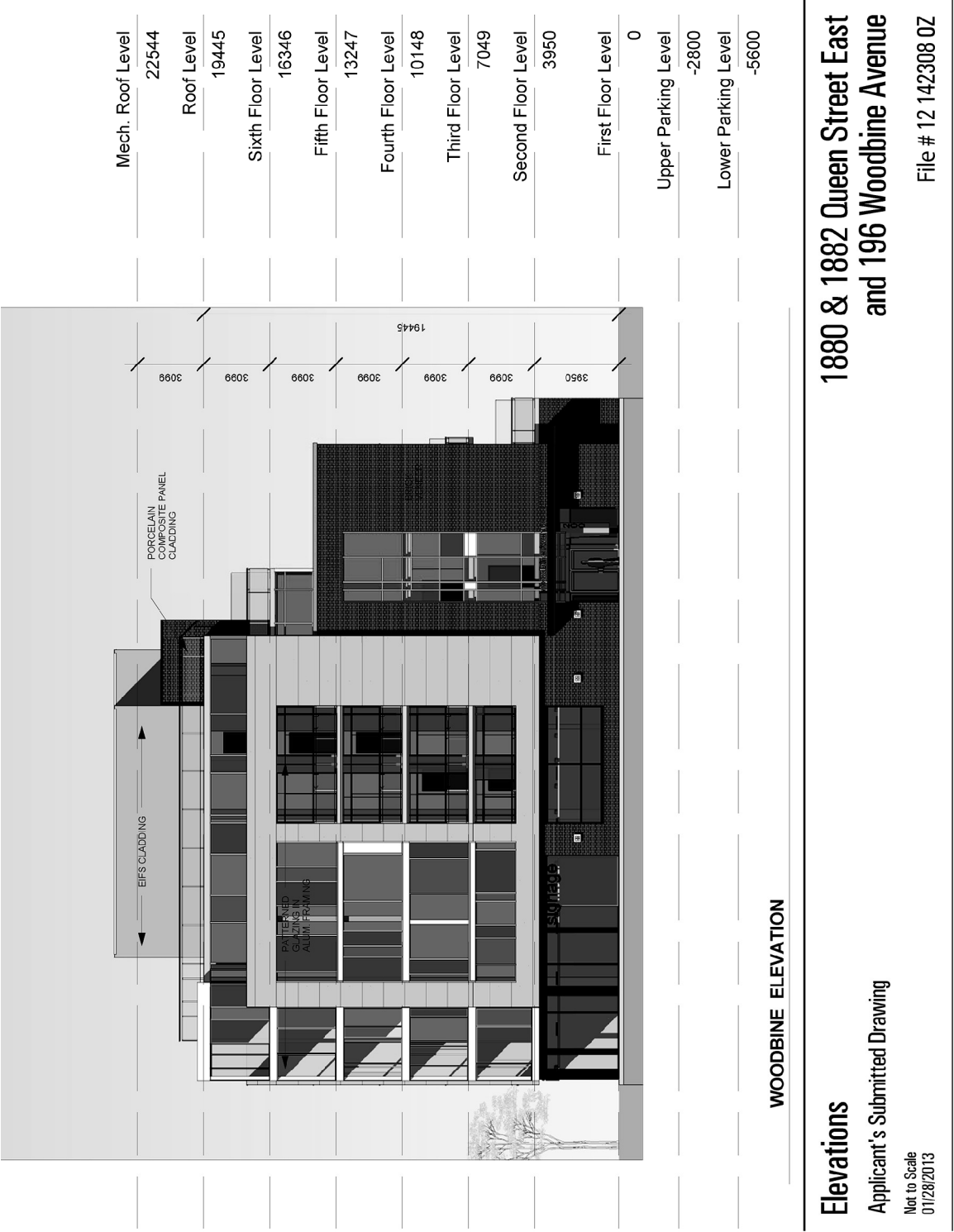
Applicant's Submitted Drawing

Not to Scale  
01/28/2013

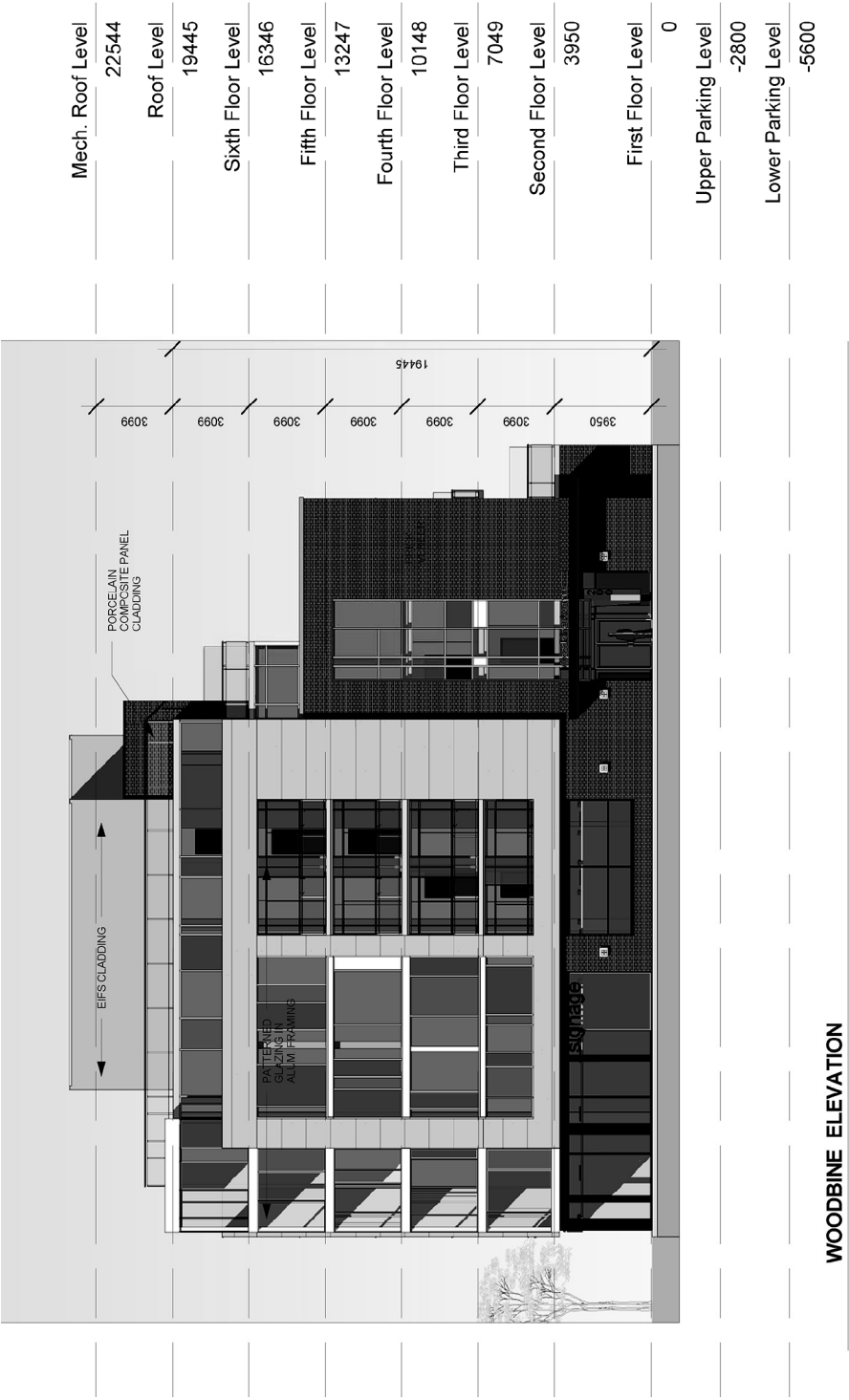
1880 & 1882 Queen Street East  
and 196 Woodbine Avenue

File # 12 142308 02

Attachment 3: East Elevation



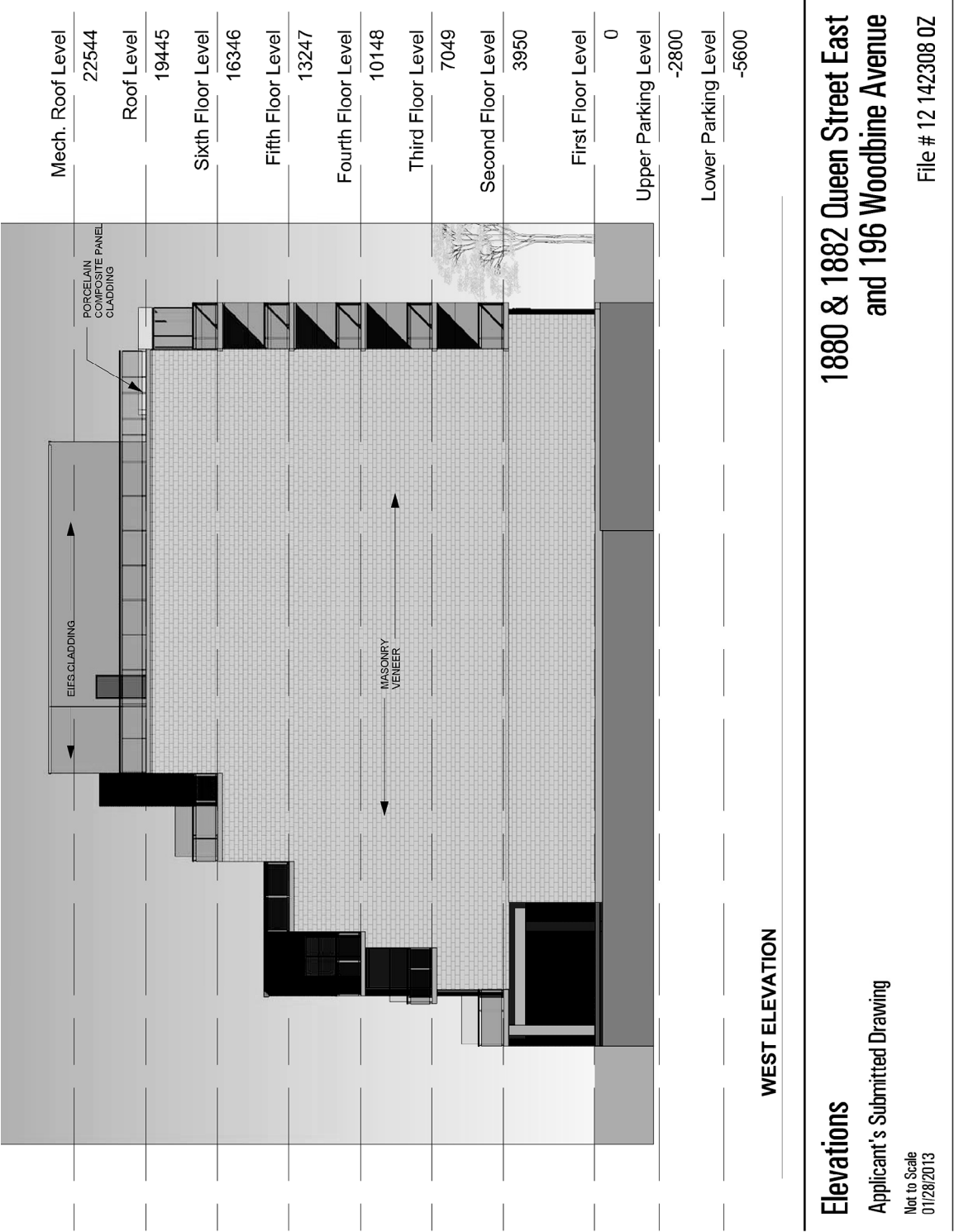
Attachment 4: North Elevation



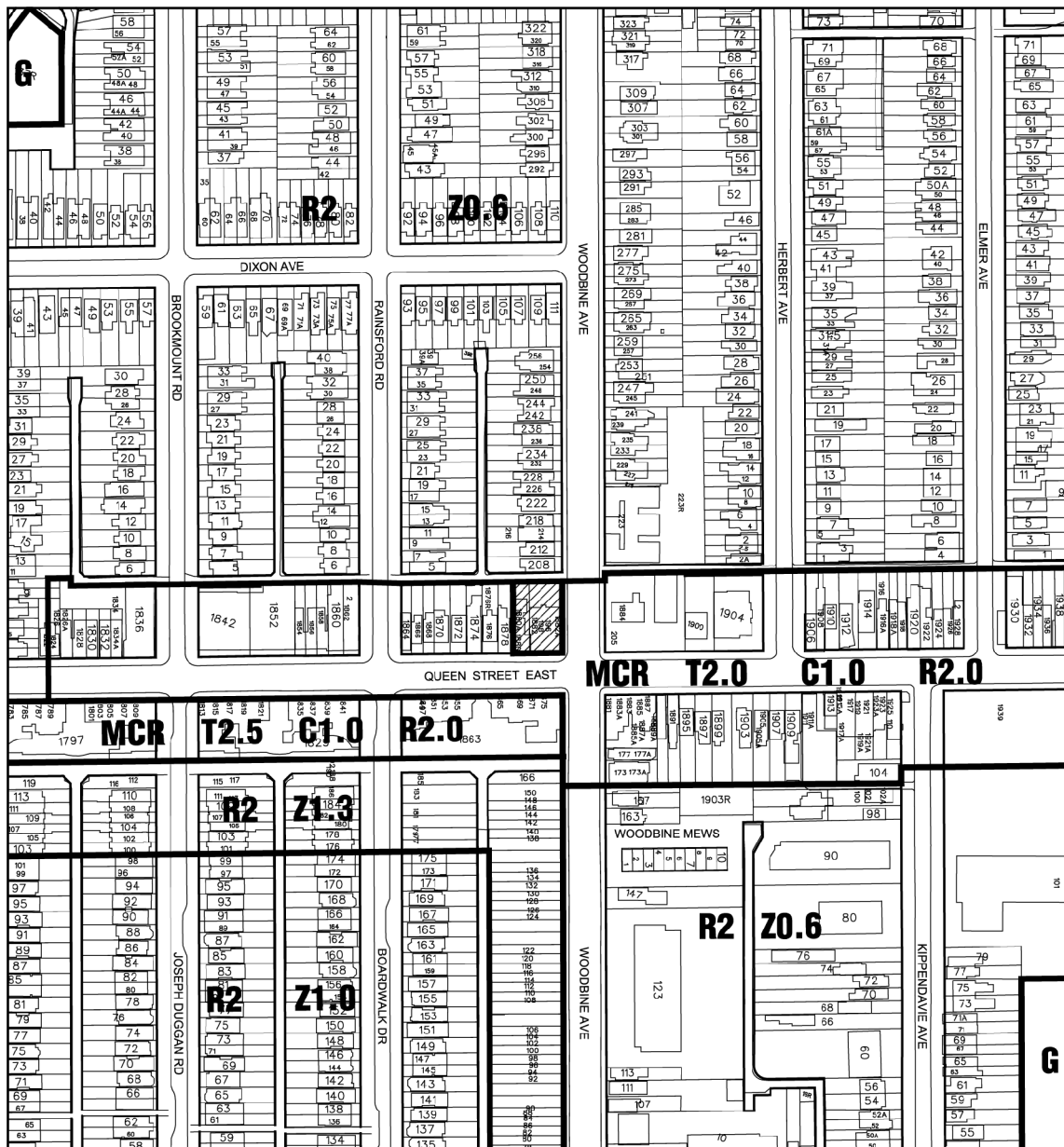
**Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
01/28/2013

**1880 & 1882 Queen Street East  
and 196 Woodbine Avenue**  
File # 12 142308 0Z

Attachment 5: West Elevation



## Attachment 6: Zoning



**Toronto** City Planning  
Zoning

1880 & 1882 Queen Street East  
and 196 Woodbine Avenue  
File # 12 142308 0Z

MCR Mixed-Use District  
R2 Residential District  
G Parks District



Not to Scale  
Zoning By-law 438-86 (as amended)  
Extracted 07/12/2012



## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	12 142308 STE 32 OZ
Details	Rezoning, Standard	Application Date:	March 23, 2012

Municipal Address:	1880 QUEEN ST E
Location Description:	PLAN 816 PT LOT 27 **GRID S3208
Project Description:	Proposed new six storey mixed use building with 29 residential units, retail at grade and below grade parking

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
KARSTEN RIEDEL			FRANK RIEDEL

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	MCR T2.0 C1.0 R2.0	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	779.5	Height: Storeys:	6
Frontage (m):	23	Metres:	19.5
Depth (m):	33.8		
Total Ground Floor Area (sq. m):	728.2		<b>Total</b>
Total Residential GFA (sq. m):	2796.72	Parking Spaces:	39
Total Non-Residential GFA (sq. m):	450.52	Loading Docks	0
Total GFA (sq. m):	3247.24		
Lot Coverage Ratio (%):	93		
Floor Space Index:	4.17		

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	27
2 Bedroom:	2
3 + Bedroom:	0
Total Units:	29

### FLOOR AREA BREAKDOWN (upon project completion)

	<b>Above Grade</b>	<b>Below Grade</b>
Residential GFA (sq. m):	2796.72	0
Retail GFA (sq. m):	450.52	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Leontine Major, Senior Planner</b>
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