

**1884 Queen Street East - Zoning Amendment  
Application - Request for Direction Report**

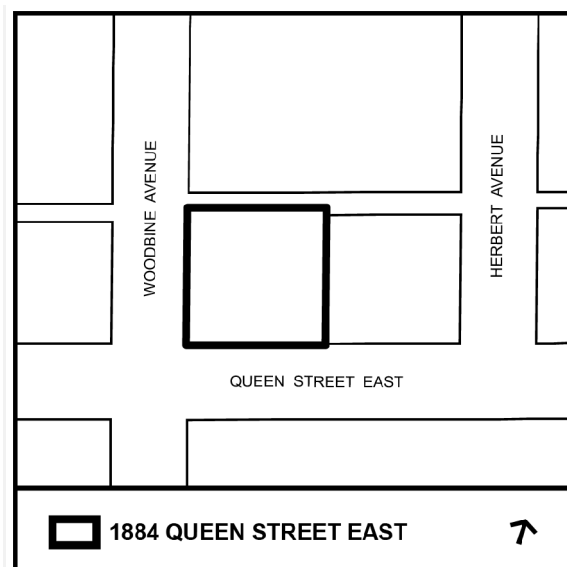
<b>Date:</b>	March 19, 2013
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 32 – Beaches-East York
<b>Reference Number:</b>	12-256312 STE 32 OZ

**SUMMARY**

The owner of the property at 1884 Queen Street East 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 70 residential units and 626 square metres of retail use. Two levels of below-grade parking are proposed with 65 parking spaces and 62 bicycle parking spaces. 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 them including guidelines to maintain views of the historic Beach Fire Hall located east of the subject site, which have specific bearing on this application. 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 1884 Queen Street East (File No. 12-256312 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**

There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

### **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 October 1, 2012 proposes a 6-storey mixed-use building which has 70 residential units and 626 square metres of retail uses at grade. The proposed building would have a total gross floor area of approximately 6,391 square metres, which results in a density of 4.7 times the area of the lot.

The applicant proposes to provide 65 parking spaces to serve this development, to be located below-grade in a two-level parking garage. The proposal includes 62 bicycle parking spaces. Indoor amenity space would be provided at grade. No outdoor amenity space is proposed.

### **Site and Surrounding Area**

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

North: Across a public lane is a 3-storey apartment building containing 47 units. The remainder of the block up to Hartford Avenue is made up of detached and semi-detached house form buildings.

South: Across Queen Street East are 3-storey mixed-residential/commercial buildings with retail at grade.

West: Across Woodbine Avenue is a 2-storey mixed-residential/commercial building at 196 Woodbine Avenue which is the subject of a Rezoning Application for a 6-storey mixed-commercial/residential building.

East: A 1-storey TTC sub-station and the historic Beach Fire Hall.

### **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*, which permit 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**

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.

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 were 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.

Prior to the adoption of the new Urban Design Guidelines, the area was covered by the Queen Street East – the Beaches Urban Design Guidelines that dated back to 1987 which did not implement the policies of the Official Plan that was adopted by City Council in 2002. Both the 1987 and the current 2012 guidelines encourage new development to be in keeping with the character of this portion of Queen Street East. The 2012 guidelines would allow for development that also maintains the intent and purpose of the Avenue policies of the Official Plan in a manner specifically appropriate for this portion of Queen Street East.

The Official Plan states that "implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and guidelines and policies of this Plan". The Queen Street East Design Guidelines comply with the policies of the Official Plan and form part of the City's planning framework for the review of development applications. The Guidelines ensure that new development on Queen Street East in the Beach is carefully designed and shaped to reflect the character of Queen Street East. The Guidelines apply to all development on this portion of Queen Street East so that change is managed appropriately as this main street continues to evolve over time.

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 Kew Beach Precinct of the Guidelines. The massing requirements within this precinct are intended to preserve the "small town" ambience of the Beach and are intended to appear as a 4-storey building from the vantage point of a pedestrian standing on the opposite side of the street. The guidelines also require that buildings be massed in a way that protects the views of the historic fire hall at 1904 Queen Street East. Specifically, the massing requirement for Development within this precinct requires:

- 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 further setback of 3 metres above the height of 9.5 metres (at the 4<sup>th</sup> floor)

- a setback at an angular plane of 26 degrees above the 4<sup>th</sup> floor,
- a total height of 15.5 metres on regular depth lots (5 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,
- bay widths between 6 to 9 metres, and
- maintenance of the view of the historic fire hall clock tower from all four corners of the intersection of Queen Street East and Woodbine Avenue.

## **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 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. No site plan application has been submitted to date.

## **Reasons for the Application**

The proposed development would exceed the permitted density of 2 times the area of the lot with a proposed density of 4.7 times the area of the lot. The proposed building would exceed the permitted height of 12 metres with a proposed height of 20 metres. In addition, the proposed building does not comply with other zoning standards that are in effect on the lands, including not complying with the required angular plane, certain setbacks and provision of the required amount of both indoor and outdoor amenity space.

## **Ontario Municipal Board Appeal**

On February 25, 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 mid-rise mixed use building (File No. 12 142308STE 32 OZ) on an adjacent property at 1880

and 1882 Queen Street East and 196 Woodbine Avenue. 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**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rationale
- Traffic Impact and Parking Study
- Functional Servicing Report
- Community Services and Facilities Study
- Tree Declaration
- Pedestrian Level Wind Study
- Toronto Green Standards Checklist

The applicant was not required by staff to submit an Avenue Segment Study because major growth is not anticipated in this Avenue Segment and the property was included in an earlier review of the Segment for another property.

A Notification of Complete Application was issued on November 9, 2012.

### **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 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 to achieve this goal.

Policy 4.5.2 of the Official Plan sets 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. In this case the adjacent building to the north is an apartment building with a significant number of units on its south elevation, which would be impacted by the proposed development, including a negative shadow impact on the south elevation of the building and a building proximity that would impact on the light and privacy for tenants of the units on that side of the building.

## **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 most of the development criteria of the Kew Beach Precinct. The proposed development does not comply with any of the setback requirements. The proposed development at 20 metres high exceeds the maximum height permitted for regular lots of 15.5 metres. The 3 metres by 3 metre chamfer is only



provided on the ground floor of the building, where it is required at all levels. Further, the subject site is located close to the historic fire hall which is listed as a heritage property. One of the goals of the new design guidelines is to protect views of the fire hall. The proposed development would totally block views of the fire hall clock tower from both the north-west and north-east corners of Queen Street East and Woodbine Avenue.

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.

### **Community Services and Facilities Study**

The applicant was requested to undertake a Community Services and Facilities Study to determine the impact of the additional residential units on community services and facilities in the area. Staff have reviewed the study and concur with the applicant that the area is generally well served by existing community services and facilities and that there is no anticipated need for any new facilities.

### **Density**

The proposed development would result in a density of 4.7 times the area of the lot (6,391 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, which require the protection of significant views and that development not have an adverse impact on adjacent residential properties, the density of the proposed development will need to be reduced significantly.

### **Height and Massing**

The proposed 6-storey building does not adequately respect and relate to its existing and planned 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 proposed siting, height and massing of the proposed building does not provide an adequate transition in scale to neighbouring buildings. This proposal will set a negative precedent by exceeding the proposed height referenced in the Council adopted Design Guidelines for the area. It does not maintain the view of the existing historic fire hall clock tower, as required by the Guidelines.

The applicant's drawings, which are attached to this report, include angular planes that are part of the Avenues and Mid-rise Guidelines (Mid-rise Guidelines). The Mid-rise Guidelines do not apply to Queen Street East and staff are not using them to evaluate new development applications since the adoption of the new Guidelines. Nevertheless, the applicant's drawings demonstrate that the proposed development would not comply with the less restrictive Mid-rise Guidelines, and the applicant has mis-interpreted those guidelines by using the rear transition for 'shallow sites', whereas the property is a 'deep site' under those guidelines, resulting in a 7.5 metre setback from the apartment building rather than a 7.5 metre from the rear property line of the subject site, resulting in the

building being closer to the apartment building by the width of the laneway (approximately 3.7 metres).

### **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 Herbert Street (see Attachment 1, Site Plan). The applicant's plans call for the provision of 65 vehicular parking spaces and 62 bicycle parking spaces. One Type-G loading space is proposed.

City Transportation staff require additional information from the applicant's traffic consultant with respect to the Traffic impact and Parking Study and require additional information to demonstrate that the Type-G loading space can be accessed properly.

### **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 70 residential units and 626 square metres of commercial space on a site with a net area of 1,423 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.093 hectares (65% 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 131 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 131 square metres would not be of useable size and would be encumbered with below 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 it is compatible with the existing context, while allowing for a reasonable level of intensification.

The proposal does not adequately respect and relate to 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 does 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.

## **CONTACT**

Leontine Major, Senior Planner  
Tel. No. (416) 397-4079  
Fax No. (416) 392-1330  
E-mail: lmajor@toronto.ca

## **SIGNATURE**

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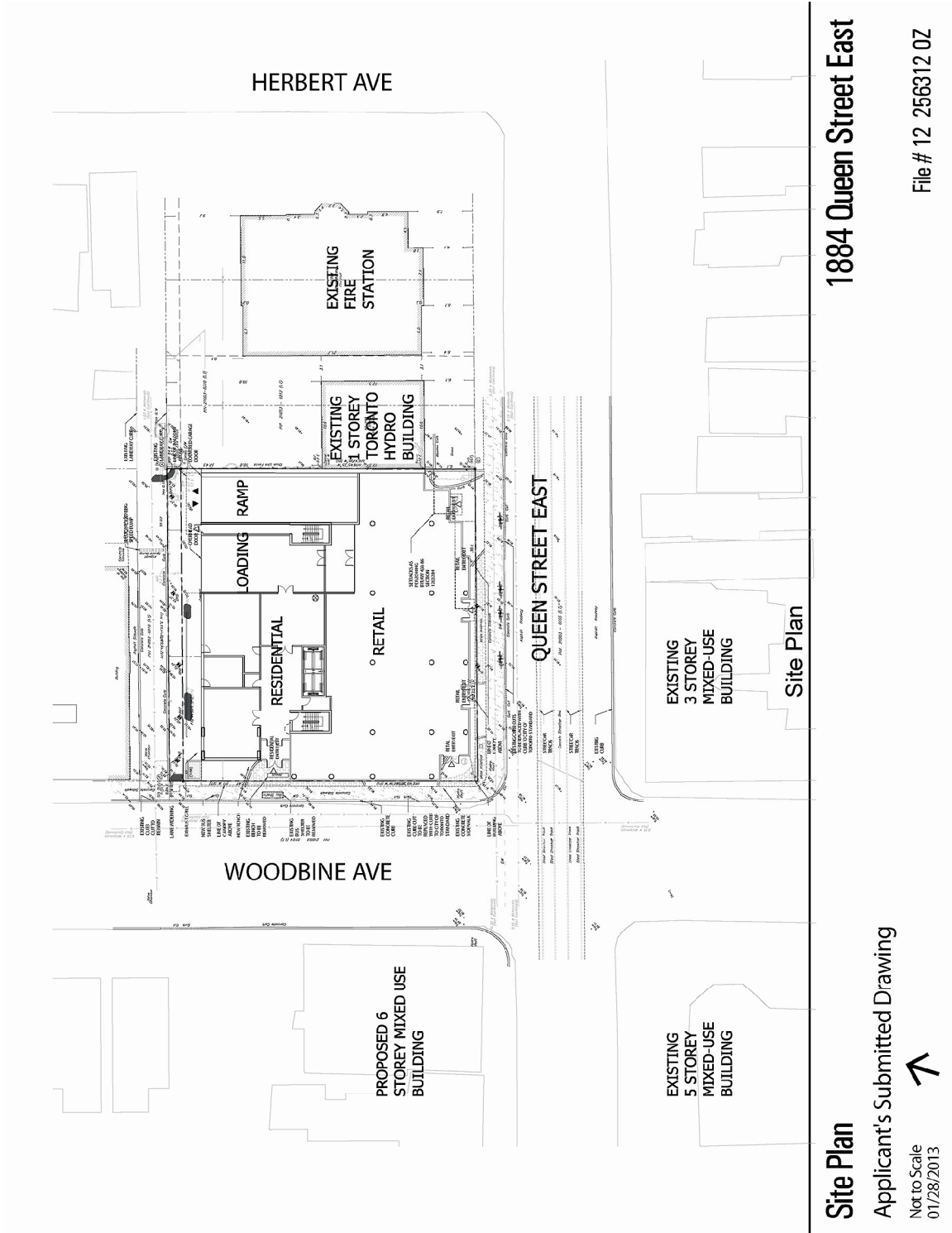
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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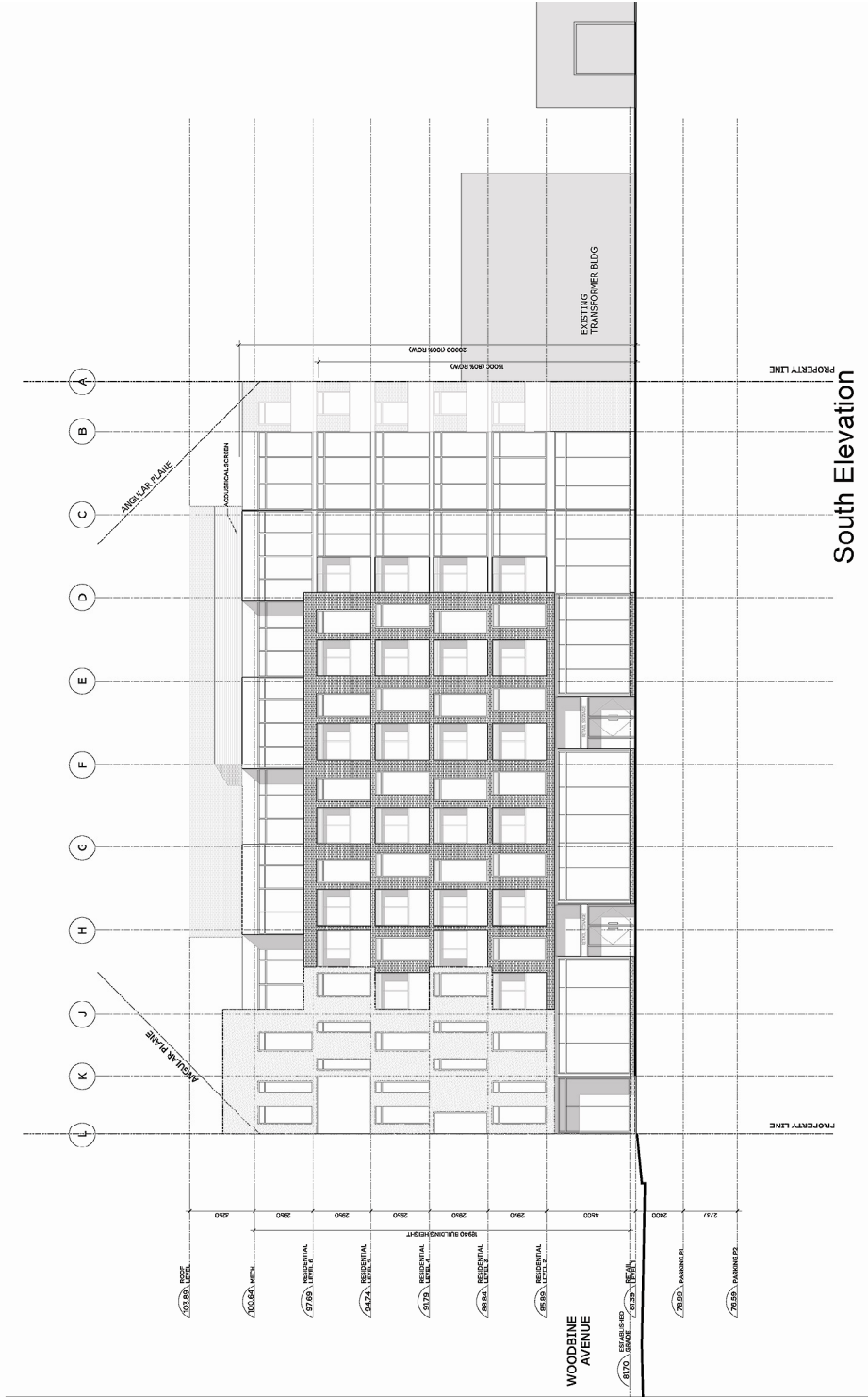
## **ATTACHMENTS**

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



# Attachment 2: South Elevation



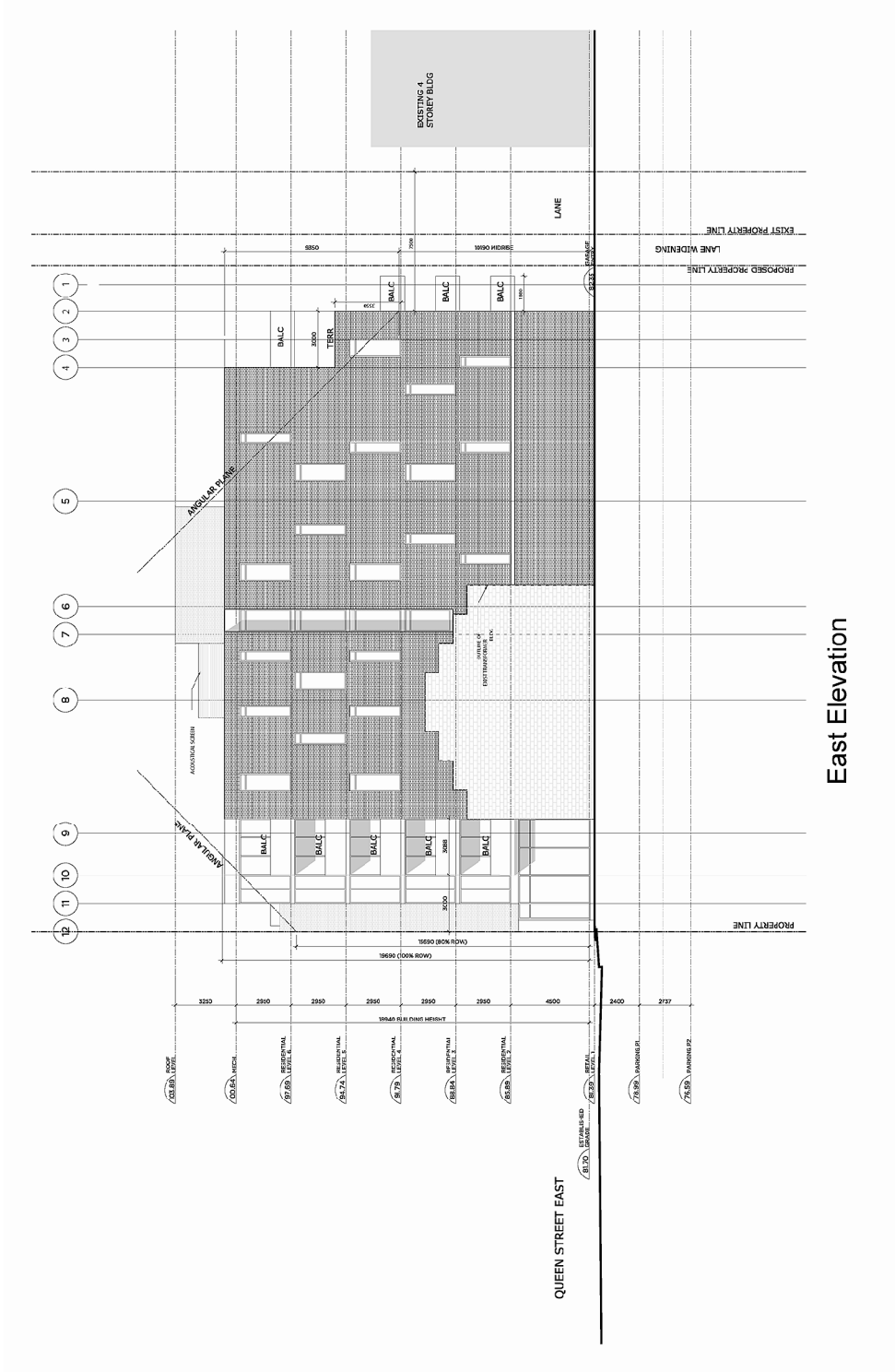
1884 Queen Street East

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 01/28/2013

File # 12 256312 0Z

# Attachment 3: East Elevation



1884 Queen Street East

Elevations

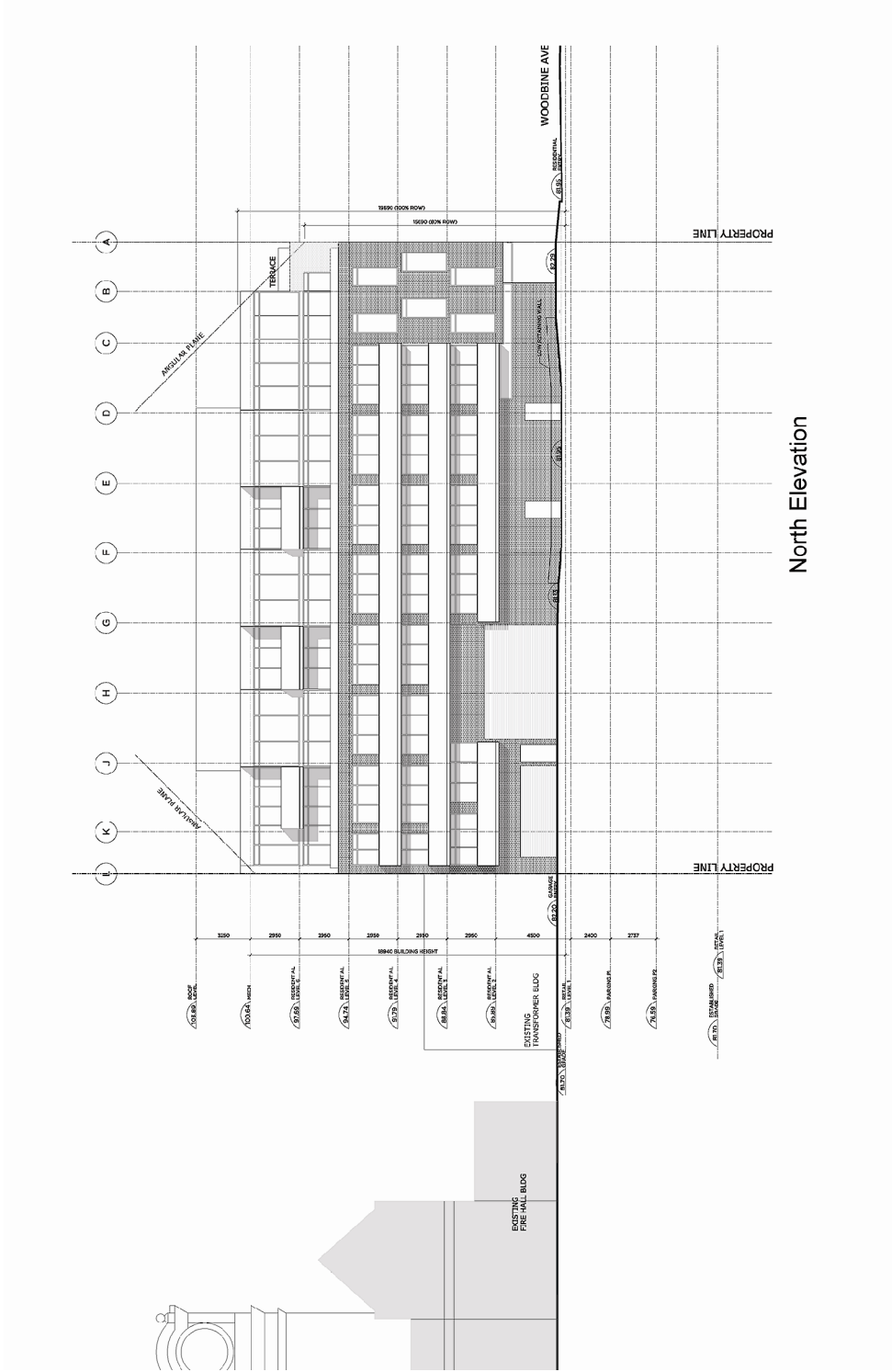
Applicant's Submitted Drawing

Not to Scale  
01/28/2013

File # 12 256312 0Z

East Elevation

# Attachment 4: North Elevation



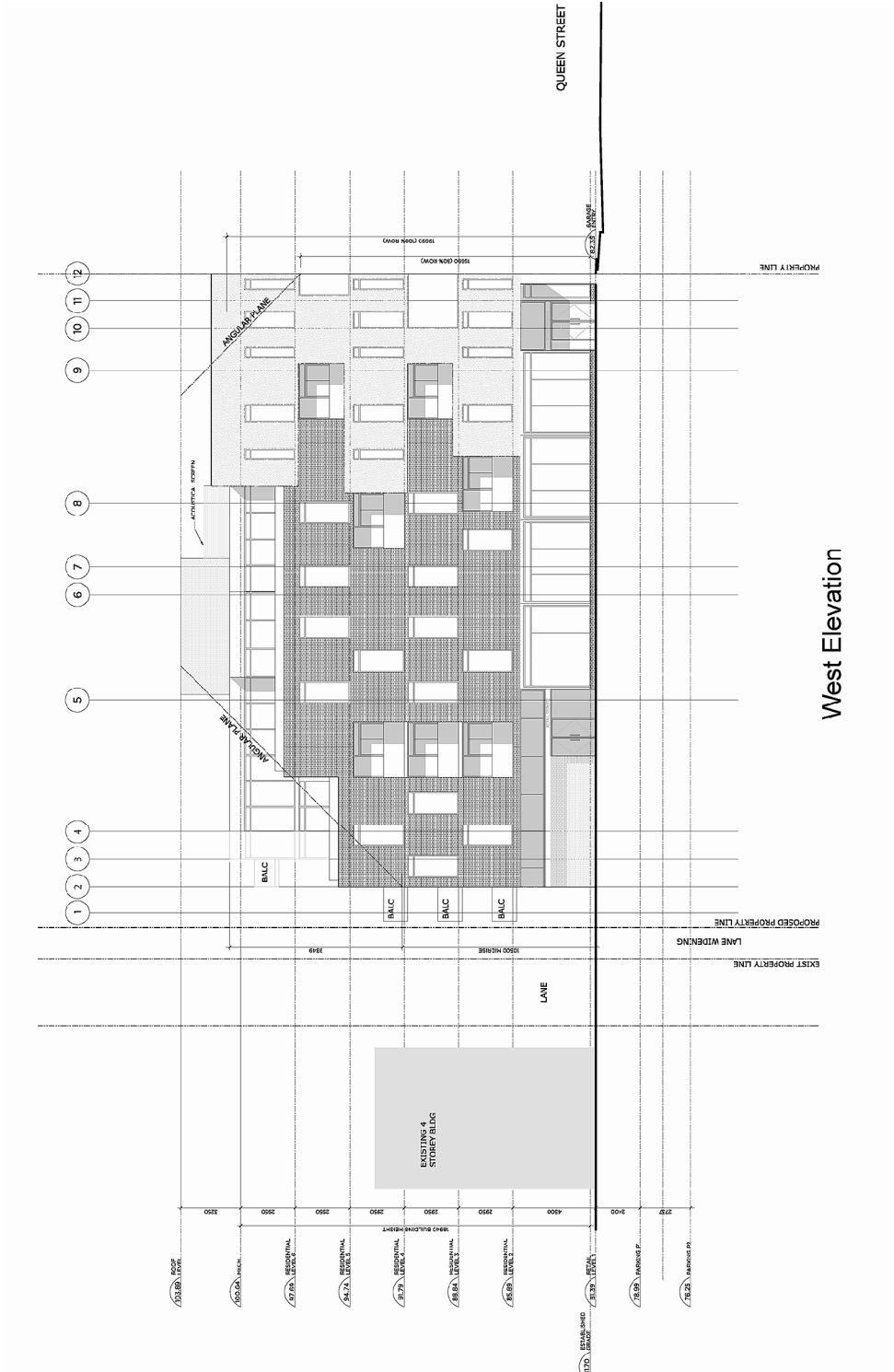
**Elevations**  
**1884 Queen Street East**

Applicant's Submitted Drawing

Not to Scale  
 01/28/2013

File # 12 256312 0Z

# Attachment 5: West Elevation



West Elevation

1884 Queen Street East

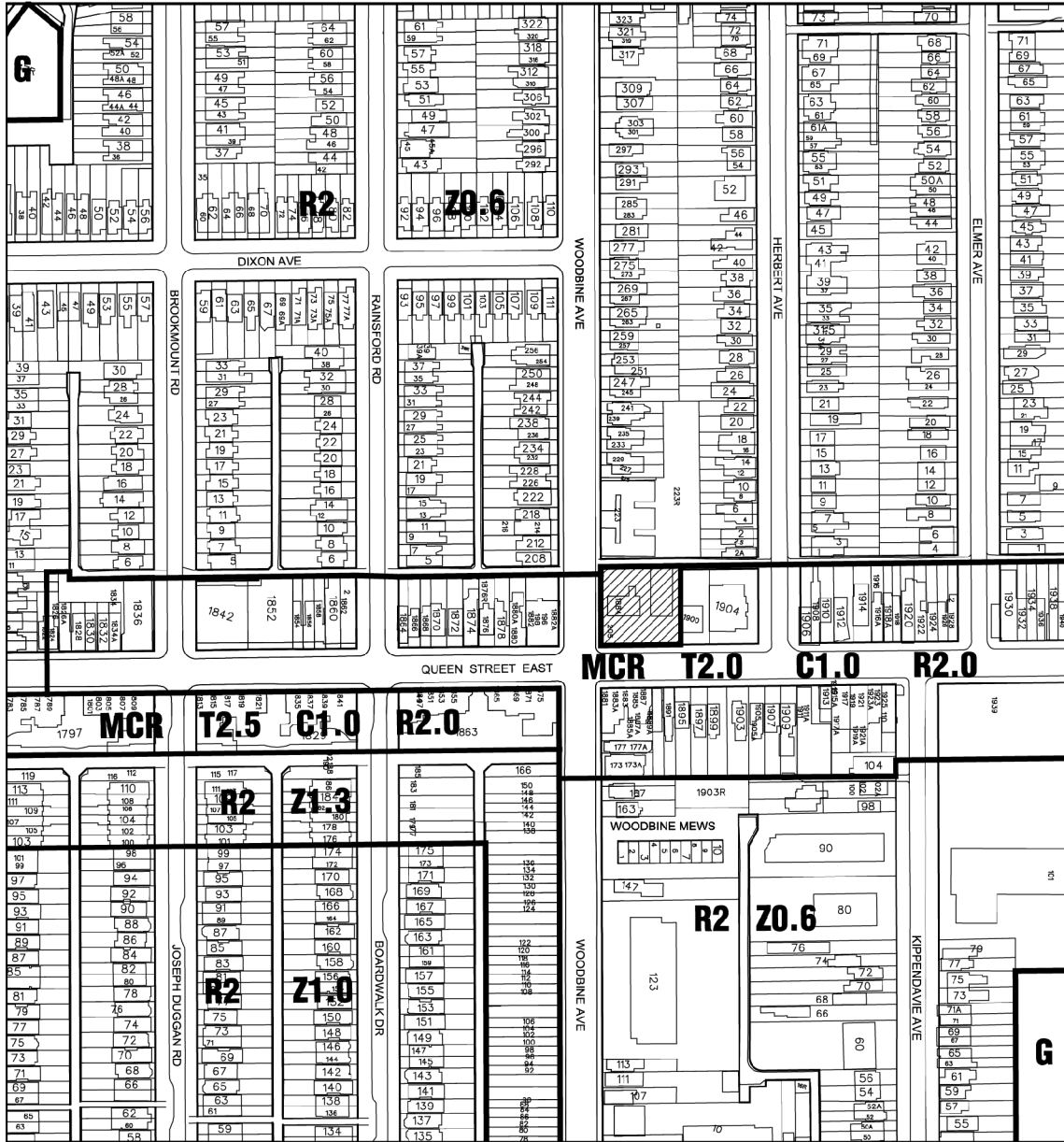
Elevations  
Applicant's Submitted Drawing

Not to Scale  
01/28/2013

File # 12 256312 0Z



# Attachment 6: Zoning



1884 Queen Street East

File # 12 256312 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 256312 STE 32 OZ
Details	Rezoning, Standard	Application Date:	October 1, 2012

Municipal Address: 1884 QUEEN ST E  
 Location Description: PLAN 747 PT LOT 3 LOTS 1 & 2 \*\*GRID S3209  
 Project Description: Rezoning application to permit the redevelopment of the vacant parcel of land for the purposes of a 6 storey mixed use building with retail uses at grade, 70 residential units and 65 below grade parking spaces.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Robert Dragicevic			Queen Empc Six Limited

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	MCR T2.0 C1.0 R2.0	Historical Status:
Height Limit (m):	12	Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	1360	Height:	Storeys:	6	
Frontage (m):	38		Metres:	20	
Depth (m):	37.468				
Total Ground Floor Area (sq. m):	759				<b>Total</b>
Total Residential GFA (sq. m):	5765		Parking Spaces:	65	
Total Non-Residential GFA (sq. m):	626		Loading Docks	1	
Total GFA (sq. m):	6391				
Lot Coverage Ratio (%):	55.8				
Floor Space Index:	4.7				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above</b>	<b>Below</b>
			<b>Grade</b>	<b>Grade</b>
Rooms:	0	Residential GFA (sq. m):	5765	0
Bachelor:	0	Retail GFA (sq. m):	626	0
1 Bedroom:	43	Office GFA (sq. m):	0	0
2 Bedroom:	27	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	70			

**CONTACT: PLANNER NAME: Leontine Major, Senior Planner**  
**TELEPHONE: (416) 397-4079**