



## STAFF REPORT ACTION REQUIRED

### Queen Street East Visioning Study (Coxwell Avenue to Nursewood Road) – City Initiated Official Plan Amendment - Preliminary Report

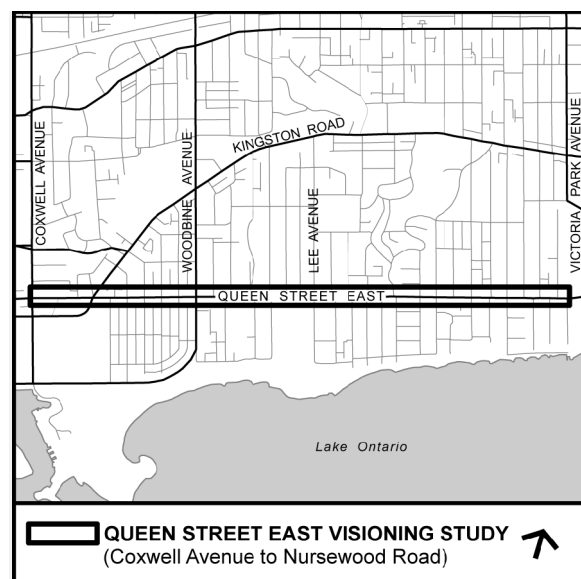
<b>Date:</b>	February 6, 2014
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 32 – Beaches-East York
<b>Reference Number:</b>	12-182735 STE 32 OZ

#### SUMMARY

At its meeting of November 27, 2012, City Council adopted new Urban Design Guidelines for Queen Street East between Coxwell Avenue and Nursewood Road. Subsequently at its meeting of May 10, 2013, City Council adopted area specific Zoning By-law 607-2013 to implement aspects of the Council adopted Urban Design Guidelines into the Zoning By-law.

At the time of the adoption of the Urban Design Guidelines, the City Planning Division had already received and was processing two Rezoning applications within the portion of Queen Street East covered by the Guidelines. Both of these applicants appealed their applications to the Ontario Municipal Board.

On December 11, 2013, the Ontario Municipal Board (OMB) issued its decision on the appeal for the property at 1884 Queen Street East. The decision cites numerous factors for allowing the appeal, including the timing of the application in relation to the introduction of the Urban Design Guidelines. In its decision to allow



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the appeal, the OMB also stated that, "The Board notes the absence of any official plan policy directive to 'maintain the existing character of this portion of Queen Street East'."

City Planning is considering bringing forward an Area Specific Official Plan Amendment (OPA) which would reinforce the key findings that came out of the Queen Street East Visioning Study and the provisions of the Urban Design Guidelines. This would ensure that the Urban Design Guidelines remain an effective tool for implementing the Official Plan and that going forward, the City will have a greater ability to rely on those Guidelines in the context of appeals to the Ontario Municipal Board.

It is expected that a final report on the matter will be before Toronto and East York Community Council in the second quarter of 2014.

## **RECOMMENDATIONS**

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

1. Staff be requested to report back in the second quarter of 2014 to Toronto and East York Community Council on the merits of a site and area specific policy for Queen Street East between Coxwell Avenue and Nursewood Avenue, and recommendations for an Official Plan Amendment, if appropriate.
2. Notice for the public meeting be given in accordance with the regulations under the *Planning Act*.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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>

At its meeting of May 10, 2013, City Council adopted By-law 607-2013 which incorporates certain requirements of the City Council adopted Urban Design Guidelines for this portion of Queen Street East into the Zoning by-law, which are more restrictive than the existing provisions of Zoning By-law 438-86, to ensure that as-of-right

development complies with the new Guidelines. The by-law is under appeal to the Ontario Municipal Board.

Link to Queen Street East from Coxwell Avenue to Nursewood Road – City Initiated Zoning Amendment – Final Report:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-56833.pdf>

Link to By-law 607-2013:

<http://www.toronto.ca/legdocs/bylaws/2013/law0607.pdf>

## **ISSUE BACKGROUND**

### **Study Area/Affected Properties**

An Official Plan Amendment would likely include all properties fronting on both sides of Queen Street East in the Beach between Coxwell Avenue and Nursewood Avenue designated as mixed-use in the Official Plan, matching the area covered by the Urban Design Guidelines.

### **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 majority of the properties fronting onto this portion of Queen Street East are designated as *Mixed Use Areas* in the Official Plan. A portion of the area between Brookmount Road and Kingston Road on the north side of Queen Street (specifically between numbers 1736 and 1822) is designated as *Neighbourhoods*. Where a park abuts Queen Street East, the designation is *Parks and Open Space*.

The policies for *Mixed Use Areas* provide for a full range of residential, commercial and institutional uses to be developed near transit to provide new jobs and homes for Toronto's growing population. The policies and development criteria call for new buildings to be located and massed to provide a transition between areas of differing development intensity and scale. In particular, a step down in height towards lower scale neighbourhoods is required. New buildings in *Mixed Use Areas* are to adequately limit

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shadow impacts on adjacent low-rise *Neighbourhoods* and be massed to frame the edges of streets and maintain sunlight and provide comfortable pedestrian conditions for pedestrians on adjacent streets, parks and open spaces.

This portion of Queen Street East 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. 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. This portion of Queen Street East is such an Avenue.

The Official Plan also 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".

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. The guidelines will provide for more guidance and precision for the implementation of the policies of the Official Plan.

### **Applicability of Mid-rise Guidelines**

Mid-rise performance standards were developed by the City with due regard to all of the Official Plan policies, including the Avenues policies, the Mixed-Use land use policies and the Urban Design built form policies of the Plan. The Avenues and Mid-Rise Buildings Study was adopted by City Council in July 2010. The intent of the study was to implement the Official Plan objective of re-urbanizing Toronto's main streets in a manner that is compatible with neighbourhoods, through the use of performance standards that shape building envelopes. The performance standards laid out in the mid-rise guidelines have their origins in planning practice and the experience of encouraging mid-rise on Avenues in the last decade as part of the Official Plan direction over that period of time.

A motion was adopted by City Council on July 8, 2010 that removed Queen Street East between the Don River and Nursewood Road from the study area map, thereby making the Council adopted mid-rise guideline not applicable to this portion of Queen Street East.

## **Local Studies on Queen Street East between the Don River and Nursewood Road**

As previously discussed, the portion of Queen Street East between Coxwell Avenue and Nursewood Road was subject to a Visioning Study in 2012 which resulted in the adoption of Urban Design Guidelines and area specific zoning. This is the area that is the subject of this report.

There are other ongoing planning studies taking place along certain portions of Queen Street East. In October 2012 City Council prioritized the area of Queen Street East between the Don River and Degross Street for a Heritage Conservation District Study (HCD). This study commenced in the fall of 2013. It is a requirement of the HCD process to determine whether any Official Plan Amendments are necessary to implement the findings of the HCD study. This study is underway and targeted for completion in the second quarter of 2014.

As well, in June 2013 Toronto City Council directed the City Planning Division to initiate the Queen East/Leslieville Planning Study for the portion of Queen Street East between the railway crossing at Jimmie Simpson Park and Leslie Street. This study is underway and targeted for completion in the second quarter of 2014. Staff anticipate that the study will result in Urban Design Guidelines and, if appropriate, an area-specific Zoning By-law and/or Official Plan Amendment.

There is a small portion of Queen Street East between Leslie Street and Coxwell Avenue that is not or will not be covered by one of the three afore-mentioned studies. This portion of Queen Street may be subject to study in the future.

## **Summary of OMB Decision**

On December 11, 2013, the Ontario Municipal Board (OMB) issued its decision on the appeal for a rezoning on the property at 1884 Queen Street East. In the decision greater weight was given to in-force policies and zoning. Although the Official Plan foresees Urban Design Guidelines as a mechanism for implementing the policies of the Official Plan, the OMB decision stated that "The Board notes the absence of any official plan policy directive to 'maintain the existing character of this portion of Queen Street East'."

## **Purpose of Amendment**

If considered appropriate an Official Plan Amendment would address the key principles that arose out of the Queen Street East Visioning Study. Staff would consider how the provisions of the Urban Design Guidelines for Queen Street East between Coxwell Avenue and Nursewood Road might be supported by such an OPA.

Queen Street East is designated an Avenue in the Official Plan. The City has typically undertaken Avenue Studies after reviewing certain criteria such as the presence of vacant and underutilized lands with redevelopment potential; significant potential to create new jobs and housing along transit lines; where existing zoning is acting as an impediment to

improvement and growth; and where a strong market exists for redevelopment and development pressure, all with a view to encouraging reinvestment and intensification on underdeveloped arterials. Examples of such Avenue Studies include: Dufferin Street from Highway 401 to just south of Lawrence Avenue West, which is ongoing at the current time and two completed studies on different portions of St Clair Avenue West. The local characteristics of Queen Street East, including the fine grain lot patterning, the limited depth of properties, the lack of vacant lots, the existence of rental units, amongst other development constraints, lend less opportunity and potentially more complexity to realizing mid rise development than other City arterials.

The Official Plan acknowledges in its non policy text that "not all of the Avenues can be studied at once, and some, which function well and already have appropriate zoning in place, may not need further study at all. 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 have zoning in place to guide mixed use development in a way that fits with the neighbourhood, and will be a low priority for Avenue reurbanization studies. Ultimately, all Avenues should perform this "main street" role and become meeting places for local neighbours and the wider community. Avenues that are characterized by one or two storey commercial buildings, vacant and underutilized lands and large areas of surface parking will be the priorities for future Avenue studies."

Queen Street East is an Avenue that already serves as a "main street" as identified by the Official Plan. Given prevailing local character, the comparatively slow pace of change over many years, and prominent land use pattern and land values associated with retail and services such as restaurants, Queen Street has not been identified by staff as a priority for an Avenue Study. Nonetheless, some study of the area was warranted in order to ensure that all policies and guidelines that apply support intensification appropriate for the local context on a go forward basis.

The intent of the Urban Design Guidelines adopted by City Council was to put consideration of mid rise development on Queen Street East through a local character lens with consequent adjustment to the scale taking into account particularities of the context. This is seen as especially important given recent experience with some mid rise developments in the area which required modification from more typical approaches. The Mixed Use criteria otherwise applicable as Official Plan policy may require fine tuning as they apply to Queen Street East, especially if the Ontario Municipal Board is inclined to give the Urban Design Guidelines less weight than staff had anticipated.

## **Community Consultation**

Extensive community consultation was undertaken during the Queen Street East Visioning Study that resulted in the new Urban Design Guidelines for Queen Street East between Coxwell Avenue and Nursewood Road. An independent facilitator held a series of stakeholder and community meetings from June to September 2012. Staff in consultation with the local Councillor will undertake further consultation, regarding any proposed Official Plan Amendment.

Link to Consultation Summary Report:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-51605.pdf>

## **CONTACT**

Leontine Major, Senior Planner

Tel. No. (416) 397-4079

Fax No. (416) 392-1330

E-mail: [lmajor@toronto.ca](mailto:lmajor@toronto.ca)

## **SIGNATURE**

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

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