

## **1001, 1007, 1011 and 1037 The Queensway - Zoning By-law Amendment Application – Request for Direction Report**

Date: June 22, 2018  
To: Etobicoke York Community Council  
From: Director, Community Planning, Etobicoke York District  
Ward: 5 - Etobicoke-Lakeshore

**Planning Application Number:** 15 264792 WET 05 OZ

### **SUMMARY**

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The owner of the site at 1001, 1007, 1011 and 1037 The Queensway has appealed the Zoning By-law Amendment application for these lands to the Local Planning Appeal Tribunal (LPAT) citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. A Pre-Hearing Conference is scheduled for September 27, 2018, to set the parameters and the future date of the hearing.

This application proposes to amend the Etobicoke Zoning Code as amended by Site Specific Zoning By-law No. 514-2003, By-law No.191-2006 and By-law No.1288-2013 to permit a mixed use development. The proposal would include four residential towers situated on two 4-storey podiums (two towers per podium) having a total of 588 residential units. Three of the towers would be 12 storeys in height (47 m, including the mechanical penthouse) and the tower closest to the intersection of Islington Avenue and The Queensway would be 20 storeys in height (72 m, including the mechanical penthouse). The proposal also includes 2,635 m<sup>2</sup> of commercial/retail space at grade, an underground parking garage and public parkland. Vehicular access is proposed via the existing driveway from The Queensway and a new driveway from Dorchester Avenue.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Local Planning Appeal Tribunal hearing to oppose the application, as currently proposed. This report reviews and recommends refusal of the application in its current form with respect to proposed building heights, massing, site organization of buildings and the undersized encumbered public park. The proposed building heights, particularly of the 20-storey tower, are not in keeping with the existing or planned context for the *Avenues* area along The Queensway as identified in

Official Plan policies, The Queensway Avenue Study, the implementing Zoning By-law nor the The Queensway Design Guidelines and Streetscape Improvements. The proposed development is also not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017) in its current form. Planning staff have been in discussions with the applicant with respect to revising the application to develop a proposal that is more appropriate to its context and are seeking City Council direction to continue doing so.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with Planning staff and any other appropriate staff, to oppose the applicant's appeal with respect to the Zoning By-law Amendment application for 1001, 1007, 1011 and 1037 The Queensway (File #15 264792 WET 05 OZ) and attend any Local Planning Appeal Tribunal hearing in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate to support the position recommended in this report.
2. City Council authorize City staff to continue discussions with the applicant to develop a revised proposal that addresses the issues set out in this report.
3. In the event the Local Planning Appeal Tribunal allows the appeal, in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold its Order on the Zoning By-law Amendment application until:
  - a) A draft Zoning By-law Amendment is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
  - b) The owner has entered into an agreement under Section 37 of the *Planning Act* with the City for the purpose of securing community benefits to the satisfaction of the City Solicitor in consultation with City Planning staff and the Ward Councillor.
  - c) The owner has submitted a revised Transportation Impact Study to the satisfaction to the General Manager of Transportation Services.
  - d) The owner has submitted a revised Stormwater Management Study that addresses how the stormwater management for the adjacent site to the south (the Cineplex Theatre lands) would be impacted, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

- e) The owner has submitted a Sanitary Sewer Analysis to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
- f) The owner has submitted a Hydrant Pressure and Volume Test to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
- g) The owner has entered into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the Transportation Impact Study accepted by the General Manager of Transportation Services and the Stormwater Management Study, Sanitary Sewer Analysis and Hydrant Pressure and Volume Test accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.
- h) The owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.
- i) The owner agrees that:
  - i. The owner will be required to convey 1,848 m<sup>2</sup> of the development site for public parkland purposes. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.
  - ii. Prior to the issuance of the first above grade building permit, the owner shall convey the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The owner is to pay for the costs of the preparation and registration of all relevant documents. The owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
  - iii. Any change in the proposed unit count for the development would alter the total parkland dedication requirement.

- iv. The final size, location and configuration of the parkland dedication will be to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- j) The above conveyances shall be subject to the following:
- i. Prior to the issuance of the first above grade building permit, the owner shall submit an initial design and cost estimate for the Above Base Park Improvements to the General Manager, Parks, Forestry and Recreation. Following submission of said design and cost estimate, the owner shall enter into a park design consultation process to finalize the design for approval by the General Manager, Parks, Forestry and Recreation. The final design shall be approved by the General Manager, Parks, Forestry and Recreation, within 8 months following issuance of the first above grade building permit.
  - ii. Provided the General Manager, Parks, Forestry and Recreation has approved the final design and cost estimate at least 12 months earlier, the owner shall construct the Above Base Park Improvements at its expense in accordance with the approved plans and specifications to the satisfaction of the General Manager, Parks, Forestry and Recreation prior to the earlier of first residential occupancy and residential condominium registration or at a later date as may be approved by the General Manager, Parks, Forestry and Recreation.
  - iii. Prior to commencing construction of the Above Base Park Improvements, the owner shall post an irrevocable Letter of Credit in the amount of 100 percent of the value of the approved estimate of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation, with the understanding that the cost shall not exceed the Parks and Recreation component of Development Charges payable for the site's proposed development (upon posting such letters of credit, any Letters of Credit previously posted to secure the payment of the park component of Development Charges for the above site shall be returned).
  - iv. All conveyances to the City, including easements (except for the lands to be purchased) shall be for nominal consideration at the owner's expense and at no cost to the City on terms and conditions as set out in the Section 37 Agreement, including provision for: deposit of reference plans; environmental obligations including peer review; as well as insurance and indemnification, with such conveyances to be free and clear of encumbrances (with support

easement for any component above the underground parking garage) to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- k) A revised Landscape Plan is submitted and Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation.
  - l) The owner shall submit a detailed wind tunnel or computational study complete with a statistical wind analysis to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - m) The owner shall submit detailed revised sun/shadow studies to the satisfaction of the Chief Planner and Executive Director, City Planning.
4. In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council direct that the following matters also be secured in the Section 37 Agreement for the development as a legal convenience:
- a) 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 Management Committee, as further amended by City Council from time to time.
  - b) The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
  - c) The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.
  - d) A minimum of 10% of all units to be shown on the plans for the development as three-bedroom units.
5. City Council request the applicant scope their Appeal No.147 to Official Plan Amendment No. 231 (OPA 231) to exclude the lands at 1001, 1007, 1011 and 1037 The Queensway. If the applicant does not scope Appeal No. 147, City Council direct the City Solicitor to request the LPAT to consolidate the appeal of the Zoning By-law Amendment application (File #1526479 WET 05 0Z) with the LPAT hearing of Appeal No. 147 to Official Plan Amendment No. 231 respecting the lands at 1001, 1007, 1011 and 1037 The Queensway.

6. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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In 2002, the City conducted an Avenues Study for The Queensway between Kipling Avenue and Mimico Creek. The purpose of the study was to identify a vision and implementation strategies to achieve the revitalization of The Queensway as an Avenue consistent with the objective of the Official Plan to re-urbanize corridors along major streets in the City. In June 2003, City Council adopted The Queensway Avenues By-law (Zoning By-law No. 514-2003) to implement The Queensway Avenue Study vision. Generally, the Avenues Zoning By-law permits a mix of uses at a maximum density of 3.0 times the lot area and building heights of 6 and 8 storeys.

On February 12, 2016, the applicant obtained Final and Binding Committee of Adjustment conditional approval (File #B52/15EYK) to sever the Cineplex Theatre lands at 1025 the Queensway from the northern portion of the site (1001, 1007, 1011 and 1037 The Queensway) and to create various easements/right-of-ways for the site. The Certificate of Official was issued on October 7, 2016 which formerly severed the subject lands from the Cineplex Theatre lands.

Official Plan Amendment 231 (OPA 231) contains new economic policies and new policies and designations for Employment Areas as part of the Official Plan and Municipal Comprehensive Review. The Minister of Municipal Affairs and Housing issued the decision on OPA 231 on July 9, 2014 to approve the OPA with some modifications. The Minister's decision was appealed to the Ontario Municipal Board (OMB). On June 22, 2015, the OMB issued an order partially approving OPA 231.

The owners of the lands submitted a conversion request through the Municipal Comprehensive Review seeking to redesignate the Cineplex Theatre site (1025 The Queensway) from *Employment Areas* to *Mixed Use Areas*. This conversion request was not approved by City Council or the Minister of Municipal Affairs and Housing and the owners subsequently appealed the decision to the OMB. There is still an outstanding OMB appeal related to the Cineplex Theatre lands (which formerly included the subject lands at 1001, 1007, 1011 and 1037 The Queensway prior to the land severance).

As such, staff recommend that City Council request the applicant to scope their Appeal No. 147 to Official Plan Amendment No. 231 (OPA 231) to exclude the lands at 1001, 1007, 1011 and 1037 The Queensway. If the applicant does not scope Appeal No. 147, staff recommend City Council direct the City Solicitor to request the LPAT to consolidate

the appeal of the Zoning By-law Amendment application with the LPAT hearing of Appeal No. 147 to Official Plan Amendment No. 231 respecting the lands at 1001, 1007, 1011 and 1037 The Queensway.

A pre-application consultation meeting was held on June 22, 2015 with the applicant to discuss complete application submission requirements. A mixed use development concept consisting of four residential condominium buildings (20, 12, 12, and 20 storeys respectively) having 537 residential units, retail uses at grade, underground parking and two open space areas was discussed. Issues identified by Planning staff included: Official Plan conformity; site organization; built form; building heights; building setbacks; the provision of public parkland; streetscape improvements; pedestrian and vehicular circulation; and parking. Planning staff also advised that the proposal would be reviewed within the context of The Queensway Avenue Study.

The current application was submitted on December 14, 2015 and deemed complete on February 16, 2016. A Preliminary Report on the application identified issues to be resolved and was adopted by Etobicoke York Community Council on April 5, 2016 authorizing staff to conduct a community consultation meeting with an expanded notification area. The Preliminary Report can be viewed at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY13.4>

The community consultation meeting was held on May 30, 2016. Subsequent consultations with the applicant, City staff and the Ward Councillor's office occurred with respect to a revised proposal, although a revised proposal has not yet been submitted by the applicant. On November 23, 2017, the applicant appealed the site specific Zoning By-law Amendment application to the Local Planning Appeal Tribunal, citing City Council's failure to make a decision on the application within the time period prescribed by the *Planning Act*.

A Pre-Hearing Conference is scheduled for September 27, 2018, to set the parameters and the future date of the LPAT hearing.

## **ISSUE BACKGROUND**

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### **Proposal**

The applicant is proposing to amend the Etobicoke Zoning Code and Site Specific By-law No. 514-2003 to permit a mixed use development. The proposal would include four residential towers situated on two 4-storey podiums (two towers per podium) having a total of 588 residential units (see Attachment 1: Figure 1: Application Data Sheet). The proposed unit breakdown is as follows: 69 bachelor units (12%); 280 one-bedroom units (47%); 227 two-bedroom units (39%); and 12 three-bedroom units (2%).

The four proposed towers would be situated on either side of the existing vehicular access on The Queensway. The buildings on the west side of the access includes Towers A and B. Immediately on the east side of the access is a proposed park of 1,343 m<sup>2</sup> with the second building including Towers C and D adjacent to the east (see Attachment 5: Figure 5: Site Plan).

Towers A, B, and C would be 12 storeys and 47 m in height (including mechanical penthouses). Tower D, located on the northeast corner of the site, would be 20 storeys and 72 m in height (including the mechanical penthouse). Towers A and B propose floor plate sizes of 708 m<sup>2</sup> and Towers C and D propose floor plate sizes of 784 m<sup>2</sup>. The proposed Towers A and B would have a separation distance of 20.7 m and the proposed Towers C and D would have a separation distance of 34.4 m. The four existing commercial buildings (three restaurants and one bank) would be demolished.

The proposed buildings would have ground floor retail/commercial uses fronting The Queensway. There would be 2,635 m<sup>2</sup> of commercial/retail gross floor area and 41,483 m<sup>2</sup> of residential gross floor area. The development would have a Floor Space Index of 3.37 times the area of the lot. The main entrances to the buildings are proposed to the rear of the commercial/retail units on the south side of the base building which would be interior to the site and accessed from a private driveway. The main first floor and mezzanine would have a height of 5.92 m.

A total of approximately 2,969 m<sup>2</sup> of floor area is proposed for indoor and outdoor amenities for all the proposed buildings. Approximately 3,519 m<sup>2</sup> of green roof space is proposed. The proposal would also include 1,343 m<sup>2</sup> of open space in the centre of the lands fronting The Queensway to be conveyed to the City as public parkland. However, the submitted plans indicate that the proposed park would be encumbered with below grade parking.

Vehicular access to the site would be provided from the existing private driveway access from The Queensway as well as a proposed private driveway from Dorchester Avenue. Two levels of underground parking are proposed which would span below the entire subject lands and contain a total of 591 parking spaces (475 residential and 116 visitor/commercial spaces). Access to the underground parking garage and the loading spaces is proposed at the rear of the site. A total of 459 bicycle spaces (442 residential and 17 commercial spaces) are proposed.

### **Site and Surrounding Area**

The site is located on the south side of The Queensway, at the southwest corner of The Queensway and Islington Avenue. The site currently contains three restaurants and a bank and functions as part of the larger existing Cineplex Theatre complex.

The subject site is generally flat and rectangular in shape. The site has a frontage of approximately 230 m on The Queensway and a total area of 1.31 ha.



The surrounding land uses are as follows:

North: Two 10-storey residential condominium towers on a shared base building with commercial uses at grade on The Queensway, beyond which are single-detached dwellings.

East: Islington Avenue, directly adjacent to the site with a retail store and 3-storey townhouses east of Islington Avenue.

South: The Queensway Cineplex Theatre and associated parking, beyond which is the Fred Gardiner Expressway.

West: Dorchester Avenue, immediately adjacent to the site with low-rise commercial buildings west of Dorchester Avenue.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be

consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through Official Plans".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this report.

### **Toronto Official Plan**

The subject site is located on an Avenue on Map 2 - Urban Structure in the Toronto Official Plan and designated *Mixed Use Areas* on Map 15 - Land Use Plan in the Toronto Official Plan (see Attachment 3: Figure 3: Official Plan).

### **Avenues Policies**

*Avenues* are identified as areas of growth and reurbanization in Section 2.2.3 of the Plan. *Avenues* are important corridors along major streets where reurbanization and growth is anticipated and encouraged to create new housing and employment opportunities, while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit services for community residents. The growth and redevelopment of the *Avenues* should be supported by high quality transit services, including priority measures for buses and streetcars, combined with urban design and traffic engineering practices that promote a street that is safe, comfortable and attractive for pedestrians and cyclists.

Each Avenue is different in terms of lot sizes and configuration, street width, existing uses, neighbouring uses, transit service and streetscape potential. There is no "one size fits all" program for reurbanizing the Avenues. A framework for change will be tailored to the situation of each Avenue through a local Avenue Study that will involve local residents, businesses and other stakeholders for each Avenue. Each *Avenue* Study will contain a vision and implementation plan for the *Avenue*.

Some *Avenues* serve as "main streets" that are focal points for the local community with attractive and bustling sidewalks. Ultimately, all *Avenues* should perform a "main street" role and become meeting places for local neighbours and the wider community. The *Avenues* will be transformed incrementally. The framework for new development on each *Avenue* is established by a new zoning by-law and urban design guidelines created in consultation with the local community. The zoning by-law sets out the mix of uses, heights, densities, setbacks and other zoning standards.

Not all lands that fall within *Avenues* are designated for growth. These *Avenues* have been identified at a broad scale to help assess urban design, transit and service delivery issues. The framework for new development on each *Avenue* will be established through an *Avenues* Study, resulting in appropriate zoning and design guidelines created in consultation with the local community.

As part of the preparation work on the new Official Plan, Planning staff examined growth opportunities along four *Avenues*, selected because of their reurbanization potential as well as their need for special attention and some form of reinvestment from the City of Toronto. In January 2000, the Kirkland Partnership Inc. was retained by the City to develop a Concept Plan and related recommendations for each of the Study Areas.

The four *Avenues* studied as a part of the pilot project were:

- (a) Bloor Street West between Dundas Street West and Lansdowne Avenue;
- (b) The Queensway between Mimico Creek and Kipling Avenue;
- (c) Kingston Road between the Guildwood GO Station and Highland Creek; and
- (d) Finch Avenue centred at Weston Road between Signet Road and Milvan Avenue.

Each study focused on the type of overall development that would be most desirable, as well as determining appropriate standards with respect to the number of storeys, building setbacks, landscaped open space and transportation improvements. Beyond the quantitative details, qualitative issues of how the look and feel of the street could be improved were also reviewed. In 2003 the studies were finalized and a new vision was developed for each *Avenue* with the intent to give local residents and the community some certainty about the form of new development, and provide landowners greater opportunities for redevelopment. The visions also established a context to guide the implementation of improvements to local infrastructure.

The *Avenues* Policy 2.2.3.2 b) establishes that to facilitate and shape growth, each *Avenue* Study will engage local residents, businesses and other local stakeholders and will set out:

- b) Contextually appropriate as-of-right zoning and other regulations designed to achieve high quality development along the *Avenues* which establishes:

- i) Permitted uses and maximum density and height limits;
- ii) Appropriate massing, scale, siting and organization of buildings;
- iii) Appropriate scale transitions to adjacent areas; and
- iv) Restrictions on parking at-grade and driveways in front of buildings.

The sidebar text of the *Avenues* Section states:

"*Avenue* Studies will involve extensive public and stakeholder consultation in order to determine the appropriate scale and intensity of development to be reflected in the zoning for the *Mixed Use Areas* along the *Avenues*. In the course of an *Avenue* Study, there will be a comprehensive assessment of local conditions, including: the detailed pattern of land use and urban design; built densities; transit; roads; parking; public utilities; quality of streetscape; character and viability of commercial activities; adequacy of parks, open space and recreational facilities; natural features and conservation opportunities; local heritage resources; unique local natural or built form features; and the physical character of adjacent *Neighbourhoods* and *Apartment Neighbourhoods*".

The framework for new development along The Queensway Avenue was created through consultation with the local residents, businesses and other stakeholders as part of The Queensway Avenues Study. The site is located on the area of The Queensway designated *Avenues* and is within The Queensway Avenue Study which was completed and adopted by City Council in 2003. The Queensway Avenue Study was implemented through Zoning By-law No. 514-2003.

### ***Mixed Use Areas* Policies**

The Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing". However, not all *Mixed Use Areas* will experience the same scale or intensity of development.

According to Section 4.5 of the Official Plan, *Mixed Use Areas* are made up of a broad range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Development in *Mixed Use Areas* will create a balance of high quality residential, commercial, institutional and open space uses that reduces automobile dependency and meets the needs of the local community.

*Mixed Use Areas* Policy 4.5.2 establishes a number of site related development criteria that must be met. Key development criteria for *Mixed Use Areas* include:

- Providing for new jobs and homes for Toronto's growing population on underutilized lands;
- Locating and massing new buildings to provide a transition between areas of different development intensity and scale, by providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- Locating and massing buildings to adequately limit impacts such as shadows on adjacent *Neighbourhoods*, streets, parks and open spaces, and to frame the edges of streets and parks, with a focus on generating comfortable conditions through measures that provide for adequate sunlight and comfortable wind conditions;
- Providing an attractive, comfortable and safe pedestrian environment;
- Providing indoor and outdoor recreation space for building residents;
- Having access to schools, parks, community centres, libraries and childcare; and
- Providing good site access, circulation and parking.

### **Public Realm Policies**

The Public Realm policies of the Official Plan in Chapter 3, Policy 3.1.1 promotes quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city are recognized. These policies aim to ensure that a high level of quality is achieved in landscaping, streetscaping, urban design and architecture in public works and private development to ensure that the public realm is beautiful, comfortable and accessible. Policy 3.1.1.6 sets out parameters such that the design of sidewalks and boulevards provide safe, attractive, interesting and comfortable spaces for pedestrians.

### **Built Form Policies**

The development criteria contained in the *Mixed Use Areas* policies are supplemented by development criteria outlined in Built Form Policies in Section 3.1.2 and 3.1.3 of the Official Plan. The Built Form Policies emphasize the importance of ensuring that new development fits within its existing and/or planned context and that new buildings are required to provide appropriate massing that will respect the character of the surrounding area. Policies that specifically address tall buildings are also provided if applicable.

In Section 3.1.2, Built Form, the Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients,

tenants and customers, but also the needs of the people who live and work in the area. Section 3.1.2, further states that most of the City's future development will be infill and redevelopment sites and, as such, will need to fit in, respect and improve the character of the surrounding area. It also states that development must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façade fits within the existing and/or planned context of the neighbourhood and the City.

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so that they are clearly visible and directly accessible from the public sidewalk and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions.

Policy 3.1.2.3 directs new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and to limit its impact on neighbouring streets, parks and open spaces and properties by:

- Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions;
- Incorporating exterior design elements, their form, scale, proportion, pattern and material, and their sustainable design, to influence the character, scale and appearance of the development;
- Creating appropriate transition in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- Providing for adequate light and privacy; and
- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties, parks and open space.

Policy 3.1.2.5 directs new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) Improvements to adjacent boulevards and sidewalks respecting sustainable designed elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) Co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realm;
- c) Weather protection such as canopies and awnings;
- d) Landscaped open space within the development site;
- e) Landscaped edges of surface parking lots along streets, parks and open spaces to define the street edge and visually screen the parked autos;
- f) Safe pedestrian routes and tree planting within surface parking lots; and
- g) Public art, where the developer agrees to provide this, to make the building and its open space more attractive and interesting.

### **Tall Building Policies**

Section 3.1.3 pertains to Built Form - Tall Buildings and provides policy regarding urban design considerations that must be addressed for Tall Building Proposals. The Official Plan states "Tall buildings are desirable in the right places but they don't belong everywhere". This built form is limited to parts of the Downtown, Centres, and other areas in which they are permitted by a Secondary Plan, an area specific policy, a comprehensive zoning by-law or site specific policies in effect as of the approval of the Plan. Tall buildings will only be permitted in other areas on the basis of appropriate planning justification consistent with the policies of the Plan.

Tall buildings come with larger civic responsibilities than buildings of a smaller scale. Section 3.1.3, establishes that poorly located and designed tall buildings can physically and visually overwhelm adjacent streets, parks and neighbourhoods. Such buildings can block sunlight, views of the sky and create uncomfortable wind conditions in adjacent streets, parks and open space and create traffic congestions.

Tall buildings as defined by the City are any buildings taller than the width of the adjacent right-of-way. The Queensway right-of-way is 36 metres adjacent to the proposed development site. Any building taller than 11 storey and 36 metres is considered a tall building within this context. In their current form, all four towers of the proposal are deemed to be tall buildings. Given the existing and planned context was established by The Queensway Avenue Study to be 6 and 8 storey mid-rise development which does not envision tall buildings framing The Queensway, the Tall



Building Policies in the Official Plan and the City-Wide Tall Building Design Guidelines are not applicable to this application. As a result, the application should not be evaluated against this criterion.

## **Housing Policies**

The Housing policies in Section 3.2.1 of the Official Plan encourage a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future needs of residents.

## **Implementation Plans and Strategies**

The sidebar text of Section 5.3.2 – Implementation Plans and Strategies for City Building states: "Implementation plans, strategies and guidelines that will help implement the Plan's objectives over time will include: Urban Design guidelines to provide a more detailed framework for built form and public improvements in growth areas".

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The outcome of the staff analysis and review of relevant Official Plan policies are summarized in the Comments section of this report.

## **Zoning**

The City-wide Zoning By-law No. 569-2013, as enacted by Toronto City Council on May 9, 2013, does not apply to this site as site-specific zoning was established through the Avenues Study.

The site is subject to the former City of Etobicoke Zoning Code as amended by Site Specific Zoning By-law No. 514-2003, By-law No. 191-2006 and By-law No. 1288-2013. The subject site is zoned Limited Commercial Avenues (AV) and abuts the Class 1 Industrial Zone (IC.1) to the south (see Attachment 4: Figure 4: Existing Zoning By-law Map).

The AV zoning permits retail, offices, apartments and townhouses. The existing development standards for the land include a maximum height of 21 m (6 storeys) and 27 m (8 storeys) applicable to the northeast corner of the site. The maximum permitted Floor Space Index is 3.0 times the lot area.

## The Queensway Design Guidelines and Street Improvements

As part of The Queensway Avenues Study, a Tree Planting Strategy and Design Guidelines were developed for the area where the site is located. These Guidelines were created to promote a co-ordinated approach for the development of The Queensway Avenue and serve as a complement to other more general City of Toronto Guidelines and Official Plan policies. The intent of the Guidelines is to foster the creation of a high quality, safe urban environment with attractive streetscapes, pedestrian friendly public and semi-public open spaces, and a consistent, vibrant street frontage. The following are key guidelines for development along The Queensway Avenue:

- Buildings will provide a uniform street edge by complying with minimum and maximum building heights, minimum frontage lengths, and set-backs required by the site specific by-law;
- New developments will respect adjacent single-detached development through extensive buffering and the concentration of building mass along The Queensway frontage;
- Buildings should provide a 1.0 m wide setback from the front property line above 2 storeys and a 3.0 m wide setback above 6 storeys;
- All buildings will have their main entrances opening directly onto The Queensway;
- Buildings will not create adverse shadows on adjacent public and private outdoor spaces, and will maximize sunlight penetration to sidewalks;
- Street trees will be required along The Queensway as part of all developments;
- Buildings along The Queensway will be designed to promote comfortable pedestrian level microclimates;
- Parking areas will be located underground, at the rear of buildings, or integrate into the rear or sidewall of buildings to minimize their impact on The Queensway streetscape;
- Service areas and driveways will be accessed from rear laneways when possible and will not adversely impact The Queensway streetscape;
- Garbage storage will be enclosed within the envelope of each building; and
- All loading areas will be screened.

## **Avenues and Mid-Rise Buildings Study and Performance Standards**

The Queensway Avenue Study is the prevailing applicable policy document and the Mid-Rise Performance Standards do not apply where an Avenue Study has been completed. However, the Mid-Rise Performance Standards may serve to supplement The Queensway Avenue Study and guide the review of the application.

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites. The link to the Guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Its decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

The Performance Standards give guidance about the size, shape and quality of mid-rise buildings and are intended to respect Section 2.3.1 of the Official Plan.

## **Growing Up: Planning for Children in New Vertical Communities**

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing Up Draft Urban Design Guidelines were considered in the review of this proposal.

## **Site Plan Control**

A Site Plan Control application is also required for the proposed development but has not been submitted by the applicant.

## **Reasons for Application**

An amendment to the former City of Etobicoke Zoning Code (Site Specific Zoning By-law No. 514-2003) is required as the proposal does not comply with the zoning performance standards with respect to: building heights; total density (Floor Space Index); mechanical penthouse size; number of parking spaces; main building entrances; and loading space dimensions. An amendment is also required to establish appropriate development standards for the proposal.

## **Application Submission**

The following reports/studies were submitted in support of the application:

- Planning Rationale;
- Functional Servicing and Stormwater Management Report;
- Transportation Impact Study;
- Arborist Report;
- Geotechnical Study;
- Sun/Shadow Study;
- Community Services and Facilities Study; and
- Draft Zoning By-law.

The Toronto Green Standard Checklist was also submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

The above and current planning information for the application is available at the Application Information Centre (AIC) at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

## **Agency Circulation**

The application, together with the applicable reports noted above, has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **Community Consultation**

Planning staff, in coordination with the Ward Councillor held a community consultation meeting on May 30, 2016. Approximately 51 members of the public attended the meeting. The attendees asked questions and raised a number of comments, issues and concerns, including the following:

- Height of the proposed buildings are too high (especially the corner tower);
- Too much density/congestion on the corner of the site proposed;

- Proposed development has too large of a scale - consider shorter wider buildings instead of tall buildings;
- Loss of views for the residents of the 10-storey Condominium across the street on the north side of The Queensway at 1040-1050 The Queensway;
- Loss of parking spaces associated with commercial uses and the Cineplex Theatre site;
- Loss of the existing three restaurants which serve as a social hub and are within walking distance of residential homes in the area;
- Concern of rental buildings decreasing property values;
- Increased traffic on The Queensway and major existing traffic congestion at the intersection of The Queensway and Islington Avenue;
- Lack of transit on The Queensway and existing buses too full during rush hour;
- Support the proposed park but concerns regarding noise and crime within the proposed park;
- Lack of schools and lack of a community centre in the area;
- Poor air quality; and
- Concern that new proposed trees along The Queensway would block the commercial store signs and thus hinder business.

Other members of the public have emailed and submitted letters outlining similar concerns as above.

## **COMMENTS**

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### **Planning Act, Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report.

Planning staff are of the opinion the application in its current form is not consistent with the PPS and does not conform to the Growth Plan overall.

### **Planning Act**

The *Planning Act*, Section 2 states that municipalities must have regard for matters of provincial interest. Some of these key matters specified in Section 2 are: the orderly development of safe and healthy communities; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the adequate provision of a full range of housing, including affordable housing; the adequate provision of employment opportunities; the appropriate location of growth and development; and the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposed development does not have regard to relevant matters of Provincial interest in Section 2 of the *Planning Act* as The Queensway Avenue Study establishes this is not a tall building site, but rather a moderate 6-8 storey mid-rise building site on an Avenue. Further, the proposal does not conform to Official Plan policies in its current form. The proposal represents a built form that is not well-designed given the constraints of the site and its context.

## **PPS (2014)**

The PPS (2014) promotes the appropriate intensification and efficient use of land, recognizing that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

Policy 1.1.3.3 states planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate project needs. Development may be permitted subject to ensuring that development is contextually appropriate, suitable existing infrastructure and public service facilities are available to meet projected growth and providing good quality of life for both new and existing residents. Policy 1.1.3.4 refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

Policy 1.7.1. states that "long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes".

Policy 4.7 states the Official Plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official Plans shall identify provincial interests and set out appropriate land use designations and policies. Official Plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The City of Toronto Official Plan policies, aligned with The Queensway Avenue Study, The Queensway Design Guidelines and Street Improvements and The Queensway Avenue Zoning By-law No. 514-2003, direct growth in this area through prescribing appropriate uses, height, density, built form and design of development along The Queensway Avenue to achieve long-term needs and revitalization of this area. While the Official Plan designates the *Avenues* as a location for growth, The Queensway Avenue Study, The Queensway Design Guidelines and Street Improvements and The Queensway Avenue Zoning By-law No. 514-2003 is descriptive in the type of built form

that is envisioned for the area in which the site is located, and how it would relate to its existing context. The proposal represents an inappropriate scale of intensification (particularly regarding the proposed tower heights) at a location established for moderate built form and moderate intensification as per The Queensway Avenue Study. Municipal policies and guidelines establish development for the site and area as a 6-8 storey mixed use mid-rise buildings and not tall buildings as proposed. The current proposal does not comply with the municipally established policies, and therefore is not consistent with the PPS to the extent that it does not comply with the municipal direction for growth.

### **Growth Plan (2017)**

The Growth Plan requires that a significant portion of new population and employment growth be directed to built-up areas of the community through intensification. The Growth Plan outlines that through their Official Plans, municipalities will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and major transit station areas as key areas to accommodate intensification. The City's Official Plan directs growth to the *Downtown, Centres, Avenues* and *Employment Areas*.

Section 2.2.2.4 directs all municipalities to develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:

- Encourage *intensification* generally to achieve the desired urban structure;
- Identify the appropriate type and scale of development and transition of built form to adjacent areas;
- Identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;
- Ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
- Prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and
- Be implemented through Official Plan policies and designations, updated zoning and other supporting documents.

The Growth Plan provides municipalities the authority to define the location and nature of growth that will occur in intensification areas in a flexible manner suitable to the local context, while still meeting the overriding provincial density objectives to support investments in transit. Municipalities will “identify the appropriate type and scale of development and transition of built form to adjacent areas” (Section 2.2.2.4 c)).

Section 5.2.4.5.b) establishes that within *delineated built-up areas*, municipalities may plan for *development* beyond the horizon of the Plan for *strategic growth areas* that are delineated in Official Plans and subject to minimum density targets, provided that

(among other things) the type and scale of development would be contextually appropriate.

Section 5.2.5.5 states for each applicable delineated area, the minimum density targets in the Plan are to be implemented through both Official Plan policies, Secondary Plans and zoning that establish permitted uses within the delineated area and identify densities, height and other elements or site design.

Further, in planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities are directed by Policy 5.2.5.6 to develop and implement urban design and site design Official Plan policies and other supporting documents that direct the development of a high quality public realm and compact built form.

The proposed development is located on an *Avenues* and within a *Mixed Use Areas* designation where growth is directed to occur. However, intensification of this area must reflect the existing and planned context established by The Queensway Avenue Study, implementing zoning by-law and policies in the Official Plan. *Mixed Use Areas* policies in the Official Plan require that development reinforce the existing character of the area and new development providing appropriate massing, scale and transition to lower scale developments. The Queensway Avenue By-law No. 514-2003 states "In no situation shall the height exceed the following measurements: 6 storeys (21 m) and 8 storeys (27 m)". The Queensway Avenue Study and By-law provide the direction for growth on the site as a 6-8 storey mixed use development. The four proposed towers with heights of 20 and 12 storeys (particularly the 20-storey tower and in combination with three other 12-storey towers) are not contextually appropriate as they are not in keeping with the character of building heights and massing within the block nor the planned context, and does not provide an appropriate scale and transition to surrounding lower scale developments as established by municipal policies.

Regarding high quality public realm and compact built form, the City has implemented this requirement through the adoption of a number of Official Plan policies pertaining to *Avenues*, *Mixed Use Areas*, Built Form, Public Realm, and in this case, The Queensway Avenues Study and The Queensway Design Guidelines and Street Improvements. These policies and guidelines call for a uniform street by complying with maximum building heights and setbacks; consistent and vibrant street edge; attractive streetscapes; maximizing sunlight penetration to sidewalks and development that does not create adverse shadows on adjacent public and private outdoor spaces. The current proposal does not conform to these policies or support these guidelines as the application proposes heights that exceed the existing and planned context, proposes inappropriate built form of tall buildings on an Avenue that shadows the north side of The Queensway public realm (sidewalk) as well as the proposed public park.

This proposal does not conform to the Growth Plan as it does not comply with the municipal direction for location and form of growth.



## Land Use

This application has been reviewed against the Official Plan policies and The Queensway Avenue Study and design guidelines, as well as the policies of the Toronto Official Plan as a whole described in the Issue Background Section of this report. Given the existing and planned context of the area is for mixed-use development along the *Avenues*, the principle of a proposed land use of a mixed-use development with commercial/retail at grade, residential units above, and a new park is compatible with the existing land uses in the area, conforms to the land uses contemplated in the *Mixed Use Areas* designation and facilitates the overall intent of the *Mixed Use Areas* designation. Staff are of the opinion the proposal would create an area where residents could live, work and shop. However, while the proposed use is permitted, the current built form, height, massing, design and layout of the development does not support the intent of the Built Form policies and *Mixed Use Areas* development criteria of the Official Plan nor meet the vision of The Queensway Avenues Study as reviewed below. In addition, staff have concerns regarding the location and encumbrance of the proposed public park.

## Height and Massing

The site is identified as *Avenues* and designated *Mixed Use Areas* in the Official Plan. While these areas are identified as areas for intensification, new development is subject to policies and criteria regarding appropriate building location and massing. This application fails to appropriately accommodate the proposed height and density to comply with the Official Plan, The Queensway Avenue Study and The Queensway Design Guidelines and Street Improvements. As such, Planning staff do not support the height and massing of the proposed development including tall buildings with heights of 20 storeys (71.52 m in height) and 12 storeys (47 m in height) on The Queensway Avenue.

The site is within the boundaries of The Queensway Avenue Study for which an Avenues Study was completed and adopted by City Council in 2003. The Avenue Study involved extensive public and stakeholder consultation and was based on a comprehensive assessment of local conditions pertaining to densities, heights, character, parks, transportation networks, servicing availability, sunlight, shadow and wind conditions, transit, parks and Community Services and Facilities (among other matters) within The Queensway Avenue Study Area. Therefore, the area where the site is located underwent a comprehensive planning analysis to determine the existing and planned context for the area.

The Avenue Study established appropriate massing, scale, siting and organization of buildings and appropriate scale transitions to adjacent areas through setback and angular plane requirements. The vision for development in The Queensway Avenue Study area is 6-8 storey mixed-use development.

The Queensway Avenue Study Zoning By-law No. 514-2003 prescribes development standards for the area. These development standards reflect the existing and planned context. The Queensway Avenues Study and By-law establishes the segment of The Queensway Avenue area where the site is located to have a mixed use and mid-rise (6-8 storeys) scale of development. The Queensway Avenue By-law No. 514-2003 states "In no situation shall the height exceed the following measurements: 6 storeys (21 m) and 8 storeys (27 m)".

The Queensway Design Guidelines and Street Improvements were also developed to support the vision of development specific to The Queensway Avenue. The Design Guidelines state "buildings will provide a uniform street edge by complying with minimum and maximum building heights, minimum frontage lengths, and set-backs required by the site specific by-law".

Section 3.1.2, Built Form, in the Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area.

The recent approved developments in the area within The Queensway Avenues Study area are as follows:

- |                          |  |
|--------------------------|--|
| 784 The Queensway:       | An 8-storey (33 m in height) mixed-use building with an FSI of 3.84 in 2018.                               |
| 689 The Queensway:       | A 4–storey mixed use building (15.2 m in height) including 55 townhouse units with an FSI of 1.97 in 2018. |
| 892 The Queensway:       | A 6-storey (21 in height) mixed-use building with an FSI of 3.75 in 2011.                                  |
| 760-764 The Queensway:   | An 8-storey (25.5 m in height) mixed-use building with an FSI of 5.95 in 2012.                             |
| 1040-1050 The Queensway: | Two 10-storey mixed-use buildings (35.5 m in height) with an FSI of 3.5 in 2005.                           |

### Site and Area Specific Policy 6

Site and Area Specific Policy 6 (SASP 6) applies to the lands on the south side of The Queensway between Zorra Street to the west and St. Lawrence Avenue to the east and north of the Gardiner Expressway, located approximately 2 blocks west of the site. This area was purposely excluded from the The Queensway Avenue Study as it previously had been identified in the former City of Etobicoke Official Plan (1991) as an area for

height and density as well as achieving significant parkland. This area was part of a larger separate study and master plan process including transportation studies and park provisions contemplated in the 1990's. The Queensway Avenue Study (2003) provided an updated vision for the rest of the Avenue that creates a different context for the area. As such, this particular area has site specific development standards and are not subject to The Queensway Avenues Zoning By-law No. 514-2003.

### Development Within SASP 6

There is a three phased mixed-use development (as approved by Official Plan Amendment 281 and Zoning By-law No. 1314-2015) at 1193 The Queensway and 7-45 Zorra Street containing a total of 1,742 units within two 12-storey buildings fronting The Queensway (presently constructed), two 24-storey buildings setback behind (under construction) and three condominium buildings with heights of 19, 27 and 42 storeys respectively abutting Zorra Street and The Gardiner Expressway (not yet constructed).

An application is also currently under review for an Official Plan Amendment to amend Site and Area Specific Policy 6 (SASP 6) of the Official Plan to permit residential uses on Parcel 4 in SASP 6 which is currently designated for commercial use only (2 St. Lawrence Avenue) (Application # 16 2584434 WET 05 OZ).

Although the above proposed applications and existing development in SASP 6 are in the vicinity of the subject site (approximately 2 blocks to the west), this particular area has a different context than the subject site and is thus not comparable to the subject site as located on the Avenue within The Queensway Avenue Study area. The area within SASP 6 is a larger site with its location fronting The Queensway yet abutting the Gardiner Expressway and it underwent a separate comprehensive site specific review including various studies to determine that greater height and density would be appropriate in this location in the 1990's. The Queensway Avenue Study (2003) more recently updated the vision for The Queensway based on a review of the area and determined that the appropriate height is 6-8 storeys and an appropriate density is 3.0 times the area of the lot along The Avenue.

The proposed heights of the development for one 20 storey tower (71.52 m in height) and three 12 storey towers (47 m in height) are substantially higher than the existing heights in The Queensway Avenues Study area and the planned context as envisioned by The Queensway Avenues Study as well as the maximum permitted building height permitted in the Zoning By-law. The proposed heights are not in keeping with the vision of The Queensway Avenues Study and The Queensway Design Guidelines or the existing character of the area. The proposed building heights of 20 and 12 storeys are significantly higher than the maximum 6-8 storey (21m and 27 m) height limit in The Queensway Avenue Zoning By-law No. 514-2003. The height of the proposed 20 storey tower is 71.52 m which vastly exceeds the current zoning permission by 45 m.

The proposed tower heights of 20 and 12 storeys (72 and 47 m respectively) are greater than the 36 m Right of Way width of The Queensway, resulting in all four proposed towers being deemed as tall buildings and not mid-rise buildings. The Queensway Avenues Study and Avenues By-law allows more height at the corner through the built form of a moderate mid-rise 8-storey building. The Study and By-law do not envision a 20-storey tall building.

The majority of the existing developments in The Queensway Avenue Study area have heights that either meet or are below the height required in The Queensway Avenue By-law No. 514-2003. The existing tallest building along The Queensway in The Queensway Avenue Study Area is two 10-storey buildings. The application's proposal for a 20-storey tower would be the tallest building within The Queensway Avenues Study area.

The proposed height of the 20-storey tower with a height of 72 m alone and in combination with the three 12-storey towers with heights of 47 m would set an unacceptable negative precedent for heights and massing in The Queensway Avenue Study Area. As such, staff do not support the proposed height of the development in its current form.

### Massing

Section 3.1.2.3 (Built Form) of the Official Plan states that new development will be massed and its exterior façade designed to fit harmoniously into its existing and/or planned context.

Key site related development criteria that must be met in *Mixed Use Areas Policy 4.5.2* of the Official Plan for new development include:

- Locating and massing new buildings to provide a transition between areas of different development intensity and scale, by providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*; and
- Locating and massing buildings to adequately limit impacts such as shadows on adjacent *Neighbourhoods*, streets, parks and open spaces, and to frame the edges of streets and parks, with a focus on generating comfortable conditions through measures that provide for adequate sunlight and comfortable wind conditions.

The Queensway Design Guidelines and Streetscape Improvements states: "buildings should provide a 1.0 m wide setback from the front property line above 2 storeys and a 3.0 m wide setback above 6 storeys".

In terms of massing, this application does not comply with the Built Form, *Avenues*, or *Mixed Use Areas* policies of the Official Plan, or the intent of The Queensway Avenue Study and implementing zoning by-law. As such, Planning staff do not support the proposed heights and massing of the application.

The proposed buildings (particularly the 20-storey tower) do not provide adequate transition or appropriate setbacks and/or a stepping down of heights, particularly towards lower scale development in the area. The proposed towers rise directly from the base with no consistency or continual increase in the building stepbacks as the tower rises. Towers A and B are on a common base and have a separation distance of 20 m with floor plates sizes of 708 m<sup>2</sup> for each tower. The massing of these towers rises with a minimal setback from the base. There is no stepping back as the tower rises to assist in transition and reduce the impact from shadow. Towers C and D also share a common base and have a separation distance of 34 m with floor plate sizes of 784 m<sup>2</sup>. Both are slab style buildings that would present an imposing façade to The Queensway and Islington Avenue.

The proposed height and massing of the development shadows the surrounding properties, streets, public realm, the proposed park and the north side of The Queensway sidewalk. Although the application does not abut lands designated *Neighbourhoods*, there are low rise townhouses located in *Mixed Use Areas* to the east as well as two 10-storey mixed use buildings to the north with *Neighbourhoods* beyond containing low rise houses which are impacted by shadows cast from this proposed development as discussed further in this report.

As a result, reductions in height as well as revisions to building design to include additional setbacks and stepbacks should be explored to provide appropriate transition toward the surrounding lower scale buildings. Staff would like to work with the applicant to develop larger setbacks for the buildings and reduce the proposed 5.9 m main first floor and mezzanine to 4.5 m and have subsequent floor heights reduced to 3 m as the proposed tall floor heights contribute to the overall proposed building heights.

The proposed building heights and combination of four tall buildings on this site create a substantial massing and scale of development that is not in keeping with the planned context or the existing character of the immediate area within The Queensway Avenues Study area along the *Avenues*. Development approvals in the immediate area within The Avenues Study area have been in keeping with The Avenues Study vision and By-law standards with heights of 6, 8 and 10 storeys.

This application would introduce a built form which is not contextually sensitive and represents a significant departure from the character and vision of The Queensway Avenue Study with respect to height and massing. The proposed development should be revised to be more reflective of its existing and planned moderate 6-8 storey mid-rise building context and not four tall buildings as proposed.

## **Density**

The proposed density of this application is 3.37 times the area of the lot which exceeds the Avenues Zoning By-law No. 514-2003 of permitted density of 3.0 times the area of the lot. Staff note the proposed density is generally in keeping with the existing densities of 3.84, 1.97, 3.75, 5.95 and 3.5 times the area of the lot in recently approved developments in The Queensway Avenue Study area. Staff also recognize that the site is located on a corner and the site is larger and deeper than most of the other recently approved developments in the area. However, staff have concerns regarding how the density is expressed on the site. Planning staff are of the opinion the proposed density of 3.37 times the area of the lot in combination with the proposed height and massing of the proposed four tall buildings represents an overdevelopment of the site in its current form.

## **Site Layout and Organization**

Key criteria that must be met in *Mixed Use Areas* for new development in Section 4.5.2 of the Official Plan are:

- Providing good site access, circulation and parking;
- Providing an attractive, comfortable and safe pedestrian environment; and
- Providing indoor and outdoor recreation space for building residents;

The Queensway Design Guidelines and Street Improvements also specifically establish that:

- All buildings will have their main entrances opening directly onto The Queensway;
- Parking areas will be located underground, at the rear of buildings, or integrate into the rear or sidewall of buildings to minimize their impact on The Queensway streetscape;
- Service areas and driveways will be accessed from rear laneways when possible and will not adversely impact The Queensway streetscape;
- Garbage storage will be enclosed within the envelope of each building; and
- All loading areas will be screened.

The application proposes the main residential lobbies to be accessed off a private driveway which does not meet the intent of Official Plan policies or The Queensway Design Guidelines and Street Improvements. Main building entrances are to be located so that they are clearly visible and directly accessible from the public sidewalk. As such, prominent residential lobbies should be located on The Queensway.

Staff are of the opinion that discussions should continue with the applicant regarding the site design, organization and layout with respect to vehicular site access, locations of the parking ramp/access to the underground parking garage, parking spaces, loading

space dimensions, landscape areas, pedestrian circulation and connections to the public realm.

### **Sun and Shadow**

Shadow impacts are important as they affect thermal comfort (enjoyment) of being outside and the provision of adequate light. In the case of a park, shadows affect both passive and active park uses. Shadows are impacted by the size, location and shape of building floor plates, building height, building setbacks as well as the time of year and angle of the sun.

There are a number of Official Plan policies which address appropriate sun and shadow impacts. Policy 3.1.2.3 e) refers to providing adequate light and limiting shadows on streets, properties and open spaces. Development Criteria in *Mixed Use Areas Policies* 4.5.1 c) to 4.5.1 f) establishes that development will locate and mass buildings to adequately limit impacts such as shadows on adjacent *Neighbourhoods*, streets, parks and open spaces, and to frame the edges of streets and parks, with a focus on generating comfortable conditions through measures that provide for adequate sunlight conditions. Development must also provide a transition between areas of different intensity and scale through having appropriate setbacks/stepbacks of heights. In addition, development will maintain good proportion and sunlight for pedestrians by providing an attractive, comfortable and safe pedestrian environment on adjacent streets, parks and open spaces.

Further, The Queensway Design Guidelines and Street Improvements states that "Buildings will not create adverse shadows on adjacent public and private outdoor spaces, and will maximize sunlight penetration to sidewalks".

In addition, the Mid-Rise Building Performance Standards speak to the importance of building envelopes for mid-rise buildings along the *Avenues* allowing for a minimum of 5 hours of sunlight on the opposite street sidewalk to create comfortable, sunlit main streets between the equinoxes from March 21st to September 21st.

A Shadow Study was submitted illustrating the extent of shadowing that would result from the proposed development for March, June, September and December 21. The study shows the proposed development would cast shadows on the north side of The Queensway sidewalk, the mixed-use condominiums across the street on The Queensway and into the rear yards of a few homes in *Neighbourhoods* to the north on the south side of Stanmills Road during the early morning hours in March. By late afternoon in March, shadows are shown to be cast on the mixed-use properties to the east along The Queensway, including approximately 8 townhomes. In June, shadows are shown to be cast on the mixed-use properties to the east along The Queensway, including the residential townhomes in the late afternoon. In September, shadows are shown to be cast in the morning on the north side of The Queensway and on the mixed-use properties to the east on The Queensway, including approximately 12 residential

townhomes in the late afternoon. In addition, shadows are shown to be cast on the proposed on-site park generally from 9 a.m. to 11 a.m./noon and subsequently from 3 p.m./4 p.m. onward for all months studied.

The proposed development does not comply with the relevant Official Plan policies, The Queensway Design Guidelines and Street Improvements and Mid Rise Building Design Guidelines as the proposed development would create undesirable shadowing on the north side of The Queensway sidewalk/public realm and the proposed public park. In addition, the proposed shadowing into the *Neighbourhoods* on the north side of The Queensway during the 9 a.m. hour in March is of concern to staff.

The policy direction is to improve the pedestrian environment, create new and improved public open spaces, and recognize that City streets are significant public open spaces which connect people and places. New development is to be massed to frame adjacent streets and open spaces in a manner that respects the existing and /or planned street proportion and adequately limits the resulting shadows on the neighbouring streets in order to make the adjacent streets and open spaces attractive, interesting, comfortable and functional for pedestrians. The proposal fails to meet the intent of these policies.

The built form envisioned by The Queensway Avenue Study allows for access to sunlight on both sides of the street in order to create a comfortable pedestrian environment for the majority of the year. The proposal would limit access to sunlight on the sidewalks creating less comfortable conditions particularly in the spring and fall shoulder seasons, therefore shortening the amount of time throughout the year that pedestrians would feel comfortable walking along the Avenue.

The proposed development should respect the existing and planned context by proposing a 6 storey (21 metres) building height with any additional height proposed to be stepped back from the street frontages by a minimum of 3.0 metres to a maximum height of 8 storeys (27 metres) as per The Queensway Avenue study in order to ensure a comfortable pedestrian environment including access to sunlight on the sidewalks. Planning staff are of the opinion that discussions should continue with the applicant aimed at modifying the building heights and massing to minimize shadow impacts on these areas.

## **Wind**

Official Plan policies as well as The Queensway Design Guidelines and Streetscape Improvements establish that new development should not create uncomfortable impacts such as shadow and wind. The Queensway Design Guidelines and Streetscape Improvements states: "Buildings along The Queensway will be designed to promote comfortable pedestrian level microclimates".

The applicant did not submit a Wind Assessment for the proposal. The development of this site should be designed to ensure that comfortable wind conditions are maintained on the streets and public spaces around buildings as well as for the buildings (amenity



areas and balconies). It has yet to be demonstrated that the proposed development would not have a negative impact on the proposed buildings, site, proposed public park, surrounding properties and sidewalks. As such, staff are recommending that the City Solicitor should request the LPAT to withhold any Order approving the development until the applicant submits a Wind Assessment evaluated to the satisfaction of City Planning.

### **Mid-Rise Building Design Guidelines**

The site was excluded from the Mid-Rise Guidelines as shown on the Avenues and Mid-Rise Buildings Study – Map 1, revised in July 2010. The Mid-Rise Guidelines, in Section 2.1 "Where the Recommendations Apply" sets out in Map 1 where certain lands are excluded from the applicability of the Mid-Rise Guidelines. Reasons why certain sites were excluded include: portions of Avenues where an Avenues Study is completed or underway, portions of an Avenue within a Secondary Plan Area and portions of an Avenue that have been subject to other City-led studies that have resulted in an Official Plan Amendment and/or new Zoning By-law.

As previously noted, The Queensway Avenue Study was completed and as such is the prevailing policy document. However, where the Mid-Rise Guidelines do not apply, they continue to represent good principles of urban design and can be used to augment local guidelines, particularly to address aspects of new development that were not addressed in previously developed local guidelines.

Planning staff are of the opinion that the applicant should revise the proposal to reduce the proposed heights to be more in keeping with the 6-8 storey heights provided in The Queensway Avenues Study and implementing by-law, particularly to allow for sunlight on the public realm such as the sidewalk on the north side of The Queensway.

### **Streetscape and Public Realm**

The Public Realm policies of the Official Plan (Section 3.1.1) recognize that a well-designed public realm is developed by creating comfortable, inviting, safe and accessible streets, parks and open spaces which are vital elements in creating a vibrant city. Policy 3.1.1.6 of the Official Plan sets out parameters such that the design of sidewalks and boulevards provide safe, attractive, interesting and comfortable spaces for pedestrians. The direction for streetscape and public realm improvements along *Avenues*, particularly for The Queensway are further reinforced by The Queensway Design Guidelines and Street Improvements.

Staff are of the opinion the proposal should be modified to increase the front yard setbacks of the proposed buildings in order to improve the public realm along The Queensway through wider sidewalks thereby supporting retail uses, providing opportunity for patios, landscaping and street trees. In addition, the intensification of development created by this large scale proposal warrants an on-site and unencumbered public park to support the public realm. The application proposes an

undersized and encumbered park. As such, staff also request the proposed public park be increased in size and be unencumbered in order to support the public realm.

### **Traffic Impact, Access and Parking**

The applicant submitted an Urban Transportation Considerations Report, dated November, 2015, prepared by BA Group, in support of this proposal. This study estimated that the proposed mixed use development would generate in the order of 195 and 245 two-way net new vehicular trips in the weekday morning and afternoon peak hours, respectively. The study concluded the traffic generated by this development would be modest and could be accommodated on the existing road network.

Transportation Services staff advise that prior to accepting these findings, the Urban Transportations Considerations Report must be revised to address issues and discrepancies of information found in the study to the satisfaction of Transportation Services staff. As such, staff are recommending that the City Solicitor should request the LPAT to withhold any Order approving the development until a revised Transportation Impact Study is submitted and transportation matters are resolved to the satisfaction of the General Manager of Transportation Services.

Vehicular access to the site would be provided from the existing signalized intersection of The Queensway and site entrance driveway, which is located approximately 170 metres west of Islington Avenue. Access would also be provided by a new entrance driveway off Dorchester Avenue, which would be located approximately 60 metres south of The Queensway. Both driveways would operate with full movements. Transportation Services staff advise that, subject to the applicant addressing outstanding matters pertaining to traffic impacts of the development in the above Urban Transportation Services Report, the location of the entrance driveways and their intended access arrangement is generally acceptable. Detailed comments regarding the design of the entrance driveways for the development and site circulation matters would be provided through the Site Plan control review process for each phase of the development should the application be approved.

The Urban Transportation Considerations Study submitted by the applicant proposes parking for the development in accordance with the requirements of City-Wide Zoning By-law No. 569-2013 for Policy Area 4 (PA4). This Policy Area is applicable for sites on 'Avenues with Access to Surface Transit'. Transportation Services staff have no objections to this proposed parking rate. Based on the range of uses proposed and the intended unit mix, the parking requirements for the proposal would result in the following standards:

- A total of 485 resident spaces;
- A total of 87 residential visitor spaces;
- A total of 26 retail spaces; and
- An overall total of 598 parking spaces for the proposed development.

However, the application's proposed parking as shown on the applicant's site statistics on Drawing A001, show the provision of a total of 591 parking spaces consisting of 475 resident spaces and 116 visitor spaces. Therefore, Transportation Services staff advise that the site plan drawings must be revised to comply with the parking requirements shown above.

The applicant notes that bicycle parking in The Toronto Green Standard (2.0) and Zoning By-law No. 569-2013 requires bicycle parking in accordance with the following: 442 residential bicycle parking spaces (400 long-term occupant and 42 short-term visitor) and 14 retail bicycle parking spaces (4 long-term occupant and 10 short-term visitor). Transportation Planning staff accept these calculations as the proposed plans indicate a total of 459 bicycle parking spaces (442 residential and 17 commercial spaces) would be provided. However, the applicant must include the required 14 retail bicycle parking spaces in their submitted Toronto Green Standard checklist as these spaces have not been included in Sections AQ2.1 to AQ 2.4

As with vehicle parking, the location and design of bicycle parking would be secured through the Site Plan Control review process for this proposal, should the application be approved.

### **Loading**

For the purposes of establishing site specific loading standards for the project, the Urban Transportation Considerations Report from BA Group recommends the application of the rates stipulated in Zoning By-law No. 569-2013. The application indicates the provision of three (3) loading spaces for the proposal, consisting of one (1) Type G for Building 1 (West), and one (1) Type B and 1 Type G for Building 2 (East). This loading space supply is acceptable to Transportation Services staff. Access to the proposed loading spaces of the project would be accommodated via the proposed entrance driveways off The Queensway or Dorchester Avenue. The orientation and location of the proposed loading spaces are acceptable to Transportation Services staff.

### **Transit**

Transportation Planning staff have advised that the transit review and analysis in the Urban Transportation Considerations Report from BA Group is lacking details. The description of the existing area transit services is minimal and does not include a map of transit routes. There is also no analysis of the impact of the proposed development on these transit routes. The applicant must submit this additional information.

Toronto Transit Commission staff have advised there is an existing 80 Queensway bus stop on The Queensway located in front of the site that was not shown on the submitted plans. Staff notes the applicant is proposing two trees in this location which must be removed or re-located as the two proposed trees would conflict with the bus stop. No trees should be placed within 2.4 m of the edge of the road, for a distance of 20 m on the approach to the transit stop for visibility and safety purposes. Further, to provide adequate room to operate the accessible ramp on the buses and to accommodate

longer articulated buses, the applicant is required to provide a level, brushed concrete platform that is 16 m in length and 2.4 m in width from the curb. These matters would be secured through the Site Plan Control review process should the application be approved.

### **Servicing**

The applicant submitted a Functional Servicing Report, dated November 24, 2015, prepared by Odan-Detech Consulting Engineers which was reviewed by Engineering and Construction Services staff. Staff advised that further analysis is required to determine the storm water runoff, sanitary flow and water supply demand and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development or if upgrades/improvements to the existing municipal infrastructure are required. The applicant must also confirm how the stormwater management for the adjacent site (Cineplex Theatre lands) would be impacted by the proposed development. As such, staff advise that a revised Functional Servicing Report must be submitted to Engineering and Construction Services staff for review and acceptance.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its Order until these matter are resolved to the satisfaction of the Executive Director, Engineering and Construction Services.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with a population less than 300 people. The site is not in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code. However, Parks, Forestry and Recreation staff advises that the total parkland dedication required is 1,848 m<sup>2</sup> as this proposal is located on an *Avenue* in the Official Plan and is subject to the alternate dedication rate as per Chapter 415, Article III of the Toronto Municipal Code. Any change in the unit count for the site can alter the total parkland dedication. Staff also advise that the owner would be required to convey the park portion of the development site for public parkland purposes. Further, staff requires the parkland dedication be satisfied through the dedication of land rather than a combination of land and cash in lieu of land.

The application proposes to provide 1,343 m<sup>2</sup> of "programmable green space" to be located in the centre of the site fronting The Queensway, to the east of the existing access driveway off The Queensway. The application indicates that this space would be conveyed to the City as requested by staff. However, as noted above, staff requires a total parkland dedication of 1,848 m<sup>2</sup> and require that the parkland dedication be provided through the dedication of land and not a combination of land and cash in lieu

of land. Thus, the proposed 1,343 m<sup>2</sup> of land is an under dedication and the applicant would be required to increase the parkland by an additional 505 m<sup>2</sup>. Further, staff expressed concern regarding the southern edge of the proposed park adjacent to the existing parking lot and the building access road as the south edge of this open space represents an area of possible expansion in the case of future development proposals. In addition, the subject parkland conveyance is to be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.

The application proposes an underground parking garage that would be located under the proposed park. This land would be encumbered and the conveyance of this land as a public park to the City would not be accepted. Staff requested that the application be modified to re-locate the underground parking garage so it is not located below the proposed public park as well as revise the location of the access driveway on the southern side of the site such that the proposed public park would abut the southern property line rather than back on to a driveway.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request the LPAT to withhold its Order until the final size, location and configuration of parkland dedication matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation as well as apply the parkland conditions outlined in the Recommendations of this report.

### **Tree Preservation**

City of Toronto By-laws provide for the protection of trees situated on both private and City property. The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The submitted Landscape Plan shows a total of 88 new trees proposed on private property and 23 new trees on the City road allowance. Staff advised a revised Landscape Plan is required to be submitted in order to provide additional information regarding tree location and species. A Tree Protection and Removal Plan was also submitted with the application. The submitted plan indicates that five protected private trees would require removal to accommodate the proposal, while five City-owned trees would be preserved. An "Application for Permit to Destroy Privately Owned Trees" has not yet been submitted.

### **Toronto Green Standard**

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance

measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

### **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community. One of the development criteria in *Mixed Use Areas* as established by Section 4.5 of the Official Plan is that new development will have access to schools, parks, community centres, libraries and childcare.

The applicant submitted a Community Services and Facilities Study in support of the application. The study identified the following:

- There is a need for additional day care space in the study area as the development would create demand for an additional 24 spaces.
- There are six Toronto District School Board Elementary Schools serving the study area and 4 are currently over capacity, while 2 schools have remaining capacity (Islington Junior Middle School and Bloorlea Middle School). The three secondary schools in the study area all have remaining capacity.
- There are three Toronto Catholic District School Board Elementary Schools serving the study area and one of these schools (Holy Angels) is over capacity. All of the three Secondary Catholic Schools are at capacity. As such, pupils wishing to attend Secondary Catholic School in the study area would have to be bused to nearby schools outside the study area.
- No determination can be made regarding the need for capital improvements or programming expansion for the Toronto Public Library, Community Centre or Human Service Agencies based on the information submitted by the applicant. Staff have requested that additional information be provided in this regard.

## **Housing**

The Housing policies in Section 3.2.1 of the Official Plan encourage a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future needs of residents. These housing policies are supported and expanded on by The Growing Up Study.

The application currently proposes 2% of all units to be three-bedroom units, whereas a minimum of 10% of all units should be three-bedroom units. As such, staff have requested that additional larger residential dwelling units suitable for a broader range of households, including families with children be provided, as well as rental units (affordable and/or mid-range) and be shown on revised plans in order to support a full range of housing and affordability.

## **School Board Requirements**

The Toronto District School Board has requested the proponent be required to erect Notice Signs and that warning clauses be included in all purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development, that reference the potential for children from the development to be transported to schools outside of the immediate neighbourhood and if bussing is provided by the TDSB that students will not be bussed home to school but will meet the bus at designated locations in or outside of the area. These requirements would be included in the Section 37 Agreement, should the application be approved.

No comments were received from the Toronto Catholic District School Board.

## **Section 37**

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are determined, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

The Official Plan and City Council's approved Section 37 protocol requires that the proposed development represent good planning and meet a minimum size requirement of 10,000 m<sup>2</sup> and an increase in density of at least 1,500 m<sup>2</sup>. The proposed development, at 44,118 m<sup>2</sup> and increase in density of 4,806 m<sup>2</sup>, meets the size and threshold requirements.

No fulsome discussions were held regarding Section 37 community benefits given that staff are of the opinion the proposal does not represent appropriate development in its current form and as the planning issues have not been fully resolved. In the event that the Local Planning Appeal Tribunal (LPAT) considers additional density and/or height

beyond what is permitted in the Zoning By-law, it is recommended that the City Solicitor be directed to request the LPAT to withhold their final Order until the City has secured appropriate community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, and such benefits should be secured through the Site Specific Zoning By-law Amendment and in further detail through a Section 37 Agreement.

Through preliminary consultation with the Ward Councillor and City Divisions and agencies, the following community benefits have been identified as being a priority in this area:

1. Streetscape improvements in Ward 5;
2. Park improvements in Ward 5;
3. Public art;
4. Day care; and
5. Rental units (affordable and/or mid-range).

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

- a) 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 of October 26 and 27, 2009.
- b) The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
- c) The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.
- d) A minimum of 10% of all units be shown on the plans for the development as three-bedroom units.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2014) and conflicts with the Growth Plan (2017) in its current form. Further, the current proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to height, massing, built form and shadowing among other matters. The following significant staff and community concerns have not been resolved: proposed built form regarding height, massing, and



expression of density (particularly with respect to the proposed 20-storey tower); site layout and organization (particularly regarding vehicular access, parking garage access/location and public parkland on-site dedication requirements); and potential shadow and wind impacts.

The application for a 20-storey tower proposes the tallest building on The Queensway *Avenues* within The Queensway Avenue Study area. The current proposal for a 20-storey tower alone and in combination with the proposed three 12-storey towers is not appropriate as the proposed development represents overdevelopment of the site with tall buildings which are not in keeping with the existing or planned context of built form of the area within The Queensway Avenues Study which prescribes more modest 6-8 storey mid-rise buildings along the Avenue – not tall buildings. The proposal does not provide appropriate transition to lower scale properties and would also shadow the future park and public realm on the north side of The Queensway. The proposal would result in an inappropriate development with unacceptable impacts which would establish a negative precedent for the area. The proposal does not represent good planning and is not in the public interest in its current form.

Development on this site could be supported, should it provide an appropriate height, massing, transition of scale, expression of density, limit shadowing on the public realm and proposed park, provide the required unencumbered required public parkland on-site dedication and provide compatible physical relationships as provided in The Queensway Avenues Study, The Queensway Design Guidelines and Streetscape Improvements and the Mid-Rise Urban Design Guidelines.

It is therefore recommended that City Council direct the City Solicitor and other appropriate City staff to attend the Local Planning Appeal Tribunal hearing to oppose the appeal of the Zoning By-law Amendment application in its current form. It is also recommended that City Council authorize City staff to continue discussions with the applicant to develop a revised proposal that address the issues set out in this report.

## **CONTACT**

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Nicole Ivanov, Planner, Tel. No. 416-394-8227, Fax No.416-394-6063, Email: [Nicole.Ivanov@toronto.ca](mailto:Nicole.Ivanov@toronto.ca)

## **SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director of Community Planning  
Etobicoke York District

## **ATTACHMENTS**

### **City of Toronto Data/Drawings**

Attachment 1: Figure 1: Application Data Sheet

Attachment 2: Figure 2: Location Map

Attachment 3: Figure 3: Official Plan Land Use Map

Attachment 4: Figure 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

Attachment 5: Figure 5: Site Plan

Attachment 6: Figure 6: North Elevations

Attachment 7: Figure 7: South Elevations

Attachment 8: Figure 8: East Elevations

Attachment 9: Figure 9: West Elevations

**Attachment 1: Figure 1: Application Data Sheet**

**Municipal Address:** 1001, 1007, 1011 and 1037 THE QUEENSWAY **Date Received:** December 14, 2015

**Application Number:** 15 264792 WET 05 OZ

**Application Type:** Rezoning

**Project Description:** Proposed amendments to the Etobicoke Zoning Code (Site Specific By-law No. 514-2003) to permit a mixed use development on the northern portion of the site with four buildings (three 12-storey towers and one 20-storey tower having a total of 588 residential units) with commercial at grade, a public park, and a 2-level underground parking garage.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
MHBC PLANNING, URBAN DESIGN & LANDSCAPE ARCHITECTURE			RIOCAN HOLDINGS (QUEENSWAY) INC.

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	By-law 514-2003 and 191-2006
Zoning:	Limited Commercial-Avenues 514-2003 (AV)	Heritage Designation:	N
Height Limit (m): 6 storeys (21 m) and 8 storeys (27 m)		Site Plan Control Area:	Y

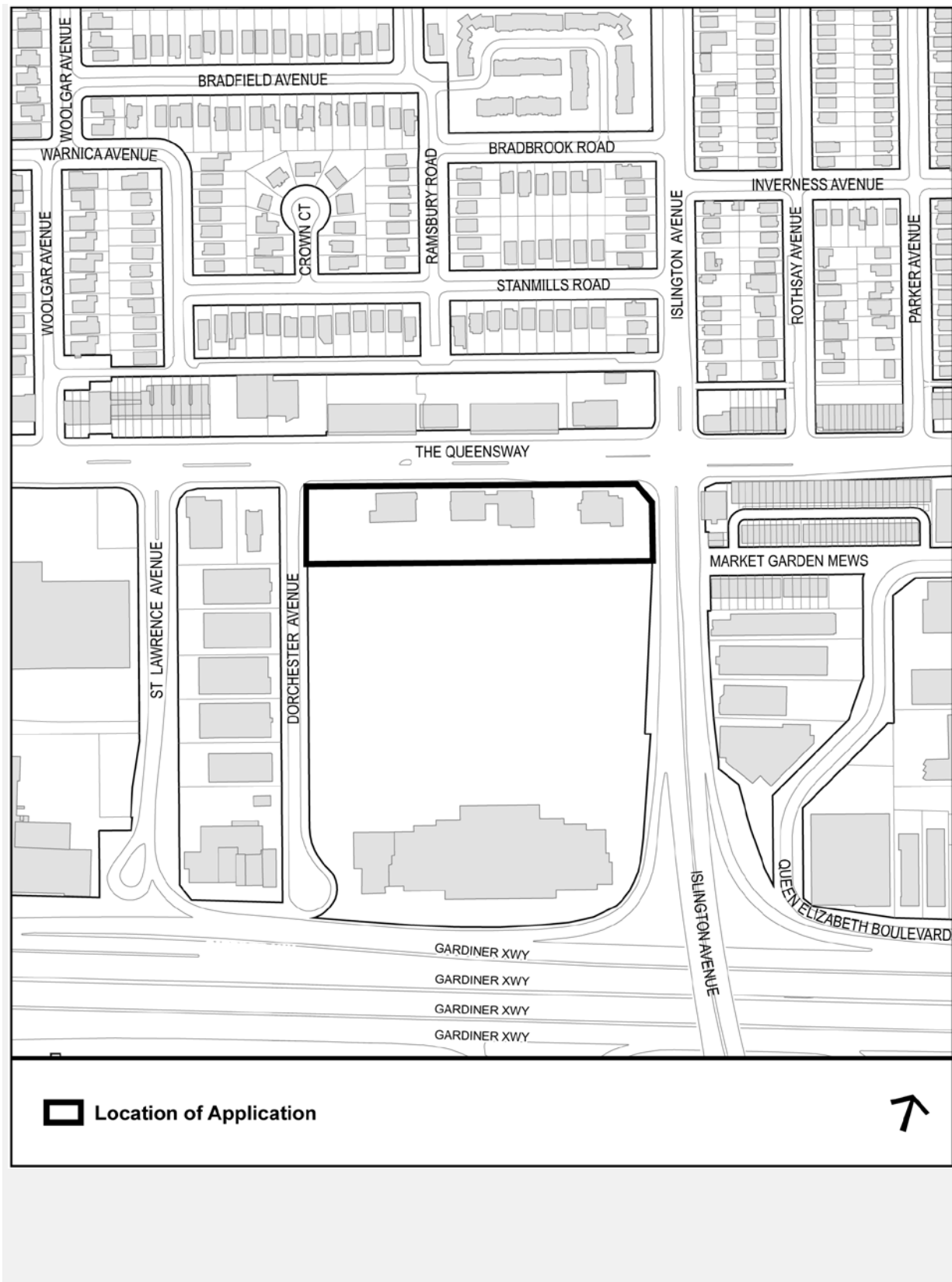
**PROJECT INFORMATION**

Site Area (sq m): 13,104      Frontage (m): 230      Depth (m): 54

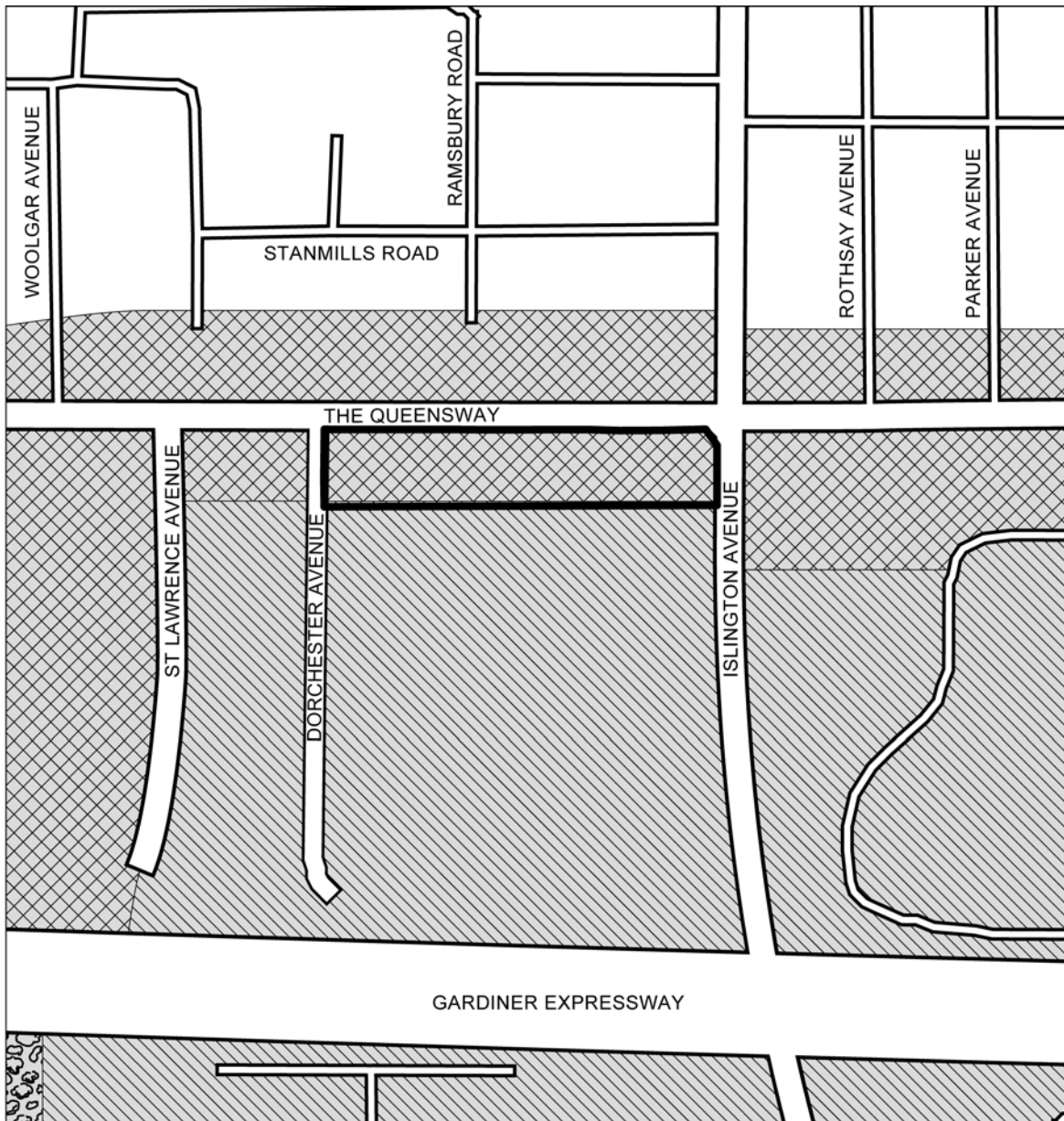
<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			4,640	<b>4,640</b>
Residential GFA (sq m):			41,483	<b>41,483</b>
Non-Residential GFA (sq m):			2,634	<b>2,634</b>
<b>Total GFA (sq m):</b>			<b>44,117</b>	<b>44,117</b>
Height - Storeys:			12 and 20	<b>12 and 20</b>
Height - Metres:			47 and 72	<b>47 and 72</b>



Attachment 2: Figure 2: Location Map



**Attachment 3: Figure 3: Official Plan Land Use Map**



**Toronto** City Planning  
**Official Plan**

1001, 1007, 1011, 1025 & 1037 The Queensway

File # 15 264792 WET 05 0Z

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Other Open Space Areas
-  Employment Areas

  
 Not to Scale  
 02/19/2016

# Attachment 4: Figure 4: Existing Zoning By-law Map



## Zoning

1001, 1007, 1011 & 1037 The Queensway

File # 15 264792 WET 07 0Z

Location of Application

**RD** Residential Detached  
**RT** Residential Townhouse

**E** Employment Industrial  
**OC** Open Space Cemetery  
**UT** Utility and Transportation

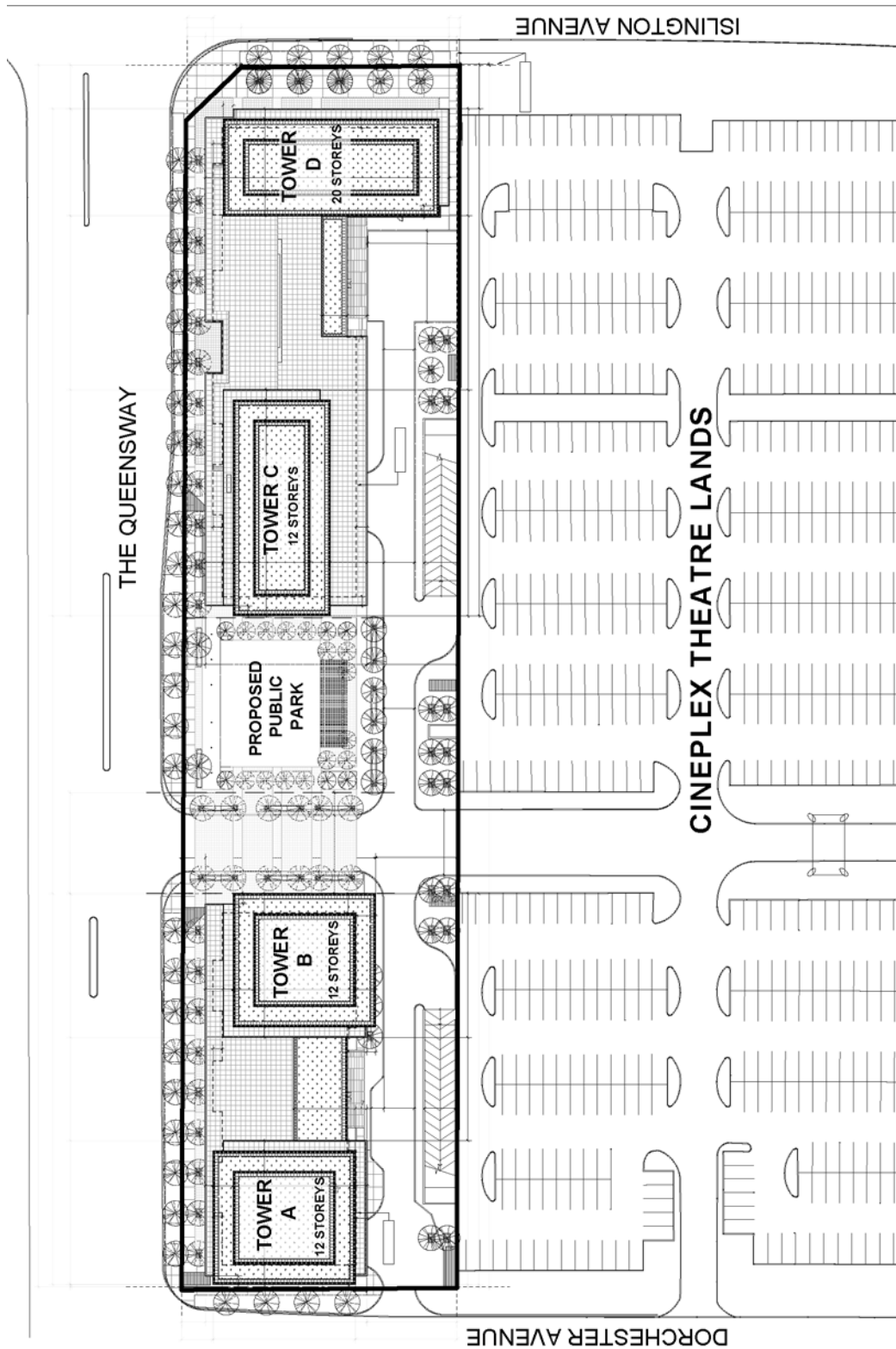
See Former City of Etobicoke By-Law No. 11,737

**R6** Residential Sixth Density  
**I.C1** Class 1 Industrial  
**AV** Limited Commercial - Avenues  
**OS** Public Open Space



Not to Scale  
Extracted: 02/16/2016

**Attachment 5: Figure 5: Site Plan**

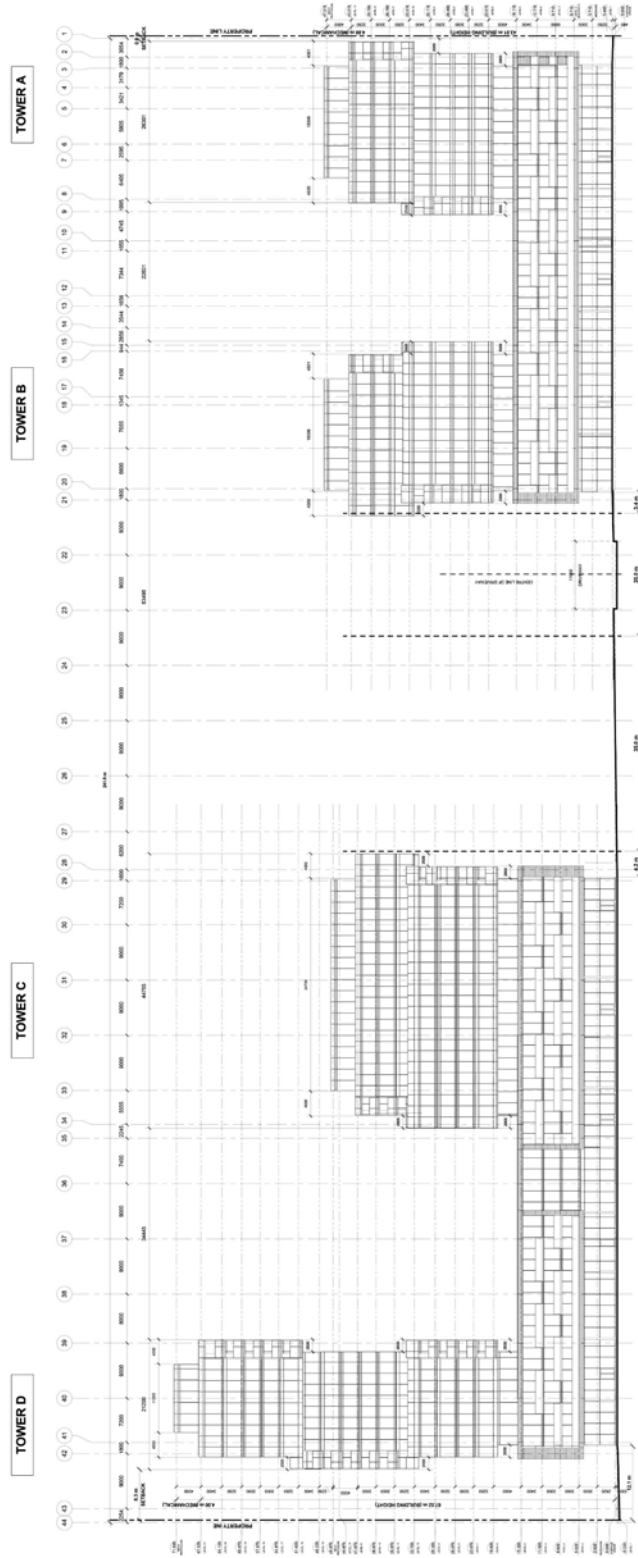


**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 02/17/2016

1001, 1007, 1011 & 1037 The Queensway  
 File # 15 264792 WET 05 0Z



Attachment 6: Figure 6: North Elevations



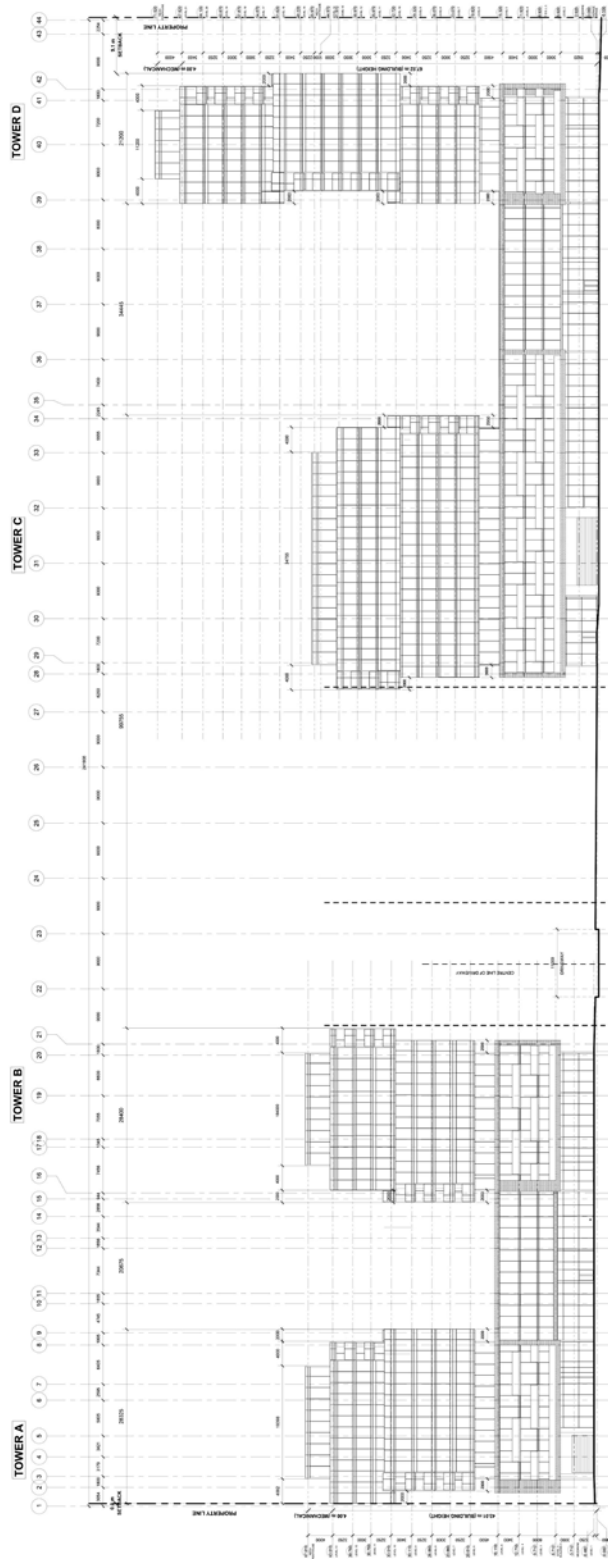
1001, 1007, 1011 & 1037 The Queensway

North Elevation  
Applicant's Submitted Drawing

Not to Scale  
02/17/2016

File # 15 264792 WET 05 0Z

Attachment 7: Figure 7: South Elevations



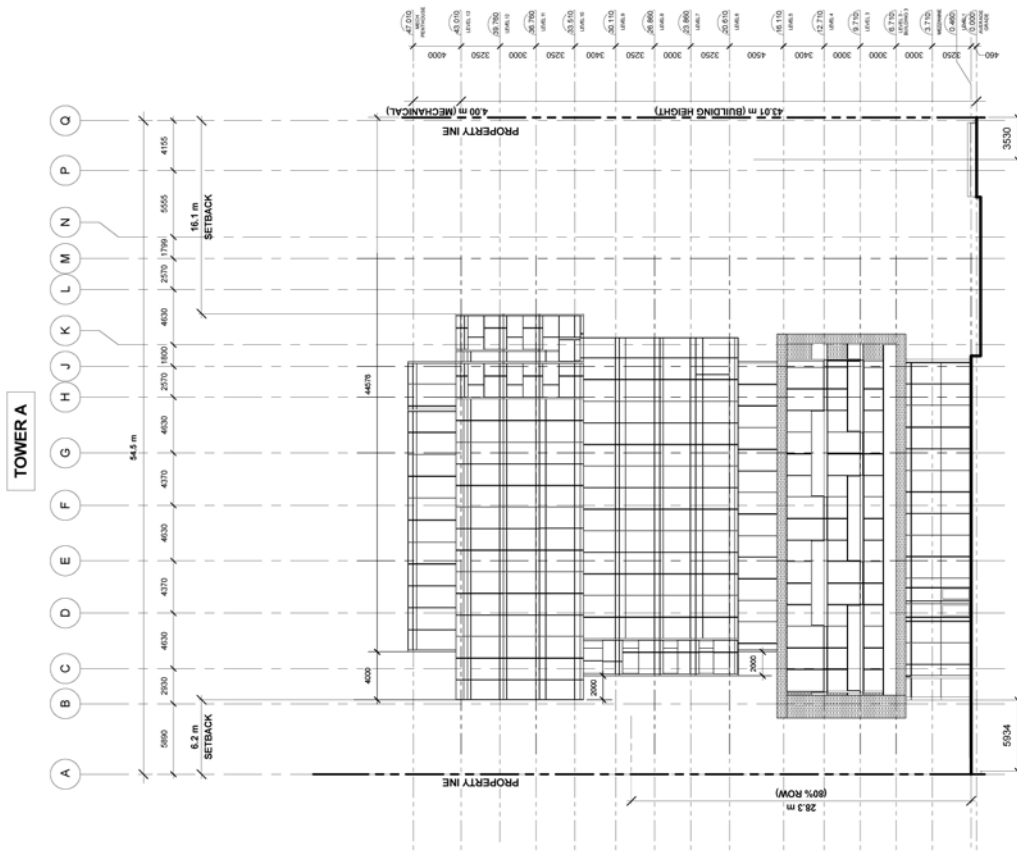
1001, 1007, 1011 & 1037 The Queensway

South Elevation  
Applicant's Submitted Drawing

Not to Scale  
02/17/2016

File # 15 264792 WET 05 OZ

Attachment 8: Figure 8: East Elevations



1001, 1007, 1011 & 1037 The Queensway

East Elevation  
 Applicant's Submitted Drawing  
 Not to Scale  
 02/17/2016

File # 15 264792 WET 05 0Z

