TORONTO

REPORT FOR ACTION

1197 The Queensway and 8 Zorra Street - Zoning By-law Amendment Application – Request for Direction Report

Date: December 14, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke - Lakeshore

Planning Application Number: 17 257307 WET 05 OZ

SUMMARY

The owner of the site at 1197 The Queensway and 8 Zorra Street 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 January 29, 2019, to set the parameters and the future date of the hearing.

This application proposes to amend the former City of Etobicoke Zoning Code (Site Specific By-law No. 514-2003) to permit a 13 storey (44 m in height including the indoor amenity space on the roof and the mechanical penthouse) mixed-use building containing 159 dwelling units at 1197 The Queensway and 8 Zorra Street. The development would have a total gross floor area of 13,110 m², including 347 m² of retail space at grade, representing a Floor Space Index of 7.93 times the area of the lot. A total of 118 parking spaces within a 3 level underground parking garage are proposed.

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 the proposed building height, massing, stepbacks and density. The proposed building height and density 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 Queensway Design Guidelines and Streetscape Improvements. The proposed development is also not consistent with the Provincial Policy Statement (2014) and does not conform, and conflicts with the Growth Plan for the Greater Golden Horseshoe (2017), and fails to conform to the City's Official Plan in its current form.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. City Council authorize the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Local Planning Appeal Tribunal hearing to oppose the Zoning By-law Amendment application in its current form for the reasons contained in this report from the Director, Community Planning, Etobicoke-York District.
- 2. City Council authorize the City Solicitor and appropriate staff to seek revisions to the proposal and continue discussions with the applicant in an attempt to resolve the issues detailed in this report, to the satisfaction of the Chief Planner and Executive Director, City Planning and to report back to City Council on the outcome of discussions, if necessary.
- 3. City Council require that, in the event the Local Planning Appeal Tribunal approves the Zoning By-law Amendment application, in whole or in part, an on-site parkland dedication or a combination of cash in-lieu payment and on-site dedication pursuant to Section 42 of the *Planning Act* be conveyed to the City, as described and set out in this report, to the satisfaction the General Manger, Parks, Forestry and Recreation.
- 4. 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 such a time as:
 - a. The Local Planning Appeal Tribunal has been advised by the City Solicitor that the final form and content of the draft by-law is satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services, to include:
 - i. The requirement for appropriate matters, services and facilities to be provided by the owner at its expense pursuant to Section 37 of the *Planning Act* and any other matters necessary to support the development.
 - 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 and executed and registered on title to the lands to the satisfaction of the City Solicitor. The Agreement is to also include as a legal convenience:
 - i. All matters pertaining to parkland dedication conveyance, design and construction.

- ii. 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.
- The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard.
- iv. 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 has submitted a revised Transportation Impact Study to the satisfaction to the General Manager of Transportation Services.
- d. The owner has submitted a revised Functional Servicing and Stormwater Management Report and Hydrogeological Report to determine the stormwater runoff, groundwater, sanitary flow and water supply demand and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development and if upgrades/improvements to the existing municipal infrastructure are required to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
- e. 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 Functional Servicing Report and Stormwater Management Report and Geotechnical/Hydrogeological Report, accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.
- f. 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.
- g. The owner shall be required to satisfy a set of standard pre-conditions related to parkland conveyance, including, but not limited to, matters such as compliance with the Municipal Code, Environmental Assessments, Building Code fire separation distance and base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- h. A detailed Landscape/Planting Plan and Planting Details are submitted and Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- i. The owner shall submit a wind tunnel test to determine the efficacy of the recommended wind mitigation measures, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning.
- j. The owner shall submit detailed revised sun/shadow studies to the satisfaction of the Chief Planner and Executive Director, City Planning.
- 5. City Council authorize the City Solicitor and appropriate City staff to take any necessary steps to implement the foregoing.

FINANCIAL IMPACT

The Recommendations in this report have no financial impact.

DECISION HISTORY

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.

A pre-application consultation meeting was held on March 11, 2016 with the applicant to discuss complete application submission requirements and to identify issues with the proposal. Another pre-application consultation meeting was held on June 5, 2017. The proposal discussed at the meeting was for a 12 storey mixed use residential building with commercial uses on the first and second floors. Issues identified by Planning staff included: Official Plan conformity; site organization; building height; massing of the building; building setbacks and stepbacks (in particular - reducing the height at the rear of the proposed building); stepping back the rear floors and providing a greater setback from the abutting lot containing an existing residential detached dwelling at 10 Zorra Street; shadow impacts; larger residential units with larger terraces to provide family friendly housing; vehicular circulation; traffic; parking; parkland dedication; and sewer capacity. Planning staff also advised that the proposal would be reviewed within the context of The Queensway Avenue Study.

The current application was submitted on November 2, 2017 and deemed complete on November 24, 2017. A Preliminary Report on the application identified issues to be resolved and was adopted by Etobicoke York Community Council on April 4, 2018 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/viewAgendaltemHistory.do?item=2018.EY29.9

The community consultation meeting was held on May 3, 2018.

On March 6, 2018, 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 January 29, 2019, to set the parameters and the future date of the LPAT hearing.

ISSUE BACKGROUND

Proposal

The application proposes to amend the former City of Etobicoke Zoning Code (Site Specific By-law No. 514-2003) to permit a 13-storey mixed-use building containing commercial and residential uses at grade with residential uses above. The existing one-storey commercial plaza and two-storey detached dwelling on the site would be demolished.

The proposed height would be 44 m measured to the top of the 13th floor. The 13th floor contains primarily indoor and outdoor amenity space (542 m²) as well as the mechanical penthouse (242 m²) with a 21 m² cooling tower that extends 5.5 m above the amenity/mechanical penthouse roof. Although residential dwelling units are proposed on floors 1-12, the indoor amenity space proposed on the roof results in the proposal being deemed a 13 storey building as per the Zoning By-law. The total gross floor area of the proposal would be 13,110 m², of which 347 m² would be comprised of non-residential uses. The proposed overall density would be 7.93 times the area of the lot (see Attachment 5: Figure 5: Site Plan).

The development would contain 159 residential dwelling units consisting of: 73 one-bedroom units (46%) including 20 with dens; 67 two-bedroom units (42%) including 38 with dens; and 19 three-bedroom units (12%).

The ground floor of the building would contain 347 m² of commercial space fronting The Queensway, the residential lobby accessible from both street frontages on the corner, indoor amenity space, 2 residential units fronting Zorra Street, a waste room, a servicing area and a bicycle parking area. At the second storey, the building would partially cantilever to the west, above the ramp to the underground parking garage, with a terrace extending to the west property line. At the third and fourth storey, the building would cantilever to the southeast corner above the driveway to be constructed to the rear yard property line.

The north face of the building would initially step back from The Queensway at the 6th floor and then step further back as the building rises from the 9th floor to the 12th floor. The west face would have two step backs at the 6th and 9th floor and the east face would have one step back at the 6th floor. The south face would step back at the 4th and 6th floor. The proposed floor plate of the building on the 11th storey is 907 m² and the proposed floor plate of the 12th storey is 821.3 m².

Vehicular access would be provided from Zorra Street by a 6 m driveway extending across the south side of the site. The ramp to the 3-level underground parking garage would be located on the southwest side of the site. The underground parking garage

proposes 118 automobile parking spaces including 92 parking spaces for residents and 23 parking spaces for visitors. Three car-share parking spaces are proposed. One Type G loading space is proposed and would be located to the east of the underground parking ramp. A total of 120 bicycle parking spaces are proposed, comprised of 58 long-term spaces at grade, 12 short-term spaces at grade and 50 long-term spaces on Level P1 of the underground garage.

The development would contain a total of 318 m² of indoor amenity space (2 m² per unit), of which 94 m² would be located on the first floor in the easterly portion of the building and 224 m² would be located on the roof top. A total of 318 m² of outdoor amenity space (2 m² per unit) would be located on the 13th floor adjacent to the proposed indoor amenity space. Terraces and balconies are also proposed throughout the building.

Site and Surrounding Area

The subject site is located on the south side of The Queensway on the southwest corner of The Queensway and Zorra Street intersection. The subject site is generally rectangular in shape and relatively flat in topography. The subject site has approximate frontages of 37 m on The Queensway, 45 m along Zorra Street and a total area of approximately 1,653 m². The subject site contains the following two buildings:

- 1197 The Queensway A single storey commercial building containing 3 units (currently occupied by 2 take-out/eat-in restaurants and 1 retail business) and a surface parking lot containing 11 parking spaces fronting The Queensway.
- 8 Zorra Street An existing two-storey detached residential dwelling with attached double garage which is within the *Mixed Use Areas* designation of the Official Plan and the Class 1 Industrial Zone of the former City of Etobicoke Zoning Code.

The surrounding land uses are as follows:

North: One to two storey low-rise buildings with residential, retail and restaurant uses, beyond which is a low-rise residential neighbourhood.

East: A three phased mixed-use development (as approved by Official Plan Amendment 281, Zoning By-law No. 1314-2015 and Site and Area Specific Policy 6) 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). This area (Site and Area Specific Policy 6) was excluded from The Queensway Avenue Study and implementing by-law as site specific development standards apply to this specific area.

South: Five 1 and 2-storey detached dwellings (10-18 Zorra Street) which are designated *Mixed Use Areas* in the Official Plan and zoned Class 1 Industrial Zone in the former City of Etobicoke Zoning Code. Beyond which is a driveway and surface parking lot for the Kipling Queensway Mall. Further south is 30-40 Zorra Street containing a 1-2 storey brick industrial building, which is subject to current Zoning By-law Amendment application (File # 15 244093 WET 05 OZ) to permit a 35-storey condominium building.

West: A 2-storey office building, a surface parking lot for the Kipling Queensway Mall and a 1-storey restaurant which is fronted by a single detached 1-storey dwelling.

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 provincewide 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 interrelationships 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 Ac*t 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 Land Use Map).

Avenues Policies

Avenues are identified as areas of growth and reurbanization in Section 2.2.3 of the Official 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. The studies were finalized in 2003 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. In order to implement the Concept Plan vision and the Avenues policies of the new Official Plan, amendments to the Etobicoke Zoning Code were also required to redefine uses and revise development standards, building heights and parking requirements.

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 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.

The framework for new development along The Queensway was created through consultation with the local residents, businesses and other stakeholders as part of The Queensway Avenues Study. 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. 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 direction for development in The Queensway Avenue Study area is 6-8 storey mixed-use development with a density of 3.0 times the area of the lot. The 6-storey height will allow the Avenue to develop a building mass along the street edge that will foster the evolution of the avenue into a beautiful, improved and comfortable pedestrian experience. The building height of 6-storeys is based on a lot depth of 35 m with an increased height of 8-storeys on specified intersection corners or on lots with depths greater than 35 m if principles such as maintaining a 45-degree angular plane from adjacent low density residential areas, stepping buildings, providing effective and corner treatments are achieved to reduce the impact of height. Larger sites require further detailed review on a site-by-site basis to ensure that matters such as, but not limited to, transportation impacts and servicing requirements can be adequately addressed.

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 6-storey mid-rise 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)". Also, The Queensway Avenue Study was adopted in conformity with the City of Toronto Official Plan, as adopted by Toronto City Council through by-law 95-2002.

It is important to note that these zoning standards seek to achieve a vibrant street edge that provides opportunities for business and services compatible with the Avenues policies and provide residents with employment and shopping opportunities close to home.

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. The area of SASP 6 is located adjacent to the subject site, to the east. This area was purposely excluded from 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 before the Avenue Study was anticipated. As such, this particular location of SASP 6 has site specific development standards and are not subject to The Queensway Avenues Zoning By-law No. 514-2003.

SASP 6 has a different context than the subject site and is thus not comparable to the subject site. The area within SASP 6 is located between The Queensway and abutting the Gardiner Expressway and it underwent a separate comprehensive site specific review in the 1990's, including various studies to determine that greater height and density would be appropriate in this location.

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 uses only (2 St. Lawrence Avenue) (Application # 16 2584434 WET 05 OZ).

The Queensway Avenue Study (2003) provided an updated vision for the rest of the Avenue that creates a different context for the area. The Queensway Avenue Study (2003) more recently updated the vision for The Queensway and determined that the appropriate height is 6-storeys and an appropriate density is 3.0 times the area of the lot for the subject site.

The Queensway Design Guidelines and Streetscape 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.

Many of these principles found in the Queensway Design Guidelines are also supported by the City's Official Plan policies on Built Form and the Public Realm.

The Queensway Design Guidelines, while not policy, are contemplated by Policy 5.3.2.1 of the Official Plan to further advance the vision, objectives and policies of the Official Plan.

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. "Development along the Avenues will generally be at a much lower scale than in the Downtown and most often at a lower scale than in the Centres".

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 promote 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 the 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 within 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:

- 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; 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 congestion.

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 11s storey and 36 metres is considered a tall building within this context. In its current form, the proposed building is deemed to be a tall building under the Official Plan. 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 By-law No. 514-2003, By-law No. 191-2006, By-law No. 1288-2013 and By-law No. 280-2001. The northerly portion of the subject site fronting The Queensway is zoned Limited Commercial – Avenues Zone (AV) and the southerly portion of the site at 8 Zorra Street is zoned Class 1 Industrial Zone (I.C1) (see Attachment 4: Figure 4: Existing Zoning By-law Map).

The AV zoning permits retail, office, apartments and townhouses. The existing development standards for the land include a maximum height of 21 m (6-storeys) and a maximum permitted Floor Space Index of 3.0 times the lot area.

The General Regulations for Industrial Zones include a maximum height for business, professional and administrative offices of 5 storeys and a maximum Floor Space Index of 0.6 times the area of the lot.

The IC.1 zoning permits a variety of uses such as business and manufacturing. New residential dwellings (except an accessory unit for a caretaker) are not permitted. Existing one-family detached dwellings south of The Queensway may be expanded or enlarged, subject to the general regulations for residential zones and the applicable area requirements, set out in the provisions of the Fourth Density Residential (R4) Zone of Chapter 320 of the former City of Etobicoke Zoning Code. In the R4 Zone, the maximum permitted height for residential detached dwellings and non-residential buildings is 11 m.

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 apply only to the extent they supplement and do not override The Queensway Avenue Study. 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.

The Performance Standards are intended to be used as tools to implement both the Official Plan's *Avenues* and *Neighbourhoods* policies, maintaining a balance between reurbanization and stability. They are also intended to ensure quality and comfortable streetscapes along the *Avenues* framed and defined by buildings that provide for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21, pedestrian perception stepbacks which mitigate the pedestrian perception of the building height along the *Avenues* and an acceptable relationship between mid-rise buildings and adjacent lots or *Neighbourhoods* and *Parks and Open Space* which the Official Plan policies are explicit in their intent to protect with appropriate transitions. 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. The link to the City Council 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 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. However, the 2016 Mid-Rise Building Performance Standards Addendum clarifies that the Performance Standards should apply to sites that meet the following three criterion:

- In areas with existing land use designations for *Mixed Use Areas, Employment, Institutional* or some *Apartment Neighbourhoods* where existing built form context supports mid-rise development;
- Front onto Major Streets on Map 3 of the Official Plan; and
- Have planned right-of-ways 20 m or wider.

The subject site meets all three of the above criterion and thus the Mid-Rise Building Performance Standards may be a useful planning tool where an Avenues Study supports mid-rise buildings, but does not regulate built form or does not fully address mid-rise building design. It is not, however, the intent that the Performance Standards be used on a site-by-site basis to challenge Council-approved Area specific Plans, studies, by-laws or guidelines, particularly with respect to building heights or matters of transition.

The Queensway Avenue Study was completed and as such is the prevailing policy document. However, the Mid-Rise Building Performance Standards 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.

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

Amendments to the former City of Etobicoke Zoning Code and Site Specific Zoning Bylaw No. 514-2003 are required as the proposal does not comply with the existing performance standards, particularly with respect to building height, total density, stepbacks, mechanical penthouse size and number of parking spaces. 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;
- Geotechnical Study;

- Hydrogeological Report;
- Transportation Impact Study;
- Arborist Report;
- Shadow Study;
- Pedestrian Wind Assessment;
- Community Services and Facilities Study;
- Public Consultation Plan; and
- Draft Zoning By-law.

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 was 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 combined community consultation meeting with respect to this application and another Zoning By-law Amendment application for 1045-1049 The Queensway (located in proximity to the site) on May 3, 2018. Approximately 11 members of the public attended the meeting. The attendees asked questions and raised a number of issues and concerns, including the following:

- Too much height and density existing on The Queensway and residents feel "trapped" or forced to leave the area;
- Residents would support more "reasonable" density but not 10 storeys and greater;
- Concern with respect to developers buying up all the commercial strip plazas on The Queensway;
- Developers should respect the context of the community;
- Need for more balanced density rather than just high density;
- Residents opposed the existing 10-storey Loggia Condominium at 1040-1050 The Queensway years ago and this proposal exceeds that proposal;
- Residents felt that the LPAT does not listen to the community;
- "Canyon" effect of development along The Queensway is undesirable;
- Development should stick to the by-laws and policies in place;
- Rather have 6 storey buildings than 12 storey buildings;
- Lack of transit on The Queensway;
- New development on The Queensway should be approved at a minimum height until transit is increased;
- More development charges for increasing transit on The Queensway is needed;
- Explore the opportunity for developments to feature a shuttle bus to transport residents to the subway;
- Ability to stop or hold up a development due to lack of road capacity;

- Development along The Queensway should be carefully studied and clarity regarding the development plan for The Queensway provided to the community;
- Increased automobile traffic on The Queensway and minimal pedestrian traffic;
- Lack of road options/relief roads in the area creating traffic congestion on The Queensway;
- Lack of parking spaces at grade and clarity needed regarding reasonable parking standards;
- Concern of privacy, snow, rain and drainage impacts on the adjacent property (Law Office) at 1199 The Queensway resulting from the proposal;
- Different types of commercial and retail should be encouraged on The Queensway;
- Need for good architectural design of developments on The Queensway;
- The general and site specific process of providing green space, parkland and parkland cash dedication requirements, design and size of parks;
- Concern that the existing parks in the area are too small; and
- Tree canopy is at risk with all the new developments proposed in the area.

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

COMMENTS

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 the key matters specified in Section 2 are: (h) the orderly development of safe and healthy communities; (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities; (j) the adequate provision of a full range of housing, including affordable housing; (k) the adequate provision of employment opportunities; (p) the appropriate location of growth and development; and (r) 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*. In particular, 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. There is no indication in the Tall Building Guidelines or the City's Official Plan that a tall building is appropriate for this site and no planning justification has been provided that demonstrates consistency with policies of the Plan

to demonstrate the appropriateness of a tall building on this site. In addition, even if the site was a tall building site, the proposed form of the building does not conform to the policies found in the City's Official Plan for tall buildings. Further, the proposal does not conform to the City's 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 the development would provide 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 the Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through municipal 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.

Through its Official Plan, the City has identified appropriate locations, and opportunities for intensification. While intensification is anticipated along *Avenues* and *Mixed Use Areas*, the proposed development fails to account for the appropriate context in which it is situated to appropriately define the level of intensification permitted.

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 are prescriptive 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 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 6-8 storey mixed use mid-rise buildings along The Queensway and not a tall building as proposed. The current proposal does not conform 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.

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 provide 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-storey mixed use development and a maximum density of 3.0 times the area of the lot. The proposed 13-storey tower with a height of 44 m (including the indoor amenity space on the roof and the mechanical penthouse) and a proposed density of 7.93 times the area of the lot is not appropriate as it is not in keeping with the existing character or planned context of building heights and massing within The Queensway Avenue Study area and does not provide an appropriate scale and transition to surrounding lower scale developments as established by municipal policies.

Policy 2.2.1.4 of the Growth Plan establishes the following matters (among others) which support the achievement of a complete community: a range and mix of housing options; convenient access to a range of transportation options and public service facilities; appropriate supply of publicly-accessible open spaces, parks and recreational facilities; and ensuring the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.

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 edges; 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 a height and density that exceeds the existing and planned context within The Queensway Avenue study area, proposes an inappropriate built form of a tall building on an Avenue that shadows the north side of The Queensway public realm (sidewalk).

This proposal in its current form 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 proposed mixed-use development with commercial/retail at grade and residential units above, conforms to the land uses contemplated in the *Mixed Use Areas* designation and facilitates the overall intent of the *Mixed Use Areas* designation. However, while the proposed use is permitted, the current built form, height, massing, density and design of the development does not support the intent of the Built Form policies and *Mixed Use Areas* development criteria of the Official Plan, does not meet the vision of The Queensway Avenues Study nor meet the intent of The Queensway Design Guidelines as reviewed below.

Height, Massing and Density

Height

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 comply with the Official Plan, The Queensway Avenue Study and The Queensway Design Guidelines and Streetscape Improvements. As such, Planning staff do not support the height and massing of the proposed development including a 13-storey tall building with a height of 44 m (including the indoor roof top amenity area and the mechanical penthouse) with an additional 5.5 m high cooling tower on The Queensway Avenue.

The proposed tower height of 13 storeys and 44 m is greater than the 36 m right of way width of The Queensway, resulting in the building being deemed as a tall building and not a mid-rise building. The Queensway Avenues Study and Avenues By-law allows for additional height of 8-storeys (27 m) at some specified corners along The Queensway, although not at the particular corner where the subject site is located. The built form envisioned for the site is a moderate 6-storey mixed-use building, not a 13-storey tall building. The planned context for the west side of Zorra Street (including the subject site at 8 Zorra Street) is for various business/office uses with a maximum height of 5 storeys or enlargenments to existing residential dwellings with a maximum height of 11 m, not a 13-storey tall building.

The proposed height of the development at 13-storeys (44 m) is 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 building height permitted in the Zoning By-law. The proposed height is 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 height of 13-storeys and 44 m is significantly higher than the maximum 6-storey (21 m) height limit in The Queensway Avenue Zoning By-law No. 514-2003, exceeding the current zoning permission by 23 m.

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.

The majority of the existing developments in The Queensway Avenue Study area have heights that either meet or are below the height permitted in The Queensway Avenue By-law No. 514-2003. The proposal for a 13-storey tower would be the tallest building within The Queensway Avenues Study area and would set an unacceptable negative precedent for heights and massing in The Queensway Avenue Study Area.

Planning staff are of the opinion that the proposed building height and design should be reduced in order to achieve a development more in keeping with the *Avenues* policies in the Official Plan and the vision of The Queensway Avenues Study and Design Guidelines as fostering a beautiful, treed, sunlit, comfortable and improved pedestrian experience by a vibrant main street with a continuous uniform 6-storey streetwall that does not overwhelm the public realm on the Avenue with excessive height and massing. The height and design of the building should be reduced to be in keeping with the existing and planned context, to respect the pedestrian environment and reduce shadow and privacy impacts on the public realm and surrounding lower scale lots (particularly the adjacent detached dwellings to the south). As such, staff do not support the proposed height of the development in its current form. Therefore, the proposed development, in its current form, does not conform to the City's Official Plan.

Built Form and 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 also specifically establish that:

- New developments will respect adjacent single family development through extensive buffering and the concentration of building mass along The Queensway frontage; and
- 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.

Planning staff have concerns regarding the proposed height, massing, density, articulation of density and the lack of transition through minimal stepbacks and setbacks in the built form to surrounding lots given that abutting lots to the south contain low scale detached residential dwellings; the site's prominent location on a corner; and the site's lot depth of 45 m which provides minimal space to accommodate a large building massing.

The proposed design of the 13-storey mixed-use building contains various setbacks and stepbacks ranging per floor and direction. However, the north side setback from The Queensway would generally be 0 m for the first 6 storeys before stepping back 1.5 m on floors 7-9, stepping back another 1.5 m on the 10th floor, stepping back another 3 m on the 11th floor, and stepping back another 3 m on the 12th floor. The proposed south side (rear) setback generally ranges from 0.3 to 6 m.

The proposed floor plate of the building on the 11th storey is 907 m² and the proposed floor plate of the 12th storey is 821.3 m² which contributes to the large massing proposed. This creates a bulky building envelope at the top of the building and increases the impact on the public realm. The front of the building would rise straight up with generally no setback or stepback from The Queensway until the 6th storey. Subsequently, the front of the proposed building provides minimal stepbacks above the remaining storeys, resulting in an overwhelming presence that would negatively impact the pedestrian experience on the *Avenues*. 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 as per The Queensway Design Guidelines and Street Improvements and The Queensway Avenue Study Zoning By-law No. 514-2003. Zoning By-law No. 514-2003 also requires that where a building exceeds the 6th storey (21 m), all additional storeys (to a maximum of 8 storeys and 27 m) above, shall be setback a minimum of 3 m. The proposal in its current form is too large and does not respect the policy direction or provide an appropriate pedestrian experience on the Avenue.

The proposed 13-storey building does not provide appropriate transition, adequate setbacks or a stepping down of heights from the adjacent development within SASP 6 towards lower scale development in the area including the abutting residential 1-2 storey detached dwellings to the south and the 2-storey office building to the west. The proposal includes a 4-storey rear portion of the building located 0 m from the rear (south lot line) abutting the residential detached homes on Zorra Street. Staff are of the

opinion that the proposed height of 4 storeys and a 0 m setback does not provide appropriate transition to the abutting residential detached 1-2 storey dwellings along Zorra Street. Although the dwellings are designated *Mixed Use Areas* and are zoned Class 1 Industrial, they are individually owned and may continue their residential use for the foreseeable future. The proposed development must respect the adjacent low rise development through appropriate transition and shifting of building mass to The Queensway frontage.

Planning staff are of the opinion that a decreased overall building height and a greater building articulation to provide larger and increasing setbacks and stepbacks is required to provide for adequate transition, sunlight, comfort and privacy.

Given the proposal's request for height above The Queensway Avenues Study permissions, the following mid-rise performance standards are relevant:

- Provide a rear building setback of 7.5m, and an additional step-back of 2.5m above the fourth floor or 13.5 m for a total rear setback of 10 m;
- The portion of the building above the street wall (6th storey) should step-back a
 minimum of 5.5 m from the west property line to allow for sufficient glazing and to
 mitigate the impact of blank side walls. This is also intended to increase sky-view
 and to create a more porous street wall. It is also intended to not preclude future
 avenue development;
- Provide a "Pedestrian Perception" step-back on buildings taller than 23 metres to mitigate the perception of height and create buildings at the street that are of a comfortable scale for pedestrians. In this scenario the 1m step-back after the first or second storey (as per avenue zoning) is sufficient; and
- Balconies on all street-facing façades within the 6 storey street wall should be inset behind the street wall.

In terms of massing, transition and setbacks, 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, implementing zoning by-law and The Queensway Design Guidelines. As such, Planning staff do not support the proposed height, built form and massing of the application.

While the Official Plan policies, The Queensway Avenue Study and Design Guidelines direct new development to respect the existing and planned context of the area and provide adequate transition through the stepping of heights to lower scale developments and provide a buffer from abutting residential lots, the building mass also must not overwhelm and negatively impact the *Avenues* and the public realm. Due to the subject site's location, size, and abutting low scale residential properties, the proposed height and massing must be substantially stepped back from The Queensway frontage above the 6 storeys, yet must also be further stepped back from the south rear lot line away from the detached residential dwellings. This indicates that there is limited space on the site to accommodate development and that the proposal in its form and scale of development must be reduced. This application represents a significant departure from

the character and vision of The Queensway Avenue Study. The proposed development should be revised to be more reflective of its existing and planned 6-8 storey mid-rise building context and not a tall 13-storey building as proposed.

Density

The proposed density of this application is 7.93 times the area of the lot which substantially exceeds the Avenues Zoning By-law No. 514-2003 permitted density of 3.0 times the area of the lot. The proposed density is also not in keeping with the existing densities which range from 1.97 to 5.95 times the area of the lot in recently approved developments in The Queensway Avenue Study area. Further, Planning staff are of the opinion that the proposed density would also set an undesirable precedent of density and scale of development along The Queensway Avenue.

The proposed high floor space index signifies that the proposed development cannot be appropriately accommodated on this corner site with a lot depth of only 45 m. The site underwent a comprehensive analysis through The Queensway Avenue Study to determine the appropriate density of 3.0 times the area of the lot. Therefore, staff are of the opinion the proposed density of 7.93 times the area of the lot in combination with the proposed height and massing of the proposal represents an overall overdevelopment of the site.

Sun and Shadow

Shadow impacts are important as they affect thermal comfort (enjoyment) of being outside and the provision of adequate light. 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) establish 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 Streetscape 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 by the applicant illustrating the extent of shadowing that would result from the proposed development for March, June and September 21. Planning staff require a revised Shadow Study to include December 21 be submitted.

The Shadow Study shows shadow cast by the proposed development on the adjacent lot to the west (2-storey office building), the north side of The Queensway sidewalk and on the *Mixed Use Areas* along the north side of The Queensway in the morning hours during March and September. In the afternoon in March and September, shadows are cast by the proposed development on the south side of the sidewalk along The Queensway and on the adjacent mixed-use development at 1193 The Queensway. In the morning hours of June, shadows are cast by the proposed development on the adjacent 2-storey office building and the south side of The Queensway sidewalk. By the late afternoon in June, shadows are shown on the adjacent lot to the south containing a residential detached dwelling at 10 Zorra Street.

The proposed development does not conform 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. In addition, the proposed shadowing on the abutting lot to the south with a residential 1.5 storey detached dwelling during the late afternoon in June 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 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. Staff recommend that discussions should continue with the applicant aimed at modifying the building heights and massing to minimize shadow impacts on these areas.

As such, staff are recommending that the City Solicitor should request the LPAT to withhold any Order approving the development until the owner submits detailed revised sun/shadow studies for all seasons to the satisfaction of the Chief Planner and Executive Director, City Planning.

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 development of the 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 building itself (amenity areas and balconies).

The applicant submitted a Pedestrian Wind Assessment dated October 13, 2017 by Novus Environmental which determined the following key findings:

- The wind safety criterion is met in all grade-level areas in both the existing and proposed configurations.
- Wind conditions at all entrances are suitable for the intended usage.
- On the surroundings sidewalks including The Queensway, Zorra Street, Brawley Avenue and Trueman Avenue, wind conditions are generally comfortable for leisurely walking or better throughout the year with the exception of two locations. The southwest corner of the 15 Zorra Street tower has wind conditions that are only comfortable for fast walking in the winter and the northwest corner of the 1193 The Queensway building (directly east of the proposed site), where wind conditions during the winter are suitable for fast walking and/or considered uncomfortable.
- Wind conditions on the sidewalks surrounding the proposed development are similar and/or improved in comparison to the existing configuration.
- Wind conditions at the nearby transit stops are unchanged between the existing and proposed configurations.
- Wind conditions on the rooftop terrace are windier than desired. The wind safety
 criterion is exceeded on the rooftop amenity terrace. Wind mitigation measures
 including a wind screen for the perimeter of the terrace and canopy and/or trellis
 at the northwest corner and placing flags on the terrace (as a visual reminder for
 those using the space as to how windy it is) have been recommended. Wind
 tunnel testing would be required to determine the efficacy of the mitigation
 features.

As such, staff are recommending that the City Solicitor should request the LPAT to withhold any Order approving the development until the owner submits a Wind tunnel test to determine the efficacy of the recommended wind mitigation measures, evaluated to the satisfaction of City Planning.

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; and
- Providing an attractive, comfortable and safe pedestrian environment; and

Planning staff are of the opinion that discussions should continue with the applicant regarding the site design, organization and layout with respect to shadow and wind impacts on the public realm; vehicular access and passenger pick-up/drop-off; parking spaces; and future lane connectivity. Staff advise that the rear laneway should be designed to permit full movement across the rear of the block and the driveway design should not preclude future through traffic across the rear of the site to connect to Vibe Road. Staff may seek easements in this regard.

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 Streetscape Improvements.

Much of the success of a mid-rise project on an avenue has to do with the conditions on the ground floor. Staff are of the opinion the proposal should be modified to increase the setbacks of the proposed building in order to improve the public realm along The Queensway and Zorra Street. Increased setbacks and wider sidewalks support retail uses and provide opportunity for patios, landscaping, transit stops, street furniture and street trees. To improve the public realm, Planning staff seeks the following revisions to the application:

- An increased building setback on The Queensway that is more in line with the newer development on the east side of Zorra Street to include a 7 m boulevard (measured curb to building face) on The Queensway;
- A more typical side street condition, which would result in a 6 m or greater boulevard along Zorra Street (curb to building face);
- Provision of a minimum 3 m pedestrian clearway along The Queensway and a 2.1 m pedestrian clearway along Zorra Street;
- Provision of a landscape strip along the rear lot line that permits the planting of deciduous trees and a decorative metal/wood fence; and
- Increase tree planting as there is room for four street trees along Zorra Street.

Traffic Impact

The applicant submitted a Transportation Impact Study titled "Urban Transportation Considerations", dated October 19, 2017, prepared by BA Group, in support of this

proposal. This study estimated that the proposed mixed use development would generate 45 and 10 two-way net new vehicular trips in the weekday morning and afternoon peak hours, respectively. The study recommends signal timing modifications at the study intersections and has undertaken a sensitivity analysis of a future scenario in which the existing traffic control signals at The Queensway/Zorra Street intersection are relocated to The Queensway/Caven Street/Nordin Avenue intersection, as part of the adjacent "Remington on The Queensway" Phase 3 development located to the east of the subject site.

Transportation Services staff advise that the Urban Transportations Considerations Report must be revised to provide additional information to the satisfaction of Transportation Services staff. As such, staff are recommending that the City Solicitor be directed to request that the LPAT 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.

Access

Vehicular access would be provided by one 6.0 m wide full-movement driveway from Zorra Street. The existing site driveways for The Queensway and Zorra Street that serve the existing commercial plaza as well as the Zorra Street driveway for the dwelling at 8 Zorra Street would be closed.

Passenger pick-up and drop-off activities are proposed on the street rather than on the site. An on-site passenger pick-up/drop-off facility should be provided on site, unless the applicant's retained transportation consultant can demonstrate that the on-street pick-up and drop off activity would not have an appreciable impact on the operations of the abutting public streets to the satisfaction of Transportation Services staff.

Transportation Services staff advise that detailed comments regarding the design of the entrance driveway for the proposed development and site circulation matters would be provided through the Site Plan Control application review process, should the application be approved.

Automobile Parking

Transportation Services staff advise that they can support the use of the minimum Policy Area 4 parking ratios of By-law No. 569-2013 for the subject site. In addition, the applicant would be permitted to provide 3 car-share spaces for a maximum parking reduction of 10 long-term resident spaces (for the 159 residential units being proposed). Based on these parking requirements and reductions, the proposal is required to provide a total of 153 parking spaces, of which 127 would be long-term resident spaces, 23 would be short-term visitor spaces and 3 spaces would be for the commercial uses.

The application proposes a total of 118 on-site parking spaces, which would result in a parking deficiency of 35 spaces (compared to the proposed 153 parking space requirement). As Transportation Services staff indicated their support of the Policy Area 4 parking ratios of By-law No. 569-2013, which are less stringent than the existing inforce parking requirements of By-law No. 514-2003, and could support further

reductions of the residential parking requirement with the provision of car-share spaces, staff would not support the 35 parking space deficiency as proposed in the applicant's submitted traffic impact study. Transportation Services staff require that the application be revised to provide adequate on-site parking to satisfy the above noted on-site parking requirements. Alternatively, the applicant's Transportation Consultant may propose lower parking ratios to accommodate the anticipated site parking demand, however, they must be supported by acceptable parking utilization surveys undertaken at a number of similar proxy sites that would be acceptable to Transportation Services staff.

As such, staff are recommending that the City Solicitor be directed to request that the LPAT 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.

Bicycle Parking

The applicant's Transportation Consultant calculates an on-site bicycle parking requirement of 120 spaces (108 long-term resident and 12 short-term visitor). Transportation Planning staff advise that due to City-wide Zoning By-law No. 569-2013 requirements regarding rounding and fractions for bicycle parking spaces, the requirement for on-site bicycle parking is 121 spaces (109 long-term resident and 12 short-term visitor). Therefore, staff request that one additional bicycle parking space be added to align with the requirements of the City-wide Zoning By-law No. 569-2013.

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

Loading

No loading space requirements are specified in the site-specific By-law No. 514-2003 or the former City of Etobicoke Zoning Code. One Type 'G' loading space would be provided adjacent to the parking ramp leading to the underground parking garage. Transportation Services staff accept the provision of this loading space as it satisfies the loading space supply requirements of City-wide Zoning By-law No. 569-2013.

Transportation Services staff will provide a detailed review of the proposed loading space design and layout including appropriate length, width and vertical clearance and provision of warning signals through the Site Plan Control application review process, should the application be approved.

Transit

During public consultation meetings for the proposed development, area residents raised concerns regarding the lack of transit service along The Queensway, with some suggesting that Development Charges should be used to improve service frequency. In their review of this application, Toronto Transit Commission (TTC) staff have not indicated any opposition to the proposed development with respect to existing transit capacity. The TTC's general policy is to not increase the service frequency and capacity

of surface transit routes until ridership demand increases and the additional vehicles are warranted.

The TTC's Route 80 – The Queensway bus provides east-west service between Keele Station (line 2 subway) and Sherway Gardens Mall. It currently operates with 30 minute headways (2 buses per hour) throughout most of the weekday with a slight increase to 24 minute headways (2.5 buses per hour) during the midday period (9:00 a.m. to 3:00 p.m.). The proposed development is also located within a 400 metre (5 minute) walk to bus stops at Kipling Avenue and The Queensway. North-south transit service on Kipling Avenue is more frequent with both express bus service (Route 944 – Kipling South) and local bus service (Route 44 – Kipling South) available. These Kipling bus routes provide connections north to the line 2 subway and south to the Route 501 – Queen Streetcar.

Toronto Transit Commission staff advise there is an existing eastbound nearside bus stop on The Queensway in front of the site and that the two proposed trees along The Queensway frontage 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. As such, the two proposed trees must be re-located. 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 application review process, should the application be approved.

Servicing

The applicant submitted a Functional Servicing and a Stormwater Management Report, dated October 20, 2017, prepared by Fabian Papa and Partners which was reviewed by Engineering and Construction Services staff. Staff advise that further analysis is required to determine the stormwater 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. As such, staff advise that a revised Functional Servicing Report and Stormwater Management 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 Chief Engineer and 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 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 in a parkland priority area, as per Chapter 415, Article III, of

the Toronto Municipal Code. Parks, Forestry and Recreation staff advise that the total parkland dedication required is 161.9 m² or 9.8% of the net site area as the site 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 further discussion is required pertaining to the specific configuration and location of the parkland dedication. The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan. Parks, Forestry and Recreation staff are interested in working with the applicant to satisfy parkland dedication through an off-site dedication located at 30 Zorra Street. In accordance with Chapter 415-26, should an off-site dedication not be feasible or the City is unable to satisfy the criteria set out for an off-site dedication, the General Manager, Parks, Forestry and Recreation will require an on-site dedication, cash-in-lieu or any combination thereof, to their satisfaction.

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 parkland dedication matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

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 applicant's Arborist Report indicates that the development proposes to remove 4 City-owned trees and 5 protected private trees. The submitted Landscape Plan shows a total of 6 new trees proposed on the City road allowance along The Queensway and Zorra Street. Urban Forestry staff request one additional tree to be planted on The Queensway and two additional trees to be planted on Zorra Street for a total of 9 new street trees. Further, staff require a detailed Landscape/Planting Plan and Planting Details be submitted to provide additional information regarding planting beds, soil volumes, tree location and species. An "Application for Permit to Destroy Privately Owned Trees" has not yet been submitted.

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 a detailed Landscape/Planting Plan and Planting Details are submitted and Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

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.

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 space, 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 communities. 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 infant and toddler day care space in the study area as the development would create demand for an additional 6.8 child care spaces.
- The proposed development would generate a pupil yield of 6 Elementary and 5 Secondary pupils for the Toronto District School Board and 4 Elementary and 5 Secondary pupils for the Toronto Catholic District School Board.
- With respect to the Toronto District School Board, the one Elementary School serving the study area (Norseman Junior Middle School) is operating over capacity and the only Secondary School (Etobicoke Collegiate Institute) has remaining capacity.
- Regarding the Toronto Catholic District School Board, the one Elementary School serving the study area is over capacity and out of the two Secondary schools serving the study area (Bishop Allen and Bishop Marrocco); Bishop Allen is operating over capacity.
- A need for additional Elementary School space in both the Toronto District School Board and the Toronto Catholic District School Board or the provision for students to be accommodated outside the Study Area.
- The Toronto Public Library has identified reading gardens as desirable enhancements for the Alderwood library. Other general enhancements to facilities and services would be adding an early literacy Kids Stop Centre, User Education Centre and a Media Lab to complement and round out services to the community.

 A need for additional community space and recreational programing for all age groups.

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.

Housing

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. 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.

The Growth Plan for the Greater Golden Horseshoe, 2017 also contains policies 2.2.1.4, 2.2.4.9 and 2.2.6.4 to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

The Council-adopted *Growing Up: Planning for Children in New Vertical Communities* draft urban design guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments.

The application currently proposes 19 three bedroom units (12% of the total) which generally supports the objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan's growth management and housing policies to accommodate a broad range of households, including families with children. However, staff also encourage the applicant to provide rental units (affordable and/or mid-range) in order to support a full range of housing and affordability.

The Council-adopted *Growing Up: Planning for Children in New Vertical Communities* draft urban design guidelines also provide guidance on the proportion and size of larger units in new multi-unit residential developments. Staff advise that the detailed design of proposal should consider the following guidelines:

- Units should be adaptable and allow for layout change over time.
- Provide a cluster of large units primarily located in lower portions of the building, and closer to the amenity spaces.
- Provide indoor and outdoor amenity spaces to support a variety of age groups and activities.

- Design lobbies that promote lingering and casual social interaction.
- Design common areas to support social interaction between neighbours.
- Provide ample, convenient and secure storage for larger items.
- Provide space to comfortably enter and exit units, and store items.
- Design bedrooms as high-quality spaces with operable windows, space for homework and appropriate storage.

The above design details would be refined and reviewed through the Site Plan Control application review process, should the application be approved.

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 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 m² and an increase in density of at least 1,500 m². The proposed development, at 13,110 m² and increase in density of 8,151 m², meets the size and threshold requirements.

As staff are of the opinion that the current proposal does not represent an appropriate development in its current form, and the planning issues have not been fully resolved, Section 37 community benefits discussions would take place should these concerns be resolved and/or the Local Planning Appeal Tribunal (LPAT) approve the development in whole or in part. In the event that LPAT approves 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 3;
- 2. Park improvements in Ward 3;
- 3. Public art;
- 4. Toronto Public Library enhancements:
- 5. Day care: and
- 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) All matters pertaining to parkland dedication conveyance, design and construction.
- b) 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.
- c) The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard.
- d) The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.

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 does not conform to, and conflicts with the Growth Plan (2017) in its current form. Further, the current proposal does not conform to the Toronto Official Plan, particularly as it relates to height, density, massing, transition, built form and shadowing among other matters. The following significant staff and community concerns have not been resolved: proposed built form regarding height, density, massing, setbacks and stepbacks; transition to surrounding low-scale properties (particularly the abutting 1-2 storey detached residential dwellings to the south); proposed parking spaces; shadow; wind and privacy impacts.

The application for a 13-storey tower with a proposed density of 7.93 times the area of the lot would be the tallest and most dense building within The Queensway Avenue Study area. The current proposal is not appropriate as the proposed development represents overdevelopment of the site with a tall building which is not in keeping with the existing or planned context of the area within The Queensway Avenues Study which prescribes more modest 6-8 storey mid-rise buildings along the Avenue. The proposal does not provide appropriate transition to lower scale properties and would also shadow the public realm on the north side of The Queensway. The proposal would establish an undesirable precedent, 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, density, massing, transition of scale, and limit shadowing on the public realm, as directed 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 staff continue discussions with the applicant to develop a revised proposal that will attempt to address the issues set out in this report.

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SIGNATURE

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 Elevation
Attachment 7: Figure 7: South Elevation
Attachment 8: Figure 8: East Elevation
Attachment 9: Figure 9: West Elevation

Attachment 1: Figure 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 1197 The Queensway Date Received: November 2, 2017

and 8 Zorra Street

Application Number: 17 257307 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 13 storey mixed-use building containing 159 dwelling units and a total gross floor area of 13,110 m². The proposal would provide 347 m² of retail at grade and 3 levels of underground parking containing 118

parking spaces.

Applicant Agent Architect Owner

Marlin Spring ZEINARB INC.
Investments 598 Shenandoah
2 St. Clair Avenue Drive
West, Suite 1600 Mississauga, ON
Toronto, ON M4V 1L5

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: Site Specific

By-law No. 514-

2003)

AV (Limited

Commercial

Zoning: Avenues) and Heritage Designation: N

IC.1(Class 1

Industrial)

Height Limit (m): 21 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,653 Frontage (m): 37 Depth (m): 45

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			770	770
Residential GFA (sq m):			12,763	12,763
Non-Residential GFA (sq m):			347	347
Total GFA (sq. m):			13,110	13,110
Height - Storeys:			13	13
Height - Metres:			44	44

Lot Coverage Ratio (%): 44 Floor Space Index: 7.93

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 12,763 Retail GFA: 347

Office GFA: Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			159	159
Other:				
Total Units:			159	159

Total Residential Units by Size

Rooms Bachelor 1 Bedroom 2 Bedroom 3+ Bedroom

Retained: Proposed:

Total Units: 73 67 19

Parking and Loading

Parking Spaces: 118 Bicycle Parking Spaces: 120 Loading Docks: 1

CONTACT:

Nicole Ivanov, Planner, Community Planning

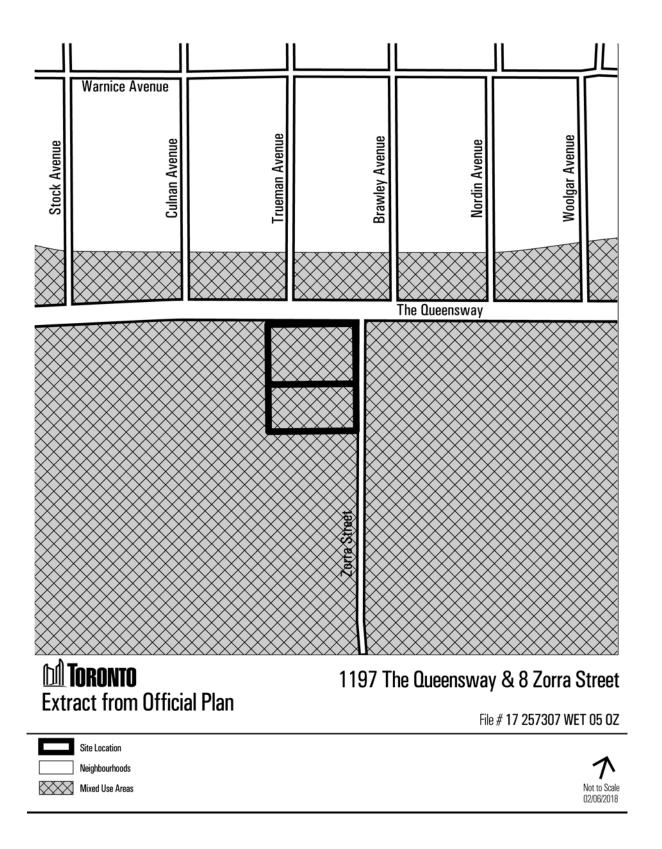
(416) 394-8227

Nicole.lvanov@toronto.ca

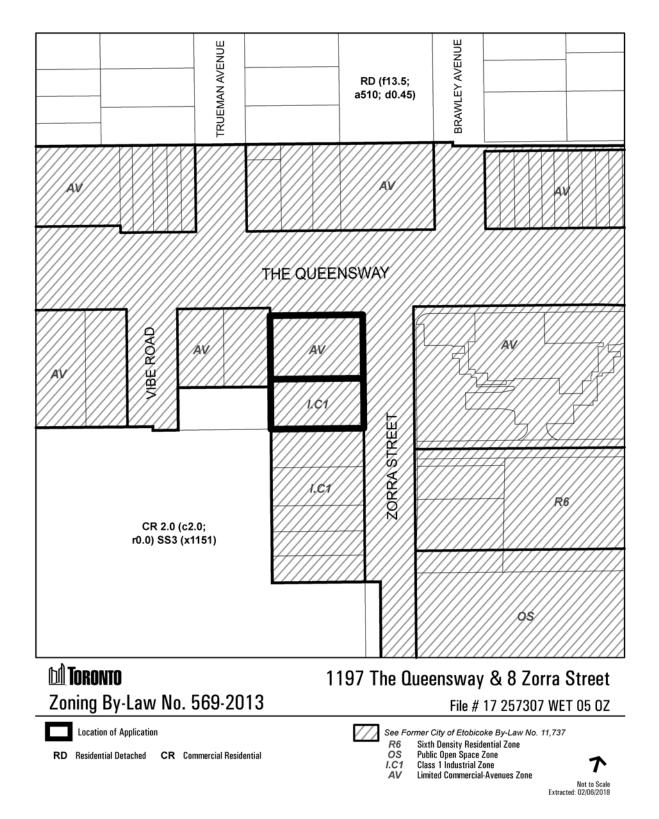
Attachment 2: Figure 2: Location Map



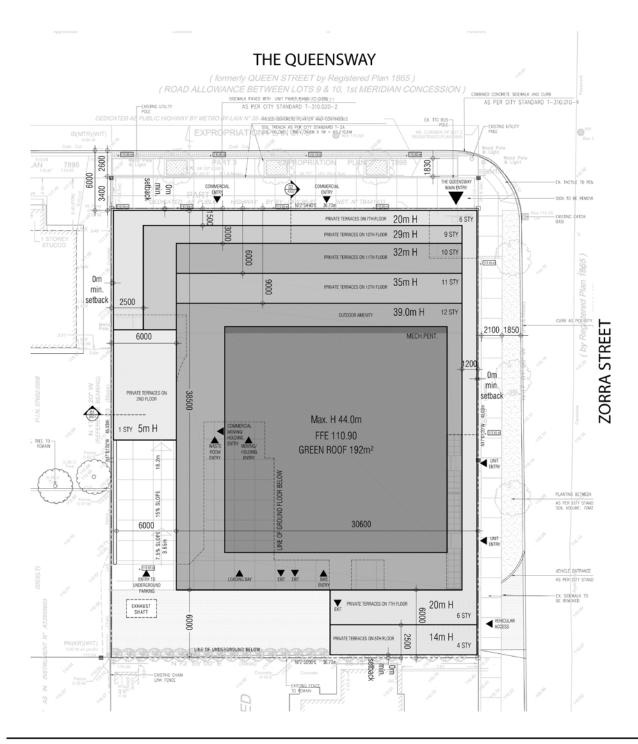
Attachment 3: Figure 3: Official Plan Land Use Map



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



Attachment 5: Figure 5: Site Plan



Site Plan

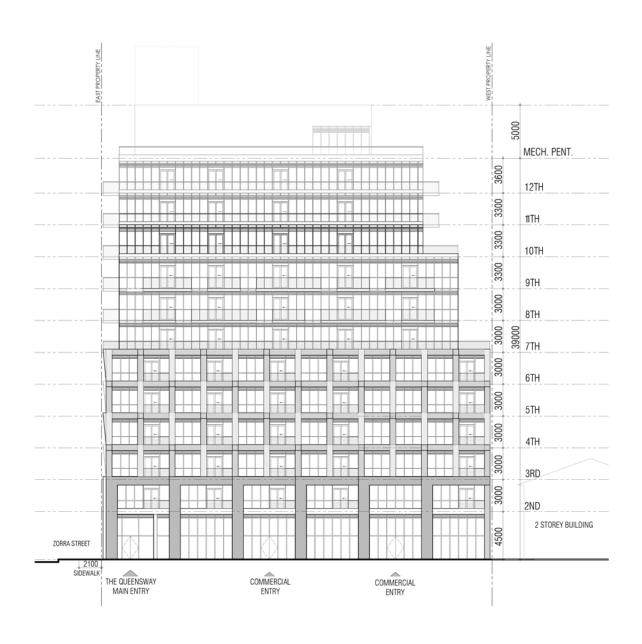
Applicant's Submitted Drawing

Not to Scale 702/05//18

1197 The Queensway & 8 Zorra Street

File # 17 257307 WET 05 0Z

Attachment 6: Figure 6: North Elevation



North Elevation

Applicant's Submitted Drawing

Not to Scale 02/05//18

1197 The Queensway & 8 Zorra Street

File # 17 257307 WET 05 0Z

Attachment 7: Figure 7: South Elevation



South Elevation
Applicant's Submitted Drawing

Not to Scale 02/05//18 1197 The Queensway & 8 Zorra Street

File # 17 257307 WET 05 0Z

Attachment 8: Figure 8: East Elevation



East Elevation	1197 The Queensway
Applicant's Submitted Drawing	& 8 Zorra Street
Not to Scale 02/05//18	File # 17 257307 WET 05 0Z

Attachment 9: Figure 9: West Elevation

