



REPORT FOR ACTION

689 The Queensway – Zoning By-law Amendment Application – Final Report

Date: October 19, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward 3 - Etobicoke-Lakeshore

Planning Application Number: 19 204533 WET 03 OZ

SUMMARY

This application proposes to amend the former City of Etobicoke Zoning Code and Site Specific Zoning By-law No. 514-2003 to permit a 9-storey (30.95 m in height, including mechanical penthouse) mixed-use building at 689 The Queensway. The building would contain 198 residential units and 500 m² of commercial at-grade floor area. The building would have a gross floor area of 17,143 m², yielding a Floor Space Index (FSI) of approximately 4.25 times the area of the lot. A total of 180 parking spaces would be provided within two levels of below grade parking. Vehicular access to the below grade parking would be provided via a private lane at the rear of the property.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan for the Greater Golden Horseshoe (2020). The proposed development represents appropriate intensification along The Queensway that conforms with the Official Plan and is generally consistent with the City Council adopted The Queensway Design Guidelines and Streetscape Improvements.

This report reviews and recommends approval of the application to amend the Zoning By-law subject to conditions before introducing the necessary Bills to City Council for enactment. Provided the conditions are fulfilled, staff are of the opinion the proposed development is appropriate in this location.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Etobicoke Zoning Code and Site Specific Zoning By-law No. 514-2003, for the lands at 689 The Queensway substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 5 to this report.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:

a. Submit to the General Manager of Transportation Services for review and acceptance, a Parking Review which demonstrates that the requested parking ratios are acceptable. Should this be accepted by the General Manager of Transportation Services, staff may make such changes as required to the final Bills to reflect the parking ratios supported by the accepted Parking Review and approved by the General Manager of Transportation Services.

b. Submit a Traffic Impact Study to the General Manager of Transportation Services for review and acceptance, to determine the traffic demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure can accommodate the proposal development.

c. Submit to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance, a Functional Servicing Report, Servicing Groundwater Summary and Hydrological Review Summary to determine the stormwater runoff, sanitary flow and water supply-demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

d. Make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report, Servicing Groundwater Summary and Hydrological Review Summary accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.

4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 689 The Queensway, in a manner satisfactory to the City Solicitor, to secure the following community benefits at the owner's expense:

a. A cash contribution of \$625,000.00 to be directed to "The Treasurer, City of Toronto" indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, for the following:

- i. \$412,000.00 for improvements to local parks and trails (located in Ward 3), including but not limited to Queensway Park and Mimico Park Trail;
- ii. \$206,500.00 towards streetscape improvements along The Queensway through the Shop The Queensway Business Improvement Area (BIA); and
- iii. \$6,500.00 towards a plaque in connection with the History of The Queensway Market Gardens through the Etobicoke Historical Society.

b. In the event the cash contribution referred to in Recommendation 4.a. above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

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

a. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of Item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.

b. Prior to final Site Plan Approval, the owner is to provide a Construction Management Plan, in consultation with the Ward Councillor, which addresses construction vehicle routing, temporary parking and communications with neighbouring stakeholders such as the Toronto Catholic District School Board, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Planner and Executive Director, City Planning and thereafter the owner shall implement such strategies and plans.

FINANCIAL IMPACT

The City Planning Division confirms there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

Previous Site Plan Control Application

In July 2017 a Site Plan Control application (17 194307 WET 05 SA) was submitted for the subject property by a previous owner. The proposal consisted of 55 back-to-back townhouse dwelling units and street-related retail space along The Queensway with an

FSI of 1.97 times the area of the lot. The last activity on the application occurred in November 2017 and staff have formally closed the file.

Proceedings of Subject Application

Two pre-application consultation meetings were held between Planning staff and the applicant to discuss complete application submission requirements and for staff to provide feedback on the proposal. The first was held in January 2019 for a 10-storey mixed-use building, and the second was held on June 13, 2019 for the current 9-storey mixed-use building.

The application was submitted on August 12, 2019. A Notification of Complete Application was issued on September 11, 2019. A Preliminary Report on the application was adopted by Etobicoke York Community Council on December 2, 2019 authorizing staff to conduct a community consultation meeting. The Preliminary Report identified a number of concerns with the proposal including the size and scale of the building in relation to the built form of The Queensway. A copy of the Preliminary Report can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/ey/bgrd/backgroundfile-140030.pdf>.

PROPOSAL

This application proposes to amend the former City of Etobicoke Zoning Code and Site Specific Zoning By-law No. 514-2003 to permit a 9-storey (30.95 m in height, including mechanical penthouse and habitable 9th floor space) mixed-use building on this 4,033 m² site (municipally known as 689 The Queensway).

The building would contain 198 residential units and 500 m² of commercial floor area. The proposal would have a gross floor area of 17,143 m², yielding a Floor Space Index (FSI) of approximately 4.25 times the area of the lot. A road widening approximately 1.9 m deep along The Queensway frontage would result in a small reduction in lot area and an FSI of 4.4 times the area of the net lot after the widening is taken.

The front portion of the building is proposed to be located at the new lot line after the road widening is taken. The rear part of the building would have side yard setbacks of 3.0 m on both the east and west sides. The 1st floor of the rear of the building would be setback between 8.35 m and 12.52 m from the south property line to accommodate a pedestrian walkway and private laneway to access the enclosed loading/servicing area and below grade parking. The 2nd floor would partially overhang the private laneway with a setback of 7.4 m from the south property line.

The proposed building would be 'U-shaped' with the bulk of the massing presenting along The Queensway frontage wrapping around each of the corners of the two side streets; being Penhurst Avenue to the west and Wesley Street to the east. The rear of the building would take the shape of two 'wings' which would terrace down to the south to the rear service lane. The Queensway frontage would step back 1.95 m above the 2nd floor, with a further step back of 1.97 m above the 7th floor and 4.33 m above the 8th floor. The portion of the building along the Penhurst Avenue and Wesley Street frontages would step back 1.5 m above the 7th floor and a further 5.87 m above the 8th

floor. The rear 'wings' of the building would step back 1.5 m above the 1st floor along the Penhurst Avenue and Wesley Street frontages. At the rear, the building would have a series of terraced stepbacks beginning above the 2nd floor, aligned with a 45 degree angular plane taken from the south property line.

The retail space would be located at-grade along The Queensway frontage. The residential lobby entrance would be centrally located and accessible from The Queensway. The applicant is proposing 198 residential units, of which: 88 (44%) would be 1-bedroom units; 90 (46%) would be 2-bedroom units; and 20 (10%) would be 3-bedroom units. Four ground-related units are proposed fronting Penhurst Avenue and three ground-related units are proposed fronting Wesley Street.

The proposed 'U-shape' of the building provides the opportunity to create a private outdoor amenity space as an internal courtyard connected to the private laneway and pedestrian walkway. Approximately 483 m² (2.4 m² per unit) of indoor amenity space and 597 m² (3.0 m² per unit) of outdoor amenity space would be provided at ground level. A dog wash facility is proposed on the first floor and stroller parking rooms would be provided on floors 1 through 6.

The application proposes 152 resident vehicular parking spaces and 28 vehicular parking spaces to be shared between visitors and the retail uses, totalling 180 vehicular parking spaces all located within a 2 level below-grade parking garage. Vehicular access to the property would be provided via the private laneway which runs along the rear property line from Penhurst Avenue to Wesley Street. One-way vehicular access is proposed via Penhurst Avenue and two-way vehicular access is proposed from Wesley Street. The development would contain one Type 'G' loading space. There would be 210 bicycle parking spaces provided within the underground garage and at-grade within the 1st floor.

See Attachment 1: Application Data Sheet; Attachment 6: Site Plan and Attachments 7-10: Elevations.

Site and Surrounding Area

The subject site is located on the south side of The Queensway between Penhurst Avenue and Wesley Street (see Attachment 2: Location Map). The site is square in shape and is currently vacant, formerly occupied by the "House of Lancaster Gentlemen's Club". The site is approximately 4,033 m² in size with a gentle slope down from north to south.

Surrounding land uses include:

North: On the north side of The Queensway there is one 3-storey mixed use building and one 1-storey commercial building. To the northeast are 2-storey mixed-use buildings and a gas station fronting The Queensway. To the northwest are 1 to 2-storey mixed-use buildings fronting The Queensway. Further north is a low-rise residential area designated *Neighbourhoods*.

- West: On the west side of Penhurst Avenue are 2-storey mixed-use buildings fronting The Queensway and having a public laneway to the rear. St. Louis Catholic Elementary School is located south of the public laneway and fronts Morgan Avenue to the west. The school parking area is located directly across Penhurst Avenue from the site.
- East: On the east side of Wesley Street are 2-storey mixed-use buildings fronting The Queensway and having a public laneway to the rear. On the south side of the laneway is a parking lot and 1-2 storey detached dwellings fronting Wesley Street.
- South: Low-rise residential area with 1-2 storey detached dwellings fronting Penhurst Avenue and Wesley Street.

APPLICATION BACKGROUND

Application Submission Requirements

A complete application was submitted on August 12, 2019. A Notification of Complete Application was issued on September 11, 2019.

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

Arborist Report;
Geotechnical Study;
Hydrogeological Report;
Mechanical and Electrical Systems Concept Report;
Pedestrian Level Wind Study;
Planning Rationale;
Servicing Report;
Stormwater Management Report;
Sun/Shadow Study;
Toronto Green Standard Checklist; and
Transportation Impact Study.

The above reports/studies can all be found here:

<http://app.toronto.ca/AIC/index.do?folderRsn=M%2FJDaj3%2BnGpRAWdYi5tgag%3D%3D>.

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 and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

Planning staff, in consultation with the Ward Councillor, hosted a community consultation meeting on March 2, 2020 at St. Louis Catholic School in order to present/discuss the development application. Approximately 35 members of the public attended along with staff from the Councillor's office, the applicant, their consulting team and City staff. Planning staff presented the planning policy framework and an overview of the application. The applicant provided further details on the proposal and its planning rationale. The main issues raised at this meeting include:

- Potential traffic impacts on The Queensway and the surrounding residential streets;
- Pedestrian safety along Penhurst Avenue and Wesley Street due to traffic increases and the location of the proposed private laneway;
- Insufficient proposed residential, commercial and visitor parking spaces;
- Concerns with the proposed height and massing of the building; and
- Concerns about local school capacity.

POLICY CONSIDERATIONS

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 (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient use and management of land and infrastructure;
- Ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- Ensuring opportunities for job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

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

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS 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".

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2020) 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 (2020) 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 (2020) and for conformity with the Growth Plan (2020). The outcome of this analysis and review is summarized in the Comments section of this report.

Toronto Official Plan and Official Plan Policies

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The subject property is located on an *Avenue* on Map 2 – Urban Structure in the Toronto Official Plan. *Avenues* are important corridors along major streets where urbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit services for community residents. 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*.

A 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. Each *Avenue Study* contains a vision and implementation plan. Policy 2.2.3.2(b) states that to facilitate and shape growth, each *Avenue Study* will set out:

"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; and
- iii. Appropriate scale transition to adjacent areas".

The site is in The Queensway Avenue Study Area where an Avenue Study was completed and adopted by City Council in 2003. The Queensway Avenue Study was implemented through Zoning By-law No. 514-2003.

Map 15 – Land Use Plan identifies the north half of the subject property as *Mixed Use Areas* and the south half as *Neighbourhoods* (see Attachment 3: Official Plan Land Use Map). Policy 5.6(5) indicates that boundaries of land use designations are general, and in some instances will be determined by a review of existing zoning by-laws. The adoption of Avenue Zoning By-law No. 514-2003, to implement the recommendations of The Queensway Avenue Study, resulted in the entirety of the subject property being rezoned to Limited Commercial – Avenues Zone (AV) (see Attachment 4: Existing Zoning By-law Map) along with the adjacent lands along The Queensway designated *Mixed Use Areas*.

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. 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 of intensity of development.

Policy 4.5 of the Official Plan includes criterion that directs the form and quality of development in *Mixed Use Areas*. It is the intent that development in *Mixed Use Areas* will:

- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) Provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment;
- c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;

- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- i) Provide good site access and circulation and an adequate supply of parking for residents and visitors.

The subject site abuts lands designated *Neighbourhoods* to the south, southeast and southwest. *Neighbourhoods* are considered physically stable and made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Healthy Neighbourhoods policies of the Official Plan, Policy 2.3.1.2, provide guidance for development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. Policy 2.3.1.2 states that development within *Mixed Use Areas* that are adjacent to *Neighbourhoods* will:

- a) Be compatible with those *Neighbourhoods*;
- b) Provide a gradual transition in scale and density, as necessary to achieve the objectives of the Plan through stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) Maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- d) Attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

The Healthy Neighbourhoods section of the Official Plan states: "At the boundary points between the neighbourhoods and the growth areas, development in the *Mixed Use Areas* will have to demonstrate a transition in height, scale and intensity as necessary to ensure that the stability and general amenity of the adjacent residential area are not adversely affected".

Section 3.1.2, Built Form, 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. Each new building should promote and achieve the overall objectives of the Official Plan.

Built Form 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 impacts on neighbouring streets, parks and open spaces and properties by:

- a) Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions;

- b) Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) Create appropriate transition in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- d) Providing for adequate light and privacy; and
- e) Adequately limiting any resulting shadowing of and uncomfortable wind conditions on, neighbouring streets, properties and open space, having regard for the varied nature of such areas.

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

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

Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The Queensway Avenue Study

In 2000, in anticipation of Toronto's first amalgamated Official Plan, the City commissioned the Concept Plan for the Study Area at The Queensway: Mimico Creek to Kipling Avenue (The Queensway Concept Plan). The Queensway Concept Plan made recommendations which would go on to guide the subsequent Study for The Queensway between Kipling Avenue and Mimico Creek (The Queensway Avenue Study) and resulting design guidelines.

In 2002, The Queensway Avenue Study identified a vision and development implementation strategies to revitalize The Queensway as an *Avenue*, consistent with the objective of the Official Plan to re-urbanize corridors along major streets. In June 2003, City Council adopted The Queensway Avenue Zoning By-law (Zoning By-law No. 514-2003) to implement The Queensway Avenue Study vision. Generally, The Queensway Avenue 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. As part of The Queensway Avenue Study, The Queensway Design Guidelines and Streetscape Improvements were also developed and adopted by City Council for the area where the site is located.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support City Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhoods* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent City Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: www.toronto.ca/OPreview/neighbourhoods.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods Policy 2.3.1.2 to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

The outcome of the analysis and review of relevant Official Plan policies and Site and Area Specific Policies noted above, is summarized in the Comments section of this report.

Zoning

The lands are subject to the former Etobicoke Zoning Code as amended by Site Specific Zoning By-law No. 514-2003 (The Queensway Avenue Zoning By-law). The entirety of the lands are zoned Limited Commercial – Avenues Zone (AV). The AV zoning permits retail, offices, apartments and townhouses. The existing development standards for the lands include a maximum height of 21 m (6 storeys), a maximum permitted Floor Space Index of 3.0 times the lot area, a 45-degree angular plane requirement from any adjacent residential properties and building setbacks above the 2nd storey.

On May 9, 2013 Toronto City Council enacted City-Wide Zoning By-law No. 569-2013. Zoning By-law No. 569-2013 does not apply to this site as site specific zoning was established through the Avenue Study.

Avenues and Mid-rise Buildings Study and Performance Standards

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 step backs, 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. City Council's 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 planned context for The Queensway was established through The Queensway Avenue Study and Zoning By-law No. 514-2003 and permits 6 and 8 storey buildings. The Queensway Avenue Zoning By-law provides direction on the envisioned built form along The Queensway and 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.

The Queensway Design Guidelines and Streetscape Improvements and Concept Plan

As part of The Queensway Avenues Study, Design Guidelines were developed and apply to lands on both sides of The Queensway between Kipling Avenue and the Mimico Creek Valley. These Design Guidelines were created to promote a co-ordinated approach to the redevelopment of The Queensway Avenue. 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, frontage lengths and setbacks;
- New development will respect adjacent single-family development through extensive buffering and the concentration of building mass along The Queensway frontage;
- New development will be subject to the application of a 45-degree angular plane from the adjacent residential lot line;
- Buildings will not create adverse shadows on adjacent public and private outdoor spaces, and will maximize the sunlight penetration of sidewalks;
- Mixed-use buildings along The Queensway will be occupied at-grade with retail and/or commercial businesses or office uses;
- Street trees will be required along The Queensway as part of all developments;
- Building facades at-grade along The Queensway will be extensively glazed; and
- Parking areas will be located underground or at the rear of buildings and all loading areas will be screened to minimize their impact on The Queensway streetscape.

The Final Report for The Queensway Avenue Study indicates that The Queensway Concept Plan provides for a building height of 6-storeys based on a lot depth of 35 m, and in cases where there are deeper lots, buildings heights may be increased. The Queensway Concept Plan identifies that where lots have depths of over 60 m (the subject site has a lot depth of 61.0 m; 59.0 m after the road widening), taller buildings may be acceptable if all the following criteria are met:

- The street scale of 6 storeys or less is achieved on the Avenue frontage by setting back building elements above this height;
- Heights can be greater when the increased height is a product of providing consolidated open space effectively;
- Taller building elements are set back from street frontages;
- Taller buildings are not close to low-rise residential buildings on adjacent residential streets. In addition, in order to provide a good transition to low rise residential areas, lower rise buildings or portions of buildings or significant landscape buffers may also be required on adjacent parts of the *Mixed-Use* site;
- Micro-climate impacts, shade and wind conditions are proven acceptable on public streets; and
- Slab form buildings higher than the 6 storeys are not permitted.

Staff have reviewed the proposed development for consistency with The Queensway Design Guidelines and Streetscape Improvements and The Queensway Concept Plan. The outcome of staff analysis and review are summarized in the Comments section of this report.

Growing Up: Planning for Children in New Vertical Communities

In July 2020, Toronto City Council adopted the updated Growing Up: Planning for Children in New Vertical Communities 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 greater than 20 residential units. The objective of the Growing Up Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

Site Plan Control

An associated Site Plan Control application has been submitted and is being reviewed concurrently with this application.

COMMENTS

In response to City staff and community concerns, the applicant revised the proposal. As a result, the massing, stepbacks and setbacks of the building were revised to better fit within the streetscape of The Queensway and within the surrounding context.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Application Background section of this report.

Policy documents including the PPS, the Growth Plan and the City's Official Plan must be read in their entirety and relevant policies must be applied to each situation. To this end, staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Section 2 of the *Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. Relevant matters of provincial interest are:

- (j) The adequate provision of a full range of housing, including affordable housing;
- (p) The appropriate location of growth and development;
- (q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- (r) The promotion of built form that is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The revised development has regard for the above-noted policies of the *Planning Act* as it would result in a well-designed built form. A height of 9-storeys (30.95 m, including mechanical penthouse), the provision of step backs along The Queensway frontage that would wrap around each end of the site to shape the built form and massing of the bulk of the building, the proposed 'U-shape' of the building that would break up the rear massing along the south side of the building and the terracing of the building to the south would address the existing and planned built form context of the *Avenue*.

The PPS (2020) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, liveable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit.

Section 1.1 of the PPS, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, promotes healthy, liveable and safe communities by supporting efficient development and land use patterns; accommodating an appropriate range and mix of residential, employment and other uses to meet long-term needs; promoting cost-effective development patterns and standards to minimize land consumption and servicing costs; and promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate. This proposal would result in a variety of residential unit types (ranging from one bedroom to three bedroom units) and commercial units within a

mixed-use building that uses existing services within an existing built-up area, and represents an efficient land use pattern that minimizes land consumption.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with the PPS in this regard, as the proposed land use and density results in a built form that supports an efficient use of land and existing transit infrastructure.

The Growth Plan contains policies about how land is to be developed, resources are to be managed and protected and public dollars are to be invested. Sections 1.2.1 and 2.2.1 direct municipalities to support the creation of complete communities that provide: a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; to develop mixed-use, transit-supportive, pedestrian-friendly urban environments; and to plan for more resilient, low-carbon communities. The proposal conforms to the Growth Plan by directing growth to an appropriate settlement area, and making efficient use of land and existing services and infrastructure, including proximity to public and active transportation.

Land Use

This application has been reviewed against the Official Plan policies, including OPA 320, The Queensway Avenue Study and design guidelines described in the Policy Considerations Section of this report. As previously noted, the north portion of the subject property is designated *Mixed Use Areas* and the south portion of the subject property is designated *Neighbourhoods*. In consideration of Policy 5.6(5) regarding the boundaries of land use designations, and in consideration of the entirety of the site being zoned Limited Commercial-Avenues Zone (AV) as an outcome of The Queensway Avenue Study, the mix of uses provided for in the *Mixed Use Areas* designation may be permitted on the lands. The majority of the development is proposed to be residential with at-grade retail along The Queensway. In consideration of the *Neighbourhoods* designation on the south portion of the land, and adjacent lands to the south, particular attention was given to the shape, massing, angular plane and setbacks of the rear of the building to provide an appropriate built form and transition to adjacent low rise existing uses. The proposed uses are acceptable for this site and comply with the Official Plan and Zoning By-law.

Density

The proposed density of 4.25 times the area of the lot and building height of 9-storeys, both exceed the current Zoning By-law permissions. While the current Zoning By-law limits the total gross floor area to 3.0 times the area of the lot and building height to 6-storeys (21 m), the Official Plan identifies the subject site as a location for greater intensification and the Avenue Study provides direction for lots that are bigger and deeper which may support extra height and densities. As the lot is surrounded by municipal roads on three sides, the additional height and density of the proposal is contained within the block. The proposed built form and massing of the building are

designed to ensure the increase in density on the lot would be deployed in a sensitive and appropriate manner.

Height and Massing

It should be noted that Planning staff identified concerns with the original proposed built form with respect to scale, setbacks and stepbacks. These concerns were addressed through the revised proposal.

Planning staff previously identified concern with the height of the building. The proposed building has a height of 30.95 m (including mechanical penthouse and a partial 9th storey). The Queensway has a planned right-of-way width of 30.0 m at this location. The Queensway Avenue Zoning By-law permits building heights of 6 to 8 storeys. Staff generally do not support proposals taller than 8 storeys or with heights above the planned right-of-way along The Queensway. However, as noted in the The Queensway Avenue Study, taller buildings may be acceptable along The Queensway on lots with depths of over 60 m provided they minimize impacts on adjacent lands and are appropriately massed. The subject site has a current lot depth of 61.0 m; reduced to a depth of 59.0 m after the road widening is provided. Therefore, the site has the potential for greater heights in accordance with The Queensway Avenue Study and the Official Plan.

Unlike most mid-rise or tall buildings, the rear portion of the 9th storey of the proposed building consists of habitable floor space, acting as a 2nd floor "pop-up" to the units on the 8th storey, with the mechanical penthouse situated in the front (north) portion of the 9th storey. If the 9th storey did not contain the habitable "pop-up" it would not be included in the number of storeys of the building. The 9th storey is proposed to be 797 m² in area with approximately 47% of that area containing the mechanical penthouse. Additionally, the proposed building provides a significant step back of 4.33 m from The Queensway and 5.87 m from both Penhurst Avenue and Wesley Street above the 8th floor to recede the 9th storey from the face of the building. At the rear, the building would have a series of terraces stepping back above the 2nd floor from the south, aligned within a 45 degree angular plane taken from the south property line. Combined, these factors result in a 9th floor that is sufficiently small in area and stepped back to mitigate the impact of the additional 0.95 metres in height above The Queensway Right-of-Way. Staff are of the opinion that the additional height proposed is acceptable. The proposal is contextually responsive to the existing and planned context for the area and maintains the character of a mid-rise building.

The revised proposal would have a 2-storey streetwall expression along The Queensway. The front portion of the building is proposed to be located at the new lot line after the road widening is taken. The proposed building would frame The Queensway, Penhurst Avenue and Wesley Street with a 2-storey streetwall consistent with the adjacent 2-storey commercial and mixed-use buildings along the south side of The Queensway. The height of the first floor would be approximately 4.5 m, which is an appropriate height for buildings that propose commercial uses at-grade. In accordance with The Queensway Avenue Urban Design Guidelines and Street Improvements, this would give prominence to the street face and increase the visibility, marketability and

utility of the ground floor commercial space while providing a consistent and compatible built form along The Queensway.

The rear portion of the building would have side yard setbacks of 3.0 m from both Penhurst Avenue and Wesley Street. The rear of the building would be setback approximately 8.0 m from the south property line to accommodate a pedestrian walkway and private laneway to access the enclosed loading/servicing area and below grade parking.

A recurring policy within the Official Plan and an important consideration during the review of the proposal is to locate and mass buildings so as to minimize their impacts on adjacent *Neighbourhoods* designated lands. The Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan state that development in *Mixed Use Areas* will provide a transition of scale and density through setbacks from adjacent *Neighbourhoods*. The Built Form policies in Section 3.1.2 of the Official Plan also require new development to create appropriate transition in scale to neighbouring existing and planned buildings. In addition, *Mixed Use Areas* Policy 4.5.2(c) states that new development is to be located and massed to provide transition between areas of different development intensity and scale, through means such as setbacks and stepping down of heights to lower-scale neighbourhoods.

The Queensway Avenues Zoning By-law No. 514-2003 and The Queensway Avenue Design Guidelines and Streetscape Improvements require all development within the Limited Commercial-Avenues Zone to maintain a 45-degree angular plane from any lot line of abutting properties that are zoned Residential. The 45-degree angular plane ensures that new development is compatible with adjacent low-rise *Neighbourhoods* in terms of sunlight, skyview, overlook and privacy. The revised building has been massed and sited to fit within the existing context, and to limit impacts on the abutting *Neighbourhoods* lands to the south.

The building minimally penetrates the 45-degree angular plane calculated using the standard in City-wide Zoning By-law No. 569-2013. Notwithstanding this, Planning staff are of the opinion that the proposal meets the intent of the transition policies of the Official Plan through the proposed setbacks and stepbacks from the adjacent *Neighbourhoods* and the application of the 45-degree angular plane.

City Planning staff worked with the applicant to reduce the proposed massing by augmenting the terracing; increasing the stepbacks to, and reducing the area of, the 9th storey; increasing the setbacks along Penhurst Avenue and Wesley Street; incorporating a 2-storey streetwall expression along The Queensway; and providing greater articulation in the building mass. The development has been revised to satisfy the built form policies of the Official Plan and would provide an appropriate relationship to the adjacent residential properties.

Planning staff are of the opinion the revised development is generally consistent with the intent of The Queensway Avenue Study, The Queensway Urban Design Guidelines and Street Improvements, the *Mixed Use Areas* designation, and the Built Form and Healthy Neighbourhoods policies of the Official Plan. The revised development would

respect and reinforce the existing physical character of buildings and streetscapes in the neighbourhood.

Sun and Shadow

Official Plan Policies 3.1.2.3(c) and 4.5(2)(d) state that new development should be located and massed to limit shadowing on neighbouring streets, properties and open spaces, neighbouring parks and adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

Built Form Policy 3.1.2.3 states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context to adequately limit any resulting shadowing of neighbouring streets, properties and open space, having regard for the varied nature of such areas. Section 4.5, Policy 2(d) of the Official Plan states that development within *Mixed Use Areas* will be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*.

A shadow study was submitted with the application illustrating the incremental shadow impacts during March 21st, June 21st and September 21st. The March 21st and September 21st shadow studies illustrate that the revised building would cast new shadows that slightly exceed the as-of-right shadows on the north side of The Queensway at 3:18 PM onward. The massing fits within the street frontage angular plane and allows for a minimum of 5 hours of sunlight on the opposite side of the street at the equinoxes. Planning staff are satisfied that the shadowing resulting from the redesigned development is acceptable.

Wind

The applicant submitted a Preliminary Pedestrian Level Wind Study, dated December 12, 2019, prepared by Gradient Wind Engineering Inc. Based on the submitted material, the wind conditions along the grade-level pedestrian areas within and surrounding the development site would be acceptable for their intended uses throughout the year. The study also concluded that the wind conditions on the outdoor amenity space would be acceptable.

Planning staff are satisfied with the wind conditions resulting from the redesigned development, subject to further assessment during the Site Plan Control review process for additional mitigation measures.

Traffic Impact, Access and Parking

A Traffic Impact Study (TIS) was submitted in support of the proposal. The study concluded that the projected site traffic could be supported by the existing road network.

A private laneway is proposed along the rear of the site with one-way vehicular access proposed via Penhurst Avenue and two-way vehicular access proposed from Wesley Street. The service areas, vehicular ramp and garbage storage have been located at the rear of the building to minimize their impacts on adjacent streets and residences. A Type 'G' loading space would be located at-grade at the rear of the building.

A total of 180 vehicular parking spaces are proposed, including 152 resident vehicular parking spaces and 28 vehicular parking spaces to be shared between visitors and the retail uses. The parking ratios requested by the applicant are as follows:

- Resident parking at 0.76 spaces per dwelling unit;
- Visitor parking at 0.14 spaces per dwelling unit;
- Retail uses at 2.5 spaces per 93 square metres of commercial gross floor area; and
- Parking spaces for residential visitors and commercial uses may be shared.

The applicant's Traffic impact Study supported the proposed parking ratios. However, Transportation Services staff identified a number of issues and outstanding requirements with the information submitted, with several revisions required. At the time of this report, Transportation Services staff have identified that further information is still required to support the requested parking ratios. Lacking the requested information, Transportation Services staff would support the following vehicular parking ratios, in accordance with City-wide Zoning By-law No. 569-2013 Policy Area 4:

- One-bedroom dwelling units at 0.8 spaces per dwelling unit;
- Two-bedroom dwelling units at 0.9 spaces per dwelling unit;
- Dwelling units with three or more bedrooms at 1.1 spaces per dwelling unit;
- Parking allocated for visitors at 0.15 spaces per dwelling unit; and
- Retail uses a minimum of 1.0 space per 100 m² of gross floor area.

Transportation Services staff have requested that the Policy Area 4 ratios be included in the Draft Zoning By-law Amendment attached as Attachment No. 5 to this report. However, to provide the applicant an opportunity to submit the requested information, Transportation Services staff have requested the following condition of approval to the Zoning By-law Amendment application, to be fulfilled prior to the introduction of the Bills to City Council:

Submit to the General Manager of Transportation Services for review and acceptance, a Parking Review which demonstrates that the requested parking ratios are acceptable. Should this be accepted by the General Manager of Transportation Services, staff may make such changes as required to the final Bills to reflect the parking ratios supported by the accepted Parking Review and approved by the General Manager of Transportation Services.

Road Widening

A 1.89 m road widening along The Queensway is required to satisfy the Official Plan requirements. The required road conveyance is to be conveyed through the Site Plan Control review process to the satisfaction of the General Manager of Transportation Services and the City Solicitor.

TTC

TTC staff have reviewed the revised plans and advise that TTC stop #14604 will be relocated to the nearside of the intersection of The Queensway and Penhurst Avenue. As a result, this stop will no longer be located at the front of the subject site.

Streetscape

The Official Plan requires that new development enhance the existing streetscape by providing massing to define the edges of streets with good proportion. The Official Plan also requires that attention be given to the streetscape by ensuring that these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms.

The proposed planting and boulevard improvements would assist in creating an improved urban streetscape along the south side of The Queensway, the east side of Penhurst Avenue and the west side of Wesley Street. The proposal would result in a boulevard width that extends from the building edge to the curb along The Queensway of between 4.8 m to 7.11 m; between approximately 2.1 m to 8.16 m along Penhurst Avenue and between approximately 5.21 m to 8.21 m along Wesley Street. Proposed boulevard plantings include 3 street trees along The Queensway, 4 street trees along Penhurst Avenue and 6 street trees along Wesley Avenue.

The existing streetscape includes parking lay-bys along The Queensway and Penhurst Avenue. The proposal would reduce the existing lay-bys to accommodate more pedestrian space and street trees. Along The Queensway, the lay-by would be reduced to one accessible parking space, and along Penhurst Avenue the lay-by would be reduced to two parking spaces, including one car share space.

Planning staff are of the opinion that the proposed organization and layout of the site is appropriate. The proposal would result in a high-quality, pedestrian-oriented streetscape along The Queensway, Penhurst Avenue and Wesley Street. Streetscape details will be secured through the Site Plan Control review process.

Servicing

The applicant submitted a Hydrogeological Investigation, a Supplementary Geotechnical Investigation, a Functional Servicing Report and a Stormwater Management Report. Engineering and Construction Services staff identified a number of issues and outstanding requirements, with several revisions required.

After reviewing the additional information submitted, staff are of the opinion that the majority of issues have been resolved with the exception of an inconsistency between the Functional Servicing Report and the Servicing Groundwater Summary. To ensure this inconsistency is resolved, Engineering and Construction Services staff have requested the following as conditions of approval of the Zoning By-law Amendment application, to be fulfilled prior to the introduction of the Bills to City Council:

- a. Submit to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance, a Functional Servicing Report, Servicing Groundwater Summary and Hydrological Review Summary to determine the stormwater runoff, sanitary flow and water supply-demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.
- b. Make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report, Servicing Groundwater Summary and Hydrological Review Summary accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and will be valid for six months. Payment will be required prior to the issuance of said permit.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. Urban Forestry staff reviewed the application with respect to the City Street Tree By-law and the Private Tree By-law, Municipal Code Chapter 813, Trees, Articles II and III.

An Arborist Report was submitted in support of the application. This report indicates that the proposed development would preserve three (3) City-owned trees and two (2) protected private trees, and would require the removal of three (3) protected private trees and one (1) City-owned tree.

The owner has been advised that Urban Forestry staff will require a Tree Protection Security deposit to ensure protection for the trees throughout the construction period. In addition, Urban Forestry staff will require a Tree Removal/Injury Permit (issued by the

General Manager of Parks, Forestry and Recreation) provided that building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this proposal warrant the removal of or injury to any trees.

The Landscape Plan shows 10 new trees proposed within The Queensway road allowance as well as seven (7) new trees on the subject site. Urban Forestry staff confirm this plan is acceptable. Urban Forestry staff will require a Tree Planting Security (\$583 per tree) for the 10 new street trees, in order to ensure the planting and survival of these trees on the City road allowance.

The requirements listed above as well as the number and location of trees on-site, including the illustration of a sufficient number of proposed trees to meet the Toronto Green Standard (TGS) requirements, would be finalized through the Site Plan Control review process, should this application be approved.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS. The applicant is volunteering to meet Tier 2 of the TGS. Performance measures for the Tier 2 development features have been secured through the Zoning By-law process by ensuring there is adequate vehicle parking and cycling infrastructure on the site alongside provision for the storage and collection of recycling and organic waste.

Other applicable TGS performance measures would be secured through the Site Plan Control review process, should this application be approved.

Community Services Assessment

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

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable and accessible 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.

A Community Services and Facilities (CS&F) Study (Appendix of the Planning Rationale) was reviewed by staff from the City's Community Policy Unit. With regards to CS&F priorities in the area, staff identified for consideration, financial contributions towards capital improvements to the Humber Bay Neighbourhood library.

School Boards

Toronto District School Board (TDSB) staff advise there currently is sufficient space at the local schools to accommodate students that are anticipated from this development and others in the area. These local schools include Norseman Junior Middle School and Etobicoke Collegiate Institute. The projected accommodation levels at local schools warrant the use of warning clauses in agreements of purchase and sale, as a result of the cumulative impact arising from all development in the schools' attendance area.

Toronto Catholic School Board (TCSB) staff advise there currently is sufficient space within the local elementary school to accommodate additional students. However, the local secondary schools are operating at capacity and cannot accommodate additional students. Local schools include St. Louis Catholic School, Bishop Allen Academy and Bishop Marrocco/Thomas Merton Catholic Secondary School. TCDSB staff have requested to be consulted on the Construction Management Plan due to the proximity of St. Louis Catholic School to the site.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

Policy 5.1.1.6 of the Official Plan states that Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under the provisions of the *Planning Act* or the *Development Charges Act* or other statute.

The provision of appropriate community benefits has been discussed with the Ward Councillor and the applicant has agreed to provide appropriate benefits.

Staff are recommending that before introducing the necessary Bills to City Council for enactment, that City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 689 The Queensway, in a manner satisfactory to the City Solicitor, to secure the following community benefits at the owner's expense:

a. A cash contribution of \$625,000.00 to be directed to "The Treasurer, City of Toronto" indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, for the following:

- i. \$412,000.00 for improvements to local parks and trails (located in Ward 3), including but not limited to Queensway Park and Mimico Park Trail;
- ii. \$206,500.00 towards streetscape improvements along The Queensway through the Shop The Queensway Business Improvement Area (BIA); and
- iii. \$6,500.00 towards a plaque in connection with the History of The Queensway Market Gardens through the Etobicoke Historical Society.

b. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

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

a. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of Item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.

b. Prior to final Site Plan Approval, the owner is to provide a Construction Management Plan, in consultation with the Ward Councillor, which addresses construction vehicle routing, temporary parking and communications with neighbouring stakeholders such as the Toronto Catholic District School Board, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Planner and Executive Director, City Planning and thereafter the owner shall implement such strategies and plans.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, The Queensway Avenue Study, The Queensway Urban Design Guidelines and Street Improvements, the Avenues and Mid-rise Buildings Study and Performance Standards, and other City guidelines. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the

Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to Healthy Neighbourhoods, *Mixed Use Areas*, Built Form and Public Realm policies. Staff worked with the applicant and the community to address and resolve the following key concerns: building height and massing, transition to adjacent *Neighbourhoods* and public realm. Staff recommend that City Council approve the subject application, subject to the requirements of Recommendations 3, 4 and 5 of this report.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 6: Site Plan
Attachment 7: North Elevation
Attachment 8: South Elevation
Attachment 9: East Elevation
Attachment 10: West Elevation

APPLICATION DATA SHEET

Municipal Address: 689 THE QUEENSWAY **Date Received:** August 12, 2019

Application Number: 19 204533 WET 03 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: This application proposes a 9-storey mixed-use building containing 198 residential units and 500 square metres of at-grade retail space fronting onto The Queensway. Two levels of underground parking are proposed with one way vehicular entry to the site proposed from Penhurst Avenue and two way vehicular access proposed from Wesley Street.

Applicant	Agent	Architect	Owner
EMILY REISMAN			REINA DEVELOPMENTS INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	Limited Commercial Avenues Zone	Heritage Designation:
Height Limit (m):	21 m	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 4,033 Frontage (m): 66 Depth (m): 61

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,016	2,006
Residential GFA (sq m):			16,643	16,643
Non-Residential GFA (sq m):	982		500	500
Total GFA (sq m):	982		17,143	17,143
Height - Storeys:	2		9	9
Height - Metres:	10		31	31

Lot Coverage Ratio (%): 49.74 Floor Space Index: 4.25

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	16,643	
Retail GFA:	500	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			198	198
Other:				
Total Units:			198	198

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			88	90	20
Total Units:			88	90	20

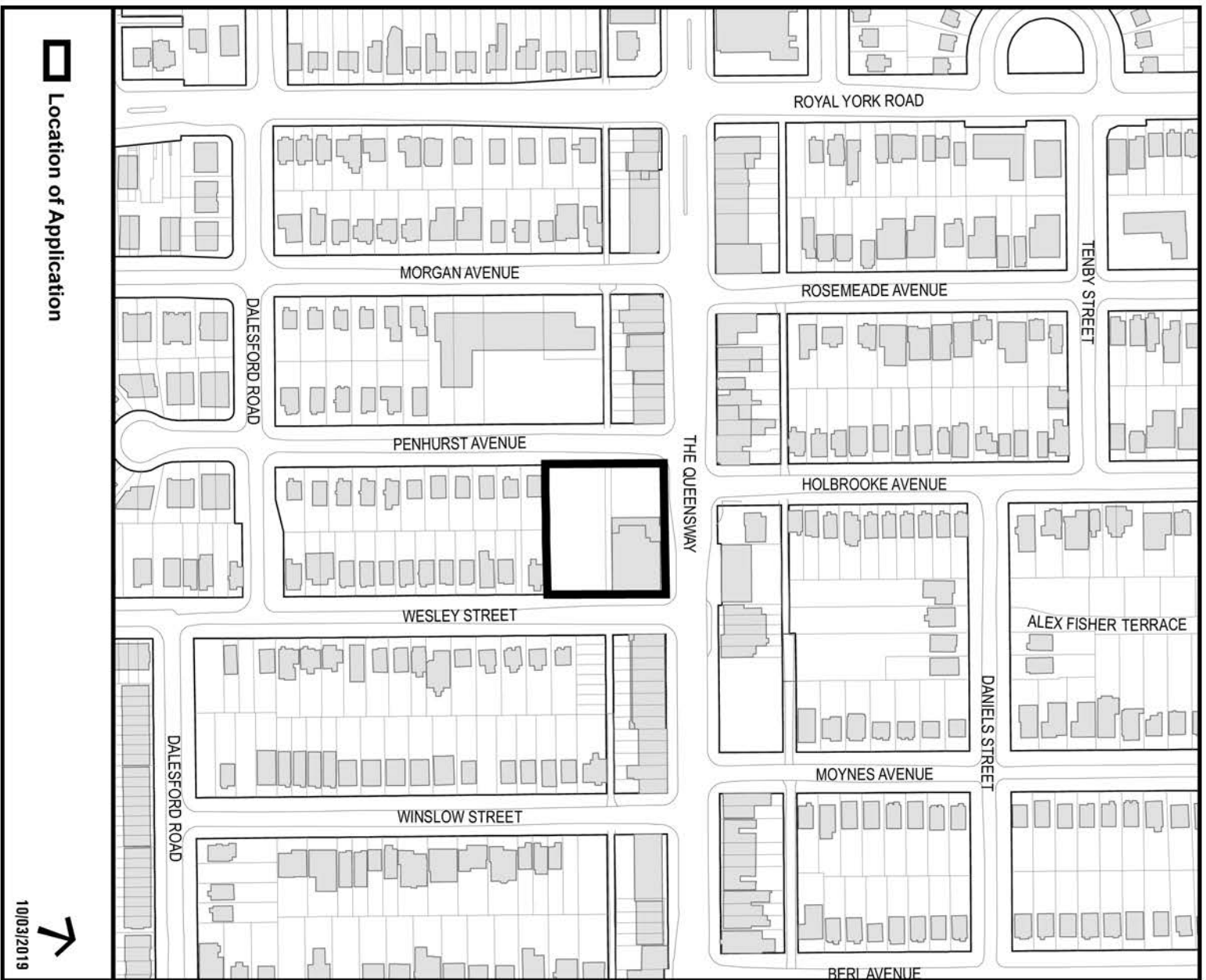
Parking and Loading

Parking Spaces: 180 Bicycle Parking Spaces: 210 Loading Docks: 1

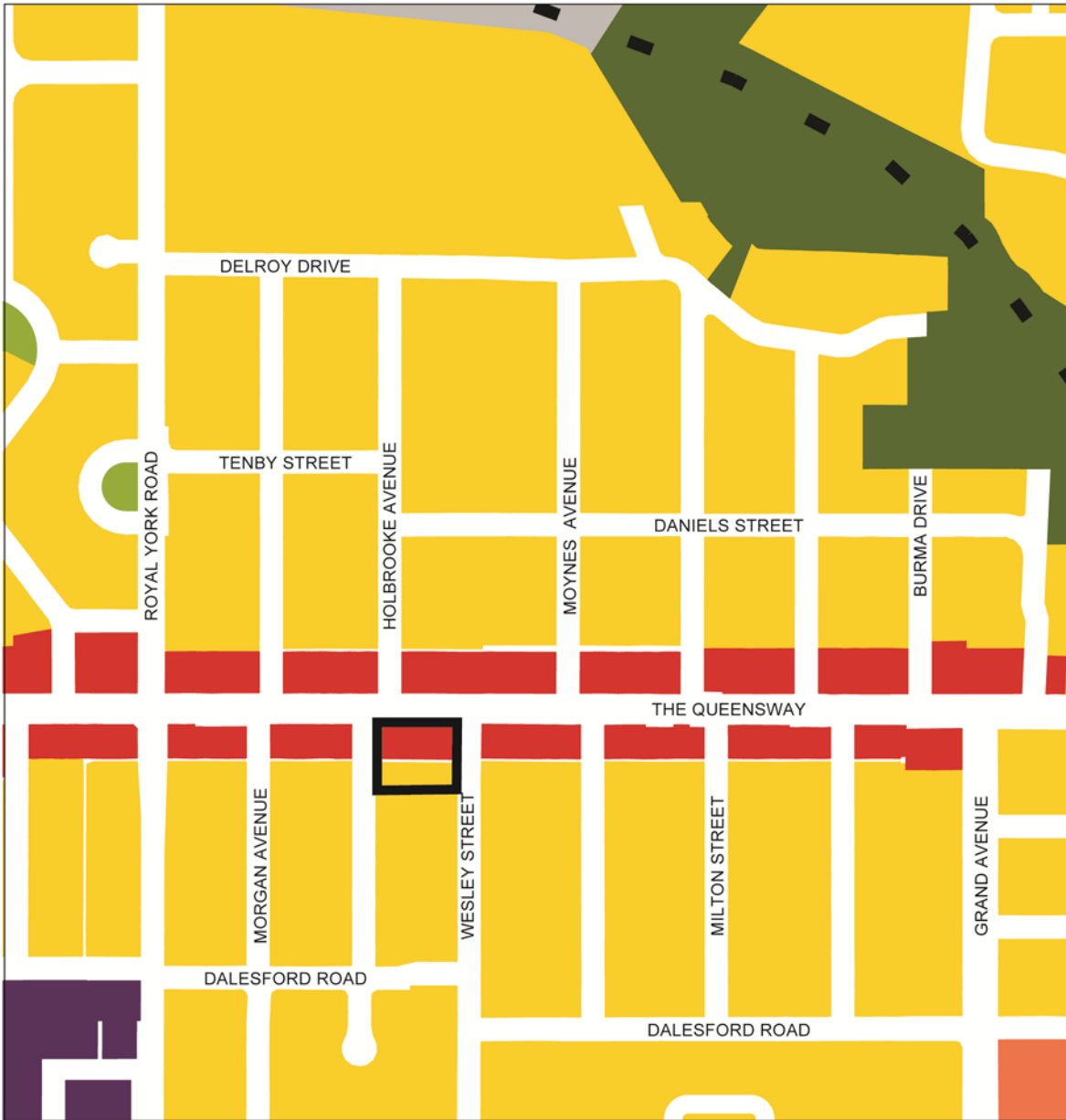
CONTACT:

Rory McNeil, Planner
(416) 394-5683
Rory.McNeil@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #15

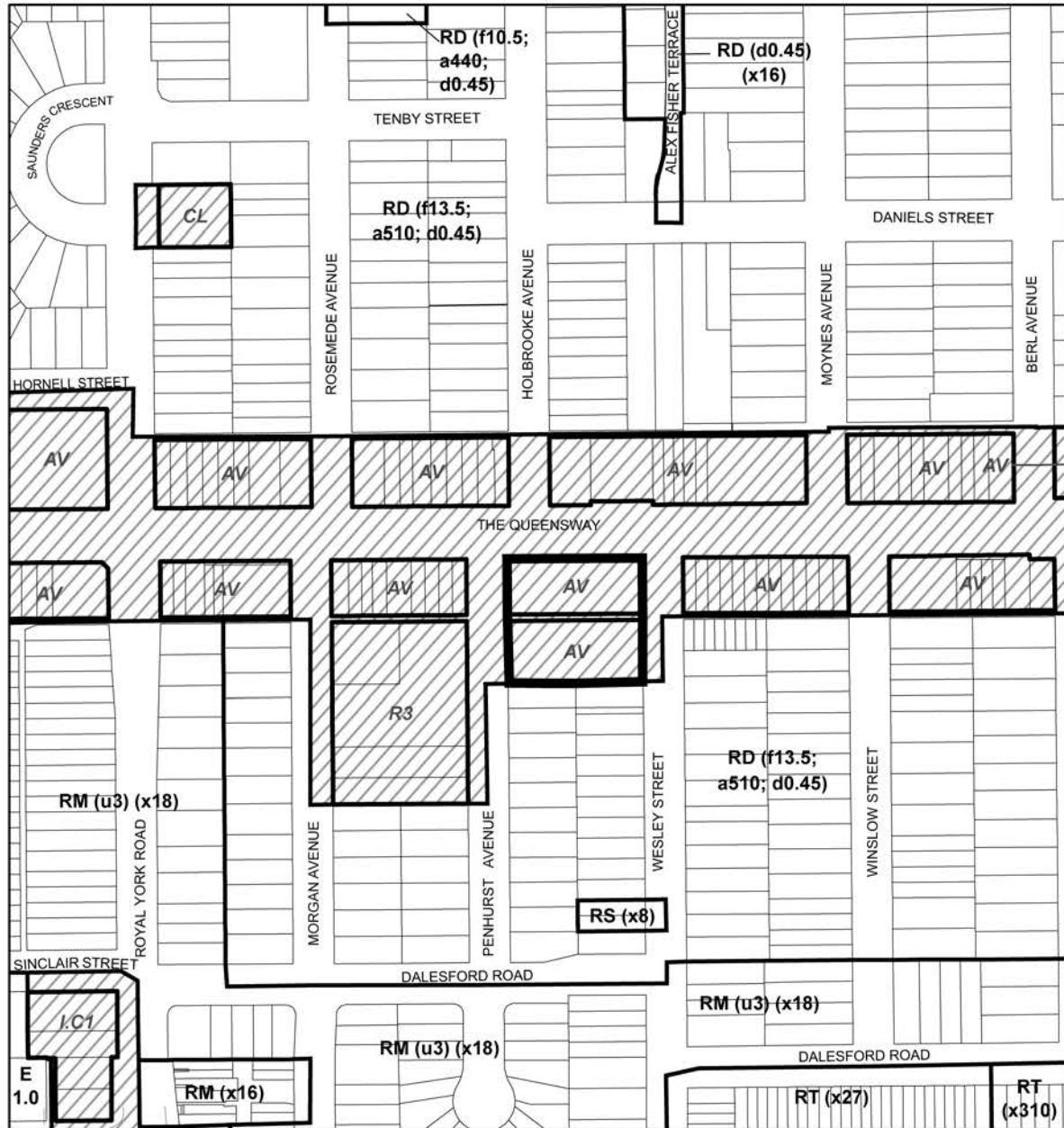
689 The Queensway

File # 19 204533 WET 03 0Z

- | | |
|--|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Apartment Neighbourhoods |  Parks |
|  Mixed Use Areas |  Utility Corridors |

↑
Not to Scale
10/03/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

689 The Queensway

File # 19 204533 WET 03 0Z

Location of Application

RD Residential Detached
RS Residential Semi-Detached

RT Residential Townhouse
RM Residential Multiple
E Employment Industrial

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

R3 Third Density Residential Zone
I,C1 Class 1 Industrial Zone
AV Limited Commercial-Avenues Zone
CL Limited Commercial Zone



Not to Scale
Extracted: 10/08/2019

Attachment 5: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. XXXX-2020

To amend the former City of Etobicoke Zoning Code Chapters 320 and 324 and Zoning By-law No. 514-2003, with respect to the lands municipally known as 689 The Queensway.

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this by-law; and

Whereas Council has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

The Council of the City of Toronto enacts:

1. The zoning map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, as amended by By-law No. 514-2003, be the same and is hereby amended by changing the classification of the lands in the former Township of Etobicoke as described in **Schedule A** annexed hereto from Limited Commercial-Avenues (AV) to Limited Commercial-Avenues (AV) in **Schedule A** attached hereto.
2. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code and Zoning By-law No. 514-2003, the provisions of this By-law shall apply.
3. Despite Sections 304-3 (Grade), 304-3 (Height), 320-18(A)(1) and (2), 320-18(B)(2)a, 320-18(C)(3) and (D) and (F), 320-18(B)(2)e, 320-23(A) of the Etobicoke Zoning Code, or 3B(1), (3) and (4), 3(C)(1), 3D(2), 3E(1), 3I(1), (2), (4), (5) and (6), and 3J(4) of City of Toronto By-law No. 514-2003, the following provisions apply to the lands described on **Schedule A** attached. Where the provision of this By-law conflicts with the provisions of The Etobicoke Zoning Code and By-law No. 514-2003, the provisions of this By-law shall apply.
4. Only the following development standards shall now be applicable to the (AV) lands described in **Schedules A** and **Schedule B** attached hereto:

5. The height of a **building** or **structure** is measured as the vertical distance between **grade**, which is Canadian Geodetic Datum elevation of 103.5 metres, and the highest point of the building or structure, except for those elements prescribed in section 6 below;
6. No part of any **building** or **structure** on the **lands** may exceed the heights specified by the number following the letter "H" on **Schedule B**, except for the following:
 - a) parapets, terrace or balcony guardrails, balustrades, railings and dividers, eaves, privacy screens, skylights, access hatches, roof assemblies, telecommunication equipment, antennas, roof drainage and structures, elements associated with green energy and renewable energy facilities, stair enclosures, mechanical equipment, mechanical and architectural screens, window washing equipment, chimneys, vents, decking, landscape elements and features, pavers, pergolas, trellises, planters, ornamental elements, lightning rods, light fixtures, pavers, elements of a green roof, structures located on the roof used for outside or open air recreation, safety or wind protection and elevator overrun, which may project above the height limits shown on **Schedule B**;
7. Despite By-law No. 514-2003 3(B)(3), one mechanical penthouse is permitted having a maximum size of 375 square metres;
8. The total combined **residential gross floor area** and **non-residential gross floor area** on the land does not exceed 17,370 square metres, provided:
 - a) The **residential gross floor area** does not exceed 16,970 square metres.
 - b) A minimum of 500 square metres of **non-residential gross floor area** is provided on the lot.
9. The required minimum building setbacks are as shown on **Schedule B** of this By-law.
10. The portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on **Schedule B** of this By-law, except the following:
 - a) bay windows, lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, terrace dividers, terraces, patios, cabanas, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, guard rails, trellises, underground garage ramps and accessory structures, guardrails, chimneys, vents, stacks and exhaust stacks, mechanical equipment and fans, retaining walls, wheelchair ramps, ornamental or architectural features, structures and elements related to outdoor patios, roofing assembly, landscape features, and art installations which may extend beyond the heavy lines shown on the attached **Schedule B**;
 - b) Balconies can extend beyond the heavy lines shown on the attached **Schedule B** to a depth of 1.89 metres, but in no case may a balcony project beyond the property line;
 - c) awnings and canopies, may extend beyond the heavy lines shown on the attached **Schedule B** by a maximum of 3.0 metres;
 - d) Parking structures, storage rooms, locker rooms and public amenity areas beneath the ground floor may have a zero (0) metre building setback.

11. Despite By-law No. 514-2003 3(C)(1), buildings and structures on the lot may encroach beyond a 45-degree angular plane by up to a maximum of 1.6 metres, as measured from the rear lot line;
12. The maximum **residential gross floor area** and **non-residential gross floor area** of all buildings and structures on the lands is on the lot shall not exceed 18,857 square metres, of which;
 - a) The residential **gross floor area** must not exceed 18,357 square metres, and;
 - b) The **non-residential gross floor area** must not exceed 500 square metres, excluding the area occupied by a parking garage.
13. Despite By-law No. 514-2003 3(E)(1), the permitted maximum density on the lot is 4.52 times the lot area;
14. Amenity space must be provided in accordance with the following:
 - a) a minimum of 2 square metres per **dwelling unit** of indoor amenity space must be provided; and
 - b) a minimum of 2 square metres per **dwelling unit** of outdoor amenity space must be provided.
15. **Parking spaces** for residents of the lands located on all parking levels and **parking spaces** for non-residential uses must be provided and maintained in accordance with the following minimum standard:
 - a) **Parking spaces** for residents shall be required at:
 - i. 0.8 spaces per one-bedroom **dwelling unit**;
 - ii. 0.9 spaces per two-bedroom **dwelling unit**;
 - iii. 1.1 spaces per three or more bedroom **dwelling unit**;
 - b) 0.15 **parking spaces** for visitors shall be required per **dwelling unit**;
 - c) Despite Section 320-18C, **parking spaces** for commercial uses shall be required on the basis of 1.0 space per 100 square metres of **non-residential gross floor area**;
16. One Type G/B **loading space** is required with the minimum dimensions of
 - a) length of 13.0 metres;
 - b) width of 4.0 metres;
 - c) vertical clearance of 6.1 metres.
17. Bicycle parking spaces for residents of the **lands** located on all parking levels and parking spaces for the non-residential use(s) must be provided and maintained in accordance with the following minimum standard:
 - a) 0.9 long-term bicycle parking spaces for each residential **dwelling unit**;

- b) 0.1 short-term bicycle parking spaces for each residential **dwelling unit**;
 - c) 1.4 bicycle parking spaces per 100 square metres of commercial **non-residential gross floor area** for commercial uses;
18. For the purposes of this by-law, “bicycle parking space” means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purposes of parking and securing bicycles, and:
- a) In the case of a stacked bicycle parking space where bicycles are to be parked horizontally, bicycle parking spaces have minimum dimensions of at least 0.6 metres in width by 1.8 metres in length and a vertical dimension of at least 1.2 metres;
19. The provisions of Section 304-4 Definition of the Zoning Code and Section 4 of By-law No. 514-2003 apply unless they are inconsistent with the provision of this By-law. For the purpose of this By-law the following definitions will apply:
- a) ‘**Grade**’ means Canadian Geodetic Datum elevation of 103.5 metres.
 - b) ‘**Residential gross floor area**’ shall mean the sum of the total area of each floor level of the residential portion of a mixed-use building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in the building used for:
 - i. parking, loading and bicycle parking below established grade;
 - ii. required loading spaces and required bicycle parking spaces at or above established grade;
 - iii. required bicycle parking spaces at or above-ground;
 - iv. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - v. shower and change facilities;
 - vi. amenity space;
 - vii. elevator shafts;
 - viii. garbage shafts;
 - ix. mechanical penthouse; and
 - x. exit stairwells in the building.
 - c) “**Non-residential gross floor area**” shall mean the sum of the total area of each floor level of the non-residential portion of a mixed-use building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in the building used for:
 - i. parking, loading and bicycle parking below-ground;
 - ii. required loading spaces at the ground level
 - iii. required bicycle parking spaces at or above-ground;
 - iv. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - v. shower and change facilities;

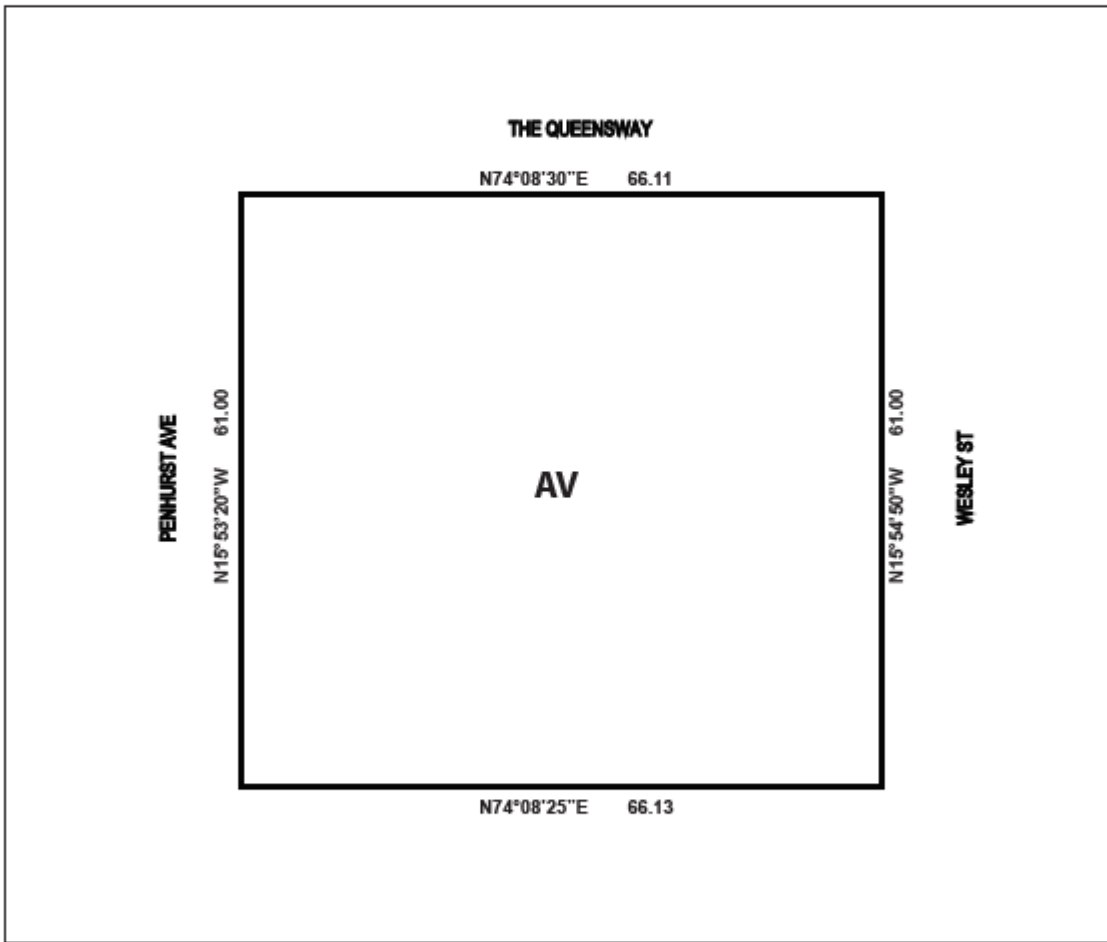
- vi. amenity space required by this By-law;
- vii. elevator shafts;
- viii. garbage shafts;
- ix. mechanical penthouse; and
- x. exit stairwells in the building.

20. Despite any severance, partition or division of the **lands**, the provisions of this By-law apply to the whole of the **lands** as if no severance, partition or division occurred.
21. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in **height** and density of development on the **lands** contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in **Schedule 1** hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title of the lands, to the satisfaction of the City Solicitor.
22. Where **Schedule 1** of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of an above grade building permit, the issuance of such permit is to be dependent upon satisfaction of the same.
23. The owner must not use, or permit the use of, a **building** or **structure** erected with an increase in **height** and density pursuant to this By-law unless all provisions of **Schedule 1** are satisfied.
24. Building setbacks must be measured from all future right-of-way limits, as widened.
25. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
XXXX-2020 _____ 2020	Lands located on the south side of The Queensway, immediately west of Wesley Street.	Amend the Limited Commercial-Avenue (AV) zoning to permit a 9-storey mixed-use building containing 198 residential condominium units and grade-related retail uses subject to site-specific standards.

ENACTED AND PASSED this _____ day of _____, A.D. 2020

City of Toronto By-law No. _____-2020

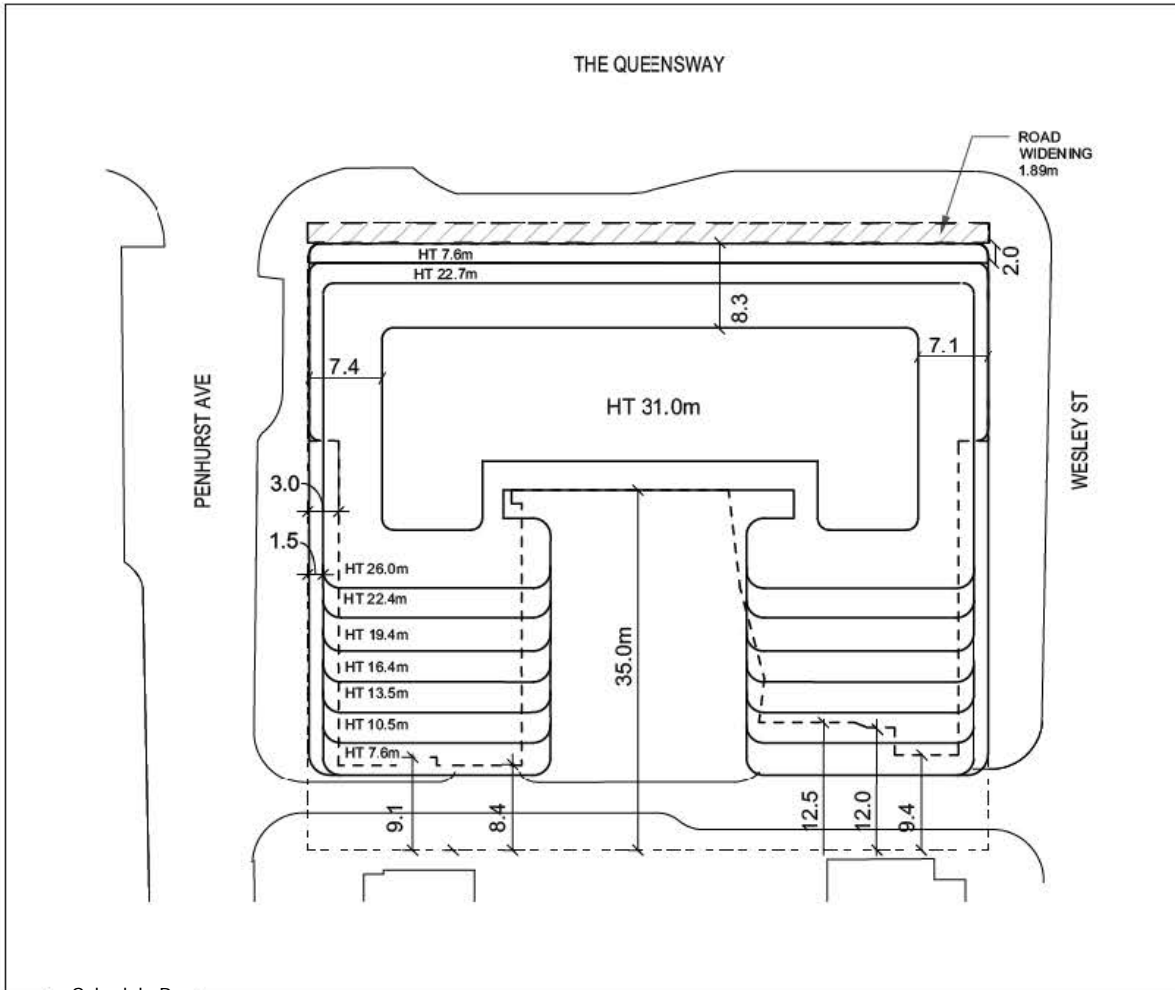


689 The Queensway, Etobicoke, ON

Schedule A

File #





Schedule B



689 The Queensway, Etobicoke, ON

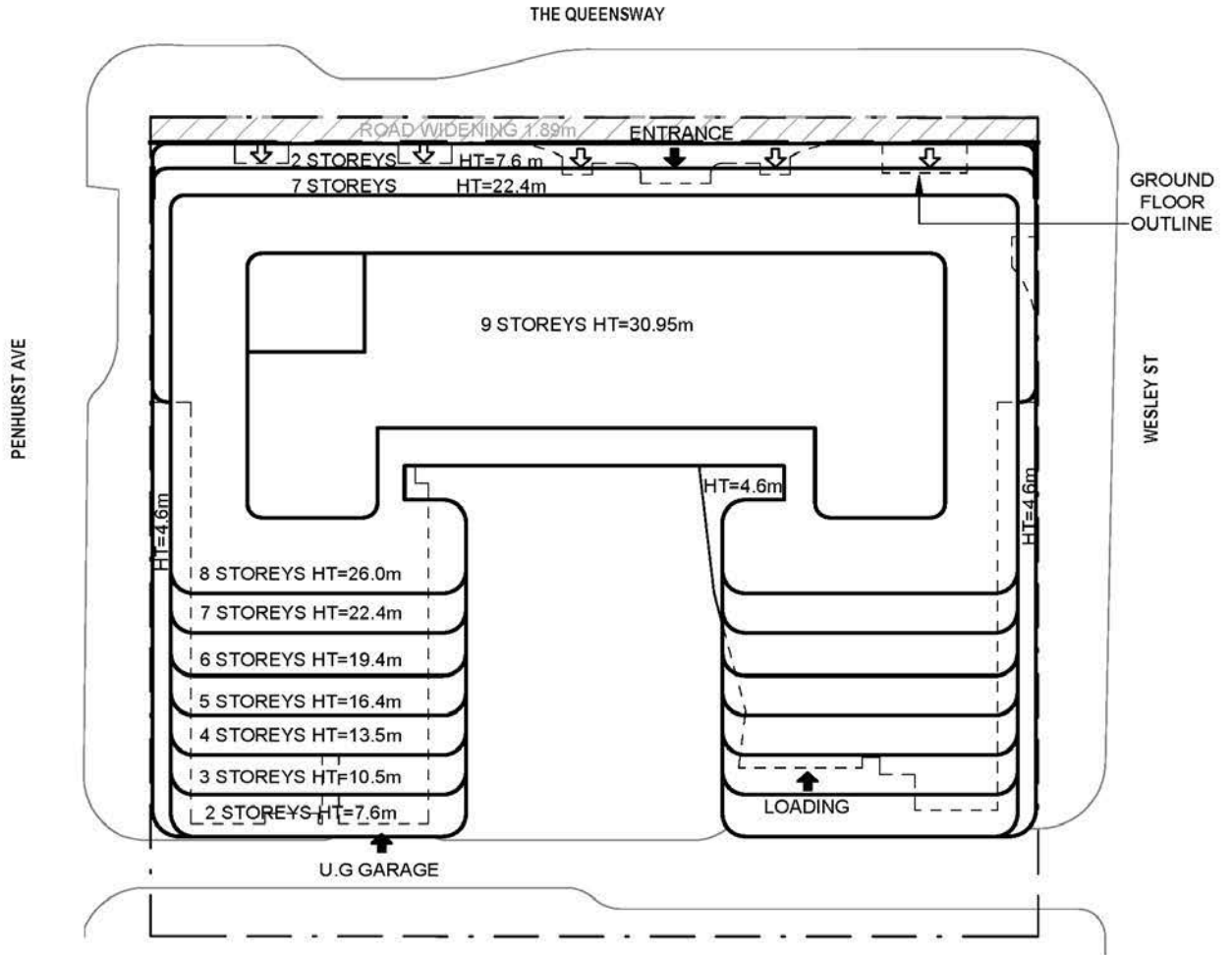
Schedule B

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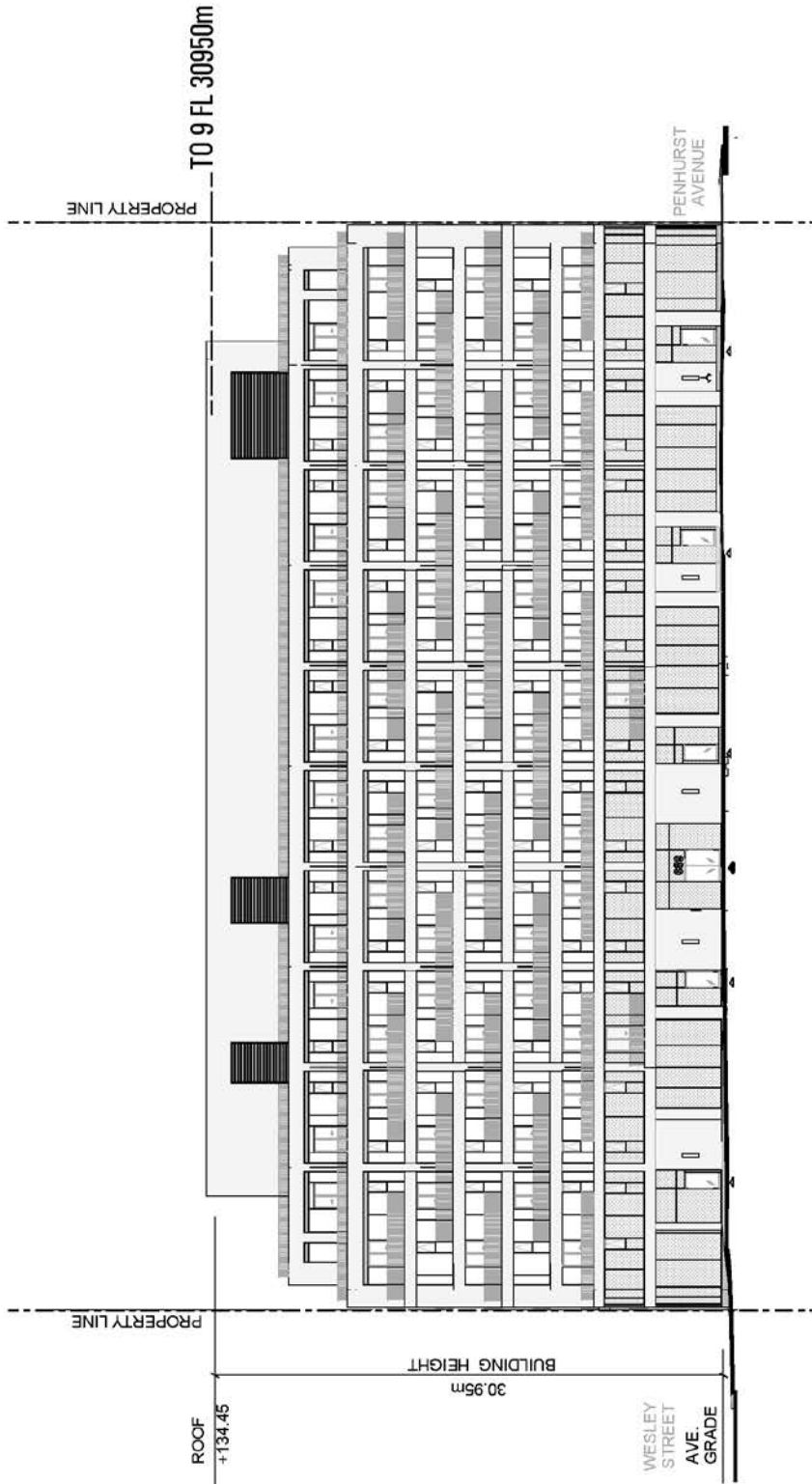
Attachment 6: Site Plan



Site Plan

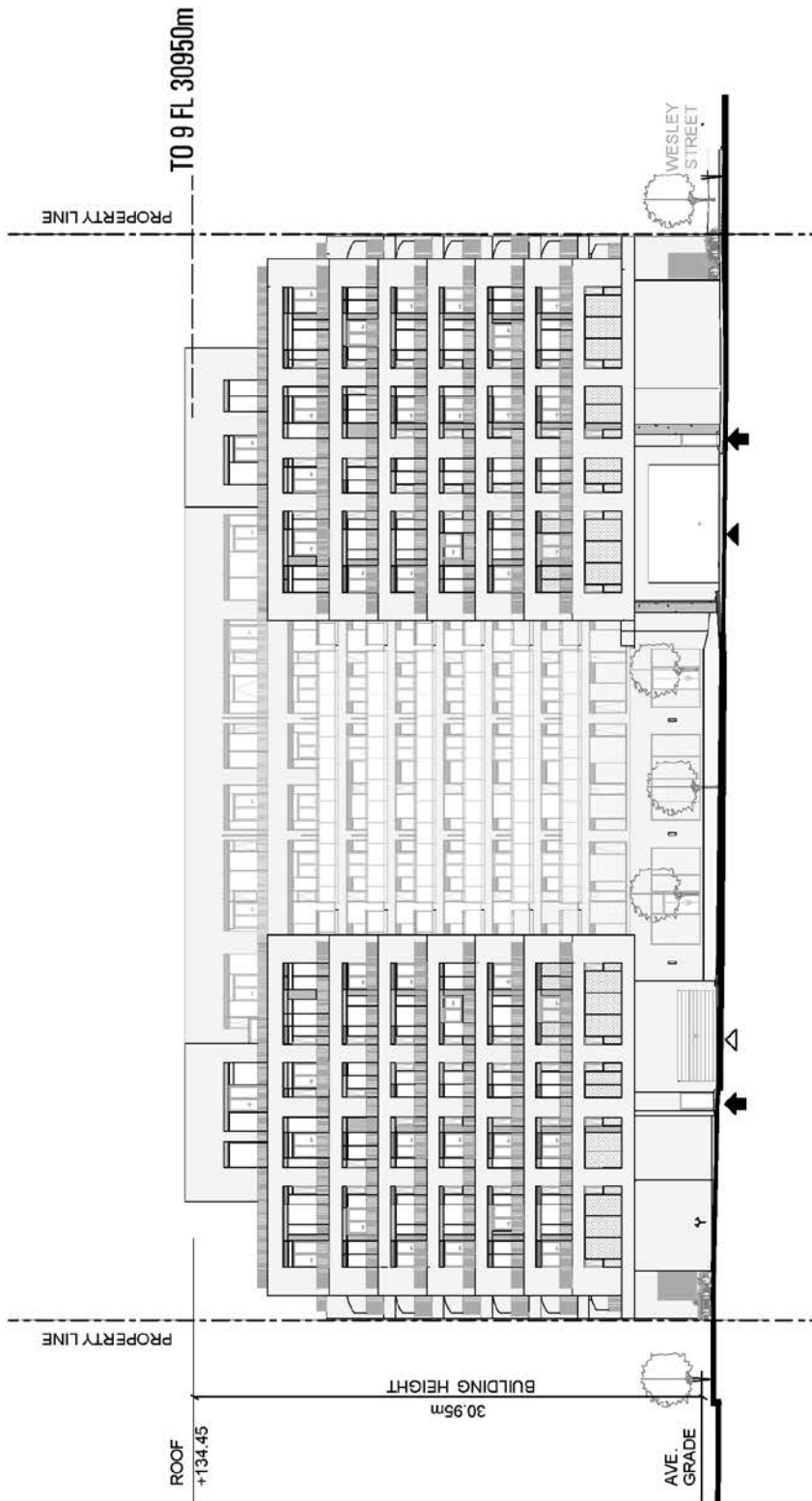


Attachment 7: North Elevation



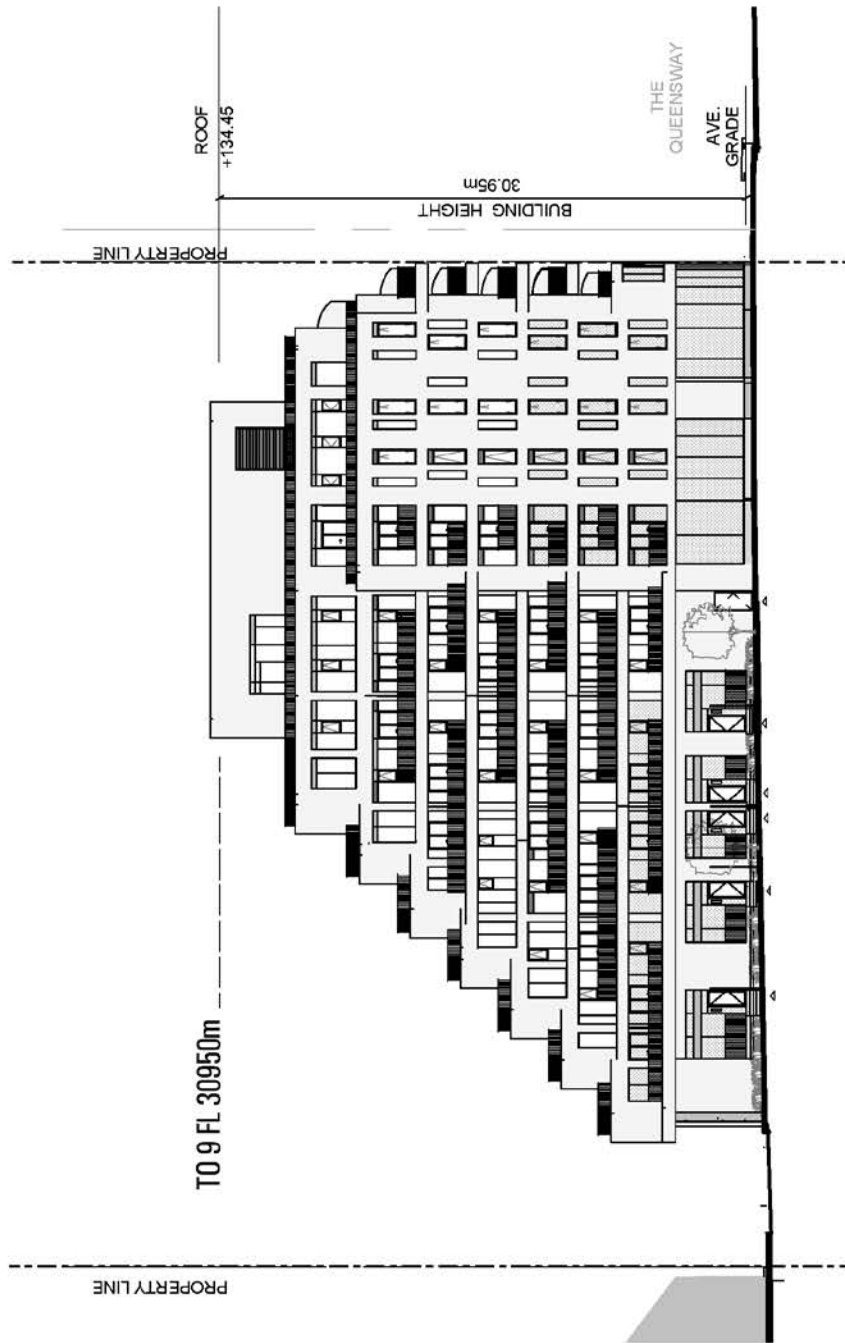
North Elevation

Attachment 8: South Elevation



South Elevation

Attachment 9: East Elevation



East Elevation

Attachment 10: West Elevation

