



REPORT FOR ACTION

933 - 935 The Queensway - Zoning By-law Amendment Application – Request for Direction Report

Date: December 10, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 19 156707 WET 03 OZ

SUMMARY

The owner of the site at 933-935 The Queensway has appealed the Zoning By-law Amendment application for these lands to the Local Planning Appeal Tribunal (LPAT) citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. A second LPAT Case Management Conference is scheduled for March 8, 2021.

This application proposes to amend the former City of Etobicoke Zoning Code (Site Specific Zoning By-law No. 514-2003) and City-wide Zoning By-law No. 569-2013 to permit a stepped 16-storey (53.43 m in height, excluding the mechanical penthouse) mixed-use building at 933-935 The Queensway. The proposed building would contain 227 dwelling units, a residential Gross Floor Area of 18,118 m² and a commercial Gross Floor Area of 492 m² at grade for a total density of 6.93 times the area of the lot. The development would include 238 parking spaces in a 4-storey underground parking garage.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Local Planning Appeal Tribunal hearing to oppose the application, as currently proposed. The proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2020). This report reviews and recommends refusal of the application in its current form with respect to the proposed building typology, building height, massing and density. The proposed building height and density are not in keeping with the existing or planned context for the *Avenues* area along The Queensway as identified in Official Plan policies, The Queensway Avenue Study, the implementing Zoning By-law nor the Queensway Design Guidelines and Streetscape Improvements.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the applicant's appeal of the Zoning By-law Amendment application for 933-935 The Queensway.
2. City Council authorize the City Solicitor and appropriate staff to continue to seek revisions to the proposal and to continue discussions with the applicant in an attempt to resolve the issues outlined in this report satisfactory to the Chief Planner and Executive Director, City Planning and to report back to City Council on the outcome of discussions, if necessary.
3. In the event the LPAT allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Order(s) on the appeal for the subject lands until:
 - a. The proposed Zoning By-law Amendments are in a final form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b. A Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, has been executed and registered on title to the subject lands to the satisfaction of the City Solicitor, securing community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, and securing the matters required to support the development outlined in Recommendation 4 below;
 - c. The owner has submitted a revised Functional Servicing Report 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 and if upgrades/improvements to the existing municipal infrastructure are required to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;
 - d. The owner has made satisfactory arrangements with the City and entered into the appropriate financially secured Development 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 accommodate this development, according to the Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services and the

Urban Transportation Considerations Report accepted by the General Manager of Transportation Services;

- e. The owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681;
 - f. The owner has secured any required noise mitigation measures identified in the submitted Noise and Vibration Impact Study, peer reviewed at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall construct and maintain any required noise mitigation measures, with such design to be secured through the site plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - g. The owner has secured any required mitigation measures identified in the submitted Compatibility/Mitigation Report, peer reviewed at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall construct and maintain any required mitigation measures, with such design to be secured through the site plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - h. The owner shall submit a detailed wind tunnel test complete with a statistical wind analysis to determine the impacts and efficacy of the recommended wind mitigation measures, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall construct and maintain any required mitigation measures, to be secured through the site plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.
4. In the event the LPAT allows the appeal in whole or in part, City Council authorize the City Solicitor to enter into an agreement pursuant to Section 37 of the *Planning Act* securing the following as matters required to support the development:
- a. The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development;
 - b. 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;

- c. The owner shall satisfy the requirements of the Toronto District School Board and the Toronto Catholic District School Board regarding warning clauses and signage with respect to school accommodation issues; and
 - d. A minimum of 10% of the dwelling units on the lands must be three-bedroom units and a minimum of 20% of the dwelling units on the lands must be two-bedrooms units.
5. City Council authorize the City Solicitor and appropriate City staff to take such necessary steps, as required, to implement City Council's decision.

FINANCIAL IMPACT

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

PROPOSAL

Current Proposal

This application proposes to amend the former City of Etobicoke Zoning Code (Site Specific Zoning By-law No. 514-2003) and City-wide Zoning By-law No. 569-2013 for the lands at 933-935 The Queensway to permit a stepped 16-storey mixed-use building. The proposed building would largely encompass the entire L-shaped site with a 7-storey wing of the building cantilevering above both driveway accesses on the south and east sides of the site.

The development would have a total Gross Floor Area of 18,610 m², including 492 m² of commercial Gross Floor Area for a total density of 6.93 times the area of the lot. The proposed building would contain a total of 227 residential units including 2 studio units (1%), 116 one-bedroom units (51%), 85 two-bedroom units (37%) and 24 three-bedroom units (11%).

The proposed building height would be 53.43 m, plus an additional 5 m to the top of the mechanical penthouse roof.

The proposed building would have a 6-storey base (22.13 m in height), including a mezzanine level (3.65 m in height) fronting The Queensway, with additional storeys stepping away from The Queensway to a total height of a 16-storeys. However, staff

note the base of the proposal fronting Queen Elizabeth Boulevard is illustrated as 7-storeys, and therefore the total height of the building would be 17-storeys including the mezzanine level.

The proposed base of the building would contain 2-storey at grade residential integrated units on the south and west side of the building with commercial space fronting The Queensway and residential units above. The main residential lobby entrance would be located along Queen Elizabeth Boulevard with a second residential lobby entrance located on the west side of the proposed building.

The proposal also includes a 7 storey wing projecting from the tower covering the southeastern portion of the site at the corner of Canmotor Avenue and Queen Elizabeth Boulevard. This portion includes 2-storey integrated units at-grade and an additional 5 storeys of residential units above. This portion of the building would be setback 3 m from the eastern lot line, 2.62 m from the south lot line and 3.04 m from the northern lot line (shared with the adjacent lot at 929 The Queensway containing a dentist office).

The applicant's submitted site plan drawing labels the southwest and southeast portions of the building as 6-storeys, however, these portions of the building are technically 7-storeys given the mezzanine levels include habitable space and would be discernable from the public realm.

The proposed building setbacks vary around the building. The general building setbacks would be approximately: 1.1 m from the north lot line; 0 – 3.04 m from the east lot line; 2.62 m from the south lot line; and 0.36 m – 6.03 m from the west lot line.

The building steps back above the 6th floor, 3.04 m from the base building along The Queensway frontage. The building also steps back 5.5 m from the base of the building along east and west side lot lines.

The 10-16 storey portion of the proposal would be set back 6.18 m from the west lot line, 8.41 m from the east lot line and would be set back 2.62 m from the south lot line. The proposal generally fits within the angular plane (from The Queensway/north lot line at 24 m in height at 80% of the right-of-way width) with some minor projections.

Amenity Space

There would be a total of 933 m² amenity space provided, comprised of 473 m² of indoor amenity space and 460 m² of outdoor amenity space. Outdoor amenity space is proposed on the ground floor on the west side of the site for a mini dog run area, on the mezzanine level on the west side of the site including a children's play area, and on the 9th storey of the proposal. Various terraces, balconies and green roofs are also proposed throughout the building. Indoor amenity space is proposed on the ground floor and the mezzanine level adjacent to the outdoor amenity spaces.

Site Access and Parking

A one-way vehicular access is proposed via Canmotor Avenue and a two-way vehicular access is proposed from Queen Elizabeth Boulevard with a 7-storey portion of the proposed building cantilevered above on the rear southeastern portion of the site.

The development would provide a 4-level underground parking garage. In addition, 2 on-street lay-by parking spaces are proposed adjacent to the site on both The Queensway and Queen Elizabeth Boulevard, for short term retail parking. A total of 238 parking spaces, including 200 resident spaces, 34 visitor spaces and 4 retail spaces would be provided. The development would also contain 178 bicycle parking spaces (157 long term spaces and 21 short term spaces) as well as one Type 'G' loading space.

See Attachment 1 for the Application Data Sheet, Attachment 5 for the site plan and Attachments 6-9 for the building elevations.

The applicant submitted the original proposal on May 21, 2019. A revised proposal was formally submitted on January 14, 2020. The revised proposal increases the proposed building height by 0.6 m and incorporates a number of changes from the original proposal. The main revisions include:

- The proposed building height was increased from 52.83 m to 53.43 m (excluding the mechanical penthouse);
- The building fits within the front 45 degree angular plane (with the exception of a few projections);
- The unit count was reduced from 243 to 227 dwelling units;
- The total FSI was reduced from 7.37 to 6.93 times the area of the lot;
- A 1.0 m wide setback from the front property line above 2-storeys, and a 3.0 m wide setback above 6 storeys was provided;
- The podium was revised to include a stepback above the 6th level, mostly conforming to the front angular plane and providing a 5.5 m setback on the east and west sides;
- The 10-storey portion of the proposed building at the southwest corner of the subject lands was reduced to 6 storeys (7 storeys including the mezzanine level with habitable space);
- Building massing at the southeast corner of Queen Elizabeth Boulevard and Canmotor Avenue was setback 3.0 m from Canmotor Avenue;
- Revised shadow study indicates a reduced shadow on the north sidewalk on The Queensway (i.e. shadow is now off the north sidewalk at 12:18 pm);
- Balconies near the southwest corner of the site, above the 6th storey were re-located to the south side;
- Two lay-by parking spaces were proposed on Queen Elizabeth Boulevard;
- A 3.0 m landscape boulevard for tree planting was provided along Canmotor Avenue in addition to the 2.1 m sidewalk; and

- A small dog run was proposed at the ground level along with an interior dog wash station.

Site and Surrounding Area

The site is located on the south side of The Queensway and west of Canmotor Avenue. The lands are located east of the intersection of The Queensway and Islington Avenue. The subject lands are approximately 2,690 m² in size and have approximately 42 m of frontage on The Queensway, 70 m of frontage on Queen Elizabeth Boulevard and 17 m of frontage on Canmotor Avenue. The site is L-shaped and slopes down from The Queensway frontage to the rear (south) portion of the site.

The site is comprised of two lots. The northwestern portion of the site at 935 The Queensway fronts The Queensway and contains a one-storey retail/commercial building containing 6 units, of which 3 units front The Queensway, 2 units face the interior of the site and 1 unit fronts Queen Elizabeth Boulevard at the rear of the site. There is a one-way southbound access driveway into the surface parking lot via The Queensway and a two-way driveway entrance/exit off Canmotor Avenue with a second parking lot located off Queen Elizabeth Boulevard. The northeastern portion of the site at 933 The Queensway contains a one storey retail/commercial building with 1 unit that fronts on The Queensway. The lot has one driveway access off The Queensway with surface parking located at the front of the building only. The total area of the existing retail/commercial space on the site is approximately 1,114 m².

Surrounding land uses include:

- North:** Immediately to the north are commercial, retail and mixed use buildings 1-2 storeys in height along The Queensway. A few lots further to the northeast is an existing 6-storey mixed-use mid-rise building at 892 The Queensway and a recent Zoning By-law Amendment application approval for an 8-storey mixed-use mid-rise building at 880-890 The Queensway. Further north, beyond The Queensway are low-rise residential dwellings in *Neighbourhoods*.
- West:** A 3-storey townhouse development containing 74 free-hold residential units within *Mixed Use Areas*, commercial uses beyond and Islington Avenue.
- East:** Canmotor Avenue and 1-2 storey commercial uses on The Queensway. Further east is another Zoning By-law Amendment application for a 14-storey mixed-use building at 859 The Queensway, appealed to the LPAT (pending LPAT decision) and opposed by the City.
- South:** Immediately to the south is Queen Elizabeth Boulevard and 1-2 storey industrial uses located in *Core Employment Areas* as designated by the Official Plan and Provincially Significant Employment Zones as per the Growth Plan Mapping. Further south is the Gardiner Expressway.

See Attachment 2 for the Location Map.

Reasons for the Application

An application to amend the former City of Etobicoke Zoning Code (Site Specific Zoning By-law No. 514-2003) and City-wide Zoning By-law No. 569-2013 is required to permit the proposed residential use on the southeastern portion of the site zoned I.C1 and E1.0. Site specific amendments are also required to establish zoning standards to facilitate the development of the proposal such as building height, density, setbacks, amenity space, mechanical penthouse size and parking.

APPLICATION BACKGROUND

In September 2018, the Committee of Adjustment approved a Minor Variance application (#A438/08EYK) permitting the conversion of the existing single occupancy building at 935 The Queensway into a multiple occupancy commercial building by allowing units 5 to 8 to have main entrances that do not front onto and are not directly accessible to the street as well as allowing for an undersized off-street loading space.

Several pre-application meetings were held between Planning staff and the applicant during 2016 - 2019 regarding a tall, mixed-use building proposal for the site. Staff expressed continuous concern regarding a tall building proposal on the subject site and also advised that the proposal would be reviewed within the context of The Queensway Avenue Study.

A formal pre-application consultation meeting with the applicant was held on January 23, 2019 to discuss complete application submission requirements and to identify issues with the proposal. The proposal discussed at this meeting included a 16-storey (59.5 m in height) mixed-use building having an 8-storey element fronting The Queensway and a 10-storey element fronting Queen Elizabeth Boulevard. The proposal had a total of 238 dwelling units and a total density of 7.17 times the area of the lot. Key preliminary issues identified by Planning staff were:

- Official Plan conformity;
- Site organization and access;
- Building height, massing and density, including the appropriateness of a tall building on this site;
- Building setbacks and stepbacks;
- Floorplate size;
- Angular plane;
- Shadow impacts;
- Transition to adjacent lower scale properties;
- Sensitive use compatibility and buffering/separation distance to the abutting lands designated *Core Employment Areas*;

- Appropriateness of the proposed residential use on the rear southeastern portion of the site currently zoned Class 1 Industrial and Employment Industrial; and
- The opportunity to provide larger family sized units, 10% three bedroom units and affordable units.

Staff also advised the applicant that acquiring the adjacent lot at 929 The Queensway (on the corner) would improve the development potential by increasing the size of the site and minimizing potential impacts on the adjacent one-storey commercial building.

Despite staff concerns, the current application for a tall, 16-storey mixed-use building was submitted on May 21, 2019 for 933 – 935 The Queensway and deemed complete on June 18, 2019.

A Preliminary Report was considered by Etobicoke York Community Council on September 16, 2019. The Preliminary Report also outlines that Planning staff do not support the proposal in its current form as staff are of the opinion that the proposal is not consistent with the Provincial Policy Statement and does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe nor the Official Plan. However, the Preliminary Report also noted staff's desire to continue working with the applicant to achieve a redevelopment proposal that is more in keeping with both provincial and municipal policies.

The Preliminary Report on the application was adopted by Etobicoke York Community Council on September 16, 2019 authorizing staff to conduct a community consultation meeting. The Preliminary Report is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY8.4>

The community consultation meeting was held on October 23, 2019. Planning staff met with the applicant to discuss concerns regarding the proposal prior to the community consultation meeting as well as after the community consultation meeting. At both meetings, the applicant expressed a desire to work with staff on a revised proposal.

The current revised proposal was submitted on January 14, 2020.

On August 4, 2020, the applicant appealed the application to the Local Planning Appeal Tribunal, citing City Council's failure to make a decision on the application within the time period prescribed by the *Planning Act*. A Case Management Conference was held on November 4, 2020 and a second Case Management Conference is scheduled for March 8, 2021.

Application Submission Requirements

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

- Architectural Plans;
- Arborist Report/Tree Inventory and Preservation Plan Report;

- Planting Plan;
- Survey Plan;
- Draft Zoning By-law;
- Community Services and Facilities Report;
- Compatibility/Mitigation Report;
- Toronto Green Standard Checklist and Statistics;
- Noise and Vibration Impact Study;
- Public Consultation Strategy Letter;
- Planning Justification Report;
- Pedestrian Wind Assessment;
- Shadow Study;
- Energy Strategy Report;
- Urban Transportation Considerations Report;
- Preliminary Hydrogeological Investigation;
- Preliminary Geotechnical Investigation;
- Environmental Site Assessment Phase One and Phase Two; and
- Functional Servicing Report.

All the materials/studies listed above can be accessed via the Application Information Centre (AIC): <https://www.toronto.ca/city-government/planning-development/applicationinformation-centre>.

Agency Circulation Outcomes

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

Community Consultation

Planning staff with the Ward Councillor held a community consultation meeting on October 23, 2019 at the Royal Canadian Legion. Expanded notification was sent and approximately 30 residents were in attendance, as well as the applicant's consulting team. Planning staff presented the policy framework and an overview of the application review process. The attendees asked questions and raised a number of issues and concerns, including the following:

Height and Density

- Too much height, density and number of units are proposed. The proposed height and density is too high and does not fit with the character of the area.
- Concern with respect to developers buying up all the commercial strip plazas on The Queensway to develop residential towers.
- Residents asked about the rationale for the proposal to go beyond the 6-storey development standard in the zoning by-law.

- Extreme contrast and overwhelming change between the height of the proposed building and the surrounding 1-2 storey buildings and the adjacent 3-storey townhouses to the west.
- Proposal would set a negative precedent for future developments in the area.
- Development precedents to the east are only 6-8 storeys in height not 16-storeys.
- Developers should respect the local context of the community.
- Need for more balanced development rather than just high density.

Light, Shadow and Privacy

- Concern of shadow, privacy, snow, rain and drainage impacts on the existing adjacent 3-storey townhouse development at 975 The Queensway and on the surrounding sidewalks on The Queensway.

Traffic, Transit and Safety

- Difficulty turning onto The Queensway from side streets.
- Canmotor Avenue is a 4-lane street and it leads to a Costco store, which contributes a lot of traffic to the area.
- Parking is limited on The Queensway; cars line the neighbourhood streets, many of which don't have curbs resulting in cars blocking through access.
- Possibility to add metered parking to discourage street parking.
- Transport trucks are an issue on side streets like Canmotor Avenue.
- Possibility to add cycling lanes for the area.
- Lack of transit on The Queensway and The Queensway bus only comes every 20 minutes.
- New development on The Queensway should be allowed only at the currently permitted heights until transit service is increased.
- Option to make the adjacent townhouse lane one-way with speed bumps.
- Noise, lighting, volume and movement of vehicular traffic entering the site.

Infrastructure

- Concern from residents that existing infrastructure is not designed to accommodate the demand from this proposal.
- Sewer, water, infrastructure and school capacity concerns.
- Residents asked about who is going to maintain the boulevard, and other areas along streets that are in poor condition.
- Concern over increased garbage and dirt from construction in the area.

Green Space and Amenity Space

- A lack of green space, amenity space and pet relief areas proposed on the site.

Vacant Retail Stores on The Queensway

- Many retail/store fronts along The Queensway are empty.
- Different types of commercial and retail should be encouraged on The Queensway.
- Questions about what can be done to ensure there are active stores in the space, especially on the first level of mixed-use buildings.
- Lack of accountability after the new buildings are built and store fronts remain vacant.

Issues raised through numerous letters and e-mails received by Planning staff reflect the issues identified at the community consultation meeting.

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.

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.

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 4.6 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 amends and 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*.

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 a 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, and better connected 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in Major Transit Station Areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next Municipal Comprehensive Review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities. The site is not located on a higher order transit corridor, and it is 2.1 kilometers from the Mimico GO station and 2.7 kilometres from the Islington subway station.

The Growth Plan (2020) contains policies pertaining to Provincially Significant Employment Zones (PSEZs). PSEZs are areas defined by the Minister of Municipal Affairs and Housing for the purpose of long-term planning for job creation and economic development. The conversion of *Employment Areas* within PSEZs can only occur during a municipally-initiated Municipal Comprehensive Review. PSEZs can consist of *Employment Areas* as well as mixed-use areas that contain a significant number of jobs. The site is located within a Provincially Significant Employment Zone (PSEZ), as identified in the Growth Plan (2020).

On June 29, 2020, City Council approved a work plan for the Growth Plan (2020) Conformity and Municipal Comprehensive Review of the Toronto Official Plan and established August 4, 2020 as the commencement of the City's current Municipal Comprehensive Review (MCR). City Council also authorized City Planning staff to review requests to convert Employment Area lands received by the City by applying the Conversion and Removal Policies for Employment Areas in the Official Plan.

The decision history can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments Section of this report.

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location and built form compatibility of different land uses and the provision of municipal services and facilities. The Official Plan contains policies on where to direct intensification and how and where to deploy height and density. Authority for the Official Plan derives from the *Planning Act* of Ontario.

The current application is located on an *Avenues* as identified on Map 2 - Urban Structure in the Official Plan and the lands are designated *Mixed Use Areas* on Map 15 - Land Use Plan of the Official Plan (see Attachment 3 – Official Plan Land Use Map).

Map 3 of the Official Plan, Right-Of-Way Widths Associated with Existing Major Streets shows that the planned right-of-way width for the portion of The Queensway where the site is located is 30 m.

Map 4 of the Official Plan, Higher Order Transit Corridors shows that there is no higher order transit on The Queensway where the site is located.

Map 5 of the Official Plan, Surface Transit Priority Network shows that The Queensway adjacent to the site is identified as a Transit Priority Segment.

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

Chapter 2 - Shaping the City

Avenues: Reurbanizing Arterial Corridors

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*.

The growth and redevelopment of the *Avenues* should be supported by high quality transit services, including priority measures for buses and streetcars, combined with urban design and traffic engineering practices that promote a street that is safe, comfortable and attractive for pedestrians and cyclists.

Each Avenue is different in terms of lot sizes and configuration, street width, existing uses, neighbouring uses, transit service and streetscape potential. There is no "one size fits all" program for reurbanizing the Avenues. The Avenues will be transformed incrementally.

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 will contain a vision and implementation plan.

The sidebar text of Section 2.2.3 notes that in the course of an *Avenue* Study, there will be a comprehensive assessment of local conditions, including (among other matters): the detailed pattern of land use and urban design; built densities; transit; roads; parking; quality of streetscape and character.

Policy 1 of Section 2.2.3 establishes that reurbanizing the *Avenues* will be achieved through the preparation of Avenue Studies for strategic mixed use segments of the corridors shown on Map 2. This includes the subject site.

Avenues Policy 2.2.3.2 b) directs that to facilitate and shape growth, each Avenue Study will engage local residents, businesses and other local stakeholders and 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;
- iii) Appropriate scale transitions to adjacent areas; and
- iv) Restrictions on parking at-grade and driveways in front of buildings."

The site is located on an area of The Queensway designated *Avenues* and is within The Queensway Avenue Study which was completed and adopted by City Council in 2003. The Queensway Avenue Study was implemented through Zoning By-law No. 514-2003.

Compatibility/Mitigation

In order to address land use compatibility, a collaborative approach is encouraged among applicants of sensitive land uses, including residential uses, major facilities and the City. Major facilities are facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

To address land use compatibility, Section 2.2.4 provides direction for how to locate sensitive land uses adjacent to or near *Employment Areas* or within the influence area of major facilities. Policy 2.2.4.5 establishes that sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated as appropriate from *Employment Areas* and/or major facilities as necessary to:

- Prevent or mitigate adverse effects from noise, vibration and emissions, including dust and odour;
- Minimize risk to public health and safety;
- Prevent or mitigate negative impacts and minimize the risk of complaints;
- Ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines at the time of the approval being sought for the sensitive land uses, including residential uses; and
- Permit *Employment Areas* to be developed for their intended purpose.

Policy 2.2.4.6 establishes that the introduction of a sensitive land use, adjacent to or near to *Employment Areas* or within the influence area of major facilities shall include a Compatibility/Mitigation Study.

Chapter 3 - Building a Successful City

Public Realm

The Public Realm policies (Section 3.1.1) promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The Public Realm policies of the Official Plan recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that the public realm is beautiful, comfortable, safe and accessible.

Official Plan Amendment 479

On September 11, 2020, the Minister of Municipal Affairs and Housing issued a Notice of Decision approving OPA 479 regarding Public Realm Policies which are final and not subject to appeal. OPA 479 was adopted as part of the Five-Year Official Plan Review pursuant to Section 26 of the *Planning Act*. OPA 479 replaces Section 3.1.1 with new and revised public realm policies. It also introduces the Block Context Plan as a complete application requirement where appropriate to demonstrate how the physical form of the proposed development fits within the existing and planned context. The revised policies indicate the future direction and planned context for the site, consistent with provincial policies.

Built Form

The Built Form policies establish that infill and redevelopment sites will need to fit in, respecting and improving the character of the surrounding area. Developments 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 facades fit 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.

As per Policies 3.1.2.1 and 3.1.2.2, new developments will be located and organized to fit within its existing and/or planned context by: generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback; locating building entrances so that they are clearly visible and directly accessible from the public sidewalk; and locating and organizing vehicular parking and access to minimize their impacts on the public realm.

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

- Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- Creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- Providing for adequate light and privacy; and
- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces.

Policy 3.1.2.4 establishes that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

Policy 3.1.2.5 pertains to new development providing amenity for adjacent streets and open spaces to make these areas attractive and comfortable by providing improvements to adjacent boulevards/streets as well as providing landscaped open space and public art on site.

Tall Buildings

Section 3.1.3 establishes development criteria for tall buildings. Tall buildings are to be comprised of three components: the base, the middle and the top. Each of these three components of tall buildings helps to support the location and design of tall buildings to fit harmoniously into the existing and planned context and serve as significant visual landmarks for the City. Tall building developments will also provide high quality, comfortable and usable publicly accessible open space areas.

The text of Section 3.1.3 defines tall buildings as any building taller than the width of the adjacent right-of-way. The Queensway right-of-way is 30 m adjacent to the proposed development site. The proposal is for a tall building as the proposed building height is 53.4 m and 16/17 storeys.

The Official Plan states "Tall buildings are desirable in the right places but they don't belong everywhere". This built form is limited to parts of the *Downtown, Centres*, and other areas in which they are permitted by a Secondary Plan, an area specific policy, a comprehensive zoning by-law or site specific policies in effect as of the approval of the Plan. Tall buildings will only be permitted in other areas on the basis of appropriate planning justification consistent with the policies of the Plan.

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

Official Plan Amendment 480

On September 11, 2020, the Minister of Municipal Affairs and Housing issued a Notice of Decision approving OPA 480 regarding Built Form Policies which are final and not subject to appeal. OPA 480 was adopted as part of the Five-Year Official Plan Review pursuant to Section 26 of the *Planning Act*.

OPA 480 replaces Section 3.1.2 and 3.1.3 with new and revised policies for built form. It outlines (among other matters) that new development is required to provide good street proportion and transition in scale to adjacent developments through the use of setbacks, building heights, streetwall heights, step-backs, angular planes, orientation and other design measures.

Section 3.1.3 regarding tall buildings has been replaced with an expanded set of policies for low-rise, mid-rise and tall buildings. Each building typology is now defined through policy and non policy text. Design criteria for each building typology provide policy objectives to ensure buildings respond to their local context and contribute to the public realm.

The text of Section 3.1.3 establishes that mid-rise buildings are a transit-supportive form of development that provides a level of intensification at a scale between low-rise and tall building forms. Mid-rise building heights are contextual and are informed by the width of the right-of-way onto which they front. Mid-rise buildings may vary in height between 4 and 11 storeys dependent on the adjacent right-of-way. Mid-rise buildings help establish and reinforce an urban environment through development form that is repeatable, moderate in scale, has good, predictable street proportion, and transition in scale that has predictable impacts on adjacent low-scale uses.

New Policy 4 of Section 3.1.3 directs that mid-rise buildings will be designed to have heights generally no greater than the width of the right-of-way that it fronts onto and Policy 5 directs that mid-rise buildings on corner sites with different right-of-way widths

will have building heights along each street edge that relate to their corresponding right-of-way width.

New Policy 7 of Section 3.1.3 defines tall buildings as generally greater in height than the width of the adjacent right-of-way. New Policy 10 establishes that the tower portion of a building should be designed to reduce the physical and visual impacts of the tower onto the public realm which should be achieved by providing appropriate separation distances from side and rear lot lines (amongst other means). The revised policies strengthen the existing built form policies and indicate the future direction and appropriate built form that fit within the context for the site, consistent with provincial policies.

Housing

The PPS (2020) and the Growth Plan (2020) acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life is essential to the creation of complete communities.

The text of Section 3.2.1 states:

"The current production of ownership housing, especially condominium apartments, is in abundant supply. What is needed is a healthier balance among high rise ownership housing and other forms of housing, including purpose-built rental housing, affordable rental housing and affordable low-rise ownership housing for larger households with children and multi-family households". It continues that: "More than half of Toronto households rent, yet little new affordable rental housing is being built".

Policy 3.2.1.1 directs that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. A full range of housing includes (among others): ownership and rental housing; affordable and mid-range rental and ownership housing; and housing that meets the needs of people with physical disabilities.

The Natural Environment

Policy 3.4.21 provides direction to prevent adverse impacts from major facilities onto sensitive land uses. Major facilities such as airports, transportation/rail infrastructure, corridors and yards, waste management facilities and industries and sensitive land uses will be appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants, and to promote safety. To assist in identifying impacts and mitigative measures, the proponent of new development may be required to prepare studies in accordance with guidelines

established for this purpose. The proponent will be responsible for implementing any required mitigative measures.

Chapter 4- Land Use Designations

Section 4.5 establishes that *Mixed Use Areas* are made up of a broad range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Development in *Mixed Use Areas* will create a balance of high quality residential, commercial, institutional and open space uses that reduces automobile dependency and meets the needs of the local community. *Mixed Use Areas* will provide for new jobs and homes for Toronto's growing population on underutilized lands.

Section 4.5 also directs that not all *Mixed Use Areas* will experience the same scale or intensity of development. The highest buildings and greatest intensity will typically occur *Downtown*. 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*.

Policy 2 of Section 4.5 of the Official Plan includes criterion that directs the form and quality of development in this land use designation. In *Mixed Use Areas*, development will (among other matters):

- 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;
- 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;
- f) Provide an attractive, comfortable and safe pedestrian environment;
- h) Take advantage of nearby transit services; and
- i) Provide good site access and circulation and an adequate supply of parking for residents and visitors.

The subject lands also abut lands designated *Core Employment Areas* to the south. As per Policy 1 of Section 4.6, *Core Employment Areas* are places for business and economic activities. Uses permitted in *Core Employment Areas* include manufacturing,

processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, waste management systems, industrial trade schools and vertical agriculture.

Chapter 5 - Implementation: Making Things Happen

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a project that is greater than the zoning by-law would otherwise permit in return for community benefits. The Official Plan Policy 5.1.1 and City Council's approved Section 37 protocol establishes that the proposed development must represent good planning and meet a minimum size requirement of 10,000 m² and an increase in density of at least 1,500 m².

Policy 5.3.2.1 of the Implementation Plans and Strategies for City-Building section, states that design guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas. The Queensway Avenue Design Guidelines, the Mid-Rise Building Design Guidelines, the Tall Building Design Guidelines and the Growing Up Guidelines are discussed further in this report.

The outcome of the staff analysis and review of relevant Official Plan policies and designation noted above are summarized in the Comments Section of this report. The City of Toronto Official Plan can 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 the 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. The framework for new development along The Queensway was created through extensive consultation with the local residents, businesses and other stakeholders as part of The Queensway Avenue Study. The Avenue Study established appropriate massing, scale, siting and organization of buildings and appropriate transitions to adjacent areas through setback and angular plane requirements. As a result, the direction for development in The Queensway Avenue Study area is 6-8 storey mixed-use and mid-rise development with a density of 3.0 times the area of the lot.

The Queensway Avenue Study was adopted in conformity with the City of Toronto Official Plan, as adopted by Toronto City Council through By-law No. 95-2002. 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 this site is located. 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 by prescribing development standards reflective of the existing and planned context for this area.

Zoning

The lands are subject to the former City of Etobicoke Zoning Code as amended by Site Specific Zoning By-law No. 514-2003 (The Queensway Avenue By-law). The majority of the lands are zoned Limited Commercial – Avenues Zone (AV), while the rear southeastern portion of the lands is zoned Class 1 Industrial Zone (I.C1) (see Attachment 4: Existing Zoning By-law Map).

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

The general regulations for Industrial Zones include a maximum height for business, professional and administrative offices of 5-storeys and a maximum Floor Space Index of 0.6 times the area of the lot. The I.C1 zoning permits a variety of uses such as business and manufacturing. New residential dwellings (except an accessory unit for a caretaker) are not permitted.

While the majority of the lands fronting The Queensway are not subject to City-wide Zoning By-law No. 569-2013 (as site-specific zoning was established through the Avenues Study), the rear southeastern portion of the lands (currently a parking lot) is zoned Employment Industrial Zone (E1.0) in City-wide Zoning By-law No. 569-2013. The E1.0 Zone permits a variety of commercial, office and industrial uses including rubber manufacturing. Residential uses are not permitted in the E1.0 Zone.

Through the re-zoning application, the rear portion of the site would be removed from By-law No. 569-2013 in order to treat the site holistically under the former City of Etobicoke Zoning Code (The Queensway Avenue By-law). The site would be included in By-law No. 569-2013 once the City incorporates the entire Avenue Study lands into By-law No. 569-2013 as a whole.

Design Guidelines

The Queensway Avenue Study Design Guidelines and Streetscape Improvements and Concept Plan

As part of The Queensway Avenues Study, a Tree Planting Strategy and Design Guidelines were developed for the area where the site is located. These Guidelines

were created to promote a co-ordinated approach for the development of The Queensway Avenue and serve as a complement to other more general City of Toronto Guidelines and Official Plan policies. The intent of the Guidelines is to foster the creation of a high quality, safe urban environment with attractive streetscapes, pedestrian friendly public and semi-public open spaces, and a consistent, vibrant street frontage. The following are key guidelines for development on this area of The Queensway Avenue:

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

The Design Guidelines establish that large sites will be subject to urban design concept plans that will look for opportunities to create new secondary streets, parks and other open spaces. Many of the principles found in the Queensway Design Guidelines are also supported by the City's Official Plan policies on Built Form and the Public Realm.

Background

The Final Report for The Queensway Avenue Study and Concept Plan notes that the building height of 6-storeys is based on a lot depth of 35 m with an increased building height of 8-storeys on specified corner lots that are located at significant main intersections which provide an entranceway onto the Avenue and connect to the Bloor-Danforth subway line via bus. Further, it notes that larger sites may be able to accommodate greater development but require further detailed review on a site-by-site basis. It was also acknowledged that certain cases where there are larger land assemblies with lot depths greater than 60 m, sites may be able to accommodate a taller building, if all of specific criteria are met as recommended in Phase 2 of The Avenue Study.

The above were recommendations and are not City policy. The established direction for new development in The Queensway Avenue Study area is 6-8 storey mixed-use

development with a density of 3 times the area of the lot applying to the entire lot as per the implementing Queensway Avenue By-law.

City-Wide Tall Building Design Guidelines

City Council has adopted City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

Tall buildings should respect the scale of the local context and display an appropriate transition in height and intensity especially when adjacent to areas of differing land use, lower scale built form and heritage properties. In general, appropriate fit and transition is achieved when tall buildings respect and integrate with the height, scale and character of neighbouring buildings, reinforce the broader city structure, provide horizontal separation and transition down to lower-scale buildings and open space, and maintain access to sunlight and sky view for surrounding streets, parks, public or private open space, and neighbouring properties. Such appropriate fit of the tall building is determined by the regulatory framework, including the planned intensity of use and scale of development for the site.

Notwithstanding that the site is not appropriate for a tall building, the application proposes a tall building and the applicant's Planning Rationale evaluated the proposal against the Tall Building Design Guidelines. Staff note it is important to recognize that the Tall Building Design Guidelines do not determine where tall buildings are permitted. Rather, the Guidelines assist with the implementation of Official Plan policy to help ensure that tall buildings, where they are permitted, "fit within their context and minimize their local impacts".

The link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

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. 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 Performance Standards give guidance about the size, shape and quality of mid-rise buildings and are intended to reinforce the Built Form Policies of the Official Plan.

The Queensway Avenue Study was completed and as such is the prevailing policy document. However, the Mid-Rise Building Performance Standards continue to represent good principles of urban design and can be used to augment local guidelines, particularly to address aspects of new development that were not addressed in previously developed local guidelines. As such, the Mid-Rise Building Performance Standards may be a useful planning tool where an Avenues Study supports mid-rise buildings, but does not regulate built form or does not fully address mid-rise building design. The Mid-Rise Performance Standards may serve to supplement The Queensway Avenue Study and guide the review of this application. However, it was not the intent that the Performance Standards be used on a site-by-site basis to challenge Council-approved area specific plans, studies, by-laws or guidelines, particularly with respect to building heights or matters of transition.

Growing Up: Planning for Children in New Vertical Communities

The City Council-adopted Growing Up Urban Design Guidelines (2020) provide guidance on the proportion and size of larger units recommended in new multi-unit residential buildings. The objective of these Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. These Guidelines are intended to implement the Housing Policies of the Official Plan. The link to the Guidelines is here: <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf> and the accompanying staff report is available here: <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148361.pdf>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted and is being reviewed concurrently with the Zoning By-law Amendment application.

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Staff have determined that the proposal is not consistent with the PPS (2020) and does not conform with the Growth Plan (2020) for the reasons outlined below.

Planning Act

Section 2 of the *Planning Act* states the matters of provincial interest that authorities shall have regard for in exercising their responsibilities. Relevant matters of provincial interest include, amongst other matters: (h) the orderly development of safe and healthy communities; (j) the adequate provision of a full range of housing, including affordable housing; (k) the adequate provision of employment opportunities; (p) the appropriate location of growth and development; (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, (i) is well designed, (ii) encourages a sense of place and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. These provincial interests are further articulated through the PPS and the Growth Plan.

PPS 2020

The City is a development area and infill is encouraged under these policies. However, the direction of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs. While the PPS encourages intensification and efficient development, it recognizes the existing local context is important and that well-designed built form contributes to overall long-term economic prosperity.

Through its Official Plan, the City has identified appropriate locations and opportunities for intensification. While intensification is anticipated along *Avenues* and in *Mixed Use Areas*, the proposed development fails to account for the appropriate context in which it is situated to appropriately define the level of intensification permitted. The Official Plan policies and The Queensway Avenue Study call for a mid-rise built form that satisfies the intensification goals of the PPS.

The City of Toronto Official Plan policies, aligned with The Queensway Avenue Study, The Queensway Design Guidelines and Street Improvements and The Queensway Avenue Zoning By-law No. 514-2003, direct growth in this area through prescribing appropriate uses, height, density, built form and design of development along The Queensway Avenue to achieve long-term needs and revitalization of this area. The type of built form that is envisioned for the area in which the site is located, and how it would relate to its existing context is established for the site and area as 6-8 storey mixed use mid-rise buildings along The Queensway and not a tall building as proposed.

The level of intensification proposed through the 16-storey tall building combined with the proposed density and massing of the current proposal are not in conformity with the *Avenues* and *Mixed Use Areas* and Built Form policies of the Official Plan. As such, the proposed development is not consistent with policy 4.6 of the PPS as a tall building is proposed contrary to the mid-rise built form established for this site by the municipal policies and guidelines.

The current proposal does not conform with the municipally established policies, and therefore is not consistent with the PPS to the extent that it does not comply with the municipal direction for growth.

Policies 1.1.1 b), c) and e) establish that healthy, liveable and safe communities are sustained by (among other things): accommodating an appropriate affordable and market-based range and mix of residential unit types; affordable housing; employment; recreation; parks and open space; avoiding development and land use patterns which may cause environmental or public health and safety concerns; and promoting the integration of *transit-supportive* development.

Although the PPS encourages intensification and efficient development, Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Further Policy 1.1.3.3. directs that intensification and redevelopment can occur where it can be supported and accommodated.

The PPS provides compatibility direction between major facilities and sensitive land uses. The PPS includes manufacturing uses (among others) as major facilities. Policy 1.2.6.1 states that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, to minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Where avoidance between major facilities and sensitive land uses is not possible, Policy 1.2.6.2 states that planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if: there is an identified need for the proposed use; alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; adverse effects to the proposed sensitive land use are minimized and mitigated; and potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

The rear southeastern portion of the site is zoned Class 1 Industrial Zone which permits manufacturing uses. The site also abuts *Core Employment Areas* as designated by the Official Plan and a Provincially Significant Employment Zone as identified by the Growth Plan. Through Official Plan Policy 3.4.21, the City has identified the need to prevent adverse effects from noise, vibration, odour and other contaminants and to promote safety from major facilities. The policy further states that to assist in identifying impacts and mitigating measures, an applicant may be required to prepare studies in accordance with guidelines established for the policy's purpose and carry out any required mitigating measures as part of development.

The applicant provided a Noise and Vibration Impact Study and Compatibility/Mitigation Report which will require peer review. The peer review process will assist with determining whether the proposed development is consistent with the PPS and if the proposal has regard to Provincial interests expressed in the *Planning Act* pertaining to the protection of public health and safety, and, in part, the appropriate location for growth and development.

Growth Plan (2020)

The Growth Plan outlines that through their Official Plans, municipalities will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and Major Transit Station Areas as key areas to accommodate intensification. The City's Official Plan directs growth to the *Downtown, Centres, Avenues* and *Employment Areas*. The Growth Plan also emphasizes the importance of complete communities where a range of housing options are to be provided, and that new development should provide high quality compact built form and an attractive and vibrant public realm.

The proposed development does not conform with the Growth Plan with respect to the municipality's direction that the location and nature of growth should occur in intensification areas in a flexible manner suitable to the local context.

The Official Plan, The Queensway Avenue Study and Zoning By-Law provide direction and have established built form parameters for the growth envisioned for this site located on an *Avenue* that is consistent with the Growth Plan. The proposal for a 16-storey tall building does not conform with the policies of the Official Plan, The Queensway Avenue Study and Zoning By-Law that establish a mid-rise building typology with heights of 6-8 storeys is the appropriate form of intensification for the site. The proposed development, particularly with respect to building height and built form does not fit within the existing and planned context of the area.

One of the Growth Plan's primary objectives is to achieve "complete communities", described in part by Policy 2.2.1.4 (c) as places that (amongst other things) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. The Official Plan Policy 3.2.1.1 builds on this objective by establishing that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. The Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines provide specific standards regarding the appropriate proportion and size of units to implement the housing policies of the Official Plan. The size of the proposed residential units do not adequately support the objectives of the Growing Up Guidelines, the City's Official Plan housing policies, or the Growth Plan's growth management and housing policies to accommodate a broad range of households, including families with children, within new development. Guideline 3.0 states that the

ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

Both the PPS and the Growth Plan direct that planning in Ontario shall be done comprehensively, considering infrastructure, transportation and public facilities at the same time as land use considerations are reviewed. The proposed tall building scale of development is more appropriate where there is higher order transit and where it is supported by the existing and planned context. The site is not located on a higher order transit corridor or in proximity to one and the established typology for mixed use buildings has heights of 6-8 storeys. As such, a tall building does not fit the existing and planned context of this site or area.

The Growth Plan also emphasizes that “it is also critical that we understand the importance of *provincially significant employment zones* and consider opportunities to better co-ordinate our collective efforts across municipalities to support their contribution to economic growth and improve access to transit”. As defined in the Growth Plan, *Provincially Significant Employment Zones* are “Areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. Provincially significant employment zones can consist of employment areas as well as mixed-use areas that contain a significant number of jobs”. The proposed development provides for approximately 2.6% of the gross floor area for employment purposes. The proposed development would not contain a significant number of jobs and may have an adverse impact on supporting the objectives of the Provincial identification of the PSEZ.

The proposed development is out of scale with the existing and planned context of The Queensway Avenue; the proposal is not in a location with existing or planned higher order transit; does not provide for adequately sized residential units; and does not include a well-designed built form to promote a sense of place to support economic prosperity. As such, the proposal does not conform to the Growth Plan as it does not comply with the municipal direction for location and form of growth.

Land Use

This application has been reviewed against the Official Plan policies, and The Queensway Avenue Study and Design Guidelines, as well as the policies of the Toronto Official Plan as a whole as described in the Policy Considerations Section of this report.

Given the existing and planned context of the area is for mixed-use development along the *Avenues*, the proposed mixed-use development with commercial/retail at grade and residential units above, includes land uses contemplated in the *Mixed Use Areas* designation.

However, Planning staff have concern regarding the appropriateness of the proposed residential use on the rear southeastern portion of the site, which although designated *Mixed Use Areas* in the Official Plan, is currently zoned Class 1 Industrial and Employment Industrial. The proposed development would have 2-storey at grade residential units fronting Queen Elizabeth Boulevard and would face the existing *Core Employment Areas* and the Class 1 Industrial and Employment Industrial zoned lands across the street. There are potential impacts such as noise, vibration and emissions given the proximity of the proposed residential use to the abutting *Core Employment Areas* and Class 1 Industrial and Employment Industrial zoned lands across Queen Elizabeth Boulevard. Providing for non-residential and employment uses in this area compatible with the *Employment Areas* in proximity to the site may address this concern. Staff will further assess these matters based on the future peer review of the applicant's submitted Compatibility/Mitigation Report and Noise and Vibration Impact Study.

Staff also encourage the applicant to increase the amount of commercial space proposed and decrease the amount of residential units proposed to better support the intent of the *Mixed Use Areas* land use designation and PSEZ identification. Staff note the total area of the existing retail/commercial space on the site is approximately 1,114 m², whereas the application proposes predominantly residential uses with only 492 m² of retail space in the development.

While the proposed land uses are permitted, the current built form, height, massing, density and design of the development does not support the intent of the Built Form policies and *Mixed Use Areas* development criteria of the Official Plan, does not meet the vision of The Queensway Avenues Study nor meet the intent of The Queensway Design Guidelines as further reviewed in this report.

Existing and Planned Context Within The Queensway Avenue Study Area

Intensification of this site and reurbanization of the *Avenues* must be achieved with new development that is reflective of the existing and planned context established by The Queensway Avenue Study, implementing zoning by-law and policies in the Official Plan. The site underwent a comprehensive analysis through The Queensway Avenue Study to determine the appropriate height and density for the site. The Queensway Avenue Study and Zoning By-law provide the direction for growth on the site as a 6-storey mixed-use development with a maximum density of 3.0 times the area of the lot. The current 16-storey tall building proposal does not conform to the *Avenues* Policies of the Official Plan and The Queensway Avenue Study.

The existing context of this area in The Queensway Avenue Study area is characterized by 1-3 storey commercial and mixed use buildings along the Avenue. In the immediate area within Sub Area 2 of The Avenue (where the site is located), there is one existing 6-storey mixed-use building and one recently approved application for an 8-storey mixed-use mid-rise building located to the northeast of the subject site. Further northeast, there is another existing 8-storey mixed-use building and another site with an

approval for an 8-storey mixed-use building. All these developments are mid-rise developments with building heights under the planned road right-of-way width.

The Queensway Avenue Study area generally includes existing and recent approvals for 6-10 storey mixed-use mid-rise buildings with the majority of heights at or below the planned road right-of-way width in keeping with the vision of The Queensway Avenue Study, the Avenues By-law, the Mid-Rise Building Design Guidelines and the recent Official Plan Amendment 480 which clarifies and strengthens the policy direction of the built form of mid-rise buildings.

The exception is a recent LPAT appeal settlement for a mixed-use development at 1001 The Queensway, which is located in Sub Area 3 of the Avenue with a larger planned road right-of-way width of 36 m in this location. This large site also backs onto the Cineplex Theatre lands with the Gardiner Expressway beyond. This approved development consists of 4 mid-rise buildings ranging from 9-10 storeys with one 10-storey base fronting The Queensway with a 17-storey tower above set far back from The Queensway at the prominent major intersection of The Queensway and Islington Avenue. This application was part of a comprehensive mixed use development providing new commercial/retail uses, a new public park fronting The Queensway, public art and 12 affordable rental units. The tower element of this development does not represent the predominant character of The Queensway Avenue Study Area and is distinct from the subject site.

Site and Area Specific Policy 6

The applicant's Planning Rationale includes numerous developments not located within The Queensway Avenue Study area such as lands located within SASP 6 to the west of Islington Avenue. SASP 6 has a different context than the subject site and is thus not comparable to the subject site. SASP 6 is distinct and should not be used as justification for additional height on the subject site.

Site and Area Specific Policy 6 (SASP 6) applies to the lands on the south side of The Queensway between Zorra Street to the west and St. Lawrence Avenue to the east and the Gardiner Expressway to the south. The subject site is located on the opposite side of Islington Avenue and is in a different Sub Area of the Avenue than SASP 6.

The lands within SASP 6 were purposely excluded from The Queensway Avenues Study as it previously had been identified in the former City of Etobicoke Official Plan (1991) as an area for height and density as well as achieving significant public parkland. The area within SASP 6 underwent a separate comprehensive site specific review in the 1990's, including various studies to determine that greater building heights and density would be appropriate in this location. As such, the SASP 6 area has site specific development standards and are not subject to The Queensway Avenues Zoning By-law No. 514-2003. Staff were supportive of greater building heights and density within the SASP 6 area due to a number of factors, which made the area and proposed redevelopment distinct from other area sites such as:

- The size of the area (5 blocks);
- Its location adjacent to the Gardiner Expressway;
- The mixed-use nature of the envisioned developments;
- Significant parkland dedication; and
- Extension of the public road network.

Development in SASP 6

SASP 6 contains a three phased mixed-use development (as approved by Official Plan Amendment No. 281 and Zoning By-law No. 1314-2015) at 1193 The Queensway and 7-45 Zorra Street containing a total of 1,742 units within two 12-storey buildings fronting The Queensway (39.5 m), two 24-storey buildings behind located along Zorra Street, and three buildings with heights of 19, 27 and 42 storeys respectively located adjacent to the Gardiner Expressway along Zorra Street. The development contains a new public park and Section 37 cash benefits to be used toward a new multi purpose community space.

After SASP 6, The Queensway Avenue Study (2003) provided an updated vision for the appropriate reurbanization of the Avenue that established the planned context for sites on The Queensway Avenue as mid-rise development of 6-8 storeys in height.

Height, Built Form, Massing and Density

Height

The site is identified as *Avenues* and designated *Mixed Use Areas* in the Official Plan. While these areas are identified as areas for intensification, new development is subject to policies and criteria regarding appropriate building typology and massing. This application fails to conform with the Official Plan and The Queensway Avenue Study and is not in keeping with The Queensway Design Guidelines and Streetscape Improvements in this regard.

Planning staff do not support a tall building on this site. As such, staff do not support the proposed height of the development. The application increased its height by 0.6 m from the original proposal despite staff's often stated concerns. The current proposed height of the development at 16-storeys (or 17 storeys including the mezzanine level for a height of 53.4 m, plus an additional 5 m for a mechanical penthouse for a total of 58.4 m) is substantially higher than the existing heights and the planned context as established by The Queensway Avenues Study as well as the maximum building height permitted in the Zoning By-law.

The proposed building height of 16-storeys and 53.43 m is significantly higher than the maximum 6-storey (21 m) height limit in The Queensway Avenue Zoning By-law No. 514-2003, exceeding the current zoning permission by 32.4 m. The proposed 6/7 storey height of the base of the building is 22.1 m which is greater than the maximum total

building height prescribed by The Queensway Avenue Study and by-law. The Queensway Avenues Study and by-law allows for additional height of 8-storeys (27 m) at specified prominent corners along The Queensway, although not at the particular corner where the subject site is located.

The proposed height is not in keeping with the vision of The Queensway Avenues Study and The Queensway Design Guidelines or the existing character of the area. The majority of the existing developments in The Queensway Avenue Study area have heights that either generally meet or are below the height permitted in The Queensway Avenue By-law No. 514-2003. The development proposes a height more than double the height of the two existing and two approved mid-rise buildings having heights of 6 and 8 storeys located across the street to the northeast of the subject site. The proposal's height is also greater than the 14-storey tall building proposed at 859 The Queensway, located a few lots to the east of the site which was subject to an LPAT hearing (awaiting LPAT decision) where the City opposed the proposal. The proposal for a 16-storey tower would be the tallest building within Area 2 of the Queensway Avenues Study area and would set an unacceptable negative precedent for heights and massing in this area contrary to the Official Plan.

Built Form and Massing

The proposed building is a tall building in accordance with the Official Plan. Tall buildings are defined by the City as any buildings generally taller than the width of the adjacent right-of-way. The Queensway right-of-way is 30 m adjacent to the proposed development site. Any building taller than 30 m is considered a tall building within this context. The direction was contained in the Official Plan prior to OPA 480 and was explicitly recognized in the Tall Building Design Guidelines and Mid-Rise Design Guidelines. OPA 480 further clarifies and reinforces this direction by including these definitions of mid-rise and tall buildings in Policy as previously outlined in this report.

There is no indication in the Tall Building Design Guidelines or the City's Official Plan that a tall building is appropriate for this site. The Queensway Avenue Study established mid-rise buildings as the appropriate transit-supportive built form for the site, not a tall building as proposed. The Queensway Avenue Study, by-law and design guidelines represent the appropriate built form and design standards for the site.

The applicant's submitted Planning Rationale mainly assesses the application through the Tall Building Design Guidelines as well as the Mid-Rise Design Guidelines. However, the Queensway Avenue Study was completed and approved by City Council and as such is the prevailing guideline document. The Mid-Rise Performance Standards apply only to the extent they supplement and do not override the intent of the Queensway Avenue Study, by-law and design guidelines. While staff acknowledge the depth of the site and supplemental guidance of the Mid-Rise Buildings Study and Performance Standards, staff are of the opinion that the height of the building should be revised to be proportionate to the width of the adjacent street (30 m) as a maximum height.

Built Form Policies in the Official Plan emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area and its exterior façade designed to fit harmoniously into its existing and/or planned context.

The proposed development does not conform with Policies 3.1.2.1, 3.1.2.3 and 3.1.3.2 of the Official Plan because the proposal is not located, organized or massed to fit harmoniously within its existing and planned context. The application proposes a tall building in a location established for a mid-rise building. The overall height of the proposed 16-storey tall building is not appropriate as it would discernibly not fit within its existing context and would be an overwhelming presence in comparison to the adjacent lots containing 1-3 storey buildings and in relation to the existing 6-8 storey mid-rise buildings across the street.

The applicant's submitted Planning Rationale largely justifies the proposed height of the building by emphasizing the depth of the site and design of the building which includes a 6/7-storey base building fronting The Queensway and massing the tower component of the building setback approximately 16 m from the front lot line to mitigate impacts on the Avenue. Although staff acknowledge the stepping of the floors above the 8th storey up to the 16th storey, staff are of the opinion the proposed design of essentially a mid-rise building with a tall building located on top does not fit harmoniously with the existing character of the Avenue. The tall tower component would still be seen and experienced from the public realm. In addition to not fitting in with the character of The Queensway Avenue Study area, the tall residential tower would not reinforce the existing or planned context of the rear surrounding *Core Employment Areas* lands and industrial uses planned for a maximum height of 5-storeys.

The proposed 16-storey tall building would represent a significant departure from the successful model of mid-rise buildings which have characterized this area and help achieve a compatible relationship with the surrounding lower-scale built form. Planning staff are of the opinion that the proposed height and massing of the development should be decreased and modified from a tall building to a mid-rise building design reflective of the site's existing and planned mid-rise building context. The height and design of the building should be reduced to decrease the visual impact of the tall building as well as reduce shadow and privacy impacts on the public realm and surrounding lower scale lots.

The proposed development also does not conform to Policy 3.1.2.4 of the Official Plan as the proposal fails to mass the building to define the edges of streets at good proportion given the overall height of the building vastly exceeds the existing and planned context. The proposed tall building of 53.4 m on The Queensway Avenue is significantly greater than the planned right-of-way width of 30 m for The Queensway in this location.

In staff's opinion, the tall building proposal would not improve the public realm experience but would rather overwhelm the public realm and pedestrian experience visually and physically. A lower height meeting the street proportion would be less imposing and provide appropriate access to sunlight and sky views. Staff note the plans show some intrusions into the front 45 degree angular plane (measured at 24 m in height at 80% of the right-of-way width) at the 9th, 14th and 16th storeys. The proposal must be revised to not intrude into the front 45 degree angular plane from The Queensway to be in keeping with the Mid-Rise Design Guidelines.

The Mixed Use Areas Development Criteria of the Official Plan also require that new development be located and massed to provide a transition between areas of different development intensity and scale (Policy 4.5.1.2 c); frame the edges of streets with good proportion (Policy 4.5.1.2 e); create an attractive and comfortable pedestrian environment (Policy 4.5.1.2 f); and take advantage of nearby transit (4.5.1.2 h). The proposal does not conform to these Official Plan Policies.

Transition

The proposed scale and massing of the development would result in an overwhelming presence which would not fit with the surrounding area nor provide adequate transition in height to the surrounding lower scale properties, particularly the 3-storey townhouses to the west, the 1-storey commercial building to the east and the *Core Employment Areas* to the south. Although the adjacent 3-storey townhouses are within the *Mixed Use Areas* designation, they are individually owned and their residential use will continue for the foreseeable future. Although the proposal provides some minor setbacks and stepbacks throughout the tall building, these setbacks and stepbacks are not appropriate and do not adequately achieve the objectives of the Official Plan given the overall building height significantly exceeds the existing and planned context.

As such, Planning staff are of the opinion that a decreased overall building height and a greater building articulation to provide larger and increasing setbacks and stepbacks is required to provide for adequate transition, sunlight, comfort and privacy. Staff are of the opinion the proposal should be substantially redesigned to conform to the Official Plan and to be in keeping with the Mid-Rise Design Guidelines as follows:

- The built form typology should be modified from a tall building to a mid-rise building proportional to the right-of-way width of 30 m;
- The massing on the southern portion of the site should include setbacks at the podium level and the overall height in this area should be reduced;
- Setbacks along the south lot line should be a minimum of 3 m;
- The side yard stepback should be a minimum of 5.5 m from the side lot lines to allow for sufficient glazing;

- The building at the corner of Canmotor Avenue and Queen Elizabeth Boulevard should be setback a minimum of 7.5 m from the north lot line;
- A rear transition should be created through setback and stepback provisions to *Employment Areas*. Lowering the massing at the rear of the site combined with stepbacks would achieve this standard. Currently there is no stepback proposed; and
- Overall, setbacks and stepbacks need to be incorporated into the design of the southern portion of the proposal to provide relief from the pedestrian realm and provide articulation in the facades in response to adjacent conditions. Greater transition to lower scale uses is required.

With respect to the Tall Building Design Guidelines, a tall building is not appropriate for this site given the existing and planned context as previously outlined. However, the application proposes a tall building and the applicant evaluated the proposal against the Tall Building Design Guidelines in the submitted Planning Rationale. Thus, Planning staff note that the proposal fails to meet the Tall Building Design Guidelines as the following standards are not met:

- The rear of the proposed tower portion of the building provides no stepbacks at its closest point to the south lot line (2.62 m) and does not clearly differentiate between a base, tower and top of the building;
- The setback from the west lot line is deficient by 6.34 m; and
- The setback from the east lot line is deficient by 4.09 m.

The proposed development, in its current form, does not conform with the policies of the Official Plan, particularly regarding *Avenues* and The Queensway Avenue Study, Built Form and *Mixed Use Areas*. The proposal is also not in keeping with the Mid-Rise Design Guidelines or the Tall Building Design Guidelines. As such, staff do not support the proposed development in its current form.

Density

Staff acknowledge the current application has reduced the proposed unit count from 243 to 227 dwelling units and reduced the proposed Floor Space Index from 7.37 to 6.93 times the area of the lot. However, the proposed Floor Space Index of 6.93 times the area of the lot is more than double the currently permitted density of 3.0 times the area of the lot. The proposed scale of development would result in an oppressive presence which would not fit with the surrounding area nor provide adequate transition in height to the surrounding properties. The 7-storey southeastern portion of the building, in particular, exacerbates the impacts of the density on the site. Removing the southeastern portion of the development and lowering the height of the overall building would reduce the proposed density to be more in keeping with the existing and planned context of The Queensway Avenue Study area.

Sun and Shadow

Shadow impacts affect the thermal comfort and enjoyment of being outside as well as the provision of adequate light. Shadows are impacted by the size, location and shape of building floor plates, building height, building setbacks, as well as the time of year and angle of the sun.

There are a number of Official Plan policies which address appropriate sun and shadow impacts. Policy 3.1.2.3 e) refers to massing of new development providing adequate light and limiting shadows and wind on streets, properties and open spaces. Development Criteria in *Mixed Use Areas Policies* 4.5.2 d) to 4.5.2 f) establish that new development should adequately limit impacts such as shadows on adjacent Neighbourhoods, streets, parks and open spaces, and should frame the edges of streets and parks, with a focus on generating comfortable conditions through measures that provide for adequate sunlight conditions. Further, The Queensway Design Guidelines and Streetscape Improvements states that: "Buildings will not create adverse shadows on adjacent public and private outdoor spaces, and will maximize sunlight penetration to sidewalks".

A revised Shadow Study was submitted by the applicant illustrating the extent of shadowing that would result from the proposed development for March, June and September 21. Planning staff require a revised Shadow Study to be submitted that would illustrate the December 21 condition. The applicant's submitted Shadow Study demonstrates the proposed massing would impact the north sidewalk of The Queensway between 9:18 a.m. - 11:18 a.m. in March and September. In addition, shadows are shown to occur on the residential townhouses to the west of the site in the morning hours of March and June. Further, the proposed on-site mezzanine outdoor amenity area would be in shadow for the majority of the day.

The proposed development does not meet the intent of the relevant Official Plan policies and The Queensway Design Guidelines and Street Improvements as the proposed development would create undesirable shadowing on the north side of The Queensway sidewalk and public realm. The policy direction is to improve the pedestrian environment and recognize that City streets are significant public open spaces which connect people and places. New development is to be massed to adequately limit the resulting shadows in order to make the adjacent streets and open spaces attractive, comfortable and functional for pedestrians.

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

Planning staff are of the opinion that the applicant should revise the proposal by reducing the building height and providing more setbacks/stepbacks to aid in minimizing

shadowing and lessen the impact on the public realm on the north side of The Queensway and the residential townhouses to the west. Staff recommend that discussions should continue with the applicant aimed at modifying the building heights and massing to minimize shadow impacts on these areas.

Wind

Official Plan policies as well as The Queensway Design Guidelines and Streetscape Improvements establish that new development should not result in uncomfortable wind impacts. The Queensway Design Guidelines and Streetscape Improvements states: "Buildings along The Queensway will be designed to promote comfortable pedestrian level microclimates". The development of the site should be designed to ensure that comfortable wind conditions are maintained on the streets and public spaces around buildings as well as for the building itself (amenity areas and balconies).

The applicant submitted a Pedestrian Wind Assessment dated May 16, 2019, prepared by RWDI. This assessment opined that the building entrances and terraces would be subject to greater wind speeds and higher than desired wind speeds at the main residential entrance in the winter as well as on the outdoor terraces in the summer. The Assessment recommended the installation of wind screens and landscape measures to adequately mitigate the adverse wind effects.

Planning staff are of the opinion that wind conditions are not appropriately determined through a pedestrian wind assessment. Rather, physical model wind assessments accurately identify and analyze areas of concern around the proposal as well as on amenity locations. Specific attention to entrances, pedestrian walkways and amenity areas should be provided. In addition, the height and massing of the proposal has changed since the original Pedestrian Wind Assessment was submitted.

As such, Planning staff require the submission of a physical model wind assessment to provide full modelling for the proposed development with adequate response measures to mitigate uncomfortable wind conditions at the public realm and at outdoor amenity spaces on the building. Uncomfortable wind effects that are demonstrated around and/or on the proposed development and should be mitigated and reduced through architecture and massing (stepbacks, setbacks and other massing moves) and not simply through screening or landscaping. As such, staff are of the opinion the wind impacts of the current proposal must be resolved and should be addressed prior to any approval of this re-zoning application. As this report was being finalized, the applicant submitted a Pedestrian Wind Assessment dated December 7, 2020 which will require additional time for staff to conduct a fulsome review prior to providing opinion.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its order until the owner submits a detailed wind tunnel test complete with a statistical wind analysis to determine the impacts and efficacy of the recommended wind mitigation measures, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner should also be required to construct and maintain

any required mitigation measures, to be secured through the site plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Site Layout and Organization

Policies in Section 4.5.2 of the Official Plan provide direction on matters related to site design and layout, provision of amenities, design of new streets and organization of access, parking and service areas for new development in *Mixed Use Areas*.

The proposed building covers most of the site and is a tall building which is not reflective of appropriate development on *Avenues* within The Queensway Avenue Study area context. Staff are of the opinion that the proposal is more representative of a *Downtown* or a *Centres* context. To reduce overdevelopment of the site and enhance the public realm, the development should provide increased surface landscaping, trees and open space such as the introduction of a Privately-Owned Publicly Accessible Space (POPS).

As noted previously, the 7-storey cantilevered southeastern portion of the building exacerbates the impacts of the density on the site. Given this portion abuts *Core Employment Areas* and has industrial/employment zoning, Planning staff are of the opinion this portion of the development be eliminated or re-designed to include a larger outdoor/indoor amenity area, commercial/office space, landscaping or privately-owned publicly-accessible open space. The POPS could serve as an extended connection to the public parkette to the west (Market Garden Mews). The POPS would be secured in a Section 37 Agreement and its final design would be secured through the site plan application review process. Providing public art on the site, within a POPS would be appropriate.

Amenity Areas

The size of the proposed indoor and outdoor amenity spaces are acceptable to staff. However, the proposed outdoor amenity space locations are not ideal. The proposed outdoor amenity spaces are expected to be uncomfortable due to shadow/wind and would likely be underutilized. Consideration should be given to relocating and increasing the size of the outdoor amenity space on the mezzanine level as it is small, would have little to no access to sunlight and would endure downwashing of wind into the area. Planning staff note that the introduction of an outdoor dog area has been a positive addition to the proposal.

Streets and Connections

Planning staff have concern regarding the proposed vehicular site access and circulation. The proposed two vehicular accesses should be consolidated into one inbound/outbound access via Queen Elizabeth Boulevard. Staff are of the opinion the current arrangement should be redesigned to provide a circular pick up/drop off area with 2 lay-by spaces and a landscaped open courtyard/POPS space, internal to the site.

Lay-By Parking

Generally, staff do not support lay-by parking spaces on major arterials and avenues as they interrupt the rhythm of the street, create conflicts with pedestrians, inhibit the public realm and hinder tree planting. Lay-bys and pick up/drop off activities are better located on site unless otherwise demonstrated by a technical study indicating that they cannot be located on site in a safe and organized manner.

Planning staff have concern regarding the proposed on-street parking lay-bys along The Queensway and Queen Elizabeth Boulevard street frontages, adjacent to the site. These proposed lay-by parking facilities would accommodate approximately four (4) vehicles and have a width of 2.5 m. These facilities are intended to be used for short term parking related to the retail uses provided on the site as well as within the surrounding area. Staff are of the opinion the proposed lay-by parking spaces should be removed (particularly along The Queensway) and that a dedicated pick up/drop off area be designed on site which could accommodate short term parking related to the proposed retail/commercial uses and delivery services.

Bicycle Parking and Storage

The proposed total supply of 178 bicycle spaces is acceptable. The bicycle spaces would be provided on level 1 and level 2 of the proposed underground parking garage. These spaces should be located no more than one level below grade unless it is demonstrated that it is not technically feasible to do so. Staff request additional justification from the applicant in this regard.

Public Realm and Streetscape

The Public Realm policies of the Official Plan (Section 3.1.1) as well as OPA 479 recognize that a well-designed public realm is developed by creating comfortable, inviting, safe and accessible streets, parks and open spaces which are vital elements in creating a vibrant city. The direction for streetscape and public realm improvements is further reinforced by The Queensway Design Guidelines and Streetscape Improvements.

Much of the success of a mid-rise project on an avenue has to do with the conditions on the ground floor. The primary building entrance for the subject proposal should be located off The Queensway. The entrance should be relocated to front The Queensway and the retail should be reoriented around that entrance as per The Queensway Design Guidelines and Streetscape Improvements. Planning staff note that the pedestrian linkage on the western side of the site between The Queensway and Queen Elizabeth Boulevard should connect to the rear of the adjacent townhouses.

Staff are also of the opinion that all grade related residences should have 3 m of additional landscaping between the front facades and the public boulevard. This area should be planted in such a way as to provide additional privacy for the residents and shade for the sidewalk.

Planning staff are of the opinion that discussions should continue with the applicant regarding the site design, organization and layout, amenity spaces, open/green space, vehicular access and passenger pick-up/drop-off, and lay-by parking spaces to address the issues outlined above.

Access

Notwithstanding Planning staff's opinion, Transportation Services staff do not object to the proposed vehicular access and circulation. As noted previously, the proposed vehicular driveway along Canmotor Avenue would be a one-way inbound driveway providing access to the building and the driveway along Queen Elizabeth Boulevard would operate as a full-moves driveway. Both driveways would provide access to the underground parking lot and the garbage and loading area at the southwest corner of the property. In addition, the applicant's transportation consultant submitted a pavement marking and signage plan for the driveways and ground floor which is acceptable to Transportation Services staff.

Transportation Services staff advise that the submitted site plan and landscape plan must be revised to: illustrate the provision of a pedestrian clearway width that is a minimum of 2.1 m wide along The Queensway site frontage; provide a transition between the 2.1 m wide sidewalk along the site frontage and the abutting sidewalks along The Queensway with a gentle taper; and illustrate the provision of Tactile Walking Surface Indicators at the northwest corner of the Canmotor Avenue and Queen Elizabeth Boulevard intersection.

Parking

The Urban Transportation Considerations Report prepared by the BA Group proposes to apply the minimum by-law parking ratios for Policy Area 4, as per City-wide Zoning By-law No. 569-2013 for the proposed development, which would result in a parking requirement of 238 spaces. The current proposal meets this minimum requirement. Transportation Services staff support the application of Policy Area 4 minimum parking ratios for the proposal as the lands are located on The Queensway which is identified as *Avenues* in the Official Plan.

In addition, the application proposes that 19 resident parking spaces be "small car" spaces with dimensions that do not comply with the minimum zoning by-law requirements by having an undersized length of 5.2 m. The applicant's study provides vehicular manoeuvring diagrams and door opening diagrams that illustrate small vehicles can enter and exit the smaller sized parking spaces in a safe manner. As such, Transportation Services staff accept this condition but note that the 19 "small car" spaces must be included in the site specific zoning by-law should the application be approved. Moreover, Transportation Services staff accept the application's proposed 8 accessible parking spaces with dimensions of 3.4 m by 5.6 m, each of which are located adjacent to a 1.5 m wide barrier-free aisle.

Loading

One Type 'G' loading space is proposed for the building, which satisfies the minimum loading requirements of City-wide Zoning By-law No. 569-2013 and the former Etobicoke Zoning Code for the subject site. The truck manoeuvring diagrams provided in Appendix C of the traffic consultant's report illustrates that the site can accommodate manoeuvres for a City of Toronto garbage truck, such that it can enter and exit the site in a forward manner. Transportation Services staff advise the applicant's vehicle tracking diagrams are satisfactory.

Traffic Impact

The applicant submitted an Urban Transportation Considerations Report prepared by the BA Group, the purpose of which is to evaluate the effects of the proposed development on the transportation system and suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the proposed development. The study determined that the proposed development would generate a total of 60 net new two-way trips in the morning hours and a total of 20 net new two-way trips in the afternoon. The study also found that the proposed traffic would have negligible impact on the service of the intersections in the study area. Transportation Services staff concur with these findings.

Servicing

The applicant submitted a Functional Servicing Report dated November 25, 2019 and a Stormwater Management Realignment Brief dated November 21, 2019, prepared by Urbantech West, which was reviewed by Engineering and Construction Services staff. Staff advise that further analysis is required to determine the stormwater runoff, sanitary flow and water supply demand and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development or if upgrades/improvements to the existing municipal infrastructure are required. As such, staff advise that a revised Functional Servicing Report must be submitted to Engineering and Construction Services staff for review and acceptance.

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

Housing, Tenure and Family-Sized Units

The proposed tenure of the apartment units is condominium. Housing policies in Chapter 3 of the Official Plan establish that new development should introduce a wide range of housing options, including affordable housing and assisted senior housing. Staff have encouraged the addition of affordable rental units on site. Moreover, the provision of affordable and/or mid-range purpose-built rental units within this proposed

development would support the City's and Growth Plan's housing policy objectives to provide for a full range of housing by tenure and affordability within new developments.

The Council-adopted Growing Up Urban Design Guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments. Guideline 2.1 of the Growing Up Guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the Guidelines state that 10% of the residential units should be three-bedroom units and 15% should be two-bedroom units. Further, the Growing Up Guidelines include unit size standards which include larger sized two-bedroom units (approximately 90 m²) and larger sized three-bedroom units (approximately 106 m²).

The application proposes 11% three bedroom units and 37% two bedroom units. However, staff are of the opinion that the proposed size of the two and three bedroom units should comply with the standard unit sizes included in the Growing Up Guidelines for larger sized two and three bedroom units. Staff will continue discussions with the applicant to provide larger sized units

Staff typically seek to secure a minimum of 20% of units as two-bedroom units and 10% of units as three bedroom units, consistent with Official Plan objectives to create a diversity of unit types. This is also consistent with the City's Growing Up Guidelines which emphasize the need to accommodate the growing demand for family housing in vertical communities. As such, staff would secure a minimum of 10% three-bedroom units and a minimum of 20% two-bedroom units in the Draft Zoning By-law Amendments, if approved.

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest 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 by Real Estate Services staff. 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.

In the event that the owner acquires additional land which increases the total area of the development site, Parks, Forestry and Recreation staff reserve the right to request an on-site parkland dedication where such dedication would result in a functional public park.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The applicant submitted an Arborist Report/Tree Inventory and Preservation Plan Report, prepared by Kuntz Forestry Consulting Inc. which has been reviewed by Urban Forestry staff. The Arborist Report indicates the development proposes to remove ten (10) by-law protected City street trees and six (6) by-law protected privately owned trees to accommodate the proposal. The trees would require removal because they could not tolerate the extent of injury they would sustain if the proposed elements of the project are built as planned. Urban Forestry staff require an Application to Injure or Destroy Trees and the required application fees for permission to remove the trees in question if approved.

The applicant has submitted a Planting Plan that proposes a total of eighteen (18) new trees on the City road allowance and one (1) tree on private property. Under the Private Tree By-law, replanting at a ratio of three new trees for each by-law-protected tree removed is required (18 trees in total). Urban Forestry staff have advised the applicant's Planting Plans include the planting of one (1) tree, the balance of which (17 trees) will be taken by the City as cash in lieu of planting.

Urban Forestry staff require minor revisions to the applicant's Planting/Landscape Plan to comply with Tier 1 of Toronto Green Standard Version 3.0 as standards regarding tree planting areas (particularly within the boulevard), spacing and soil volume are not met (Standards EC1.1; EC1.2; and EC1.4). Urban Forestry staff have advised these matters can be addressed and finalized through the site plan application review process. The applicant must also submit a Soil Volume Plan. As this report was being finalized, the applicant submitted updated landscape plans and soil volume calculations. Staff require additional time to review these materials and conduct a fulsome review prior to providing opinion.

Toronto Green Standard

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 has been encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for Tier 1 development features such as automobile infrastructure and cycling infrastructure would be secured through the zoning by-law process. Other applicable TGS performance measures would be secured through the site plan application review process.

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 neighbourhoods. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community. One of the development criteria in *Mixed Use Areas* as established by Section 4.5 of the Official Plan is that new development will have access to schools, parks, community centres, libraries and childcare.

The applicant submitted a Community Services and Facilities Report which was reviewed by staff to determine the impact of the proposed development and local development activity on the community services and facilities, including an assessment of the existing capacity to support the proposed future population. Staff note the properties are part of the ShopTheQueensway BIA.

The CS&F Report found that the property is located in an area of high priority with respect to daycare as the child care services in the study area are operating at capacity. In addition, one (Humber Bay Branch) of the two public libraries that serve the area is listed in poor condition and is a capital investment priority due to growth-related considerations and the condition of the facility. Further, the City's Parks and Facilities Master Plan 2019-2038 recommended an outdoor artificial ice rink and new outdoor basketball and multi-sports courts be built within the next 20 years in the area.

Local Schools

Toronto Land Corporation in association with The Toronto District School Board have identified concerns regarding current local school capacity to accommodate students anticipated from this development and others in the area. The Toronto Catholic District

School Board has identified concern regarding future school accommodation for students associated with the proposal.

Both School Boards advised that children from the proposed development would not displace existing students at local schools. Further, both School Boards have requested that as a condition of approval, the proponent enter into an agreement to erect and maintain signs on the site advising that sufficient accommodation might not be locally available for all students. The signs should be to the Board's specifications and be erected prior to condominium registration or the issuance of any building permit. The School Boards also requested warning clauses be included in all offers of purchase and sale of residential units advising of the inability to accommodate students locally, the potential for portable classrooms and on busing procedures. These requirements are proposed to be secured in the Section 37 Agreement and subsequent Site Plan Agreement(s), should the application be approved.

Noise/Vibration and Compatibility/Mitigation

Staff have concern regarding the appropriateness of the proposed residential use on the rear southeastern portion of the site, which is currently zoned Class 1 Industrial and Employment Industrial. The proposed development would have 2-storey at grade residential units fronting Queen Elizabeth Boulevard and would face the existing *Core Employment Areas* and the Class 1 Industrial and Employment Industrial zoned lands across the street. As such, professional assessment is required to ascertain potential impacts such as noise, vibration and emissions given the proximity of the proposed residential use to the abutting *Core Employment Areas* and industrial uses to the south.

The applicant submitted a Noise and Vibration Impact Study prepared by Valcoustics Canada Ltd. in support of the application. The study is required to determine the impact of noise generated by the proposed development on the surrounding environment, the impact of noise from the surrounding environment on the proposed development and the impact of noise from the proposed development on itself as well as mitigation measures to reduce any negative impacts.

The applicant also submitted a Compatibility/Mitigation Report prepared by RWDI in support of the application. The study is required due to the proposed introduction of a sensitive land use adjacent to *Core Employment Areas*.

The City will retain a third party professional consultant (with the cost borne by the applicant) to peer review the applicant's submitted Noise and Vibration Impact Study and the Compatibility/Mitigation Report. The purpose of the peer review is to ensure that the proposal will be appropriately designed and appropriate materials are incorporated to minimize any land use compatibility issues and that recommended mitigation measures are included in the design of the development. Replacing these residential uses with non-residential and employment uses compatible with the *Core Employment Areas* in proximity to the site may address this concern. The peer review process will assist with the determination of whether the proposed development conforms with Official Plan Policy 2.2.4.5 regarding sensitive uses as previously outlined in this report.

As such, should the LPAT allow the appeal in whole or in part, it is recommended that the owner be required to secure any required noise or any other compatibility mitigation measures identified in the accepted Noise Impact and Vibration Study and Compatibility/Mitigation Report, peer reviewed at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner should also be required to construct and maintain any required mitigation measures, with such design to be secured through the site plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

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*. Details of a Section 37 Agreement between the applicant and the City are determined, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

The Official Plan and City Council's approved Section 37 protocol requires that the proposed development represent good planning and meet a minimum size requirement of 10,000 m² and an increase in density of at least 1,500 m². The proposed development meets the size and threshold requirements. Should the application be approved, a contribution under Section 37 would be warranted. Discussions with the Ward Councillor, City staff, residents and the applicant would be required to determine the extent and nature of the required Section 37 community benefits.

No fulsome discussions were held regarding Section 37 community benefits given staff's opinion the proposal does not represent appropriate development in its current form and as the planning issues outlined in this report have not been fully resolved.

In the event the Local Planning Appeal Tribunal (LPAT) approves additional density and/or height beyond what is permitted in the Zoning By-law, it is recommended that the City Solicitor be directed to request the LPAT to withhold its final Order until the City has secured appropriate community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, and such benefits should be secured through the site specific Zoning By-law Amendment and in the Section 37 Agreement.

Should the application be approved, potential Section 37 contributions could be secured towards specific benefits for the surrounding local community including daycare, local libraries, local parks, an outdoor artificial ice rink, a new outdoor basketball and multi-sports courts as well as affordable housing or by securing purpose-built rental housing at mid-range or affordable rent level categories.

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

- a) The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development;
- b) 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;
- c) The owner shall satisfy the requirements of the Toronto District School Board and the Toronto Catholic District School Board regarding warning clauses and signage with respect to school accommodation issues; and
- d) A minimum of 10% of the dwelling units on the lands must be three-bedroom units and a minimum of 20% of the dwelling units on the lands must be two-bedroom units.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2020) and does not conform to, and conflicts with the Growth Plan (2020). Further, the proposal does not conform with the Toronto Official Plan, particularly regarding the *Avenues*, Built Form and *Mixed Use Areas* Policies. The following significant staff and community concerns have not been resolved: proposed building typology; height; massing; setbacks and stepbacks; transition to surrounding low-scale properties (particularly the adjacent 3-storey townhouse development to the west); lack of fit with its existing and planned context within The Queensway Avenue Study area; and potential compatibility/mitigation matters.

The current proposal is not appropriate as the proposed development represents overdevelopment of the site with a tall building which is not in keeping with the existing or planned mid-rise building context of the area established by The Queensway Avenues Study. The proposal does not provide appropriate transition to lower scale properties and would also shadow the public realm on the north side of The Queensway. The proposal would establish an undesirable precedent, does not represent good planning and is not in the public interest in its current form.

Development on this site could be supported, should it provide an appropriate height, density, massing, transition of scale, and limit shadowing on the public realm, as directed in the Official Plan, The Queensway Avenues Study and The Queensway Design Guidelines and Streetscape Improvements.

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

Applicant Submitted Drawings

Attachment 5:	Site Plan
Attachment 6:	North Elevation
Attachment 7:	East Elevation
Attachment 8:	South Elevation
Attachment 9:	West Elevation

APPLICATION DATA SHEET

Municipal Address: 933-935 THE QUEENSWAY
Date Received: May 21, 2019
Application Number: 19 156707 WET 03 OZ
Application Type: OPA / Rezoning, Rezoning
Project Description: To construct a 16-storey mixed-use building with 227 residential dwelling units with grade related units along the south portion of the site. The proposal includes a residential Gross Floor Area of 18,118 m² and a commercial Gross Floor Area of 492 m² at grade for a total density of 6.93 times the area of the lot. A one-way driveway access is proposed via Canmotor Avenue and a rear two-way driveway access is proposed from Queen Elizabeth Boulevard with a 6-storey portion of the proposed building cantilevered above.

Applicant	Agent	Architect	Owner
DAVID MCKAY MHBC	MATTAMY HOMES	TACT ARCHITECTURE INC	LATINO FOOD DELIGHTS IMPORTING INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas **Site Specific Provision:**
Employment
Industrial (E 1.0),
Zoning: Limited
Commercial **Heritage Designation:**
Avenues (AV) &
Class 1 I
Height Limit (m): **Site Plan Control Area:** Y

PROJECT INFORMATION

Site Area (sq m): 2,685 **Frontage (m):** 42 **Depth (m):** 50

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,022		1,588	1,588
Residential GFA (sq m):			18,118	18,118
Non-Residential GFA (sq m):	1,022		492	492
Total GFA (sq m):	1,022		18,610	18,610
Height - Storeys:			16	16
Height - Metres:			53	53

Lot Coverage Ratio (%): 59.14

Floor Space Index: 6.93

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	18,118	
Retail GFA:	492	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			227	227
Other:				
Total Units:			227	227

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		2	116	85	24
Total Units:		2	116	85	24

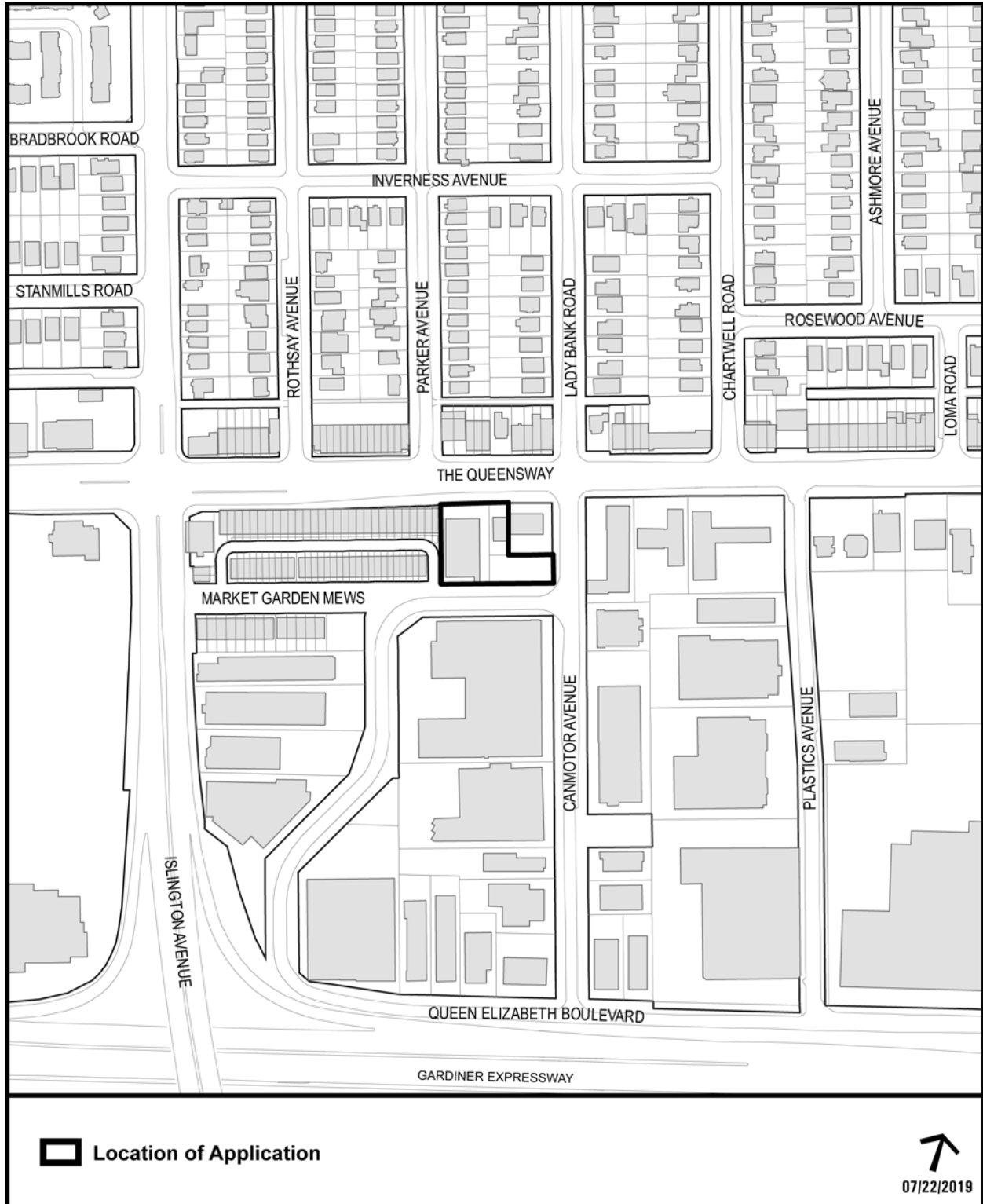
Parking and Loading

Parking Spaces: 238 Bicycle Parking Spaces: 178 Loading Docks: 1

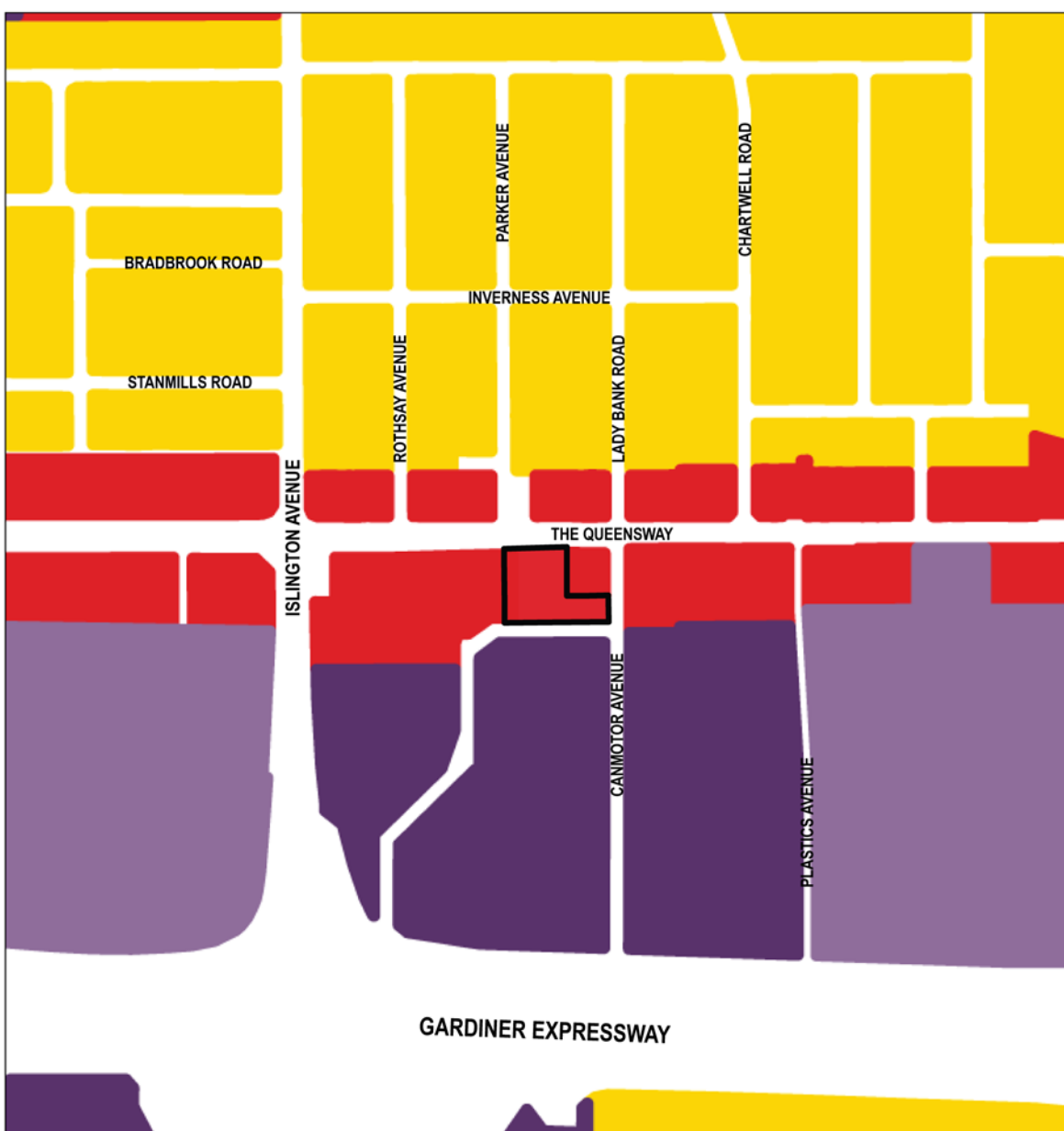
CONTACT:

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Community Planning,
416 394 8227
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Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #15

933-935 The Queensway

File # 19 156707 WET 03 02

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas

-  General Employment Areas
-  Core Employment Areas

↑
Not to Scale
07/26/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

933 - 935 The Queensway

File # 19 156707 WET 03 02



Location of Application

RD
RT

Residential Detached
Residential Townhouse

E
UT

Employment Industrial
Utility and Transportation



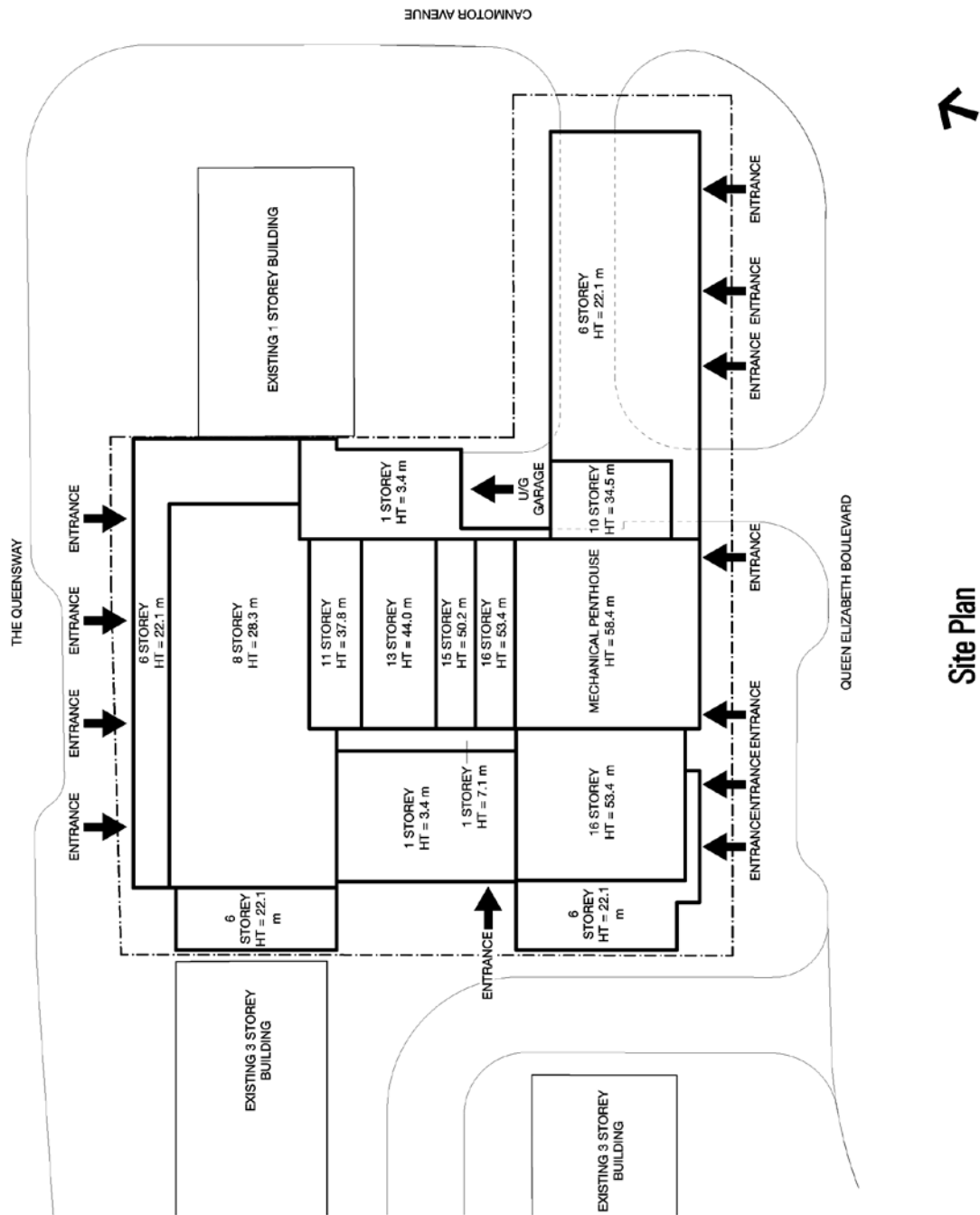
See Former City of Etobicoke By-law No. 11,737

I.C1
AV
CL

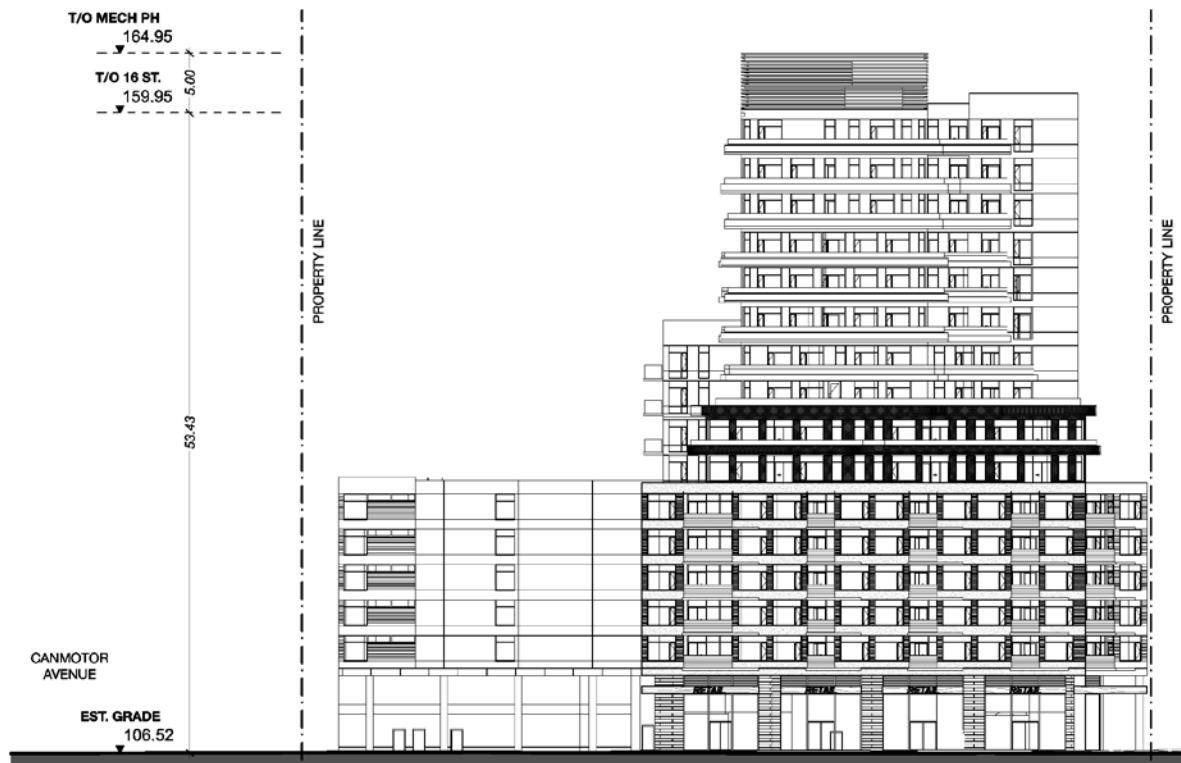
Class 1 Industrial Zone
Limited Commercial-Avenues Zone
Limited Commercial Zone



Not to Scale
Extracted: 10/18/2019

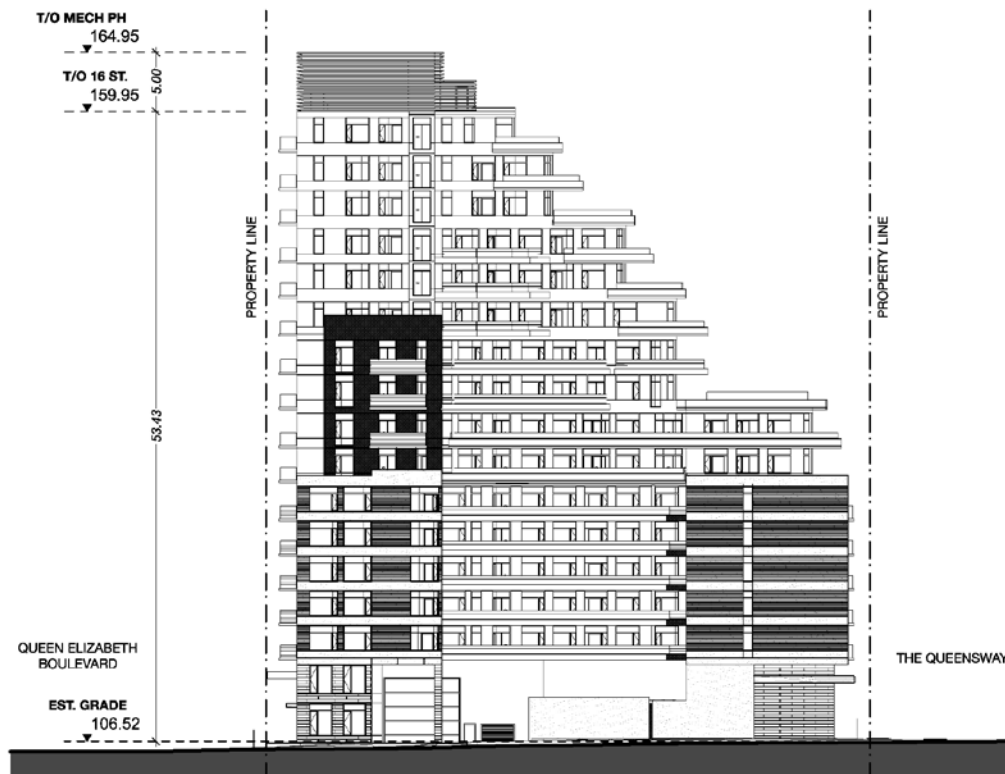


Attachment 6: North Elevation



North Elevation

Attachment 7: East Elevation



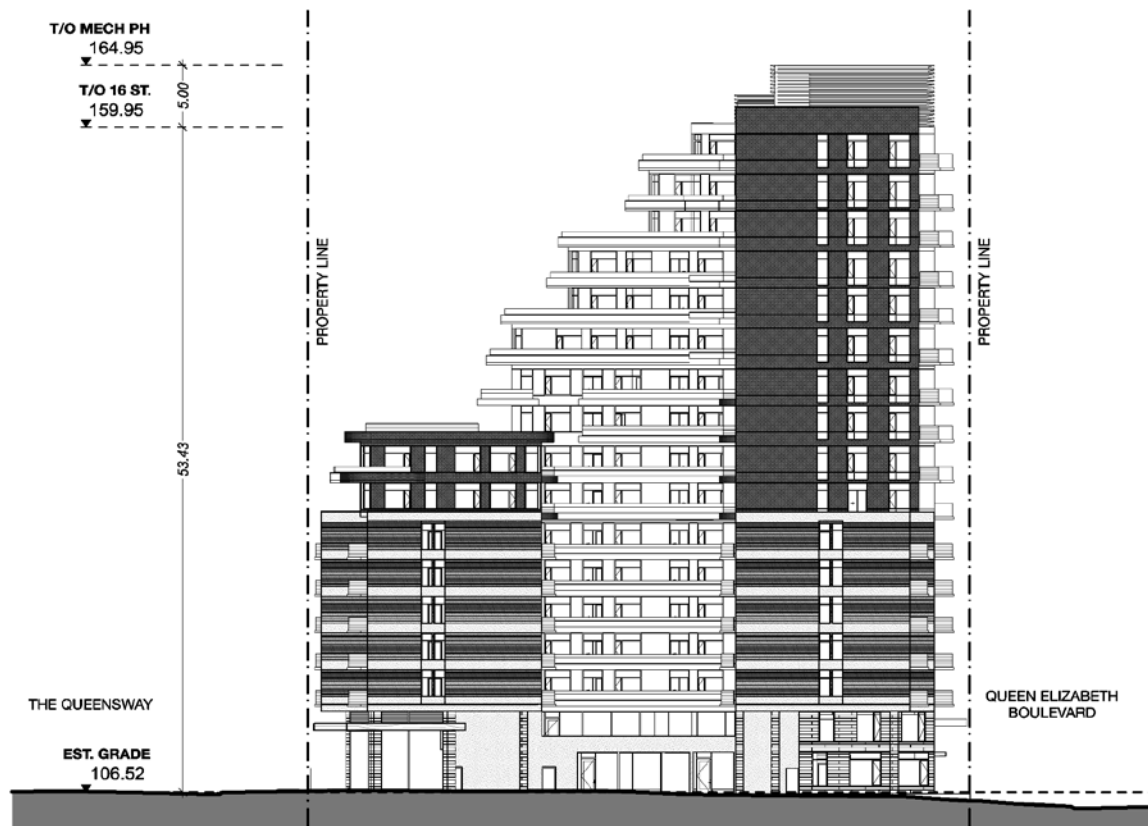
East Elevation

Attachment 8: South Elevation



South Elevation

Attachment 9: West Elevation



West Elevation