

# **1325-1365 The Queensway – Zoning By-law Amendment Application – Request for Direction Report**

Date: June 9, 2022

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

**Planning Application Number:** 20 176082 WET 03 OZ

## **SUMMARY**

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On August 10, 2020, a Zoning By-law Amendment application was submitted to permit the development of a mixed-use development at 1325-1365 The Queensway, in conformity with the Official Plan designation. On July 26, 2021, a revised Zoning By-law Amendment application was submitted which altered the proposal to be an 11-storey mid-rise building, a 37-storey tower and a 44-storey tower, connected by a three-storey base building and containing a total of 1,187 residential units. A total of 1,333 square metres of non-residential space is proposed for two daycares and a total of 77,527 square metres is proposed for residential uses. The 44-storey tower would have a height of 141 metres, excluding the mechanical penthouse. The proposed development would have a total Gross Floor Area of 78,860 square metres, which would result in a Floor Space Index (FSI) of 8.98 times the lot area.

The applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the prescribed time frames set out in the *Planning Act*. The first Case Management Conference (CMC) was conducted on April 4, 2022 for the OLT Case No. OLT-21-001793. A 10-day hearing has been scheduled for April 10, 2023.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Zoning By-law Amendment appeal for the lands at 1325-1365 The Queensway and to continue discussions with the applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal (OLT) allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the OLT withhold the issuance of any final Order(s) until such time as the OLT has been advised by the City Solicitor that:

a. the form and content of the Zoning By-law Amendment are to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning;

b. the owner has addressed the outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;

c. the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;

d. the owner has provided a revised Transportation Impact Study, if required, such report to be reviewed and its recommendations implemented to the satisfaction of the General Manager, Transportation Services;

e. the owner has provided a revised Pedestrian Wind Study, with a wind tunnel study, with such report to be reviewed and its recommendations implemented as part of the amending Zoning By-laws and/or secured as a legal convenience in a development agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning; and

f. the submitted Compatibility & Mitigation Study for Air Quality, Dust, Odour, Noise & Vibration, has been peer reviewed by qualified third-party consultant retained by the City of Toronto at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning.

3. In the event the Ontario Land Tribunal allows the appeal in whole or in part, and the implementing amending Zoning By-laws are enacted prior to the earlier of September 18, 2022 or the day the City passes a Community Benefits Charge by-law, City Council authorize the City Solicitor to enter into an agreement pursuant to Section 37 of the *Planning Act*, securing appropriate services, facilities and other community benefits as may be required by the Chief Planner and Executive Director, City Planning.

4. In the event the Ontario Land Tribunal allows the appeal in whole or in part and the implementing amending Zoning By-laws are enacted after the earlier of September 18, 2022 or the day the City passes a Community Benefits Charge by-law, City Council

authorize the City Solicitor to secure community benefits and other matters in support of the development in a development agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor.

5. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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On July 14, 2020, a pre-application consultation meeting was held between City Planning staff and the applicant. The initial concept submitted on August 2, 2020 was for an 11-storey mid-rise building connected to two 37-storey towers by a six-storey base building. Staff raised concerns regarding the proposed building's height, massing, and appropriate transition with existing uses.

On March 3, 2021, Etobicoke York Community Council considered Item EY22.4: 1325-1365 The Queensway – Zoning By-law Amendment Application – Preliminary Report. A motion to amend the recommendations outlined in the Preliminary Report was brought forward by the Ward Councillor, authorizing staff to continue discussions with the applicant to reduce the height and massing of the proposed 37-storey buildings to ensure that the application conforms with applicable planning policies and guidelines and the existing context of The Queensway. Staff was also initially directed to report back to the Etobicoke York Community Council regarding the outcome of the further discussions for any revisions prior to the scheduling of a community consultation meeting.

On April 19, 2021, after consulting with City Planning, Item EY22.4 was requested to be reopened to direct City Planning to proceed with the scheduled community consultation meeting on April 29, 2021 with notice mailed to landowners and residents within 120 metres of the subject site. The Preliminary Report can be found at:  
<https://www.toronto.ca/legdocs/mmis/2021/ey/bqrd/backgroundfile-163413.pdf>

On July 26, 2021, a revised Zoning By-law Amendment application was submitted which altered the proposal to be an 11-storey mid-rise building, a 37-storey tower and a 44-storey tower, connected by a six-storey base building and containing a total of 1,187 residential units. This revised Zoning By-law Amendment application has been appealed to the OLT due to Council not making a decision within the prescribed time frames set out in the *Planning Act*.

## SITE AND SURROUNDING AREA

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### Site Description and Dimensions

The subject site is located on the south side of The Queensway, west of Kipling Avenue and on the east side of Queensway Lions Court. (see Attachment 1: Location Map). The site is rectangular in shape and is currently occupied by a two-storey commercial building and a one-storey automotive building with surface parking. The site is approximately 8,782 square metres in size.

### Surrounding Uses

- North:** Directly north are two one-storey commercial buildings containing automobile dealerships. The property at 1306-1310 The Queensway was recently subject to a Zoning By-law Amendment application for a mixed-use development that was approved by Council in June 2021 (file no. 19 263887 WET 03 OZ). Also to the north is a two-storey converted residential building used for commercial uses. Further north, on the west side of Kipling Avenue are one-storey commercial buildings. On the east side of Kipling Avenue is a one-storey commercial plaza and a low-rise residential neighbourhood.
- West:** Several low-rise industrial buildings. Further to the west, The Queensway rises up over the CP Rail Corridor.
- East:** Directly to the east of the subject site is a one-storey commercial building (currently a TD Bank). East of Kipling Avenue is the Kipling Queensway Mall and associated surface parking.
- South:** Two three-storey automobile dealership buildings. Further south is the Gardiner Expressway.

Refer to Attachment 1 for the Location Map.

## THE CURRENT APPLICATION

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**Proposed Uses:** A mixed-use building with 1,187 dwelling units. Residential gross floor area of 77,527 square metres, and 1,333 square metres of non-residential space (for two daycares). The two towers would be situated in the southwest and southeast corners of the site with a connecting three-storey base between the towers. The north side of the towers would connect to the south side of the four-storey mid-rise building.

**Height:** An 11-storey mid-rise building along The Queensway, a 44-storey (147 metres including mechanical penthouse) tower and a 37-storey (126 metres including mechanical penthouse) tower which would be connected to each other by a three-storey base building and connected to the 11-storey mid-rise building by a four-storey base building.

**Density (Floor Space Index):** 8.98 times the area of the lot.

**Unit Breakdown:** 1,187 dwelling units, of which 69 are studio units (6%), 700 are one-bedroom units (59%), 296 are two-bedroom units (25%), and 122 are three-bedroom units (10%).

**Parking:** The development would include four full levels and one partial level of underground parking for a total of 1,045 vehicular parking spaces. All parking would be accessed from one location off Queensway Lions Court and would be located underground except for eight short-term spaces. A total of 892 bicycle parking spaces would be provided, 808 of which are long-term spaces and 84 short-term spaces.

**Loading:** The proposal includes one Type 'G', one shared Type 'G/B' and one Type 'C' loading space to be accessed from the driveway at the south west end of the site.

**Amenity Space:** The proposal includes 2,386 square metres of indoor amenity space (2.01 square metres per unit) and 2,379 square metres of outdoor amenity space (2.00 square metres per unit).

## **Additional Information**

See Attachments 1, 2 and 3 of this report for a location map, three dimensional representations of the project in context and a site plan of the proposal.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

<http://app.toronto.ca/AIC/index.do?folderRsn=f%2Byh5iSWBSsmCPcwlwbhuQ%3D%3D>

## **Reasons for Application**

Amendments to the former City of Etobicoke Zoning Code are required as the proposal does not comply with the existing performance standards with respect to: building heights and total density. An amendment is also required to establish appropriate development standards for the proposal as the residential use is not currently permitted.

## **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted and is currently being reviewed (File Number: 21 210066 WET 03 SA). The Site Plan Control application has not been referred to the OLT.

## **POLICY CONSIDERATIONS**

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### **Official Plan Designation**

The site is designated as *Mixed Use Areas* on Land Use Map 14 of the Official Plan. The lands are surrounded by Mixed Use Areas to the direct east and south and north and Employment Areas to the west, further south and to the northwest.

## **Etobicoke Zoning Code**

The site is subject to the former City of Etobicoke Zoning Code which zones the site as Class 1 Industrial (I.C1), which permits commercial, institutional, manufacturing and retail uses.

## **City-wide Zoning By-law 569-2013**

The subject site is currently not subject to city-wide Zoning By-law 569-2013 but would be added through the proposed amendments.

Additional Information on applicable policy can be found in Attachment 6.

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was hosted by City staff, in coordination with the Ward Councillor, on April 29, 2021 to discuss the proposal. The attendees asked questions and raised a number of issues and concerns, including the following:

- Height of the proposal;
- Traffic generated as a result of the proposed development;
- Shadow impacts on the surrounding neighbours;
- Impact of the proposal on local schools;
- Sufficient infrastructure;
- Provision of parkland in the surrounding area;
- Provision of pet amenities; and
- Provision of affordable housing units.

## **COMMENTS**

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The proposal has been reviewed against the *Planning Act*, Provincial Policy Statement (PPS), Growth Plan and Official Plan policies, planning studies and design guidelines.

### **Planning Act**

The review of this application has had regard for the relevant matters of provincial interest set out under Section 2 of the *Planning Act*.

### **Provincial Policy Statement (2020)**

City Planning staff have reviewed the current proposal against the policies of the PPS, as described in Attachment 6: Policy Considerations Section in this report. The Official Plan, as amended, is consistent with the PPS and outlined below is a detailed assessment of the proposed development against the policies of the Official Plan.

## **A Place to Grow: Growth Plan For the Greater Golden Horseshoe (2020)**

City Planning staff have reviewed the current proposal against the policies of the Growth Plan, as described in Attachment 6: Policy Considerations section in this report. The Official Plan, as amended, conforms to the Growth Plan and outlined below is a detailed assessment of the proposed development against the policies of the Official Plan.

### **Land Use Compatibility**

The residential and commercial uses proposed on the site are consistent with the *Mixed Use Areas* designation in the Official Plan. However, consideration must be given to the compatibility of the proposal with adjacent *Employment Areas* and the appropriateness of amenity space locations for the daycare uses along The Queensway.

### **Height and Density**

The proposed mid-rise building along The Queensway would be 11 storeys high; the proposed 44-storey tower in the southwest corner would have a height of 147 metres including mechanical penthouse, the proposed 37-storey tower in the southeast corner would have a height of 126 metres including mechanical penthouse, the base building connecting the two towers along the south of the site would be three storeys high, and the base buildings located along the east and west sides of the property, connecting the towers to the mid-rise building, would be four storeys high.

The height proposed for the two tall tower buildings is unprecedented in this area. The existing and approved building heights along The Queensway around the area of The Queensway and Kipling Avenue to Islington Avenue range from one to 31 storeys, with taller buildings up to 42 storeys being located further south, adjacent to the Gardiner Expressway. The proposed tower heights are significantly greater than existing and approved developments on comparable sites located south of The Queensway. The proposed development is not in keeping with the urban structure and the planned context.

### **Building Massing**

City Planning staff have reviewed the proposed built form, including building placement, height, massing and transition, against the policies of the Official Plan, urban design guidelines, as well as other relevant guidelines.

While the revised proposal does lower the overall scale of the base building in relation to the adjacent streets and the proposed towers, the internal courtyard area remains constrained and does not achieve sufficient openness and separation distances between facing main walls containing dwelling units to maximize access to sunlight, daylight and privacy. Further, the proposed tower heights contribute to an overscale massing with negative visual and physical impacts on the public realm and does not fit harmoniously with the existing and planned context. The proposed rear setback above the fourth storey and the east side setback above the second storey of the base building

remain insufficient to achieve appropriate facing conditions with existing and future land uses and other development on neighbouring properties respectively.

## **Sun/Shadow**

The Official Plan requires development in *Mixed Use Areas* to locate and mass new buildings to frame the street edge with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces. The Official Plan also states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties. The applicant has provided a shadow study illustrating the shadow impacts during the fall and spring equinoxes and the summer solstice. The shadow study identifies shadow impacts on the approved public park at 1306 The Queensway at 1:18 pm to 4:18 pm on March 21 and 1:18 pm to 4:18 pm on September 21. The cumulative impact of the development proposed at 1325-1365 The Queensway and 1306 The Queensway will result in the proposed park to be shadowed for the majority of the day. The shadow study also illustrates that the north sidewalk of The Queensway will not achieve five hours of continuous sunlight during the spring and fall equinoxes. This will compromise the quality of the streetscape and pedestrian experience, contrary to the design objectives of many of the City's guidelines.

The Shadow Study indicates that the central courtyard area will experience limited sunlight access throughout the day between March 21 and September 21, which negatively impacts the proposed landscape and amenity. Staff recommend revisions to the proposal in order address concerns regarding shadow impacts on the site and the surrounding context.

## **Wind**

The applicant has submitted a Pedestrian Level Wind Study prepared by SLR Consulting dated July 22, 2021 in support of the application. The study finds that wind safety criterion is met at all locations on and surrounding the development in both the existing and proposed configurations. However, wind conditions on the above-grade amenity spaces are generally windier than desired for the intended usage and wind mitigation measures are recommended. Mitigation of wind impacts are best addressed through the building massing and articulation as secured during the rezoning process. Additional wind tunnel testing recommended by SLR can be reviewed and finalized during the Site Plan Control process to confirm the efficacy of potential wind mitigation features. As such, in the event that the application is approved in principle, the City will request that the OLT withhold its final Order until such time as the City advises that a wind tunnel study has been submitted and any building envelope and site changes to address the findings are made to the satisfaction of the Chief Planner and Executive Director, City Planning.

## **Unit Mix**

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



Staff have reviewed the applicant's proposal and note that the provision of 296 (25%) two bedroom units and 122 (10%) three-bedroom units generally support the unit mix objectives of the Growing Up Guidelines, Official Plan housing policies, and the Growth Plans' growth management and housing policies. The provision of these unit mixes within new development accommodates a broad range of households, including families with children. The applicant should provide additional information on the proposed unit sizes, and unit layouts, including a table outlining unit sizes and size ranges by bedroom type, to enable staff to fully evaluate the application in the context of the Growing Up Guidelines.

## **Roadways**

A 0.78-metre wide land conveyance is required along The Queensway frontage of this property to satisfy the planned 36-metre road allowance as per the Official Plan. The Queensway has approximate widths of 34.44 metres and 35.22 metres. In addition to the above, a six-metre corner rounding is also required at the northwest corner of the site. All drawings must be revised with appropriate dimensions and to identify lands that being conveyed to the City for a nominal sum, free and clear of encumbrances for both above and below grade.

## **Transportation**

In support of the application, an Urban Transportation Consideration report, prepared by BA Group, dated July 29, 2020, with an addendum dated July 22, 2021 has been submitted. The consultant concludes that projected site traffic volumes will have minimal impact on the overall operation of the network signalized and unsignalized intersections. Notwithstanding, Transportation Services requires more information on the mitigation measures to be used to address intersection capacity issues surrounding the development. This study is currently under review by City staff.

Based on the submitted materials, one six-metre two-way all-moves access from Queensway Lions Court is provided for loading and access to the underground parking lot. In general, City staff consider this site access arrangement to be satisfactory. Additional comments on the proposed site access arrangement, including access design requirements will be provided through the Site Plan Control process.

## **Parking**

The applicant is proposing a total of 1,045 parking spaces, of which 867 will be residential spaces and 178 will be for visitors and for use by the daycares. Based on the applicable minimum parking space requirements from Zoning By-law 569-2013, the proposed parking supply is deficient. A total of 332 spaces are required. Furthermore, the total number of accessible parking space proposed is 16 spaces, whereas the minimum requirement is 24 spaces for the proposed development. Additional justification is required for the parking shortfall.

## **Servicing and Stormwater Management**

A Site Servicing and Stage 1 Stormwater Management Report and associated plans have been submitted for the site. A Functional Servicing Report needs to be submitted to Engineering and Construction Services, prior to the approval of the Zoning By-law Amendment application, to determine the storm water 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 proposal. Service capacity issues should be resolved at the OLT as part of this appeal. In the event that the application is approved in principle, the City will request that the OLT withholds its final Order until such time as the City advises that the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director of Engineering and Construction Services, or the determination of whether Holding provisions are to be applied to the Zoning By-law amendment.

## **Open Space/Parkland**

The subject lands are in an area with 0.43 to 0.79 hectare of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition 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 nature of this proposal is subject to a 10% parkland dedication. The non-residential nature of this proposal is subject to a 2% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

## **Air Quality, Dust, Odour, Noise and Vibration Assessment**

The applicant submitted a Compatibility & Mitigation Study Air Quality, Dust, Odour, Noise & Vibration prepared by SLR Consulting (Canada) Limited dated July 17, 2020 and a revised version dated July 15, 2021 that reflects the current proposal to determine potential noise impacts resulting from the proposed development, and to ensure compliance with provincial regulations and guidelines. Based on the study, the proposed development is compatible with the surrounding land uses from an air quality, noise and vibration perspective with the inclusion of the physical mitigation measures and warning clauses such as ventilation system design, façade design, and noise barriers.

City staff will retain a third-party consultant to undertake a peer review of the study (with the cost to be borne by the applicant), to verify the conclusions and recommendations outlined in the report. As such, in the event that the application is approved in principle, the City will request that the OLT withhold its final Order until such time as the City advises that the Noise Feasibility Assessment results have been validated by a qualified third-party consultant to the satisfaction of the Chief Planner and Executive Director, City Planning.

## **Tree Preservation**

An Arborist Report, prepared by Ferris + Associates Inc. Landscape Architecture and Urban Design, dated July 24, 2020, was submitted by the applicant. Urban Forestry reviewed the Arborist Report and requested revisions and additional information as outlined in a Memorandum from Urban Forestry dated August 31, 2021. Urban Forestry, Tree Protection & Plan Review requires the applicant to meet the City's Toronto Green Standard (TGS) ecology requirements. It has been noted that the private trees at the south site of the property were in conflict with the existing newly planted trees at the neighbouring property (630 Kipling Avenue) and requires revisions. Furthermore, additional information is required by Urban Forestry including soil specifications for tree planting, soil cell dimensions, and detail on species selection to show diverse tree species.

## **Toronto Green Standard**

The applicant is required to meet Tier 1 of the TGS that is in effect at the time of site plan application. The applicant is 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. TGS measures such as bicycle parking will be secured in the Zoning By-law should the application be approved. Other TGS performance measures for the proposed development will be further secured through the future site plan control approval process.

## **School Boards**

The Toronto Lands Corporation in consultation with the Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) has determined that both the local elementary and secondary schools are currently experiencing accommodation challenges. The Toronto Lands Corporation, TDSB and TCDSB will continue to monitor the residential development within the local area to understand the cumulative impact on local schools and to determine where prospective students will attend. In the interim, the TDSB and TCDSB both have requested that appropriate signage be erected on the subject site and appropriate warning clauses be included in all lease, rental, sale and tenancy agreements. Should the application be approved by the OLT in some form, the status of local school accommodation should be communicated to new and existing residents to inform them that students from new development will not displace existing students at local schools.

## **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*. Should this proposal be approved in some form by the OLT, the applicant should be required to provide a Section 37 contribution in accordance with the *Planning Act* requirements in force at the time of approval.

## **Further Issues**

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions and agencies of the materials submitted in support of the proposal, and through deputations made by members of the public to Etobicoke York Community Council. City Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, City Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, staff may report back to City Council as necessary.

## **Conclusion**

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, as well as applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application does not conform to the Official Plan and does not meet the intent of the applicable Urban Design Guidelines, including the Tall Building Design Guidelines. This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

## **CONTACT**

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## **SIGNATURE**

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Michael Mizzi, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Location Map

Attachment 2a: 3D Model of Proposal in Context Looking Northeast

Attachment 2b: 3D Model of Proposal in Context Looking Southwest

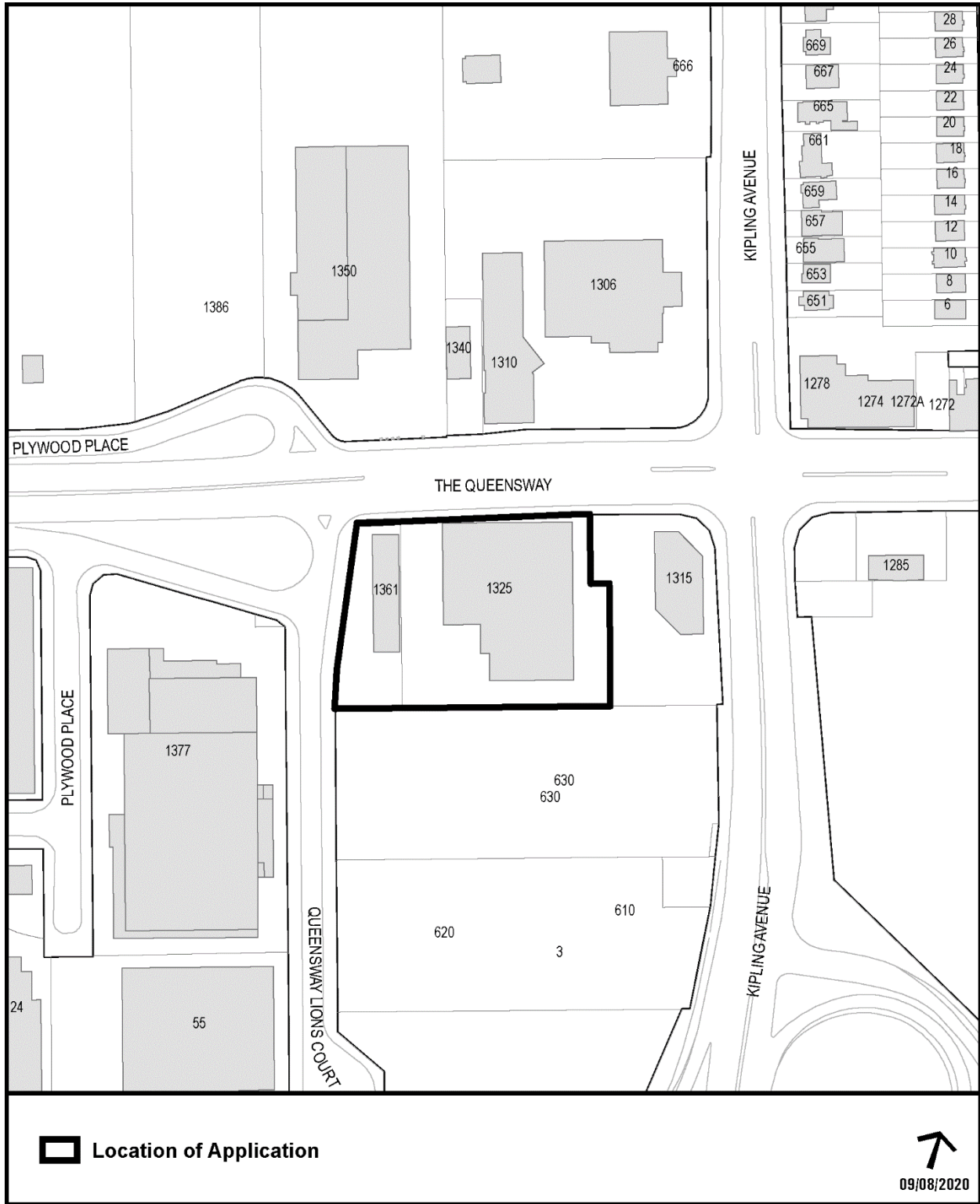
Attachment 3: Site Plan

Attachment 4: Official Plan Map

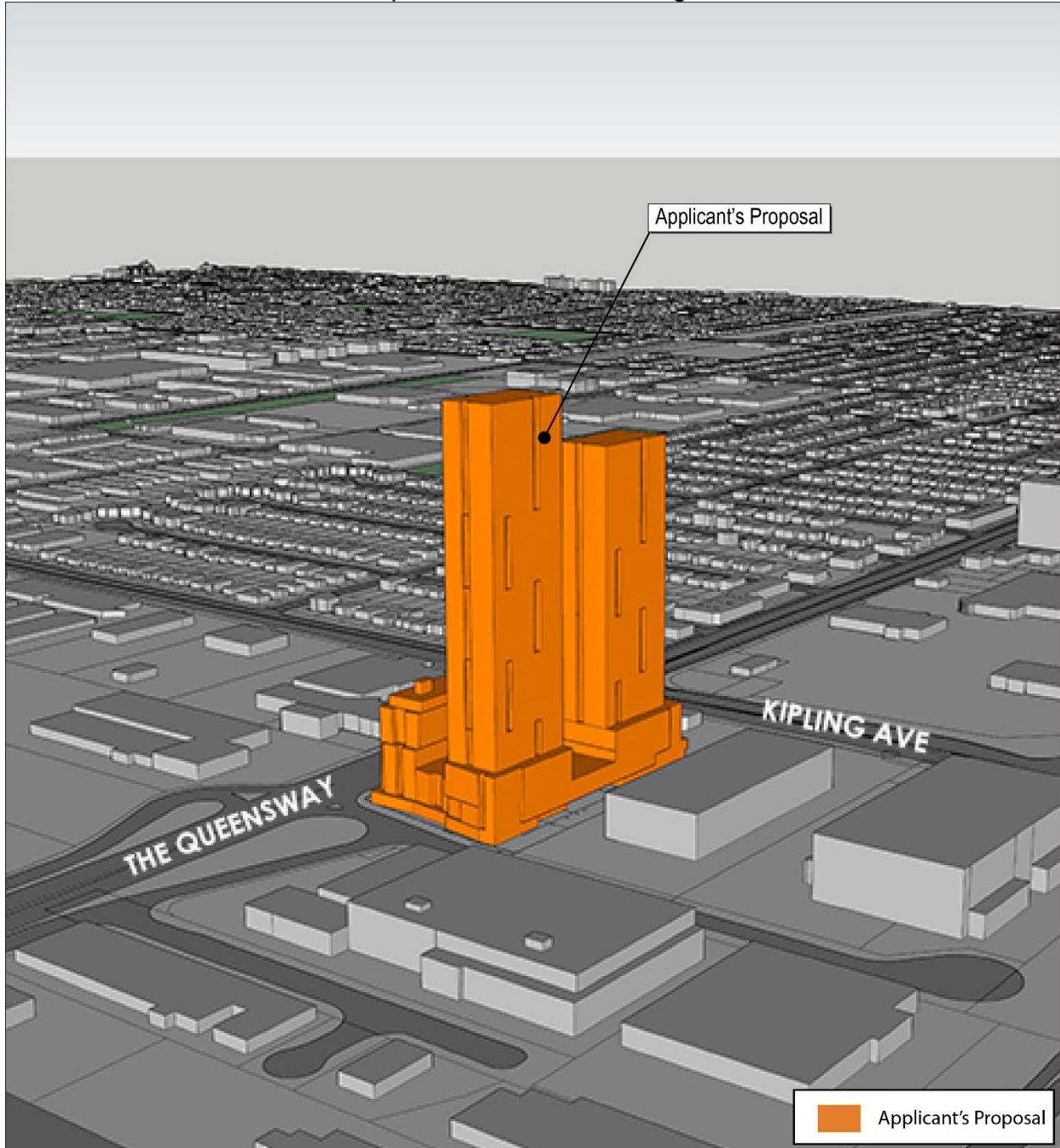
Attachment 5: Zoning By-law Map

Attachment 6: Policy Considerations

Attachment 1: Location Map



Attachment 2a: 3D Model of Proposal in Context Looking Northeast

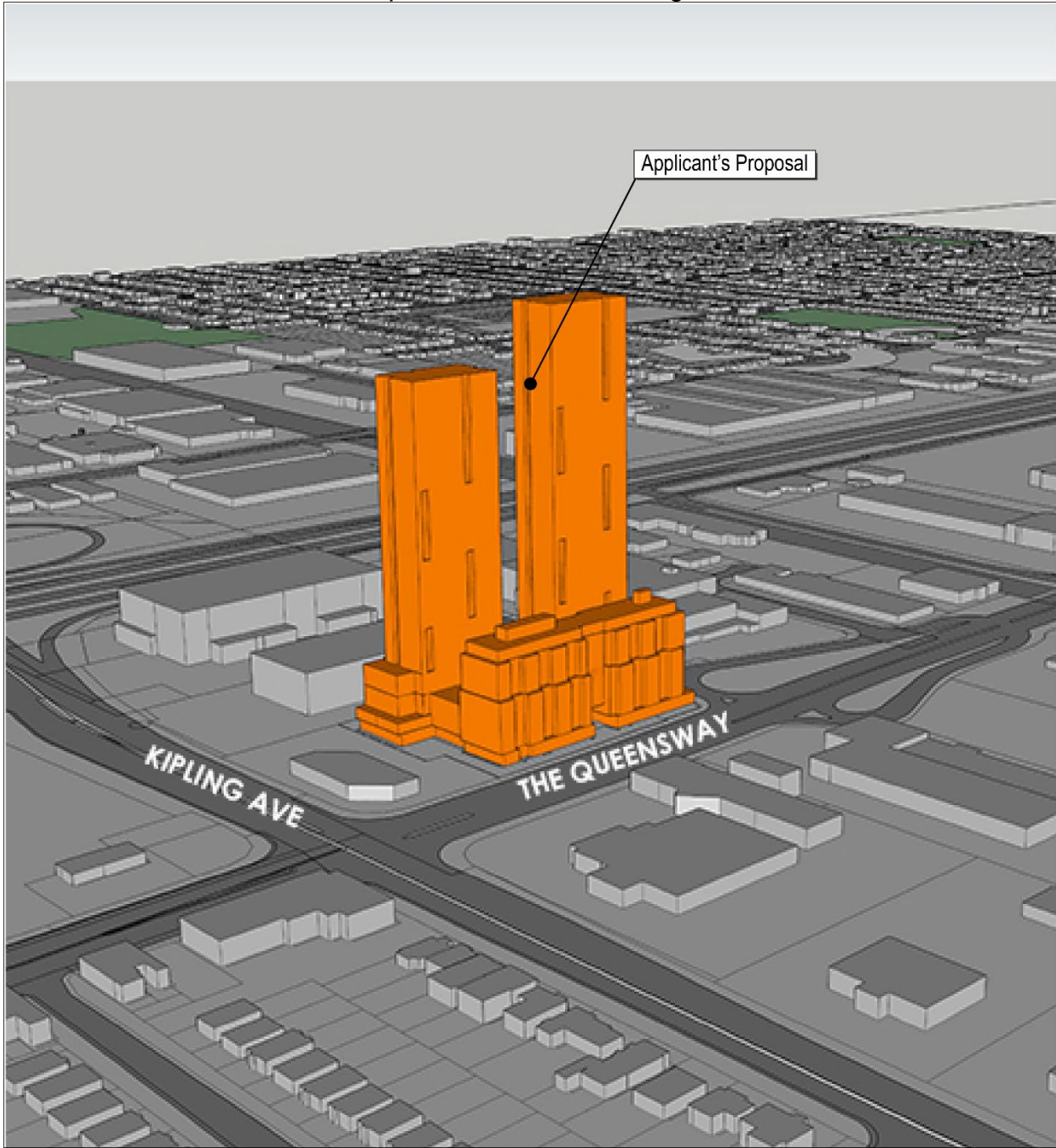


View of Applicant's Proposal Looking Northeast





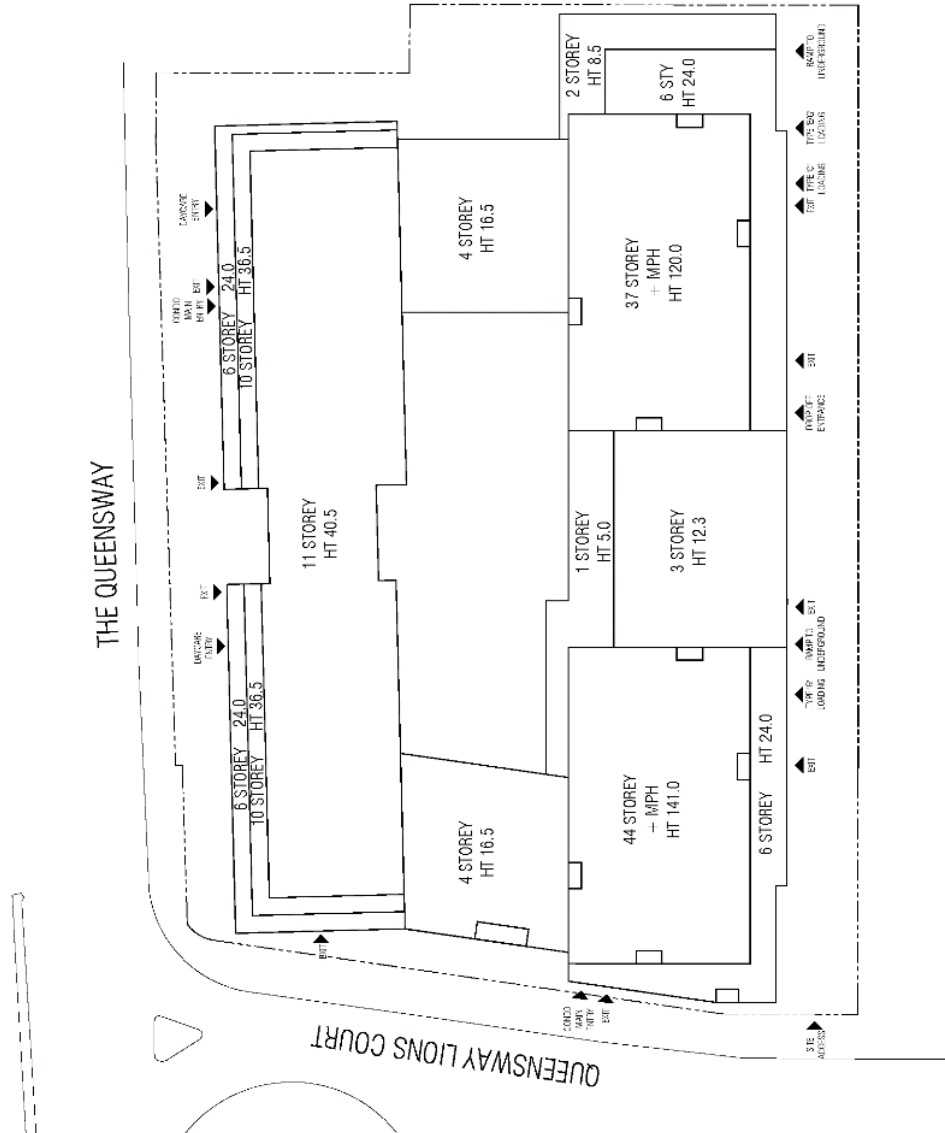
Attachment 2b: 3D Model of Proposal in Context Looking Southwest



View of Applicant's Proposal Looking Southwest

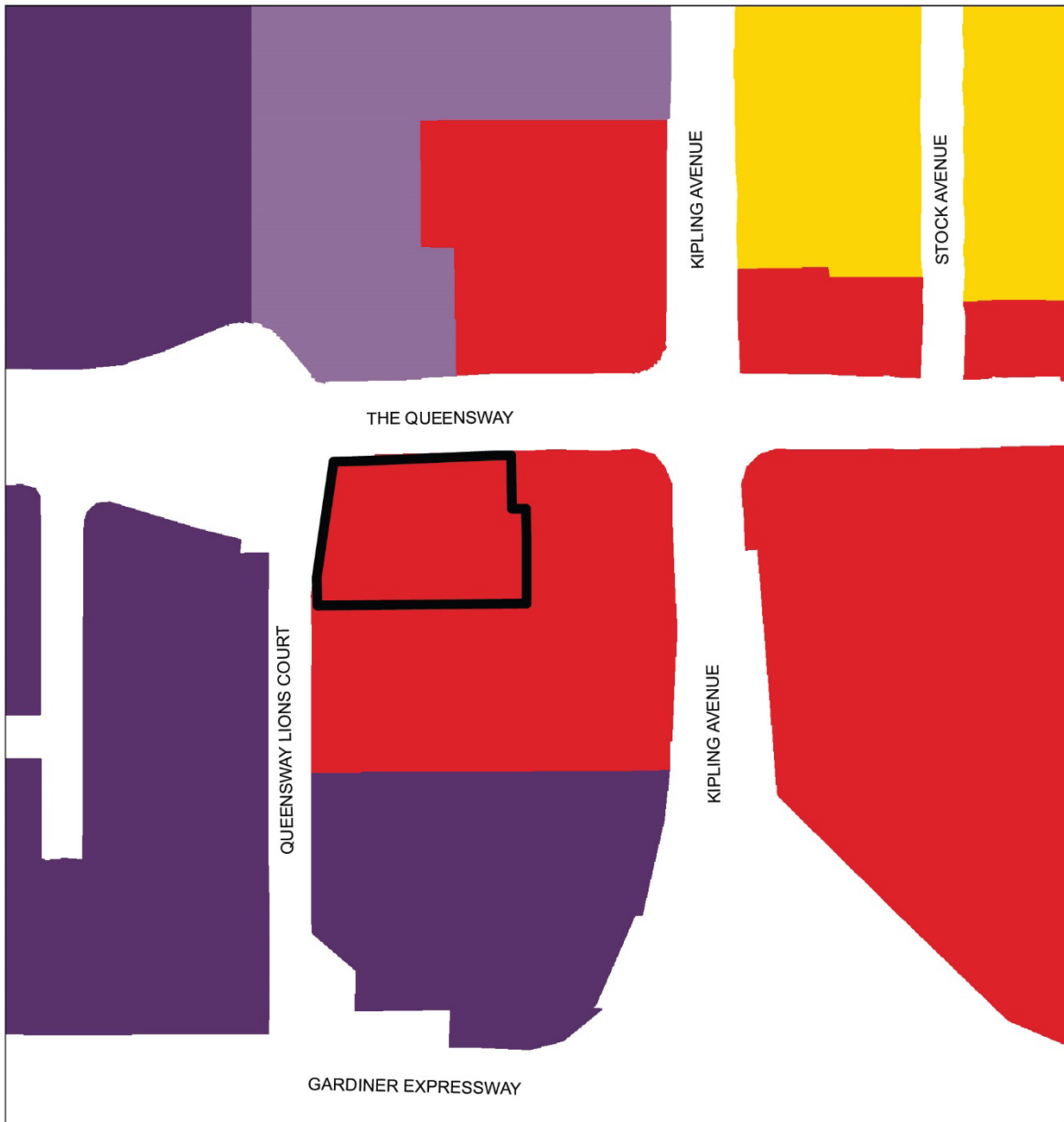
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Site Plan

Attachment 4: Official Plan Map



1325 & 1361 The Queensway

Official Plan Land Use Map #15

File # 20 176082 WET 03 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  General Employment Areas
-  Core Employment Areas

  
Not to Scale  
09/10/2020

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

1325 & 1361 The Queensway

File # 20 176082 WET 03 0Z



Location of Application

RD Residential Detached    E Employment Industrial  
 CR Commercial Residential    UT Utility and Transportation



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

R2 Second Density Residential Zone  
 I.C.1 Class 1 Industrial Zone  
 I.C.2 Class 2 Industrial Zone  
 AV Limited Commercial-Avenues Zone



Not to Scale  
 Extracted: 09/11/2020

## Attachment 6: Policy Considerations

### **The Planning Act**

Section 2 of the Act identifies matters of provincial interest to which a municipality shall have regarding carrying out its responsibilities under the Act. Amongst other matters this includes:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water, and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable, and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options, including affordable housing, through intensification and redevelopment where it can be accommodated;
- Residential development promoting a mix of housing, recreation, parks and open space, and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form, and by conserving features that help define local character.

### **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 plan control.

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

- encouraging a sense of place, by promoting well-designed built form;
- 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 interrelationships among environmental, economic, and social factors in land use planning. The PPS supports a comprehensive, integrated, and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act*, and all decisions of 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 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."

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS, and conform to provincial 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) came into effect on August 28, 2020. This was an amendment to the 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 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 Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) as amended 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.

### **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 PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

### **Chapter 3 - Building a Successful City**

City Official Plan Amendments ("OPA") 479 (Public Realm) and 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. On September 21, 2020 the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. The OPAs replace Sections 3.1.1, 3.1.2, and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form, and built form types. While not in force at the time the application was submitted, understanding this continuing evolution of urban design principles is relevant to the review of the application.

## Public Realm

Section 3.1.1, The Public Realm, states that the public realm is the fundamental organizing element of the city and its neighbourhoods and plays an important role in supporting population and employment growth, health, liveability, social equity and overall quality of life. Policy 3.1.1.1 identifies that the public realm is comprised of all public and private spaces to which the public has access including streets and lanes, parks and open spaces, and the parts of private and public buildings that the public is invited into. Policy 3.1.1.2 requires the public realm to provide the organizing framework and setting for development; foster complete, well-connected walkable communities and employment areas that meet the daily needs of people and support a mix of activities; support active transportation and public transit use; provide a comfortable, attractive and vibrant, safe and accessible setting for civic life and daily social interaction; contribute to the identity and physical character of the City and its neighbourhoods; provide opportunities for passive and active recreation; be functional and fit within a larger network; and contribute to the City's climate resilience. Policy 3.1.1.3 provides that the City, together with its partners, will seek opportunities to expand and enhance the public realm.

Policy 3.1.1.13 requires sidewalks to be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages and abilities. Further, Policy 3.1.1.14 requires that design measures which promote pedestrian safety and security will be applied to streetscapes, lanes, parks, other public and private open spaces, and all new and renovated buildings.

Policy 3.1.1.16 states the preservation, long-term growth and increase in the amount of healthy trees will be a priority for all development. Development proposals will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved. Policy 3.1.1.17 requires access and enjoyment of the natural features of the City, such as ravines and valley lands, will be enhanced and protected by: improving physical and visual access from adjacent public streets, parks and open spaces and designing these into a comprehensive public realm network; ensuring that adjacent development, including new streets, parks and open spaces, building location, height, massing and organization, will preserve and enhance access, views and vistas between these natural features and the public realm; providing for public access along, into and through these natural open spaces, where appropriate; and minimizing shadows on natural features to preserve their utility and ecological health.

Policy 3.1.1.18 requires new open spaces to be located and designed to: connect and extend, wherever possible, to existing parks, natural areas, and other open spaces such as school yards; consider opportunities for future expansion of the park or open space onto adjacent sites with redevelopment potential; provide a comfortable setting with wind and sunlight conditions that promote use and enjoyment of the space for community events and by users of all ages and abilities; provide appropriate spaces for a variety of active and passive recreation, as well as productive recreation such as community gardening; and emphasize and improve unique aspects of the community's identity and character, including natural and human-made heritage.

## Built Form

Section 3.1.2, Built Form, is based on principles on key relationships of the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.1 requires development be located and organized to fit with its existing and planned context. Development is to frame and support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces from the development. Policy 3.1.2.2 prioritizes the provision of accessible open space in locations that have access to direct sunlight and daylight and Policy 3.1.2.3 requires development to protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2.4 requires that development locate and organize vehicle parking and vehicular access, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties. Policy 3.1.2.5 requires development to be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and stepping back building mass and reducing building foot prints above the streetwall height.

Policy 3.1.2.6 requires development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

Policies 3.1.2.7 and 3.1.2.8 require transition in scale to be provided within the development site and be measured from shared and adjacent properties lines and where development includes, or is adjacent to, a park or open space, the buildings should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight or daylight.

Policies 3.1.2.9 and 3.1.2.10 require the design of new building facades visible from the public realm to consider the scale, proportion, materiality and rhythm of the façade and development to promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional.

Policies 3.1.2.11, 3.1.2.12 and 3.1.2.13 encourage new indoor and outdoor amenity spaces be provided in multi-unit residential development, and that it be high quality, well designed and consider the needs of all ages and abilities over time and throughout the year. Outdoor amenity spaces should be located above grade, have access to daylight, direct access to sunlight, provide comfortable wind, shadow and noise conditions, be



located away from and physically separated from loading and servicing areas, have generous well designed landscaped areas to offer privacy and an interface with the public realm, accommodate mature trees and promote use in all seasons.

Section 3.1.3, Built Form - Building Types, states that there are three scales of building types. The built form relationships and design of these building types is informed by citywide urban design guidelines that help to ensure the appropriate form and fit with the existing and planned context. 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. In Toronto, where streets vary in width from 16.5 metres to over 40 metres, mid-rise buildings may vary in height between four and 11 storeys for residential uses, or fewer for office uses, dependent on the adjacent right-of-way width. Mid-rise buildings help establish and reinforce an urban environment through a development form that is repeatable, moderate in scale, has good, predictable street proportion, allows for access to midday sunlight in the spring and autumn, has open views to the sky from the street, and that can support high quality, accessible open spaces in the block. Mid-rise buildings provide good transition in scale that has predictable impacts on adjacent low-scale uses.

Policy 3.1.3.4 requires mid-rise buildings to be designed to have heights generally no greater than the width of the right-of-way that it fronts onto; maintain street proportion and open views of the sky from the public realm by stepping back building massing generally at a height equivalent to 80% of the adjacent right-of-way width; and allow for daylight and privacy on occupied ground floor units by providing appropriate facing distances, building heights, angular planes and step-backs. Further policy 3.1.3.5 states 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, and policy 3.1.3.6 states that mid-rise buildings on deep sites should be designed to provide and frame accessible and well-proportioned open spaces that have access to sunlight and daylight.

## **Chapter 4 Land Use designations**

The current application is designated *Mixed Use Areas* on Map 14 – Land Use of the Official Plan. See Attachment 4 for the land use designation of the Official Plan.

*Mixed Use Areas* Section 4.5 of the Plan indicates that the *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, and provides criteria to direct the form and quality of development. The Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing." However, not all *Mixed Use Areas* will experience the same scale or intensity of development. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.

Policy 4.5.2 includes criterion that directs the form and quality of development in this land use designation. It is the intent that development in *Mixed Use Areas* will:

- create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- 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;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development; and
- provide opportunities for green infrastructure including tree planting, stormwater management systems and green roofs.

Further guidance for *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* is found within the Healthy Neighbourhood policies of the Official Plan. Policy 2.3.1.2 states that development within *Mixed Use Areas* that are adjacent to *Neighbourhoods* will:

- a) be compatible with those *Neighbourhoods*;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- d) orient and screen lighting and amenity areas so as to minimize impacts on adjacent land in those *Neighbourhoods*;
- e) locate and screen service areas, any surface parking and access to underground and structured parking so as to minimize impacts on adjacent land in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual, noise and odour impacts upon adjacent land in those *Neighbourhoods*; and
- f) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

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

## **Zoning By-laws**

The site is subject to the former City of Etobicoke Zoning Code which zones the site Class 1 Industrial (I.C1) which permits commercial, institutional, manufacturing and retail uses. See Attachment 5 for the Zoning By-law map.

The subject site is not subject to city-wide Zoning By-law 569-2013.

## **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. The link to the guidelines can be found here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile57177.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>.

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

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the Guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building, and unit scale. The guidelines indicate that a building should provide a minimum 25 percent large units of which 10 percent should be three-bedroom units, and 15 percent should be two-bedroom units. The guidelines can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

## **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. The guidelines can be found here:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf>

## **Retail Design Manual**

City Council adopted the Retail Design Manual on October 27, 2020. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces. The intent is to provide aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The best practices apply city-wide to all new development that includes retail uses, with a focus on retail uses that interface with the public realm. The link to the Manual is here:

<https://www.toronto.ca/citygovernment/planning-development/official-planguidelines/design-guidelines/retaildesign/>