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Councillor Mary-Margaret McMahon
Ward 32, Beaches-East York
Ste. B-28, City Hall
Toronto, ON

RE: Review of Development Applications on Queen East and Study Request

Dear Councillor McMahon:

This is to provide an overview of the policy considerations relevant to the review of development applications on Queen Street East in the Beach. I appreciate that there have been questions and concerns raised and I hope with this outline to provide some clarity. At its meeting of January 10, 2012, Toronto and East York Community Council has also adopted your motion requesting a study of the area which I want to address.

Overview of Policy and Guidelines

Planning decisions in Toronto must be consistent with the Provincial Policy Statement (PPS) and not conflict with the Growth Plan for the Greater Golden Horseshoe (GGH). Among other matters, I note that the Growth Plan and Provincial Policy Statement direction support intensification in areas so designated in municipal official plans as suitable for growth – Toronto's Plan directs this growth to mixed use areas among other areas – the policies date from 2005 and 2006, respectively. Generally in the Beach, the PPS and GGH would direct intensification to Queen Street East, taking into account the intent of the City's Official Plan.

Toronto's Official Plan (approved 2002 by Council and 2006 by the OMB) designates 1960-62 Queen Street East as within a Mixed Use Area with an Avenues overlay. This designation is one of the growth designations in the Official Plan and has Development Criteria which guide decision making on changes. The Plan must be read as a whole and there are other policies of note such as the Built Form and the Avenue policies. The Built Form policies of the Plan include the important concept of existing and planned context. A sidebar explanation of this concept notes that the planned context refers to what is intended in the future. For growth areas, such as Centres and Avenues, the planned context generally anticipates change. If there is no area zoning implementing the Plan, the planned context will be determined on the basis of an area review, such as an Avenue or Avenue Segment Study. The Avenue policies call for an Avenue Segment study in this instance as no Avenue study has been done for Queen Street East.

These policies shape development on Avenues to generally support the vitality of main shopping streets, support intensification in a manner that minimizes impact on residential areas and addresses the longer term consequences of growth in avenue segments so that incremental decisions achieve

long term goals. While Avenues differ in local character, and while that must be taken into account, the Mixed Use development criteria and built form policies help guide decision making and give shape to building envelopes and site plan alternatives.

The current Zoning By-law for the subject site is MCR, permitting 2.0 times the lot area and a height of 12 metres. This zoning dates to 1987 when the former City of Toronto implemented a change from purely commercial zoning to mixed use zoning for this portion of Queen Street East. Intensification within Mixed Use areas beyond the zoning permission is typically assessed through a Zoning By-law Amendment application seeking to increase height and density. It is appropriate to keep within the intent of the Official Plan and maintain a balance between change on Avenues and local character and context.

Also applicable are the Queen Street East Design Guidelines (non-statutory) last put before Council in 2004. Council advised staff to use the guidelines in the review of development applications in the areas where they apply. The origin of these guidelines dates to 1987 and then to 1991 when they were added to the Part II Plan for the area. The general intent was to capture the character of Queen Street East as defined by both general and area specific objectives and direct future development in a manner that met these objectives.

The Avenues and Mid-Rise Buildings Study (non-statutory) was adopted by Council in 2010. Again, staff were advised to use the guidelines in the review of development applications in the areas where they apply. City Council did remove Queen Street East from the Study Map, effectively directing that mid-rise guidelines not be employed in this area. The general intent of the study was to implement the Official Plan objective of re-urbanizing Toronto's main streets in a manner that is compatible with neighbourhoods, through the use of performance standards that shape building envelopes. The performance standards laid out in the mid-rise guidelines have their origins in planning practice and the experience of encouraging mid-rise on Avenues in the last decade as part of the Official Plan direction over that period of time.

The former City of Toronto Council also adopted an Urban Design Handbook in 1997 which provided guidance for the physical form of the city including making planning decisions about infill development on main streets.

Review of 1960 – 1962 Queen Street East Zoning By-law Amendment application

The review of the application is taking into account all the relevant policy considerations noted above in this letter and has helped to identify additional issues.

On May 25, 2011 Community Council adopted a Preliminary Report on the application. A Community Consultation meeting was held on June 13, 2011.

The Preliminary Report was a reflection of staff's understanding of the issues early in the process. The process allows for a complete review including determining additional factors to be researched, public input, technical review and final assessment prior to bringing a Final Report to City Council with staff's advice. While the Preliminary Report did not identify them, the Queen Street East Design Guidelines will be used to assess the application among the other considerations outlined above.

Clearly the height and massing of the proposal are key issues for the community and there are conflicting directions in the policies and guidelines.

The Queen Street East guidelines include the following statements:

"Development along Queen Street East in the Beaches will be consistent with the following urban design guidelines. The guidelines provide a framework for re-development in the area and are to be read in conjunction with the urban design policies in the Official Plan."

In this area of Queen Street, the Guidelines state: "Building mass will be sensitive to the existing small scale character of the area. Buildings will be 3 storeys in height and/or be perceived as 3 storeys."

These guidelines, while still applicable, are to be read in conjunction with the urban design policies of the Official Plan. Those policies which are set out in both the Built Form and Public Realm policies and other policies of the current Official Plan including the Development Criteria in Mixed Use Areas are the current policy context and do support intensification on Avenues in a manner that respects both neighbourhoods and local character.

As noted above, while the Avenue and Mid Rise Buildings Study was recommended by staff in 2010 to apply on Queen Street East, City Council did remove Queen Street East from the Study Map, effectively directing that mid-rise guidelines not be employed in this area. Nevertheless, the Mid-Rise guidelines articulate through performance standards, what the Official Plan Mixed Use Development Criteria and other built form policies of the Official Plan provide a framework for the review of site specific zoning amendment applications. This includes the important consideration of maximum height which the Mid-Rise guidelines equate with the width of the adjacent main street right-of-way. I would also note that the Urban Design Handbook from 1997 suggests consideration be given to street proportion, context of neighbouring buildings and means to mitigate building mass, including building setbacks and step backs.

The guidelines noted above are non-statutory i.e., not adopted by City Council pursuant to the Planning Act. The current Official Plan direction is statutory and arguably the most recent policy direction for Mixed Use Areas, putting an emphasis on accommodating growth on main streets as a planned context anticipating change. While the Queen Street Urban Design Guidelines reflect objectives to reinforce existing local character, the current Official Plan anticipates a degree of change.

As noted above, the as-of-right height limit in the Zoning By-law is 12 metres which would allow up to a 4-storey building. The 1960 – 1962 Queen Street East zoning by-law amendment application is seeking an increase from 12 to 20 metres or from 4- to 6-storeys. Contextually, Queen Street East, between Woodbine and Victoria Park, has one 6-storey building, one 5-storey building under construction, and nine 4-storey buildings with the remainder generally 1-3 storeys.

Next Steps

Going forward, the process for this application will include evaluation of:

Development Review, Queen East

- consistency with the Queen Street East Guidelines and consideration of the current zoning by-law standards, an understanding of the deviations and impact
- through the Avenue Segment Study, the potential built form implications for the portion of the Queen Street East resulting from the proposed development and whether the proposed development would be setting a positive precedent for future development of the remainder of the Avenue
- the application based on the current Official Plan policy framework, including development criteria and performance standards that best achieve policy objectives.

While staff have the direction from Council not to employ the Mid-Rise Buildings Study to this area of Queen Street East, staff will provide Council with their best professional advice on the substance of the rezoning request, including due consideration of suitable height and massing that reflect our knowledge and practice in order to achieve a contextual fit on the main street with consideration for the planned context, proper transition to the neighbourhood and the public realm.

Arising out of this application, staff has a clearer understanding that the Queen Street East Guidelines should be updated to better reflect the current Official Plan policy framework and the recent work done to establish mid rise building performance standards. To that end, the motion adopted at Toronto East York Community Council on January 10, 2012 will provide an overall direction. The motion adopted is as follows:

" It is recommended that the City Planning Division undertake a visioning study in 2012 of Queen Street East between Coxwell Avenue and Neville Park Boulevard, in consultation with the ward Councillor, local community and other appropriate City Divisions to develop appropriate Design Guidelines that balance the policies of the Official Plan with the desire of the local community to maintain the existing character of this portion of Queen Street East."

A reconciliation of these planning directions is needed, taking into account future development potential on Queen Street East, the planned context, the importance of revitalizing the retail shopping street and the important local character considerations. This process should include community consultation. I will work with your office to determine how to best proceed with this review.

Yours truly,

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GL:pmw