

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 30, 2014

CASE NO(S): PL130233

Referred by: Frank Riedel and Queen East Properties
Subject: Site Plan
Legislative Authority: Section 114(15) of the *City of Toronto Act*,
R.S.O. 2006, c. 11 sched. A
Property Address/Description: 1880 & 1882 Queen St. E. and 196 Woodbine
Ave.
Municipality: City of Toronto
OMB Case No.: PL130233
OMB File No.: PL130233

Frank Riedel and Queen East Properties Inc. have appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 438-86 of the City of Toronto to rezone lands respecting 1880 & 1882 Queen Street East and 196 Woodbine Avenue to permit the redevelopment of a 6-storey mixed use building
O.M.B. File No. PL130268

APPEARANCES:

Parties

Counsel

City of Toronto

J. Braun

Frank Riedel and Queen East
Properties

E. Costello
J. Mascarin

Greater Beach Neighbourhood
Association

J. Shapira
A. Sadvari

HEARING EVENT INFORMATION:

Hearing:

Held in Toronto, Ontario on March 5, 2014

DECISION DELIVERED BY K. J. HUSSEY AND ORDER OF THE BOARD

[1] These matters before the Board are brought by Frank Riedel and Queen East Properties ("Applicants"), respecting lands at 1880 and 1882 Queen Street East and 196 Woodbine Avenue. The Board was advised that the parties were successful in settling the zoning by-law appeal, and they requested approval of the site specific Zoning By-law Amendment appended hereto as Attachment 1. The parties noted that the settlement reached and for which approval is sought, is confined to its facts, and is not intended to be precedent for any other development application made for properties on Queen Street East between Coxwell Avenue and Nursewood Road.

[2] The site plan matter is adjourned to allow the Applicants to modify the site plan to fully implement the Zoning By-law Amendment and the urban design considerations set out in the settlement offer.

[3] Land use planner J. Craig Hunter presented evidence in support of the settlement, which was approved by Toronto City Council at its meeting on February 19-20, 2014. Mr. Hunter testified that he has considered and evaluated the proposed mixed-use redevelopment since his initial involvement, which began one year prior. In addition to his own evaluation, he was informed by the other experienced and well qualified professionals on the developer's design team, including architects, urban designers and transportation planners. Mr. Hunter participated in the settlement discussions with the City of Toronto ("City") and Greater Beach Neighbourhood Association ("GBNA"), and he assisted in revising the plans to respond to the discussions. Along with the City's Planner he drafted the proposed Zoning By-law that is now before the Board.

[4] Mr. Hunter's evidence provided a review of the site, the development context and the proposed development plans. He described and evaluated the planning policy context against the City Official Plan, the Provincial Policy Statements 2005, and the 2014 ("PPS"), which comes into effect on April 30, 2014, and the Growth Plan for the Greater Golden Horseshoe. He reviewed the in-force zoning by-law, the relevant urban design guidelines, and he provided his opinion with respect to the settlement proposal and how it appropriately responds to the issues that were identified.

[5] It was his professional opinion that following discussions with the City and GBNA the proposal as revised and its implementing site specific zoning amendment to the in-force former City By-law No. 438-86, conforms to the Toronto Official Plan, is consistent with the PPS , conforms to the Growth Plan, represents good planning and is in the public interest. That opinion was not challenged.

CONTEXT AND DEVELOPMENT PROPOSAL

[6] The subject site is a prominent location on the corner of Queen Street East and Woodbine Avenue, two major City streets. It is approximately 779.5 square metres (sq m") having approximately 23 metres ("m") of frontage on Queen Street East, and depth of 33.8 m along Woodbine Avenue. It is presently an underutilized site, occupied by two two-storey mixed-use buildings with surface parking to its rear that is accessible by a public lane. The proposal is to redevelop the subject site into a terraced, six storey mixed-use residential condominium building, with gross floor area of approximately 3295 sq m. The development would consist of 29 residential suites and 441 sq m of ground floor retail space. The proposed density would be approximately 4.2 times the lot area. As part of the settlement agreement the owner agreed to limit the maximum size of retail/commercial store to 325 sq m, except for a financial institution.

[7] Mr. Hunter described the location as a gateway to the Beach community. It is on one of the City's well-known mixed-use main streets, Queen Street East, which serves the adjacent residential neighborhoods as well as visitors to the waterfront of Lake Ontario. In front of, and across the street from the subject site, there is frequent surface transit to shopping, services, parks and schools.

[8] Mr. Hunter's opinion is that the Applicants' proposal is comparable, compatible and complementary to the area's recent development. The subject site is in the same block as the recently constructed six -storey mixed-use building with 28 residential condominium units and 925 sq m of ground floor commercial use, known as "One Rainsford", located on the north east corner of Queen Street and Rainsford Road. The proposal is for a contemporary building designed by the same architect and would be similar to One Rainsford. Across Woodbine Avenue on the northeast corner of Queen

Street, a proposal for a six- storey mixed-use building was recently approved. On the South side of Queen Street East across from the subject site there is an existing five storey mixed-use building, which was part of the residential development of the formal Woodbine Racetrack, known as Woodbine Park. This redevelopment was constructed about 10 to 15 years ago.

[9] Mr. Hunter's conclusion is that the proposal is well-suited to its existing and planned context; it represents a good intensification opportunity to bring new businesses, residents and pedestrian amenities to the Beach community and to the City, while providing adequate transition to the adjacent low-rise residential area to the north.

THE RELEVANT PLANNING DOCUMENTS

City of Toronto Zoning By-law

[10] The subject site is presently zoned "Mixed-Use- MCR T2 .20 C1.0 R2 .0" in the in-force former City of Toronto Zoning By-law No. 438-86. The MCR zoning allows a mixture of commercial and residential uses with a total maximum density of 2.0 times the lot area. The maximum permitted building height is 12 m plus mechanical penthouse.

[11] The proposed redevelopment requires site specific amendments to a number of general zoning standards: increase in total density to 4.2 times the lot area, with residential density at 3.7 times the lot area; building height at 19.5 m plus mechanical penthouse; reduced residential amenity space; changes to some parking space dimensions and access to a car elevator to implement this specific proposal. The proposed parking supply exceeds existing zoning standards. The zoning amendments sought are very comparable to 1960-1962 Queen Street East which was recently approved.

City of Toronto Official Plan

[12] The City of Toronto Official Plan designates the site *Mixed Use Areas* which

allows a broad range of commercial and residential uses. No amendment to the Official Plan is required.

[13] Mr. Hunter's opinion is that the proposal and its implementing zoning amendment support the general goals, objectives and policies of the Official Plan. It proposes a balance of fine quality commercial and residential uses that would meet the needs of the local community and would reduce auto dependency; it would provide jobs and new homes for Toronto's growing population on underutilized lands while continuing to accommodate and sustain local businesses and employment opportunities. It is an appropriate midrise "Main Street" building that is well designed, provides transition to the adjacent neighborhood, creates an attractive, comfortable and safe pedestrian environment, and would adequately limit shadow impacts on adjacent street and adjacent neighborhoods as illustrated by the shadow studies prepared in support of the application.

Design Guidelines

[14] In Mr. Hunter's opinion the revised design achieves the intent and spirit of the relevant guidelines.

Provincial Policy Statement

[15] Mr. Hunter reviewed and concluded that the proposal would be consistent with the 2005 PPS and the 2014 PPS that will come into effect April 30, 2014. He noted in particular, that it represents residential growth through intensification of lands that are already designated and available for residential development. The site is in a location well served by public services and transit and it is a compact development that will strengthen the vitality of a main street in a business area of a well-established community.

GROWTH PLAN

[16] As an *Avenue* with dedicated streetcar service, Queen Street East is an "*intensification corridor*" as defined by the Growth Plan. The built-up areas of Toronto

are expected to accommodate a minimum of 40% of the additional growth through intensification and this development contributes to that target.

PLANNING ACT

[17] In considering and making its decision the Board shall have regard to Council's decision and in this case Council has endorsed the settlement proposal that is before the Board.

[18] Based on Mr. Hunter's evidence and on consent of the parties, the Board allows the appeal. The Board commends the efforts of the parties in resolving this matter.

ORDER

[19] The Appeal is allowed and the City of Toronto is directed to amend By-law No. 438-86 as set out in Attachment 1 to this Order.

"K. J. Hussey"

**K. J. HUSSEY
VICE-CHAIR**

Ontario Municipal Board
A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Authority: Ontario Municipal Board Order Issued on <*> in Board Case No. PL130233

CITY OF TORONTO

BY-LAW No. XXX-2014(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands municipally known as 1880 and 1882 Queen Street East and 196 Woodbine Ave.

Whereas the Ontario Municipal Board pursuant to its Order dated <*>, 2014, in Board File No. PL130233, determined to amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2014 as 1880 and 1882 Queen Street East and 196 Woodbine Avenue; and

Whereas the matters set out herein are in conformity with the Official Plan as adopted by the Council of the City of Toronto;

THEREFORE pursuant to the Order of the Ontario Municipal Board, By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. None of the provisions of Section 4(2)(a), 4(3)(d)(ii), 4(4)(b), 4(10)(d), 4(12), 4(14), 8(3) Part I, 8(3) Part II (4)(a) and (c), 8(3) Part IV (2), 8(3) Part XI (1)(i) and 12(2)284 of By-law 438-86 of former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the city of Toronto" as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided that:
 - (1) the *lot* is comprised of at least those lands shown outlined by heavy lines on Map 1 attached and forming part of this By-law;
 - (2) no portion of any building or structure to be erected or used on the *lot* shall extend beyond the lines delineated by the heavy lines on Map 2 attached to and forming part of this By-law;
 - (3) the *height* of the building on the *lot*, as measured from *grade* shall not exceed the maximum *height* permitted as indicated by the letter "H" as shown on Map 2 attached to and forming part of this By-law;
 - (4) notwithstanding Sections (2) and (3) of this By-law, the following building elements and structures are permitted to extend beyond the building envelopes and height, shown on Map 2 attached to and forming part of this By-law:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
Eaves, cornices, window sills, vents,	Required setback from <i>lot</i> line	0.45 metres	none

ornamental elements			
Fences, safety railings and privacy screening	Required setback from <i>lot</i> line and maximum height	0.45 metres	Height of fence or safety railing not to exceed 2.0 metres
Retractable awnings	Required setback from <i>lot</i> line	No restriction	Projection at the ground floor only
Parapets	Maximum height	0.6 metres and 1.1 metres for the portion surrounding the mechanical penthouse	none
Trellis , landscape planters, stairs and stair enclosures	Maximum height	2.0 metres	Setback a minimum of 3.0 metres from building envelope

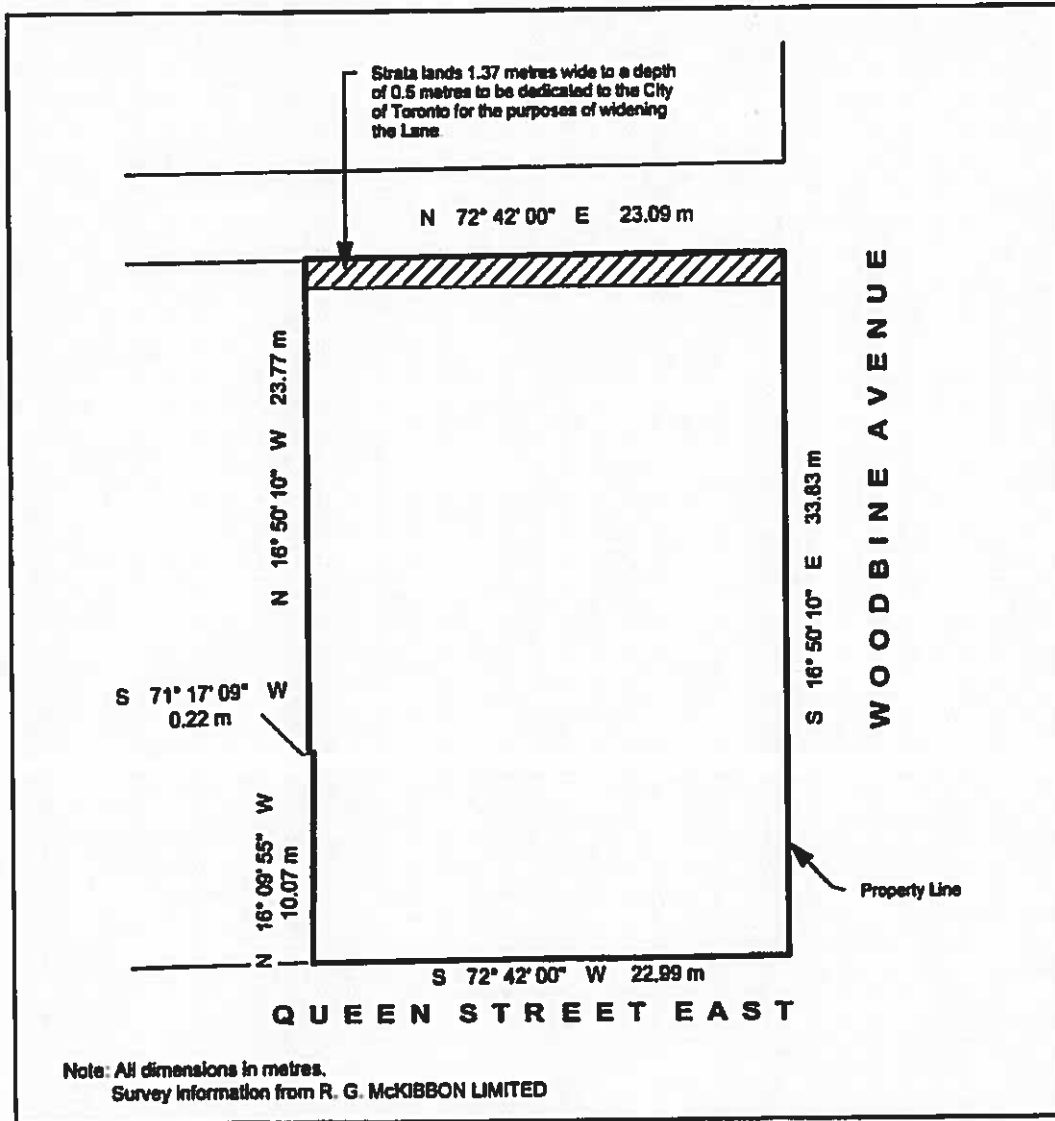
- (5) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 3,315 square metres, provided:
- (i) the *residential gross floor area* shall not exceed 2,860 square metres; and,
 - (ii) the *non- residential gross floor area* shall not exceed 455 square metres.
- (6) not more than 29 *dwelling units* shall be provided;
- (7) a minimum of 19 square metres of *residential amenity space - indoor* shall be provided and maintained on the *lot*;
- (8) no individual commercial use(s) shall exceed an area of 325 square metres unless used for the purposes of a *branch of a bank or financial institution*;
- (9) The building shall be setback 4.8 metres from the curb of Queen Street East, immediately adjacent to the property;
- (10) ingress and egress to the residential parking spaces below-grade required for the *mixed-use building* on the *lot* may be accessed by a passageway with a minimum unobstructed driveway width of 3.0 metres; and,
- (11) Notwithstanding the requirements of Section 4(17) of Zoning By-law 438-86, parking spaces provided at-grade and any parking spaces over and above those required by Section 4(3)(a) of Zoning By-law No. 438-86 may be provided with a minimum length of 5.6 metres and a minimum width of 2.6 metres.
2. For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of Zoning By-law No. 438-86 as amended except that the following definitions shall apply:

(a) "*lot*" means those lands outlined on Map 1 attached hereto;

(b) "grade" means the established grade on the on the Queen Street East frontage of the lot, 81.17 metres above Canadian Geodetic Datum

3. Except as otherwise provided herein, the provisions of Zoning By-law No. 438-86, as amended, shall continue to apply to the lot.
4. No person shall use any land or erect or use any building or structure on the lot unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
5. Despite any existing or future consent, partition or division the lot, the provisions of this By-law shall apply to the whole of the lot as if no consent, partition or division had occurred.

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON <*>, 2014 UNDER OMB FILE NO. PL130233.



TORONTO City Planning

Map 1

1880 & 1882 Queen Street East
and 196 Woodbine Avenue

File # 12_142308 STE 32 02

↑
Not to Scale
03/04/2014

