

1864 to 1876 Queen St E – Rezoning Application and Demolition Application under Municipal Code 667 – Final Report

Date:	May 25, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	07-272102 STE 32 OZ 08-193869 STE 32 RH

SUMMARY

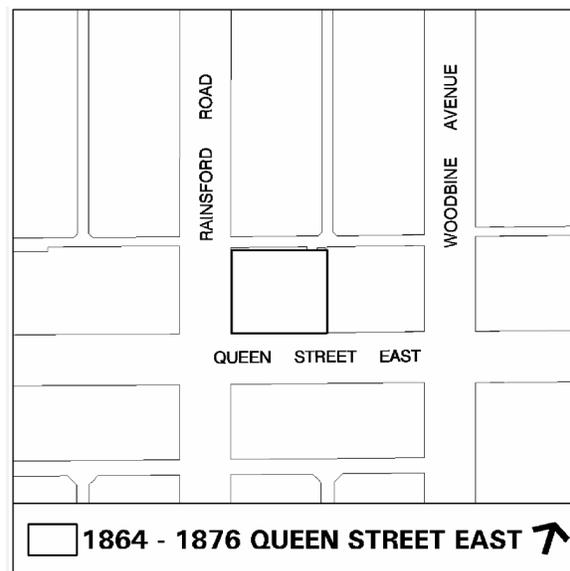
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes the construction of a six storey mid-rise building at 1864 to 1876 Queen St E with 28 residential units, and commercial uses on the ground floor. It involves the demolition of all the existing buildings which contain ten dwelling units, including eight rental housing units.

Mid-rise housing is an important form of development that can create new housing and shopping opportunities and can help the City to more easily address reurbanization objectives on Avenues.

Queen Street in the Beach area continues to be a desirable residential and commercial destination. The proposed mixed-use development is consistent and compatible with area development..

The application under Chapter 667 of the Municipal Code proposes the demolition of 8 residential rental units, which is prohibited without a permit issued under Section 111 of the *City of Toronto Act*. The rental units will not be replaced.



This report reviews and recommends approval of the application to amend the Zoning By-law, and approval of the applications to demolish the existing residential buildings without requiring the replacement of the residential rental units.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council approve the application to demolish the 7 existing buildings, including 8 residential rental housing units located at 1864 to 1876 Queen Street East pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667:
 - a. the owner meet the requirements of the Tenant Assistance Plan at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, and which will include provisions that exceed the requirements under the provincial *Residential Tenancies Act* by providing one extra month's notice to vacate for the demolition, and payment equal to one extra month's rent plus a moving allowance.
 - b. the owner provide an undertaking to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning Division which secures the condition outlined in Recommendation 3.
4. City Council authorizes the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Municipal Code Chapter 667 after the satisfaction of the conditions in Recommendation 3, and after the Zoning By-law amendments in Recommendation 1 have come into full force and effect.
5. City Council authorize the Chief Building Official to issue a section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 4.
6. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* no earlier than issuance of the first building permit for the foundation of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 4, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
 - (a) The Owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and
 - (b) Should the Owner fail to complete the new building within the time specified in condition (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like

manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

7. City Council determine that the proposed development of the lands at 1864 to 1876 Queen Street East compliments the pattern of development for this segment of Queen Street East, that overall infrastructure is available and that development can proceed prior to the completion of an Avenue study.
8. City Council authorizes City officials to take all necessary steps to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Preliminary Report (dated December 17, 2007) recommended that staff schedule a community consultation meeting to discuss the application with area residents.

ISSUE BACKGROUND

Proposal

The proposal is to construct a six-storey mixed use building with 28 two bedroom residential units, approximately 925 square metres of retail space at grade, and one level of below grade parking. The proposal includes a total of 49 parking spaces, including one parking space dedicated to a shared car. Proposed bicycle parking consists of 18 resident and 4 visitor bicycle parking spaces.

The proposed height is 19.88 metres (plus mechanical penthouse of 2.07 metres) with a density 3.9 times the area of the lot. The applicant is seeking an amendment to the Zoning By-law 438-86. The relevant project information is provided in the Attachment 6: Applicant Data Sheet.

The proposal does not include the replacement of the eight rental units proposed for demolition.

Site and Surrounding Area

The property is located on the north-east corner of Queen Street East and Rainsford Road. The development site runs east to include the seven properties east of Rainsford Road. The site is currently occupied by two mixed-use buildings and five detached houses. These seven buildings comprise ten dwelling units, of which 8 are residential rental units and two were deemed to have been previously owner-occupied.

To the north of the site is a low density neighbourhood. To the east, west and south are mixed-use buildings, generally with commercial uses at grade and residential uses above.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and

management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site *Mixed Use Area*, made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

Mixed Use Areas

The Plan provides a list of development criteria that include:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as 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;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- provide an attractive, comfortable and safe pedestrian environment;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Avenues

The site is located on an Avenue, as shown on Map 2 – Urban Structure of the Official Plan.

Avenues are “important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents”, according to Section 2.2.3 of the Plan.

The Avenues will be transformed incrementally. They will change building-by-building over a number of years. The framework for new development on each Avenue will be established through an Avenue Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. The zoning by-law will set out the mix of uses, heights, densities, setbacks and other zoning standards.

Section 2.2.3 Avenues: Reurbanizing Arterial Corridors (Policy 3.a) states that development may be permitted on the Avenues prior to an Avenue Study and will be considered on the basis of all of the policies of this Plan. Development applications on the Avenues prior to an Avenue Study are required to be accompanied by an Avenue Segment Study, which discusses the implications for the portion of the Avenue 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.

As stated in the Official Plan, “Some of the Avenues already serve as “main streets” that are focal points for the local community with attractive and bustling sidewalks. These traditional “main street” Avenues already have zoning in place to guide mixed use development in a way that fits with the neighbourhood...”. This portion of Queen Street East is such an Avenue.

The housing policies in the Official Plan provide for the provision of a full range of housing, and specifically for the protection of existing rental housing in new developments that result in the loss of six or more rental units. Demolition in these cases is not to be approved unless the rental units are replaced and a tenant relocation and assistance plan is provided, except where all of the rental units have rents that exceed mid-range rents.

This proposal was reviewed against the policies described above as well as the policies of the Official Plan as a whole.

Zoning

The site is zoned MCR T2.0 C1.0 R2.0 in the former City of Toronto Zoning By-law 438-86. This is a mixed-use zone that permits development up to 2.0 times the area of the lot, of which a maximum of 1.0 times may be non-residential and a maximum of 2.0 times may be residential. The maximum permitted height is 12.0 metres.

Site Plan Control

The property is subject to site plan control. An application for site plan control as submitted concurrently with this application.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007) implements the City’s Official Plan policies protecting rental housing. By-law 885-2007 established Chapter 667 of the Municipal Code and was approved by City Council on July 19, 2007. The By-law prohibits demolition or conversion of rental housing units without a permit issued under Section 111 of the *City of Toronto Act*. Proposals involving six or more rental housing units require a decision by City Council. Council may refuse an application, or approve the proposed demolition with conditions that must be satisfied before a permit is issued under the *Building Code Act*.

Under Section 33 of the *Planning Act* and Municipal Code Chapter 363, City Council has the authority to approve or refuse a demolition permit, except in cases where a building permit has been issued to construct a new building. The proposed demolition requires approval under both Section 33 of the *Planning Act* and Section 111 of the *City of Toronto Act*. Section 363-11.1 of the Municipal Code provides for the co-ordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the *Planning Act* and Chapter 667 of the Municipal Code, and the Chief Planner in consultation with the Chief Building Official may report on the application for a City Council Decision.

Toronto Building staff and the Chief Building Official were consulted in the preparation of this report.

Reasons for Application

The proposed development would exceed the permitted density of 2 times the area of the lot with a residential density of 3.3 times the area of the lot and a commercial density of 0.6 times the area of the lot for a total proposed density of 3.9 times the area of the lot. The proposed building would exceed the permitted height of 12 metres with a proposed height of 19.88 metres (plus an additional 2.07 metres for the mechanical penthouse).

The proposed redevelopment with the demolition of eight existing residential rental units requires that an application be made under Municipal Code 667, and approval of a section 111 permit is needed before any demolition can proceed.

Community Consultation

On March 25, 2008, a community consultation meeting on the planning application was held at the Beaches Recreation Centre. Approximately forty members of the public attended the meeting. Planning staff presented an overview of the planning process and the applicant presented their application. The community raised issues relating to tree removal, potential shadow and air flow issues, use of the public lane for access to the parking, traffic issues in the area and concerns respecting disruption during the construction period. A second community consultation meeting was held on December 8, 2008 where the same concerns were expressed.

A few members of the public expressed their support for the proposal and viewed it as a positive improvement to the neighbourhood.

The City's by-law on Rental Housing Demolition and Conversion requires City Planning to hold a community consultation meeting to consider issues related solely to rental housing and tenant impact. At the time of the application for demolition, most of the rental units were occupied, but since that date some have become vacant and all but two were occupied with short-term tenancies. A consultation meeting on rental issues was held on March 24, 2009. No tenants of these rental units were in attendance. Planning staff reviewed the City's Official Plan policies and the by-law requirements, and explained that all of the rental units have rents that exceed mid-range rents, and the City's policy is not to require replacement when this criteria is met. No other issues concerning rental housing or the impact on tenants were raised.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposal and determined that it is consistent with the Provincial Policy Statement, and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The City's Official Plan designates the subject property as a Mixed Use Area. The site is zoned Mixed Commercial-Residential. The proposed mixed-use building is consistent and compatible with the character of this portion of Queen Street East.

Density, Height, Massing

Mid-rise housing is an important form of development that can create new housing and shopping opportunities and can help the City to address reurbanization objectives on Avenues. The proposal meets the Built Form policies set out in the Official Plan with respect to accommodating servicing, parking areas/vehicle access, and relationship to the street and surroundings.

The proposal is for approximately 5005 square metres of residential gross floor area and 925 square metres of non-residential gross floor area, resulting in a density of 3.9 times the area of the lot. The application demonstrates an appropriate built form that is consistent with the City's Official Plan reurbanization policies on lands identified on an Avenue.

In order to maintain the fine grain retail nature of the commercial strip, the applicant has agreed to maintain multiple commercial tenancies at grade, all having direct access to the sidewalk. A maximum commercial unit size is proposed to be included in the site specific zoning by-law to ensure that this is maintained over time.

The Zoning By-law currently permits building heights of 12 metres. The site is part of a *Mixed Use Area* and does abut a *Neighbourhood*. As such, the transition in height to the neighbourhood is an important consideration. Although the overall height of the proposed building is 19.9 metres plus a mechanical penthouse, the building steps down towards the neighbourhood with the portion of the building exceeding the 12 metre height limit being at least 5.5 metres back from the edge of the public lane and at least 10 metres from a lot in the residential district. A further stepback of 3.4 metres is achieved at the 13.3 metre height. The proposed height, given its stepbacks adjacent to the residential district and stepbacks at the 4 storey height from Queen Street East, is appropriate at this location.

With the exception of safety railings and small portions of the building at the upper storey, the project is within the 45 degree angular plane when measured from both Queen Street East and from the residential district to the north.

Residential Amenity Areas

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development, in addition to identifying that each resident will have access to outdoor amenity spaces. In addition, the former City of Toronto Zoning By-law requires that a minimum of 2m² per unit of indoor and outdoor amenity space be provided.

The applicant proposes to provide approximately 30 m² (1.07m² per unit) of common residential indoor amenity space. The indoor amenity space is provided adjacent to the lobby area. While the indoor amenity space is less than what is required by the Zoning By-law, it should be sufficient to allow for the annual condominium meeting to be held on site.

No common outdoor amenity space will be provided for the building; however, each unit has a private outdoor amenity space. The balconies and terraces have all been designed to minimize the overlook into the yards of the adjacent neighbourhood.

Sun, Shadow, Wind

The applicant was requested to submit a sun/shadow study showing the comparable shadows of an as-of-right development (within the required setbacks and height limit) and the proposed development. There is no significant difference in the shadow impact because the proposed development steps back from the residential district, with stepbacks at the 2nd, 3rd, 5th and 6th levels.

Access, Parking

Pedestrian access to the retail space is off of Queen Street East. Pedestrian access to the residential space is off of Rainsford Road. Vehicular access for parking and loading is off of the lane to the north of the site. The existing 4.27 metre wide lane will be widened to 5.6 metres adjacent to the proposed development.

The proposal includes 49 parking spaces; whereas the Zoning By-law requires 21 resident spaces and 2 visitor spaces. One parking space has been set aside as a car sharing space. The proposal includes 18 resident bicycle spaces and 4 visitor spaces, which meets the Zoning By-law requirements.

The owner has agreed to include a 'knock out panel' in the underground garage adjacent to the drive aisle at the east end of the building. This allows for the potential connection to an adjacent building, should redevelopment of the adjacent site or sites occur in the future. Provided that an agreement could be reached between the property owners it may allow for a consolidated entrance to the underground parking, which is accessed off of the public lane.

Servicing

The site limitations prevent the inclusion of a Type G loading space, which is required by the Zoning By-law, but is impractical at this site. A Type C loading space is proposed.

A private refuse collection firm will be required to service the proposed development, unless an alternative can be determined during the Site Plan Approval process. The applicant is aware that there might be resulting changes to the building envelope, should City pick-up be able to be accommodated without the provision of a Type G loading space.

Open Space/Parkland

The site is located in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007. The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.55 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland.

The application proposes 28 residential units on a total site area of 0.1539 hectares (1,539.5m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the required parkland dedication would be 0.0373 hectares (373m²). However, a cap of 10% applies and therefore the parkland dedication for the development would be 0.01539 hectares (153.95m²).

The non residential component of the development is less than 1000m² and is therefore exempt from the parkland dedication requirements under section 165-7 of the Municipal Code.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.01539 hectares (153.95m²) would not be of a useable size and would be encumbered with below grade parking.

The actual dollar amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The applicant has agreed to setback the building 1.22 metres from the Queen Street East property line in order to create a more significant pedestrian area. Although the lands will not be conveyed to the City, it will blend seamlessly into the public realm. The additional setback will allow for a wider sidewalk and the planting of 4 trees in planters adjacent to the Queen Street East street edge. A soft boulevard treatment, with trees and other plantings, will be established in the Rainsford Road edge, to continue the residential character of the street down to Queen Street East.

Toronto Green Standard

The proposed development is intending to achieve 25 of the 33 minimum requirements and 13 enhanced targets, for a total of 38 targets. The applicant proposes to address the urban heat island at-grade and on the roof by the installation of a Green roof and light coloured materials and to meet the Bird Friendly Development Guidelines and the Wet Weatherflow Guideline stormwater retention requirements.

Rental Housing Demolition

The 7 properties were assembled by the owner over the last 10 year period. Two of the buildings have had commercial uses and had been owner-occupied. The remaining five buildings comprise 8 existing rental units: 4 detached three-bedroom houses and a single building that was reconstructed in 2002 with a store and 4 one-bedroom apartments above. The rents for all 8 rental units were considered high-end

units at the time of application in that they exceeded mid-range rents (more than one and a half times average market rent). Staff are not proposing that the City require the replacement of the rental units because these units' rents meet the criteria of Official Plan policy 3.2.1.6 that demolition can be approved without requiring replacement where all the units have rents exceeding mid-range.

All but two of the rental units have been recently occupied with short term tenancies where tenants were notified by the owner of the proposed demolition. The City's requirements for a Tenant Relocation and Assistance Plan would be concerned with the two eligible tenants who have resided there for the last 6-7 years, if they still occupy their units at the time that the notice to vacate for demolition is issued. The owner has agreed to provide for these two tenancies a longer notice period than is required under provincial legislation before the demolition, and to provide extra financial assistance beyond the payment of three months rent specified in the *Residential Tenancies Act*.

Staff are recommending that Council's approval of the development and the demolition of the existing rental units under Municipal Code 667 be conditional on the provision of a Tenant Relocation and Assistance Plan based on the elements outlined above, to the satisfaction of the Chief Planner. These plans also provide for written notification to the tenants of the conditions that affect them, as well as their rights under the provincial *Residential Tenancies Act*. Due to the few tenants affected and the short term nature of these obligations, which will be met before the first building permit and demolition permits are issued, staff are recommending that a letter of undertaking be used to secure these conditions, rather than a section 111 agreement registered on title.

In addition to these conditions, it is recommended that City Council's approval of the demolition of all seven properties under Chapter 363 include the standard requirement pursuant to section 33 of the *Planning Act* that a payment of \$20,000 per unit be collected from the owner if at least 10 residential units are not replaced within three years from the day that demolition of the buildings is commenced.

Development Charges

It is estimated that the development charges for this project will be \$316,440.50. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: South Elevation

Attachment 3: West Elevation

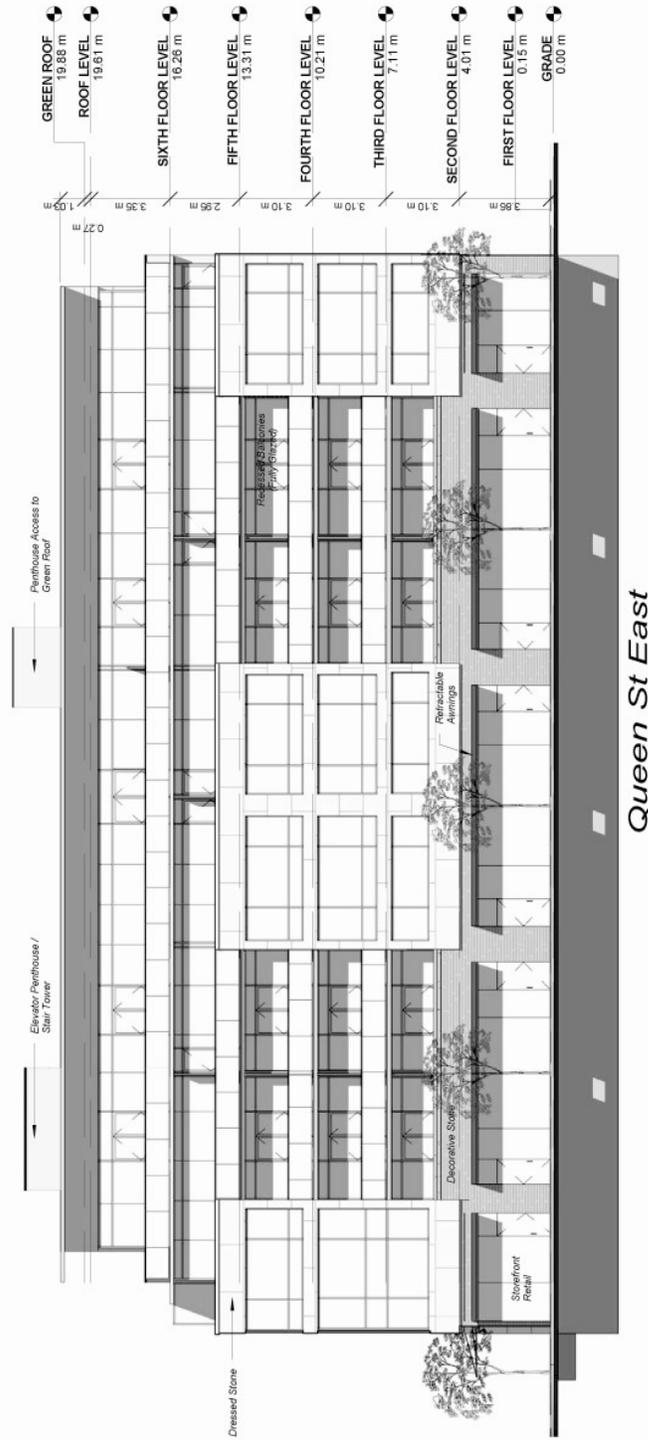
Attachment 4: North Elevation

Attachment 5: Zoning

Attachment 6: Application Data Sheet

Attachment 7: Draft Zoning By-law Amendment

Attachment 2: South Elevation



South Elevation

1864 - 1876 Queen Street

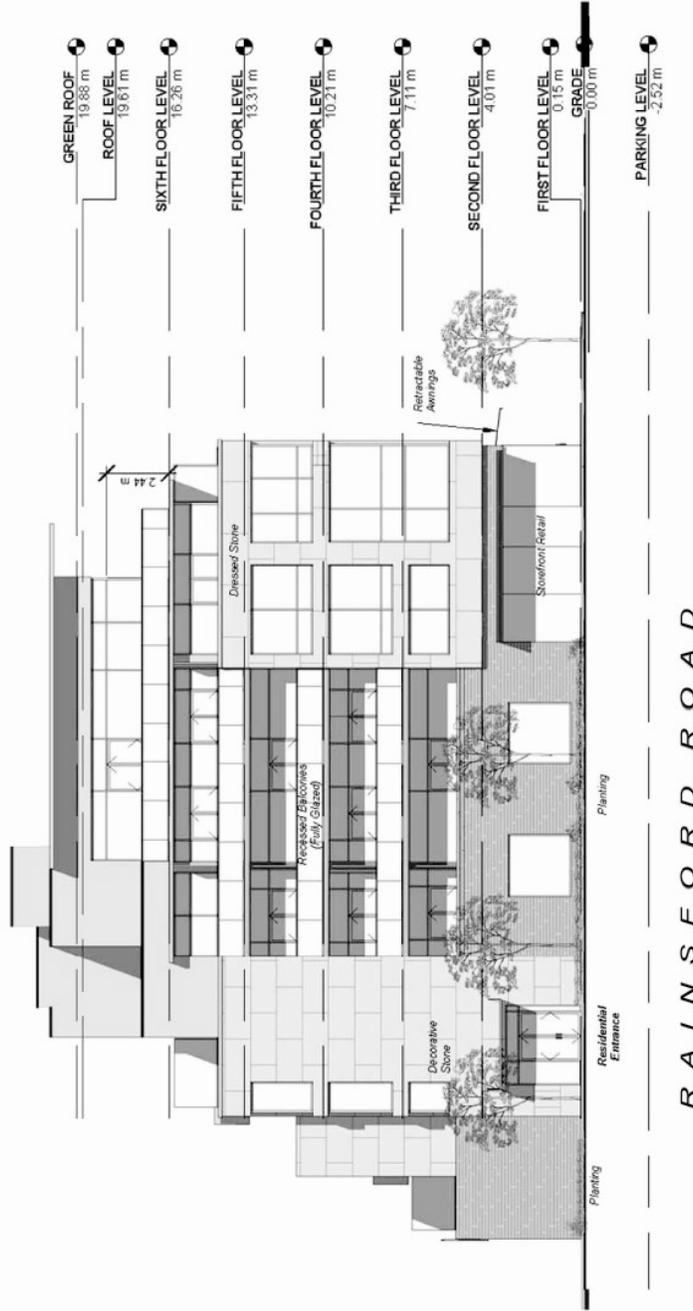
Elevations

Applicant's Submitted Drawing

Not to Scale
05/11/09

File # 07_272102

Attachment 3: West Elevation



WEST Elevation

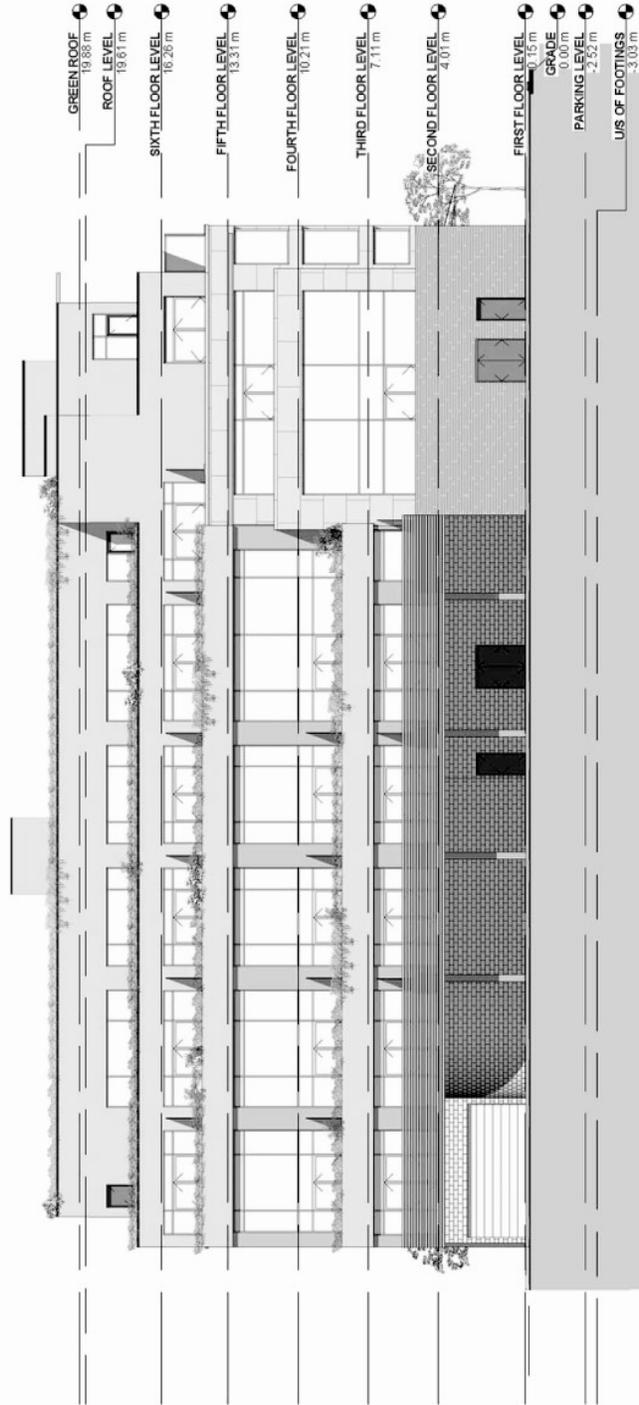
1864 - 1876 Queen Street

Elevations
 Applicant's Submitted Drawing

Not to Scale
 05/11/09

File # 07_272102

Attachment 4: North Elevation



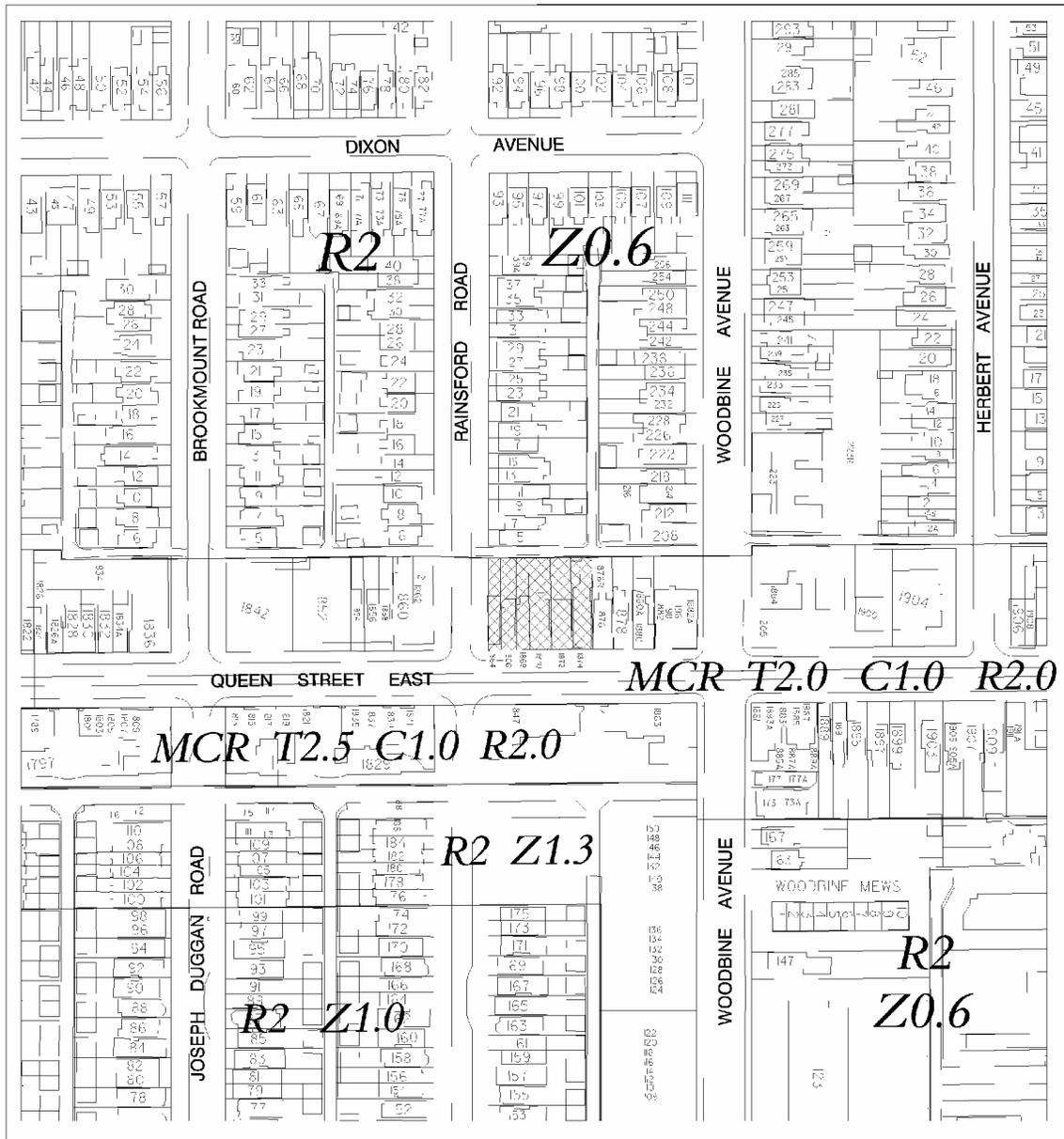
NORTH Elevation

1864 - 1876 Queen Street

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/11/09

File # 07_272102

Attachment 5: Zoning



1864 - 1876 Queen Street East

File # 07_272102

MCR Mixed Commercial Residential
R2 Residential Zone



Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/11/09-mh

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	07 272102 STE 32 OZ
Details	Rezoning, Standard	Application Date:	October 22, 2007

Municipal Address: 1864 to 1876 QUEEN ST E
 Location Description: PL 816 PT LT24 **GRID S3208
 Project Description: Proposal to construct 6 sty condo with 1 level of below grade parking and commercial on ground floor. 28 Residential Units. 1864, 1866, 1868, 1870, 1872, 1874, 1876 Queen St E.

Applicant:	Agent:	Architect:	Owner:
RICHARD ZIEGLER			FRANK RIEDEL

PLANNING CONTROLS

Official Plan Designation:	Mixed Use	Site Specific Provision:	NA
Zoning:	MCR T2.0 C1.0 R2.0	Historical Status:	NA
Height Limit (m):	12	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1538.09	Height:	Storeys:	6	
Frontage (m):	45.708		Metres:	19.9	
Depth (m):	33.846				
Total Ground Floor Area (sq. m):	1207.28				Total
Total Residential GFA (sq. m):	5053.14		Parking Spaces:	49	
Total Non-Residential GFA (sq. m):	924.79		Loading Docks	1	
Total GFA (sq. m):	5928.24				
Lot Coverage Ratio (%):	78.5				
Floor Space Index:	3.888				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	28
3 + Bedroom:	0
Total Units:	28

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		5003.45	0
Retail GFA (sq. m):		924.79	0
Office GFA (sq. m):		0	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

CONTACT: PLANNER NAME: Leontine Major, Senior Planner
TELEPHONE: (416) 397-4079

Attachment 7: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the former City of Toronto Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
1864 to 1876 Queen St E**

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

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 4(2)(a), 4(6)(b), 4(12), 8(3)(Part 1) and 8(3)(Part 2)(4a) and (4c) of By-law 438-86 of the 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 or use of a *mixed-use building* on the *lot* for:
 - (a) not more than 28 residential units;
 - (b) any uses permitted in an MCR district under Zoning By-law 438-86, as amended.

provided that:

- (1) the *lot* on which the proposed building is to be located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- (2) no portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law, except for the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
eaves or cornices	Required setback area from any lot line	0.45 metres	none
fences and safety railings	Required setback area from any lot line	no restriction	height of fence or safety railing not to exceed 2.0 metres
exterior insulation and facing material, including any supporting foundation	Required setback area from any lot line	0.16 metres	None

- (3) the *height* of any building or structure, as measured from the average grade along the Queen Street East frontage of the subject property or portion thereof, does not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law;
 - (4) the *residential gross floor area* of the building erected on the *lot* does not exceed 5,055 square metres;
 - (5) *non-residential gross floor area* of the building erected on the *lot* does not exceed 925 square metres;
 - (6) a *loading space – type C* be provided;
 - (7) a minimum of 30 square metres of *residential amenity space – indoor* is provided and maintained on the *lot*; and
 - (8) no individual commercial space shall exceed an area of 325 square metres.
2. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
 3. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure 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.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

