

88 Queen Street East, 10 Mutual Street and parts of 30-50 Mutual Street - Zoning Amendment Application - Preliminary Report

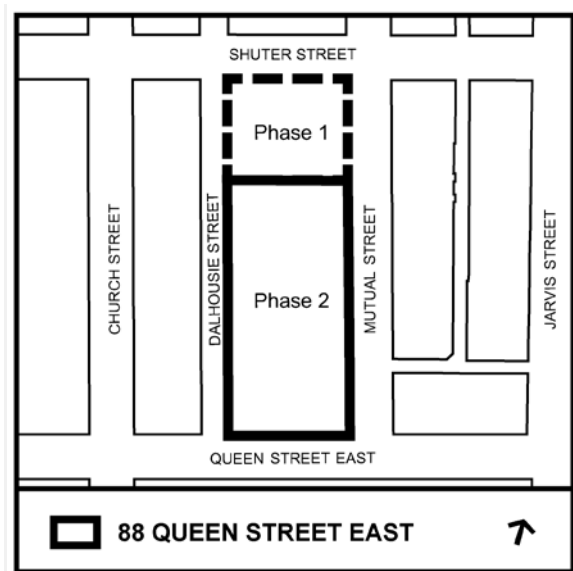
Date:	August 28, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	16 165239 STE 27 OZ

SUMMARY

A development proposal has been submitted for the redevelopment of an entire City block bounded by Queen Street East, Mutual, Shuter and Dalhousie Street. Phase 1 of the development proposal (being the northern portion of the block) is presently being reviewed under Site Plan Control and is the subject of a Minor Variance application.

This Zoning Amendment application applies to the Phase 2 portions of the development, being the mid and southern portions of the block as identified on the key map.

The Zoning Amendment application, Phase 2, proposes three mixed-use towers separated or interspaced by a Park, Privately Owned Publicly accessible space (POPS) and a pedestrian mews. The three towers, two of which are linked by sky bridges, would be 57, 29, & 33 storeys. A total of 1,181 residential units and 103 hotel rooms are proposed. There would be 91,564 m² of residential and 10,781 m² of non-residential gross floor area; the total gross floor area would be 102,345 m².



This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process. A community consultation meeting was held June 22, 2016 prior to filing. Staff anticipate submitting a final report on the application to Community Council in the second quarter of 2017. This target date assumes that the applicant will provide all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.
2. Further community consultation be undertaken, upon submission of a revised proposal, in consultation with the Ward Councillor.

DECISION HISTORY

Pre-Application Consultation

A number of pre-application meetings were held with the applicant during which staff itemized application submission requirements and identified initial concerns with the built form, impact on helicopter flight paths and on-site parkland dedication requirements. The applicant also presented their proposal to the City Design Review Panel on February 18, 2016. Substantive modifications have been made to the proposal which are reflected in this application.

A Community Consultation meeting was held on June 22, 2016 with an expanded notification given in consultation with the Councillor. There were approximately 30 members of the public at that meeting. Planning issues and concerns included:

Built Form

- concern with potential shadowing
- positive comments - revisions address DRP comments, good proposition, quality of elevations, attention to detail, mid-block connection are good
- need to secure more 1:50 elevations than typical
- potential to extend mews to Shuter
- welcome change versus existing parking lot

Parks/Open Space

- need to provide for pets, and play spaces for children
- ensure pedestrian accessibility onto site and security
- less hard pavement, more greenery, hardy vegetation
- avoid open lawn as difficult to maintain
- proposal has good "kinetic" quality in bringing people into site

Transportation and Engineering

- concern with loss of existing commercial parking and potential impacts
- potential for traffic signals at Shuter/Mutual intersection.
- concern over stormwater impacts

Other

- need to protect helicopter flight paths
- concern with construction impacts, traffic disruption on Queen St E during construction.
- need to provide for more families

ISSUE BACKGROUND

Proposal

The development proposal entails the redevelopment of an entire City block which is proceeding in phases. The overall development statistics for both Phase 1 and Phase 2 would include 1,602 residential units (of which 112 would be three bedroom units) and 103 hotel units. There would be 116,000 m² of residential and 11,591 m² of non-residential gross floor area. Total gross floor area would be 127,591m² which is equivalent to a Floor Space Index of 12.8 under Zoning By-law 569-2013.

Phase I, the northern portion of the block, is subject to an existing Site Plan application (15 270190 STE 27 SA) and a Minor Variance application (16 137156 000 00 MV) for a 30-storey residential tower with retail at grade. The Site Plan application is under review, the Minor Variance application was approved with conditions by the Committee of Adjustment on August 10, 2016.

This Zoning Amendment application applies to the Phase 2 component of the development being the southern and mid portions of the block. For the Phase 2 component of the development: 1,181 residential units, 103 hotel rooms and commercial/retail space are proposed. There would be 91,564 m² of residential and 10,781 m² of non-residential gross floor area for a total of 102,345 m². The proposal is for three towers with both public street and mews frontage. The towers would be oriented along a new north-south pedestrian mews which would connect a public Park (north-west part of the block) to Queen Street (south end of the block) and to a POPS (east side of the block). Commercial/retail uses would be at-grade with residential above grade. For Building D (which would front Queen Street), hotel and commercial/retail space would be on the first 6 floors with residential above. The proposed public Park would be 980 m² and mostly unencumbered. The POPS would be 880 m² and would have parking and loading below grade.

East tower and podium (Building B) would be developed in a tower-base form entailing a 4-storey podium with a 33-storey tower (107.5 m height including mechanical penthouse) attached by sky bridges to Building C.

Land use	Retail at-grade and 352 residential units above
Tower setback to <ul style="list-style-type: none"> - north to Building A - west to Building C - east property line - south to Building D 	25 m 12.5 m 3 m 39.5 m
Tower footplates (approximate)	650 m ²
Public Realm - podium setback <ul style="list-style-type: none"> - north to Building A - south to Building D - west to Building C - east to curb 	11.4 25.5 9 6 m
Ground floor height (approximate)	5 to 6 m
Amenity space <ul style="list-style-type: none"> - Indoor - Outdoor - Sky Garden 	528 m ² 190 m ² 750 m ² (shared with Bldg C)

West tower and podium (Building C) would be developed in a tower-base form entailing a 4-storey podium with a 29-storey tower (93.5 m height including mechanical) attached by sky bridges to Building B.

Land use	Retail at-grade and 305 residential units above
Tower setback to <ul style="list-style-type: none"> - north to Park - west property line - east to Building B - south to Building D 	16.8 m 3 m 12.5 m 25 m
Tower footplate (approximate)	650 m ²
Public Realm - podium setback <ul style="list-style-type: none"> - north to Building A - south to Building D - west to curb - east to Building C 	36.5 9 6.1 m 9
Ground floor height (approximate)	6 m
Amenity space <ul style="list-style-type: none"> - Indoor - Outdoor - Sky Garden 	458 m ² 142 m ² 750 m ² (shared with Bldg B)

South Tower and podium (Building D) would be developed in a tower-base form entailing a 6-storey podium with 57-storey tower (178 m height including mechanical).

Land use	Retail and hotel uses first six floors and 524 residential units above
Tower setback to <ul style="list-style-type: none"> - north to Building C - west property line - east property line - south property line 	25 m 14.2m 6.1 m 3.8 m
Tower footplate (approximate)	750 m ²
Public Realm - podium setback <ul style="list-style-type: none"> - north to Building C - north to Building B - west to curb - east to curb - south to curb 	9 m 25.5 m 6 m 6 m 6 m
Ground floor height (approximate)	6 m
Amenity space <ul style="list-style-type: none"> - Indoor - Outdoor 	786 m ² n/a

Vehicular and bicycle parking, in addition to various servicing functions, is proposed in a 5-level underground parking structure which would encompass the majority of the block, but not the area below the proposed Park. Access would be from two separate ramps; one fronting Dalhousie Street for vehicles and one fronting Mutual Street for both vehicles and loading/servicing functions. Loading would be below grade and include: 1 Type B, 2 Type C and 1 Type G space and would be shared between the buildings

Other details of the proposal are shown in Table 1 below and in Attachment 4

Table 1 – Parking

Category	Phase 1 (not part of Zoning Amendment application)	Phase 2 (subject of Zoning Amendment application)	Total
Vehicular parking <ul style="list-style-type: none"> - Shared visitor/commercial - Resident - Residential small car - Total 	198	559	152 596 9 757
Bicycle parking <ul style="list-style-type: none"> - Short term - Long term - Total 	46 380 426	128 1,068 1,196	174 1,448 1,622

Site and Surrounding Area

The development site is an existing commercial parking lot which was previously developed with a mix of residential, commercial and industrial uses. By the early 1980's the last buildings were demolished and replaced by the existing parking lot. One notable demolition was the Cooke's Presbyterian Church which was razed in the early 1980's.

The entire block is rectangular in shape and consists of 3 separate parcels with 4 different property addresses, being: 88 Queen Street East, 10 Mutual Street and 30-50 Mutual Street. The block has frontage of 58 m on Queen Street East, 172 m on Dalhousie Street, 171 m on Mutual Street and 58 m on Shuter Street. The lot area for the entire block is 9,947 m². The Zoning amendment application applies to the mid and southern portions of the block.

The surrounding uses are as follows:

- North: Proposed 30-storey residential building with retail at grade which constitutes Phase 1 of the development of the entire block.
- South: Queen Street and on the south side of Queen a range of 2 to 5-storey heritage commercial buildings possibly with some residential uses above ground floor.
- West: Dalhousie Street and on the west side of Dalhousie a range of 1 to 3-storey commercial buildings and a 29-storey apartment building.
- East: Mutual Street and on the east side of Mutual a range from 2 to 11-storey residential buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014, provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

Key PPS policies include Policy 4.7 which states that the Official Plan is the most important vehicle for implementation of the PPS. Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Policy 1.1.1 c) refers to avoiding development which may cause public health and safety concerns. Policy 1.1.1 g) refers to ensuring that Public Service Facilities are or would be available to meet current and projected needs and Policy 1.1.3.6 refers to development that allows for the efficient use of Public Service Facilities to meet current and projected needs.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

This application will be reviewed against the policies in the Official Plan including Official Plan Policy 3.3 Building New Neighbourhoods. This policy indicates the need for a comprehensive planning framework when developing new neighbourhoods and that new neighbourhoods must function as a community and not just housing. In this application, the new neighbourhood is a vertical neighbourhood.

The Official Plan places the site within the Downtown and Central Waterfront urban structure area. The site is designated "*Mixed Use Areas*" on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation. The criteria state that new buildings: provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhoods; minimize shadow impacts; and provide an attractive, safe and comfortable pedestrian environment.

This application will be reviewed against the policies in the Official Plan including those in the "Downtown", "Public Realm", and "Built Form" sections of the Plan. Compliance with other relevant policies of the Official Plan including environment and transportation will also need to be addressed. Other key policies that are applicable to this development include: Policy 4.8.4 which states that buildings will be sited and massed to protect hospital helicopter flight paths; Policy 2.4.12 which states that hotels will make provisions for taxi stands on private property; and Policy 3.1.1.9 and 3.1.5.44 which refers to views from the public realm to St. James Cathedral. Additionally, Policy 3.1.5.5 refers to development adjacent to properties on the Heritage Register will ensure that the integrity of the cultural heritage value and attributes will be retained (adjacency is defined to include those properties across the street).

Zoning

The site is subject to City-wide Zoning By-laws 438-86 and 569-2013. The site has a split zoning under By-law 438-86, the northern and mid portions of the block are zoned CR T5.0 C0.5 R5.0 and the southern portion is zoned CR T5.0 c2.0 R5.0. Under Zoning By-law 569-2013 the site also has a split zoning. The northern portion and mid portions of the block are zoned CR 5.0 (c0.5; r5.0) SS1 (x1391) and the southern portion is zoned CR 5.0 (c2.0; r5.0) SS1 (x1391).

Both By-laws permit a variety of commercial and residential uses with a maximum density of 5.0 times the site area and a maximum building height of 46 metres.

Exception 1391 of By-law 569-2013 references a number of Permissive and Restrictive Exceptions from By-law 438-86 and references site specific By-law 180-2005 and 699-92. Key exceptions include a prohibition on public parking garages, limits on office GFA, required bicycle parking and requirements for street related retail along the Queen Street frontage.

By-law 180-2005 is a site specific By-law which reflects a prior development proposal for the entirety of the block (Phase 1 and Phase 2) including the lands subject to this Zoning Amendment application. By-law 180-2005 would permit a mixed use development consisting of three 28-storey residential buildings and 5 to 8-storey buildings with commercial uses at grade. The maximum gross floor area would be 90,372m² under this By-law. By-law 180-2005 also repealed By-law 699-92, which reflects an older development concept.

Minister's Zoning Order

On May 3, 2016, the Minister of Municipal Affairs and Housing issued a Zoning Order – Protection of Public Health and Safety – Toronto Hospital Heliports. The purpose of this Order is to protect health and safety by ensuring the safe operation of air ambulance services provided in relation to St. Michael's Hospital and The Hospital for Sick Children. This Regulation is revoked on September 30, 2017. The Zoning Order identifies an obstacle limitation surface which structures or naturally growing objects shall not penetrate. The northern two-thirds of the block is within the obstruction limitation surface.

The Zoning Order reflects the most recent St. Michael's Hospital helicopter flight path. St. Michael's Hospital is a provincially designated regional trauma centre which receives some of its most critically ill patients by air ambulance. As previously cited, the Official Plan requires that all new buildings be sited and massed to protect helicopter flight paths. The Provincial Policy Statement also has a number of policies to protect against development which may negatively impact public health and safety as well as the efficient use of public service facilities. The provincial interests relate to the health care system in Ontario and the role of hospitals and emergency air ambulance services, including the hospital flight path for St. Michael's Hospital. In order to comply with the helicopter flight path and the related Official Plan policy, the proposed tower including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities would have to be below the protected flight path.

Site Plan Control

The proposed development is subject to Site Plan Control. An application, file 15 270190 STE 27 SA, has been submitted for the Phase 1 component of the development, being the northern portion of the block. A Site Plan application for Phase 2, being the

mid and southern portions of the block and the subject of this Zoning By-law amendment application, has not been submitted.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current 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 city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>. Of particular relevance to this application is Guideline 1.2 which would set out a planning and design framework to guide development of large or complex areas with multiple tall buildings, new streets or parks.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. Queen Street East is a High Street with maximum heights in the 47m to 77m (15-storey to 25-storey) range. Mutual and Dalhousie Streets are designated as Secondary High Streets; maximum heights typically would be one third lower than the High Streets they run parallel to and in the absence of such street, the nearest High Street is used. Maximum heights for Dalhousie and Mutual Street would be in the 31m to 51m (10-storey to 17-storey) range subject to consistency with the other guidelines. Queen Street East is also identified as a Priority Retail Street. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great

place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. Reports to Toronto and East York Community Council are targeted by the end 2016 on the results of the second phase and the next steps of implementation.

As a component of TOcore's second phase, a Final Report for the City-initiated Official Plan and Zoning By-law amendments to update setback requirements for tall buildings in the *Downtown* is currently before Toronto and East York Community Council. The Official Plan and Zoning By-law amendments seeks to reinforce minimum tall building setback and separation distance requirements to ensure that future growth positively contributes to the liveability, sustainability and health of *Downtown*.

The TOcore website is www.toronto.ca/tocore.

Reasons for the Application

The proposal requires an amendment to the Zoning By-law for an increase in density and height. Additional areas of non-compliance may be identified through the circulation and review process.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning & Urban Design Rationale which includes a Community Services and Facilities Study and Shadow Study
- Functional Servicing Report
- Stormwater Management Report
- Urban Transportation Considerations study
- Archaeological Resource Assessment – Stage 1 and Stage 2
- Draft Zoning By-law Amendments (438-86 and 569-2013)
- Toronto Green Standard Checklist
- Arborist Report
- Pedestrian Wind Consultation
- Building Mass Model

A Notification of Incomplete Application was issued August 30, 2016. This Notice states that the following outstanding items remain to be submitted:

- Noise Impact Study
- Vibration Study
- Contaminated Site Assessment
- Heritage Impact Assessment

Issues to be Resolved

The development proposal constitutes a true mixed use project featuring a public park, POPS, retail, hotel and residential uses with extensive consideration for the public realm along the circumference of the site and connectivity through the site with the proposed mews. The plans submitted have incorporated many suggestions and comments from preliminary meetings with staff and from the Design Review panel. Although, substantive modifications have been made to the proposal, there remain a number of issues that need further review as outlined below:

- Consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe particularly as it relates to providing managing and directing land use to achieve efficient and resilient development and land use patterns;
- Conformity with Official Plan policies particularly with respect to built form, setbacks and shadowing of nearby *Neighbourhoods, Parks and Other Open Space Areas* in addition to policies related to building new Neighbourhoods;
- Conformity with the Tall Buildings Design Guidelines and the Downtown Tall Buildings: Vision and Supplementary Design Guidelines, including sections on transition in scale, tower separation distances, step backs and setbacks and public realm;
- Appropriate location, size and configuration of the on-site Park and POPS and the appropriateness of any encumbrances to the Park;
- Confirmation that the proposed Park meets City requirements and is of a form and size that is satisfactory to the City and would not be excessively shadowed by the proposed development;
- Appropriate height for tower fronting Queen Street;
- Confirmation that building heights do not interfere with the St. Michaels Hospital flight paths and that they conform to the Minister's Zoning Order;
- Confirmation that the proposed towers do not intrude into the St. James Cathedral View Corridor;
- Confirmation there is sufficient sewer and water capacity to service the proposed development;
- Adequacy of community services and facilities in the area and whether there is a need for on-site services and facilities;

- Treatment of the ground floor of the building and its relationship to the streetscape, the proposed mews, Park and POPS;
- Impacts with respect to any potential heritage adjacency issues including any shadow impacts on St. Michael's Cathedral;
- Appropriateness of the proposed reduced on-site parking provision;
- Assessment of traffic generation, proposed driveway locations and impact on the existing street network;
- Confirmation that there are sufficient loading facilities for all of the buildings in the development including those without direct access to the loading facilities;
- Adequacy of the proposed amenity space and more specifically the reduced provision in some buildings and the excess provision in other buildings and to what extent the space would be shared between the buildings;
- Consideration of affordable housing and three bedroom units;
- Appropriate ways to address Public Art Plan; and
- Identification and securing of public benefits pursuant to Section 37 of the *Planning Act* should the proposal in some form be recommended for approval.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Gregg Lintern MCIP RPP
 Director, Community Planning
 Toronto and East York District

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ATTACHMENTS

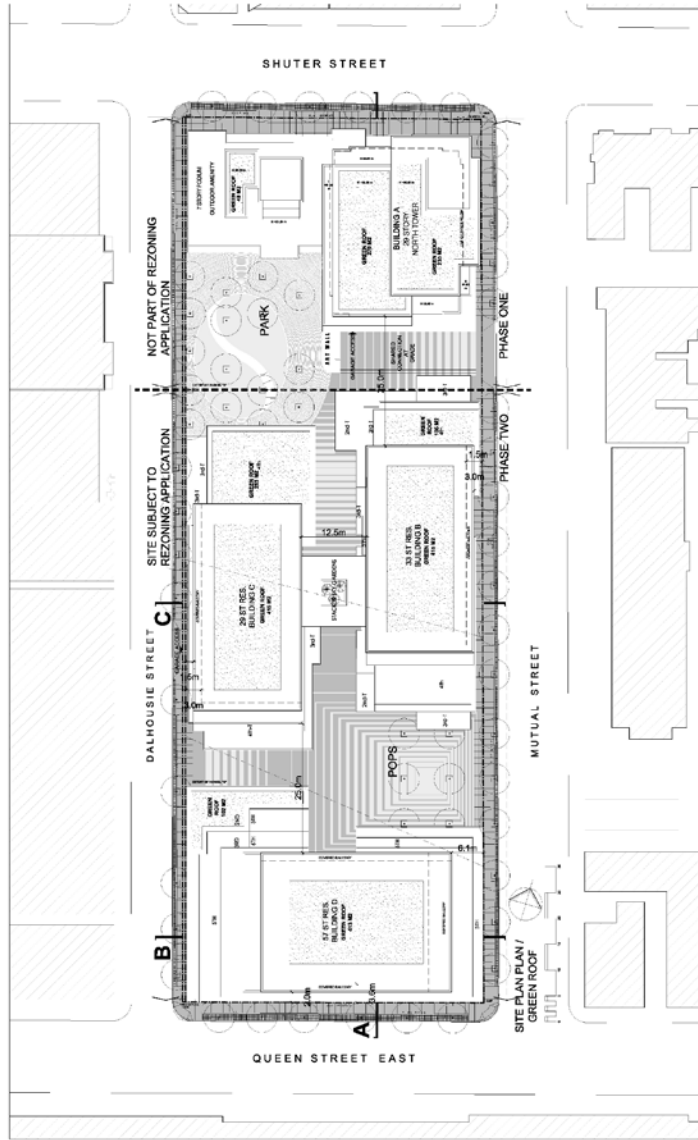
Attachment 1: Site Plan/Subdivision Plan

Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 1: Site Plan

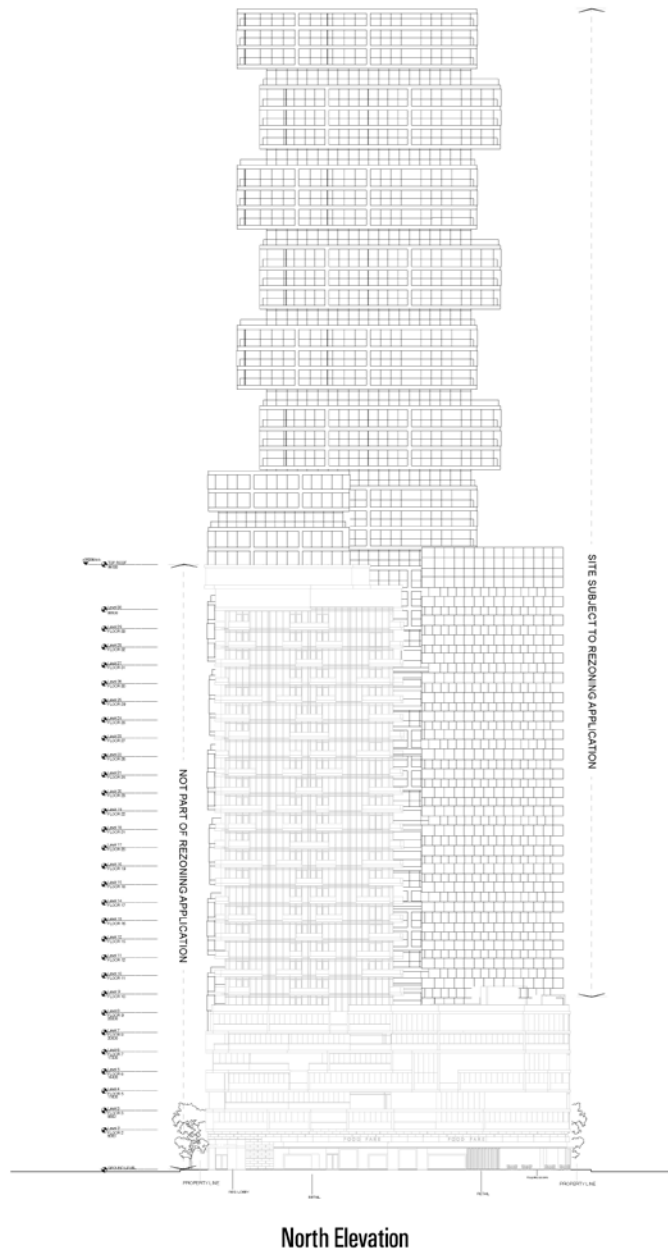


88 Queen Street East

File # 16-165239 STE 27 0Z

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 08/11/2016

Attachment 2: Elevations



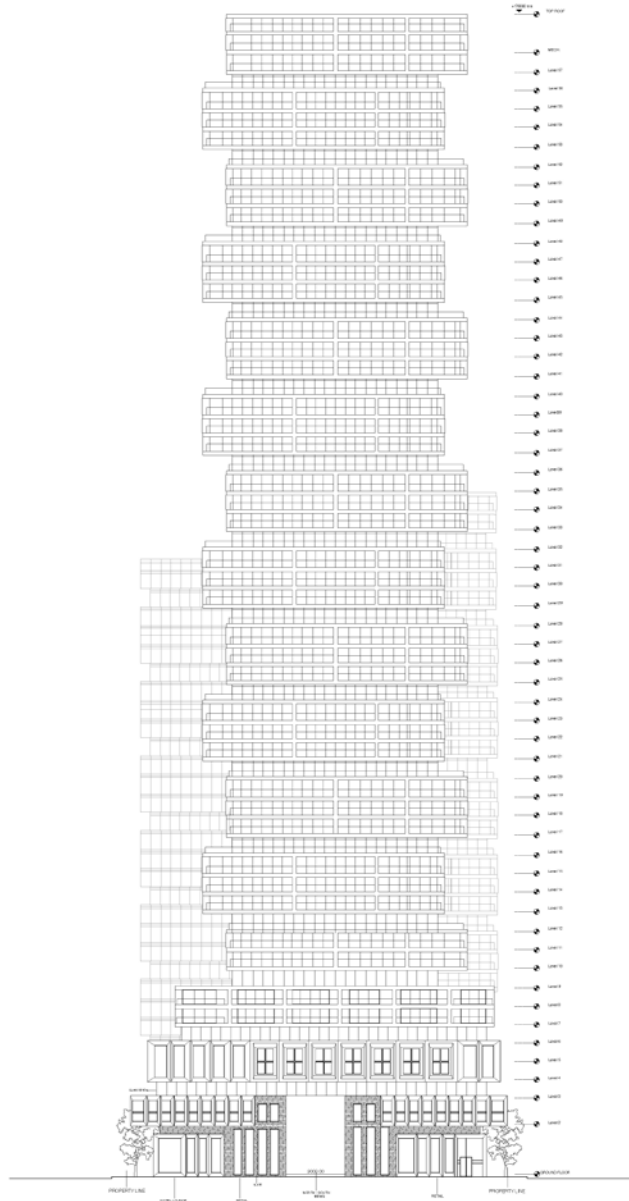
Elevations

Applicant's Submitted Drawing

Not to Scale
08/11/2016

88 Queen Street East

File # 16 165239 STE 27 0Z



South Elevation

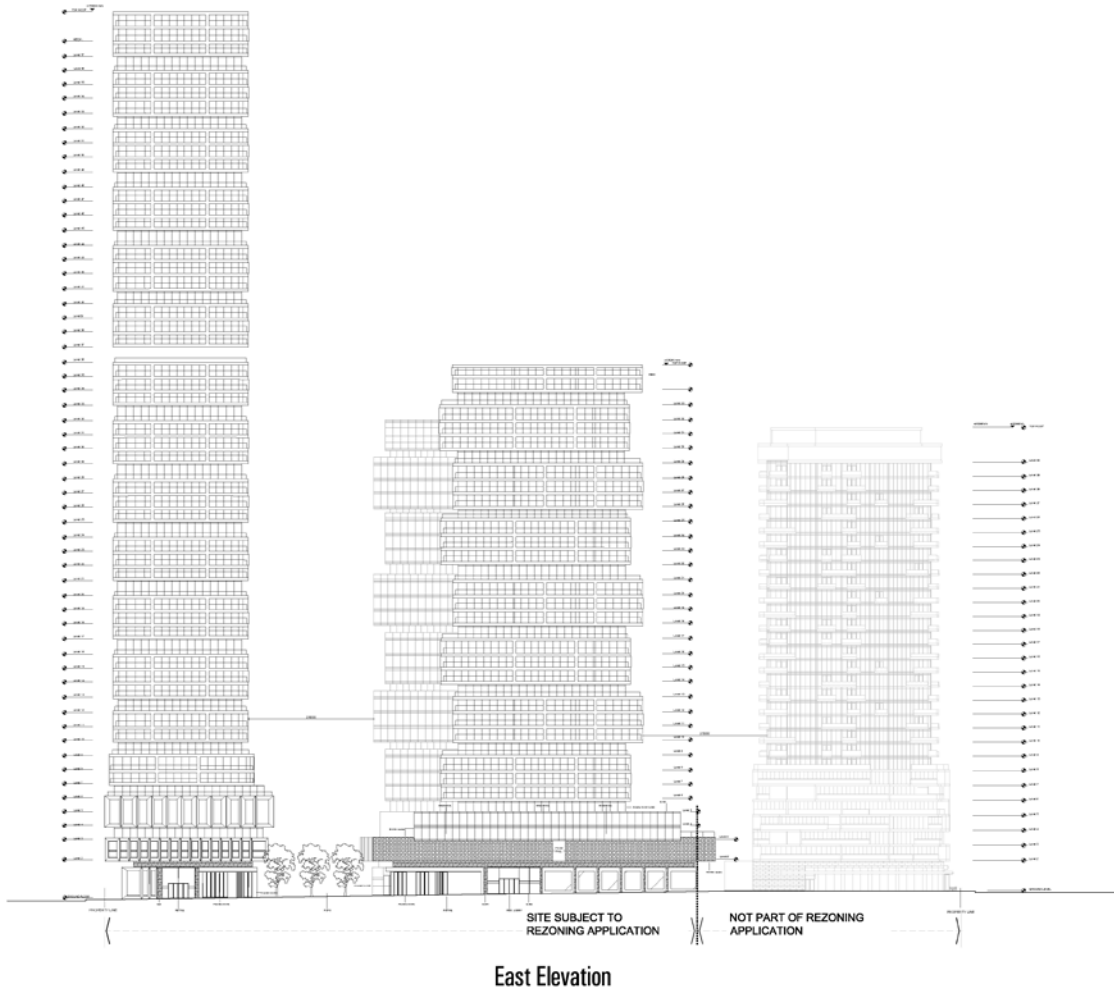
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88 Queen Street East

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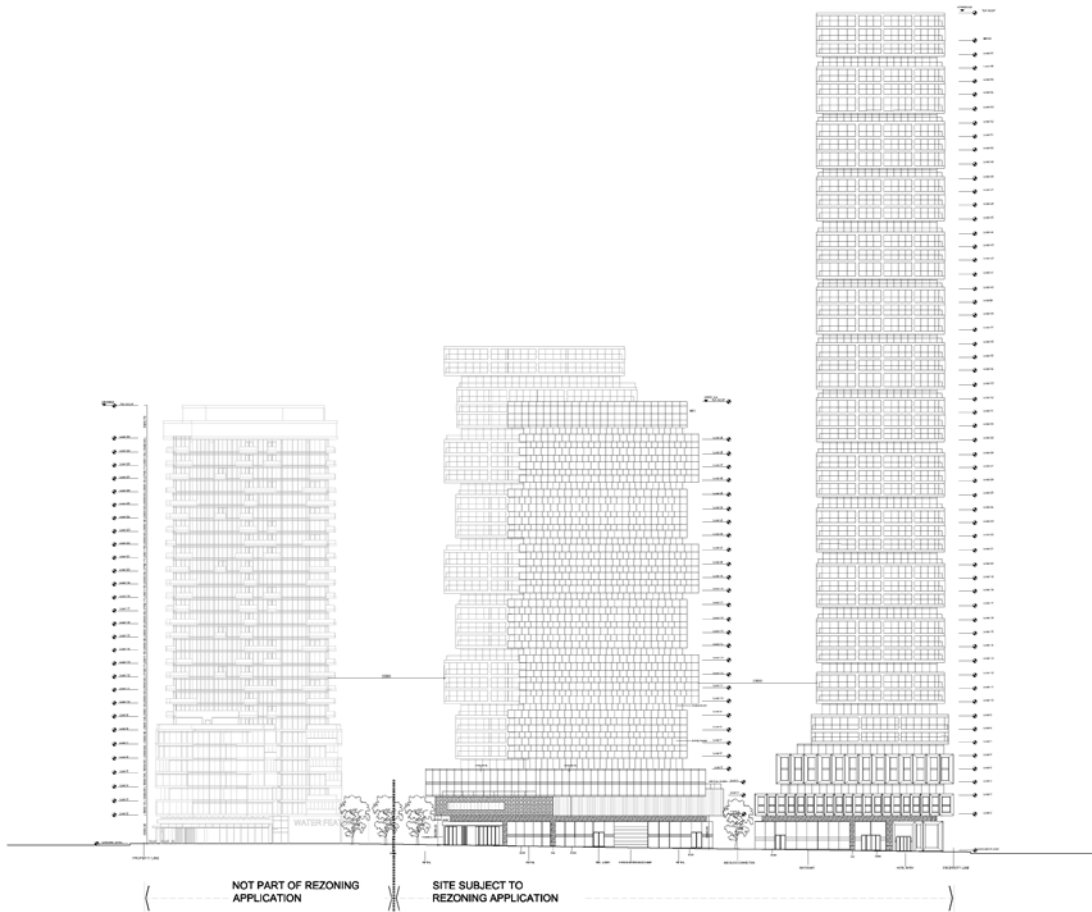
Elevations

88 Queen Street East

Applicant's Submitted Drawing

Not to Scale
08/11/2016

File # 16 165239 STE 27 OZ



West Elevation

Elevations

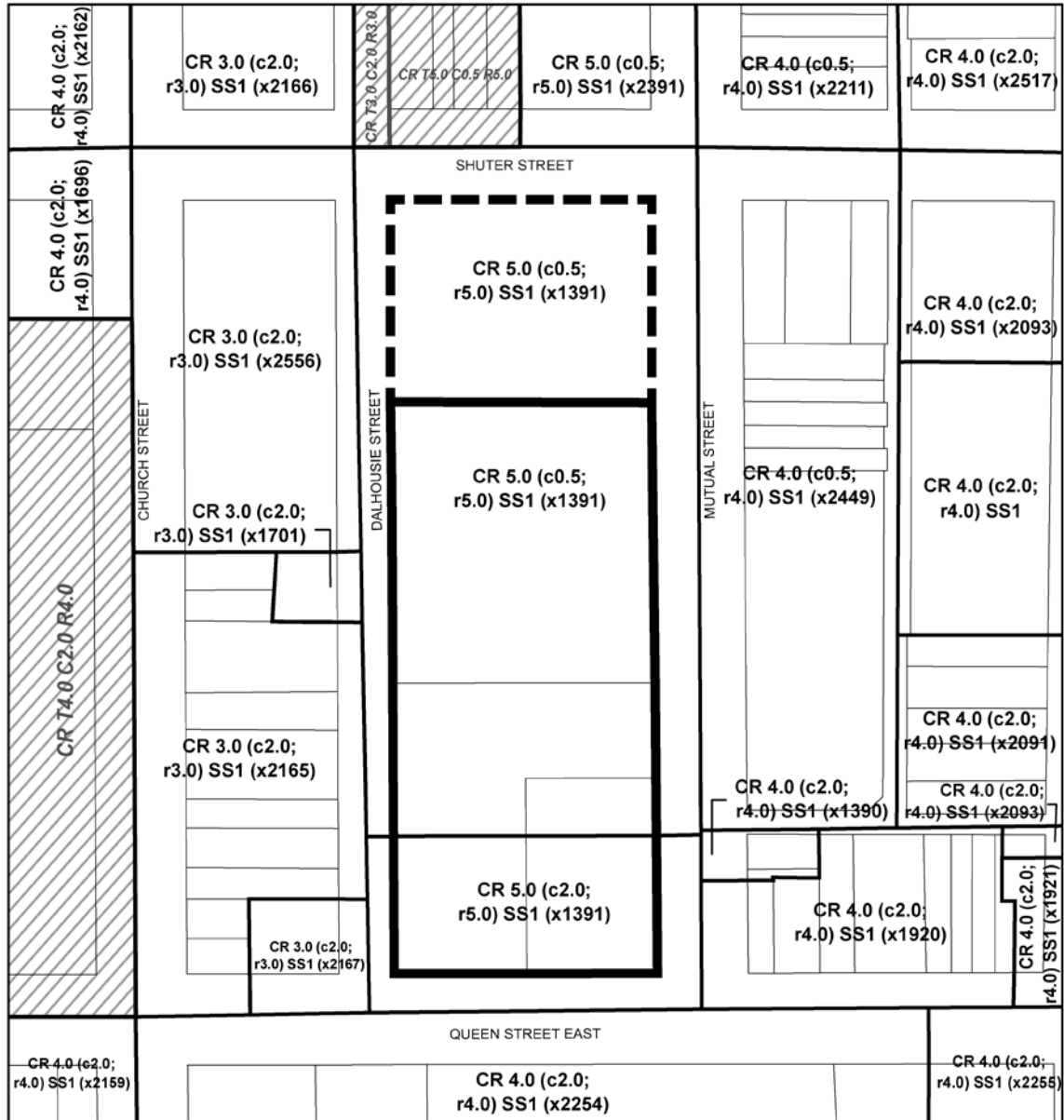
88 Queen Street East

Applicant's Submitted Drawing

Not to Scale
08/11/2016

File # 16 165239 STE 27 OZ

Attachment 3: Zoning



Zoning By-Law No. 569-2013

88 Queen Street East

File # 16 165239 STE 27 0Z

Location of Application

CR Commercial Residential

See Former City of Toronto By-Law No. 438-86
CR Mixed-Use District



Not to Scale
Extracted: 08/11/2016

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	16 165239 STE 27 OZ
Details	Rezoning, Standard	Application Date:	August 11, 2016
Municipal Address:	88 QUEEN ST E		
Location Description:	PLAN 22A LOT 1 TO LOT 3 **GRID S2714		
Project Description:	three mixed-use towers with a height of 29, 33 and 57 storeys containing 1,181 residential units, 10,781 square metres of non-residential gross floor area and 91,564 square metres of residential gross floor area.		

Applicant:	Agent:	Architect:	Owner:
Patrick Devine		IBI Group	Queen Developments Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	180-2005
Zoning:	CR 5.0 (c2.0; r5.0) SS1 (x1391)	Historical Status:	
	CR 5.0 (c0.5; r5.0) SS1 (x1391)		
Height Limit (m):	46	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	6902.1	Height:	Storeys:	57
Frontage (m):	58.34		Metres:	178
Depth (m):	118.75			
Total Ground Floor Area (sq. m):	3858.2			Total
Total Residential GFA (sq. m):	91564		Parking Spaces:	559
Total Non-Residential GFA (sq. m):	10781		Loading Docks	4
Total GFA (sq. m):	102345			
Lot Coverage Ratio (%):	55.9			
Floor Space Index:	14.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo	Above Grade	Below Grade	
Rooms:	0	Residential GFA (sq. m):	91564	0
Bachelor:	117	Retail GFA (sq. m):	2922	0
1 Bedroom:	694	Office GFA (sq. m):	0	0
2 Bedroom:	258	Industrial GFA (sq. m):	0	0
3 + Bedroom:	112	Institutional/Other GFA (sq. m):	7859	0
Total Units:	1181			

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