

**301 – 317 Queen Street East - Official Plan Amendment and Zoning Amendment Application – Refusal Report**

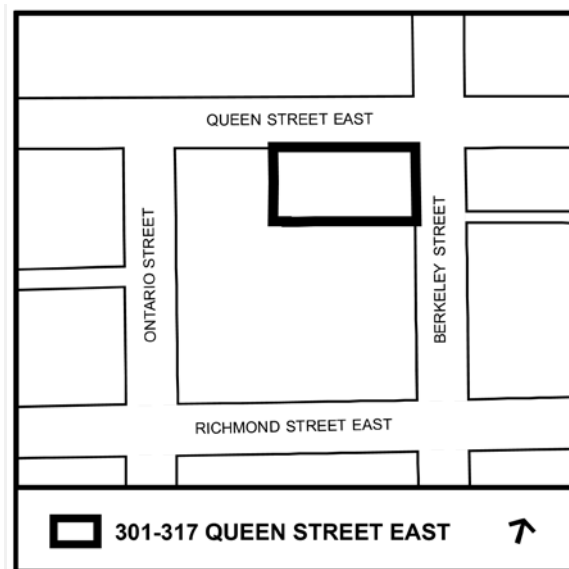
<b>Date:</b>	October 5, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	16 161250 STE 28 OZ

**SUMMARY**

This application proposes a 25-storey tower on the southwest corner of Queen Street East and Berkeley Street. The proposal consists of: 206 residential dwelling units; 1,838 square metres of non-residential gross floor area; 98 vehicular parking spaces within a 6-level underground parking garage; and 231 bicycle parking spaces. The Berkeley Church building at the eastern portion of the site is proposed to be retained as part of this proposal.

This application for a tall building is not appropriate for the site. The proposal does not conform to the overall objectives of the Official Plan and the King-Parliament Secondary Plan, and does not fit within the existing and planned context of the area.

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council refuse the Official Plan Amendment application, for the lands at 301-317 Queen Street East (file no. 14 174007 STE 28 OZ) for the reasons outlined in the staff report.
2. City Council refuse the Zoning By-law Amendment for the lands at 301-317 Queen Street East (file no. 14 174007 STE 28 OZ) for the reasons outlined in the staff report.
3. City Council authorize the City Solicitor, together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event the decision is appealed to the Ontario Municipal Board.
4. City Council authorize the Director, Community Planning, Toronto and East York District in consultation with the Ward Councillor, to ensure services, facilities and/or matters pursuant to section 37 of the *Planning Act*, as may be required by the Chief Planner are secured, should the proposal be approved in some form by the Ontario Municipal Board.
5. In the event this decision is appealed to the Ontario Municipal Board, City Council authorize the City Solicitor, to request the Ontario Municipal Board to withhold its order until a revised functional servicing report and a revised hydrogeological report have been submitted and reviewed to the satisfaction of the Executive Director, Engineering and Construction Services.

### Financial Impact

The recommendations in this report have no financial impact.

### DECISION HISTORY

On September 7, 2016, the Toronto and East York Community Council considered the preliminary report on the subject application and approved the recommendation to report back in the fourth quarter of 2016 on the results of the community consultation meeting and staff recommendations on the proposal. The report stated the proposal was over-development and is not a tall building site given the direction of the existing local planning policy. The Preliminary Report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.45>

## ISSUE BACKGROUND

### Proposal

The applicant is proposing to redevelop the site to construct a 25-storey mixed use building with a height of 82.35 metres (87.95 metres including the mechanical penthouse). The Berkeley Church building, a 1-storey building at the eastern portion of site is to remain as part of this redevelopment. The application proposes a gross floor area of 16,483.1 square metres, of which: 14,645 squares metres is residential space; and 1,838 square metres is non-residential space consisting of a mixture of retail and office uses.

The proposed tall building's tower floor plate and setbacks are summarized in the following table:

Tower Floor Plate (sq.m.)	644	
Base Building Setbacks from Property Line (m.)	North (Queen Street East)	0 – 2.7
	East (from Berkeley Church Building)	6
	South	2.5
	West	0
Tower Setbacks from Property Line (m.)	North (Queen Street East)	6.7 after 4 <sup>th</sup> storey 3.6 after 5 <sup>th</sup> storey
	East (from Berkeley Church Building)	6 after 4 <sup>th</sup> storey
	South	3.5 after 4 <sup>th</sup> storey
	West	8.8 after 4 <sup>th</sup> storey 5.5 after 5 <sup>th</sup> storey

A total of 206 residential dwelling units are proposed, consisting of: 110 one bedroom units (53.3%); 72 two bedroom units (35%); and 22 three bedroom units (11.7%).

Indoor amenity space of 423 square metres and outdoor amenity space of 302 square metres are proposed on the 5<sup>th</sup> storey of the tower. The Zoning By-law requires 2 square metres for each of indoor and outdoor amenity space per residential unit. This standard translates to 412 square metres of indoor amenity space and 412 square metres of outdoor amenity space for the 206 residential unit proposal.

Pedestrian accesses to the residential and retail components of the development are proposed from Queen Street East. Pedestrian accesses to the Berkeley Church building is to remain on Queen Street East and proposed along the north-south private exterior 'courtyard' between the tall building proposal and the Berkeley Church building. The pedestrian sidewalk rights-of-way are proposed to have an approximate width of 3.2 to 5.9 metres along Queen Street East and approximately 3.7 metres along Berkeley Street.

Vehicular access is proposed from a private rectangular parcel with frontage and access onto Berkeley Street. The application proposes a 6-level underground parking garage that accommodates 86 resident and 12 visitor spaces. A Type 'G' loading space is proposed for the development to be accessed from the private parcel. Bicycle parking is proposed in the underground levels and ground floor, consisting of 206 resident and 25 visitor parking spaces (refer to Attachment 6: Application Data Sheet).

## Site and Surrounding Area

The site is a rectangular sized parcel with frontage on Queen Street East to the north and Berkeley Street to the east. The site consists of 4 properties:

- 301 Queen Street East: a 3-storey mixed use building with a residential unit;
- 305 Queen Street East: a vacant parcel;
- 311 Queen Street East: a 3-storey mixed use building; and
- 315-317 Queen Street East: the 3-storey Berkeley Church building currently used as an event space, a designated building under Part IV of the *Ontario Heritage Act* under By-law 070-97 and included in the City's Heritage Register.

The surrounding uses are as follows:

**North:** On the north side of Queen Street East are the Moss Park Apartments comprised of three 15 storey residential buildings. Northwest of the site are Seaton Street and a row of 2 to 3-storey mixed use buildings at 216-252 Queen Street East – where most of the buildings are included in the City's Heritage Register and some are designated under Part IV of the *Ontario Heritage Act*. Northeast of the site are Berkeley Street and two rows of 2 to 3-storey mixed use buildings at 310-346 Queen Street East.

**East:** On the east side of Berkeley Street are: a 5-storey mixed use building at 319 Queen Street East; a row of 2-storey mixed use buildings at 323-337 Queen Street East; a 3-storey mixed use building at 339 Queen Street East; an east-west City-owned laneway; two semi-detached 2 to 3-storey mixed use buildings at 135-141 Berkeley Street; and a 3-storey office building at 133 Berkeley Street.

**South:** A privately owned vacant parcel; a 10-storey apartment building at 132 Berkeley Street; and two semi-detached residential buildings at 118 and 120 Berkeley Street.

**West:** A 2-storey commercial building at 297-299 Queen Street East; a row of 3-storey mixed use buildings at 287 295 Queen Street East. Southwest are: two 1-storey auto repair facilities at 107-111 Ontario Street; and a 9-storey residential building at 101 Ontario Street. Further across Ontario Street is a 1-storey auto repair facility at 285 Queen Street East. The property at 285 Queen Street East, along with all the properties bordered by Ontario Street, Queen Street East, McFarrens Lane and Richmond Street East are subject to an Official Plan and Zoning By-law

amendment application to permit a 3-tower mixed use redevelopment, file no. 16  
118638 STE 28 OZ.

## **Provincial Policy Statement and Provincial Plans**

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the conservation of features of significant architectural, cultural, historical and archaeological or scientific interest; and the appropriate location of growth and development.

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. In this regard, the Official Plan is the most important vehicle for the implementation of the PPS. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The *Planning Act* and associated PPS guide development in the Province and they include provincial interests regarding heritage resources as described in the PPS issued under the authority of Section 3 of the *Planning Act*. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the PPS. The PPS provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system. Provincial Policy Statement 2.6.1 reads "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the *Planning Act*, the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The Official Plan places the site within the *Downtown and Central Waterfront* on Map 2 – Urban Structure. The *Downtown* is a growth area and will continue to evolve as a healthy and attractive place to live and work. However, growth is not envisioned to spread uniformly throughout the *Downtown*.

**Section 4.7** provides policy direction on the *Regeneration Areas* designation for the site as identified on Map 18 – Land Use Plan. *Regeneration Areas* are unique areas of the City where a mixture of uses is encouraged and where strategies and a framework for development shall be "tailor-made" based on the specific policies of the Secondary Plan. Direction on the role of the Secondary Plan is further explained in section 5.2.1, where policy 3 indicates Secondary Plans will promote the desired type and form of physical development resulting in highly functional and attractive communities and plan for an appropriate transition in scale and activity between neighbouring districts.

**Section 3.1.2** – "Built Form" directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 3 requires new development to be massed to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to neighbouring buildings, providing for adequate light and privacy and framing adjacent streets and open spaces in a way that respects the street proportion. Policy 4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

**Section 3.1.5** – "Heritage Conservation" provides policy direction on the conservation of heritage properties in the City's Heritage Register and on development adjacent to heritage properties. Policy 4 states that properties on the Heritage Register will be conserved and maintained. Policy 5 requires proposed alterations or development on or adjacent to a property on the Heritage Register to ensure the integrity of the heritage property's cultural heritage value and attributes will be retained. Policy 6 encourages the adaptive re-use of properties on the Heritage Register consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada. Policy 26 requires new construction on, or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

**Section 5.6** – "Interpretation" provides guidance on the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Policy 1.1 indicates the goal of the Official Plan is to appropriately balance and reconcile a range of diverse objectives affecting land use planning in the City. The Official Plan can be accessed at:  
<http://www1.toronto.ca/wps/portal/contentonly?vnextoid=03eda07443f36410VgnVCM10000071d60f89RCRD>

### **King-Parliament Secondary Plan**

The site is within the boundary of the King-Parliament Secondary Plan. The main objective of the Secondary Plan is to encourage reinvestment in the area for a mixture of uses that reinforces the historic built form and public realm, while ensuring growth is mutually compatible with and complements the existing built form character and scale of the area.

The portion of the site fronting on Queen Street East is designated *Mixed Use Area 'D'* (Queen Street) on Map 15-1 – Land Use Plan. Lands designated *Mixed Use Area 'D'* consists of a wide range of building types, where a mixture of street-related retail, residential and institutional uses are permitted (refer to Attachment 4a: King-Parliament Secondary Plan – Land Use Plan). The sections of Queen Street East designated Mixed Use Area 'D' are predominately low-rise in built form.

The King-Parliament Secondary Plan provides strong built form policies to direct new buildings to fit into the pattern and scale of existing buildings. The built form policies are provided in Section 3 – “Urban Structure and Built Form” of the Secondary Plan. New development shall: provide adequate light, view and privacy to neighbouring properties; achieve a compatible relationship with its built form through height, massing, scale, setbacks, roof line and profile and architectural character and expression; provide appropriate proportional relationships to adjacent streets to minimize wind and shadowing impacts; provide streetscape and open space improvements; and provide open spaces for the use of residents, visitors and area workers.

Policy direction on heritage conservation is provided in Section 4 – “Heritage and Community Improvement” of the Secondary Plan. Heritage buildings are identified as essential elements of the physical character in the King-Parliament area. New buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as building height, massing, scale, setbacks, roof line and profile and architectural character and expression.

This application was reviewed against all policies of the Secondary Plan, which can be accessed at: <https://www1.toronto.ca/planning/15-king-parliament.pdf>

### **King-Parliament Urban Design Guidelines**

The King-Parliament Urban Design Guidelines provides urban design direction to the policy intent of the King-Parliament Secondary Plan. The site fronts on Berkeley Street, identified as a "Special Street", where redevelopment shall have a continuous residential setback from the street (refer to Attachment 4b: King-Parliament Secondary Plan – Areas of Special Identity).

This application was reviewed against the King-Parliament Urban Design Guidelines, which can be accessed at: [https://www1.toronto.ca/city\\_of\\_toronto/city\\_planning/community\\_planning/files/pdf/14\\_kingparliament.pdf](https://www1.toronto.ca/city_of_toronto/city_planning/community_planning/files/pdf/14_kingparliament.pdf)

### **King-Parliament Community Improvement Plan**

The purpose of the King-Parliament Community Improvement Plan (CIP) is to complement the policies of the King-Parliament Secondary Plan by providing a framework for the improvement of public lands within the King-Parliament area. Queen Street East is identified as a "Significant Street" where additional attention to its long-term physical improvement shall be sought. The King-Parliament CIP can be accessed

at:

[http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Community%20Planning/Files/pdf/1/1997\\_KP\\_CIP.pdf](http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Community%20Planning/Files/pdf/1/1997_KP_CIP.pdf)

## **Zoning**

Under Zoning By-law 438-86, the site is zoned MCR T3.0 "Mainstreet Commercial Residential", with a height limit of 16 metres. This zone permits a range of uses including residential, retail and office uses. The maximum density is 3 times the lot area. The site is subject to certain permission and exception provisions, including: prohibition of a commercial parking garage use; a base building height of 16 metres with a subsequent angular plane of 44 degrees along Queen Street East; and a building height of up to 12 metres between the street limit to a lot depth of 12 metres along Berkeley Street. The height limit, angular plane and density standards of the Zoning By-law implements the built form policy direction articulated in the Official Plan and King-Parliament Secondary Plan for this section of Queen Street East, a predominately low-rise corridor.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. *Planning Act* applications submitted after May 9, 2013 are subject to the new Zoning By-law. The western portion of the site is zoned CR 3.0 (c3.0; r3.0) SS2 (x2104) and the eastern portion of the site is zoned CR 3.0 (c3.0; r3.0) SS2 (x2171). The height limits, range of uses, and site specific permission and exception provisions are carried over from Zoning By-law 438-86, and also implements the built form policy direction articulated in the Official Plan and King-Parliament Secondary Plan for this section of Queen Street East (refer to Attachment 5: Zoning).

## **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.

Policy 1 in Section 5.3.2 – ‘Implementation Plans and Strategies for City-Building’ of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public improvements in growth areas. The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 – ‘The Built Environment’ and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

The subject site is not a tall building site based on the constraints posed by the site and the existing planning framework. However, this application was reviewed against the Guidelines as an advisory tool in assessing the building's fit within its context and local impacts. The city-wide Guidelines can be accessed at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>



## **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 of 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 was adopted by Toronto and East York Community Council at the September 7th meeting and is to be considered by City Council at their October 5th, 6th and 7th meeting. 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.

## **St. Michael's Hospital Flight Path**

The proposal is within the St. Michael's Hospital Air Ambulance Service Protection Corridor Map as indicated in Minister's Zoning Order O. Reg. 114/16. Policy 4 in section 4.8 – 'Institutional Areas' of the Official Plan indicates new buildings in vicinity of hospital heliports be sited and massed to protect the continued use of its flight paths. This application was circulated to St. Michael's Hospital for comments, including potential construction impacts.

## **Relief Line Project Assessment**

On July 12, 2016, City Council approved the 'Pape-Eastern-Queen' alignment for the Relief Line project - a study to determine the preferred alignment and stations for a new rapid transit line connecting the Bloor-Danforth Subway east of the Don River to the Downtown. City Council's decision and the staff report can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX16.1>

The subject site fronts on Queen Street East and is situated within a section of the Council approved alignment for the Relief Line. City staff reviewed the proposal in light of the Relief Line's approved alignment and station locations. Notwithstanding Council's approval, there is no environmental assessment approval for the Relief Line nor is there any funding strategy.

### **Site Plan Control**

The application for Site Plan approval, file no. 16 161258 STE 28 SA was submitted concurrently with the subject application and was reviewed by staff.

### **Reasons for Application**

The proposal requires an amendment to both the Official Plan and Zoning By-law. The proposal requires an amendment to the Official Plan as the built form does not conform to the objectives of the King-Parliament Secondary Plan that directs development be compatible and complement the existing built form character and scale of the *Mixed Use Area 'D'* designation, a predominately low-rise area.

The proposal requires an amendment to the Zoning By-law to amend the standards on: overall building height; base building height and an angular plane of 44 degrees along Queen Street East; building setbacks; maximum density; minimum outdoor amenity space; and minimum parking ratios, among others.

### **Community Consultation**

A community consultation meeting was held on September 8, 2016, at Enoch Turner Schoolhouse at 106 Trinity Street. Approximately 16 members of the public attended, along with the Ward Councillor and City staff. Concerns raised at the meeting include:

- the lack of on-street parking spaces available in the area;
- traffic congestion on the driveway and private lane south of the site;
- separation distance between the proposed 25-storey tower and the heritage designated Berkeley Church building; and
- tower height not in keeping with the character of the area.

A letter from the St. Lawrence Neighbourhood Association dated July 13, 2016, was submitted to City Planning staff, expressing concern that the proposal was too tall for the area.

### **Agency Circulation**

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

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The PPS recognizes the local context is important and that a well-designed built form contributes toward overall long-term economic prosperity. Policy 4.7 indicates that the Official Plan is the most important vehicle for implementation of the PPS. Policy 1.1.3.3 indicates that planning authorities shall identify appropriate locations for intensification and redevelopment. In this regard, the proposal has not met the overall objectives of the Official Plan and the King-Parliament Secondary Plan.

With regard to heritage conservation, Policy 2.6.3 of the PPS indicates planning authorities shall not permit development and site alteration on adjacent lands to protected heritage properties except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The Official Plan further refines the direction of the PPS to require appropriate built form to fit harmoniously into its existing and/or planned context and the conservation of heritage properties. This application is not consistent with the PPS as the proposal has not addressed an appropriate method to conserve the scale, form and massing and heritage attributes of the Berkeley Church.

The site is within the urban growth centre of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. In conjunction with the direction for intensification in the urban growth area, Policy 6 in Section 2.2.3 of the Growth Plan directs the City's Official Plan and supporting documents to establish policies to identify appropriate scale of development. In this regard, the King-Parliament Secondary Plan is part of the City's Official Plan and is in force and effect. The Secondary Plan, in conjunction with the Zoning By-law provides direction on the built form, massing and scale of development within this section of Queen Street East. Policy 1(e) in Section 4.2.4 of the Growth Plan indicates municipalities will develop and implement Official Plan policies and other strategies in support of cultural heritage conservation, including conservation of cultural heritage resources where feasible. This application is not consistent with the Growth Plan as the application deviates from the existing and applicable heritage conservation policies and strategies in place and does not provide an appropriate scale of development as required in the Official Plan.

### Land Use

The proposal consists of residential, commercial retail and office uses. The proposed mix of land uses comply with the *Mixed Use Area 'D'* designation of the King-Parliament Secondary Plan.

## Height

The existing planning framework was analysed in respect to the proposed 25-storey building's height. The Official Plan recognizes *Regeneration Areas* within Downtown as areas where intensification is encouraged. The Official Plan lays out the parameters of the City's planning framework by stipulating *Regeneration Areas* will need “tailor-made” strategies and frameworks for development through a Secondary Plan. In this regard, the King-Parliament Secondary Plan distinguishes Queen Street East as a distinct policy area, recognizing that it has a different character and lower scale than the other six policy areas of the Secondary Plan. The scale of development is implemented through the built form controls of the Zoning By-law where a maximum building height of 16 metres and a subsequent adherence to an angular plane of 44 degrees is permitted.

The proposal's overall height of 82.35 metres (87.95 metres including the mechanical penthouse) exceeds the Zoning By-law height limit of 16 metres. Policy 3 of section 3.2 of the Official Plan requires new development to fit harmoniously into its existing and/or planned context. The existing context of *Mixed Use area 'D'* is predominately low-rise in building scale with a main street character. A mid-rise built form typology is anticipated and encouraged along this corridor. This proposal has not included a planning justification to amend the King-Parliament Secondary Plan policy objective that requires growth be compatible and complement the existing scale and character of Queen Street East. Introduction of an unplanned building typology would fundamentally alter the scale and character of this part of Queen Street East.

Policy 3.1.1 of the King-Parliament Secondary Plan requires new development to respect the physical character of King-Parliament. Further, Policy 3.2 (e) requires new buildings to achieve a compatible relationship with their built form context through such matters as building height. As the existing and planned context for *Mixed Use Area 'D'* is not anticipated to accommodate tall buildings, the proposal's building height does not conform to the King-Parliament Secondary Plan.

Policy 3 of section 5.3.1 of the Official Plan indicates that amendments to the Plan that are not consistent with its general intent will be discouraged. Policy 3 also states when a site specific Official Plan amendment is being considered, the review shall examine whether the application should be considered within the immediate context or whether a broader review and possible area specific policy are appropriate. City Planning staff reviewed the height of the proposal in its immediate context, and determined that a site specific amendment to permit the proposal is not consistent with the overall intent and objectives of both the Official Plan and the King-Parliament Secondary Plan. The proposal does not further promote King-Parliament as a major employment area, does not retain or enhance the physical character of King-Parliament, and does not expand on the public space network. An area specific policy to amend the *Mixed Use Area 'D'* designation to permit tall buildings was not undertaken as the planned context for this section of Queen Street East is to remain low to mid-rise in scale. This proposal will negatively impact the streetscape and could set a negative precedent for future development along Queen Street East.

The Berkeley Church building is not proposed to be altered for additional height. City Planning staff have no concerns with this approach as the existing height of the Berkeley Church building maintains the policy direction by providing for a continuous residential setback from Berkeley Street.

## Massing

The existing planning framework was analysed in respect to the proposal's building massing and its fit to its immediate context. The Official Plan requires new development to be massed to fit harmoniously into its existing and/or planned context by: framing streets that respects the street proportion; and providing adequate light and privacy. The King-Parliament Secondary Plan requires development to be sited and massed to provide adequate light, view and privacy for neighbouring properties. The built form controls of the Zoning By-law require a building mass to adhere to an angular plane of 44 degrees after a maximum building height of 16 metres, and building setbacks of 5.5 metres to side and rear lot lines where the building wall contains windows.

The proposal's base building height of 17.7 metres (18.85 metres including architectural elements) exceeds the Zoning by-law height limit of 16 metres. The minimal tower setback of 0.9 metres after the 5<sup>th</sup> storey significantly deviates from the requirement for a building mass to adhere to an angular plane of 44 degrees. The proposal's massing does not step back after the base building height to adhere to an angular plane. The planned context for this section of Queen Street East is a low to mid-rise typology with building setbacks and angular plane requirements that is conducive to main streets with a mid-rise typology.

The proposed west wall of the base building on the 3rd and 4th storeys contain windows with a setback of 0.1 metres to the west property line. This facing condition to the west is unacceptable as it limits the redevelopment potential of the property to the west, and provides insufficient light, privacy and views for residents.

The site is not a tall building site based on the constraints posed by the site and the existing planning framework. However, the tall building proposal was reviewed against the City-wide Tall Building Guidelines as an advisory tool in assessing the proposal's fit within its context and local impacts. The proposal fails in meeting the following performance measures of the Guidelines: a maximum base building height of 16 metres; a minimum 3 metre tower stepback from the base building along the Queen Street East frontage; and a minimum 12.5 metre tower setback to the south and west property lines.

The siting and massing of the proposed tall building is configured with insufficient building setbacks to its property lines based on the expectation that the remaining sites within the *Mixed Use Area 'D'* designation be redeveloped as planned for a low to mid-rise typology. This expectation is flawed as the proposal has not offered a planning justification that would allow for a site specific exception from conformity to the King-Parliament Secondary Plan that requires growth be compatible and complement the existing built form character and scale of Queen Street East. If approved, the same

rationale put forward by the applicant can be used by owners of neighbouring sites within the *Mixed Use Area 'D'* designation for a tall building. This would undermine the King-Parliament Secondary Plan's vision for an area as a low to mid-rise area. City Planning staff is not in support of the site specific Official Plan amendment as it is not consistent with the overall intent and objectives of the Official Plan and the King-Parliament Secondary Plan.

### **Shadow Impacts**

A shadow study was submitted in support of the application. The study assessed the proposal's shadow impacts on the surrounding areas during the 21<sup>st</sup> of March, June, September and December. The proposal will cast significant shadows on the open space area of the Moss Park Apartments north of the site, in particular during the spring and fall equinoxes on the 21<sup>st</sup> of March and September.

The Official Plan stipulates that new development be massed to limit shadowing on open spaces, having regard for the varied nature of such areas. The King-Parliament Secondary Plan requires buildings adjacent to open spaces to be massed to provide appropriate proportional relationships and be designed to minimize shadowing impacts on open spaces. The Tall Building Guidelines indicate that tall buildings should be placed and massed to secure the greatest amount of sunlight and skyview. The open space area of Moss Park Apartments serve as an outdoor amenity space for its residents, and the height and massing of the proposal does not adequately limit shadowing on the open space.

### **Wind Impacts**

A Pedestrian Wind Study was submitted in support of the application. The study indicated uncomfortable wind conditions in certain locations on the site. City Planning staff do not support a proposal that provides for uncomfortable and unsafe wind conditions.

### **Noise and Vibration Impacts**

A Noise and Vibration Feasibility Study was submitted in support of the application, indicating neighbouring noise and vibration sources can be adequately mitigated for the proposed residential use. City Planning staff requests additional analysis be provided on noise impacts for the lower storeys of the proposal and potential noise impacts from the Berkeley Church building as an events venue.

### **Residential Amenity Space**

Zoning By-law standards require 2.0 square metres per dwelling unit each for indoor and outdoor amenity space. This standard results in 412 square metres each for indoor and outdoor amenity space for the proposed 206 dwelling units.

The proposed indoor amenity space of 423 square metres, or 2.05 square metres per dwelling unit, exceeds the minimum standard of the Zoning By-law. However, the proposed outdoor outdoor amenity space of 302 square metres, or 1.47 square metres per dwelling unit does not meet the minimum standard of the Zoning By-law.

### **Traffic Impacts and Vehicular Access**

An Urban Transportation Considerations Report was submitted in support of the application. The report concluded the forecasted trip generation from this development can be accommodated by the area's intersections. Transportation Services' staff has reviewed the report and are in agreement with the report's conclusion. Vehicular and loading access is proposed from a private rectangular parcel with frontage and access onto Berkeley Street abutting the subject site to the south. City staff requires documentation to show that legal rights are in place on the private rectangular parcel for vehicular and loading access purposes to the subject site.

### **Vehicular Parking**

The proposal provides a total of 98 vehicular parking spaces, consisting of 86 spaces for residents and 12 spaces for the shared use of visitors and occupants of the non-residential uses. All of the vehicular parking spaces are proposed to be located within the 6-level underground parking garage. Standards based on the Zoning By-law 569-2013 require a total of 140 vehicular parking spaces consisting of 126 spaces for residential, 12 spaces for visitors and 2 spaces for the occupants of the non-residential uses.

The Urban Transportation Considerations Report included a parking justification analysis that supports a reduced parking supply by comparing similarly sized developments that provided for a lower parking supply ratio. Transportation Services staff has reviewed the report and finds the analysis acceptable.

### **Bicycle Parking**

The proposal provides a total of 231 bicycle parking spaces, consisting of 206 long-term spaces and 25 short-term spaces. A total of 10 bicycle rings are also proposed along the Berkeley Street frontage. The proposed number of bicycle parking spaces exceeds the standard of the Zoning By-law and the provisions of the Toronto Green Standard.

### **Servicing**

A Functional Servicing and Stormwater Management Report was submitted in support of the application. The report concluded that the proposal can be adequately serviced by new connections to the existing 300 mm watermain and 1200 x 750 mm combined sewer on Queen Street East. Engineering and Construction Services staff has reviewed the report and indicate additional analysis is required to confirm that there is sufficient capacity to service the proposal.

The Functional Servicing and Stormwater Management Report concluded stormwater runoff from the site will be directed to the existing 1500 mm storm sewer on Queen Street East and will meet the performance objectives of the City's Wet Weather Flow Management Policy. Engineering and Construction Services staff has reviewed the report and indicate that further information is required to confirm stormwater runoff from the site is satisfactory.

### **Hydrogeological Impacts**

A preliminary hydrogeological Investigation report was submitted in support of the application. The report provided an estimate on the rate of dewatering to lower the groundwater level and discharge volumes to the City's sewers. Toronto Water staff has reviewed the report and indicate additional analysis is required on groundwater quality and quantity proposed to be discharged to the City's sewers.

### **Heritage Conservation**

The subject site includes the designated heritage property at 315-317 Queen Street East and adjacent lands at 301-311 Queen Street East. The proposed building will be located adjacent to the Berkeley Church at 315-317 Queen Street East. While the proposal recommends the rehabilitation of the Berkeley Church to be used as an events space, the proposed base building does not conserve the cultural, heritage attributes, values and character as directed by Section 3.1.5 of the Official Plan.

### **Archaeological Potential**

A Stage 1 Archaeological Assessment was submitted for the application. The stage 1 report determined that a portion of the property exhibits archaeological potential and a Stage 2 assessment is required. Heritage Preservation Services staff have reviewed the documentation and recommends all archaeological requirements be secured in the amending Zoning By-law, should the application be approved in some form.

### **Open Space/Parkland**

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 Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.



The application is proposing to develop a 25-storey mixed use building that will consist of 206 residential units and 1,529 square metres of non-residential space.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 2,747 square metres or 170.3% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use, while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 165 square metres or 9.24%.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 165 square metres is not a suitable size to develop a programmable park within the existing context of this development site.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit should this application be approved in some form.

### **Streetscape**

The site fronts on Queen Street East to the north and Berkeley Street to the east. The proposal provides a pedestrian sidewalk width of approximately 3.2 to 5.9 metres along Queen Street East and approximately 3.7 metres along Berkeley Street. Portions of the land on the subject site will need to be conveyed to the City to provide a sufficient pedestrian clearway width should this application be approved in some form. A 5 metre corner rounding at the corner of Queen Street East and Berkeley Street shall also be conveyed should this application be approved in some form.

### **Tree Preservation**

There are 3 trees on and within 6 metres of the site. The proposal contemplates the removal of all 3 trees and the planting of 6 new trees along Queen Street East and Berkeley Street. An Arborist Report and a Tree Protection Plan was submitted in support of the application. Urban Forestry staff reviewed the submitted documentation and indicated that the tree protection plan does not meet the City's Tree By-laws. The owner will need to ensure the proposal conforms to the City's Tree By-laws should this application be approved in some form.

### **Toronto Green Standard**

In 2013, City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The proposal has not met various performance measures of the TGS, including: preservation of mature trees; adherence to the Erosion and Sediment Control Guidelines for Urban Construction; stormwater balance; stormwater retention and reuse; removal of 80% of total suspended solids; and reduce the amount of E.Coli entering Lake Ontario.

### **Section 37**

The Official Plan includes policies pertaining to the exchange of community benefits for increased height and density for new developments pursuant to Section 37 of the *Planning Act*.

There has been no discussion with the applicant regarding Section 37 community benefits since the application's proposed increase in density and height over the existing Zoning By-law standards does not meet the overall policy objectives of the Official Plan, and therefore not consistent with the Plan. However, in the event this proposal is appealed and approved in some form by the Ontario Municipal Board, City staff request the Ontario Municipal Board to withhold its final order until an appropriate community benefits package is secured in consultation with the Ward Councillor.

### **CONCLUSION**

The subject site is not appropriate for a tall building. The proposal is over-development, fails to meet the overall policy objectives of the Official Plan and Secondary Plan, will negatively impact the streetscape of Queen Street East and could set a negative precedent for future development along Queen Street East. A mid-rise proposal will provide a better fit into the existing and planned context on this section of Queen Street East.

The intent of the *Mixed Use Area 'D'* designation is to encourage a low to mid-rise built form with a main street character. The proposed tall building within the *Mixed Use Area 'D'* designation is not part of a comprehensive block development, does not promote King-Parliament's role as a major employment area, nor does it enhance the physical character of King-Parliament. City Planning staff reviewed the proposal against the planning framework and conclude the proposal does not appropriately balance and reconcile the range of diverse objectives in achieving a good planning proposal.

Beyond the non-conformity to the overall policy objective of the Official Plan and Secondary Plan, other issues the proposal has failed to address include: the appropriate conservation measures for the Berkeley Church building; legal vehicular access rights to the site, and sufficient servicing to accommodate the proposal.

For all these reasons, among others, City Planning staff recommend refusal of the application.

## **CONTACT**

Henry Tang, Senior Planner  
Tel. No. (416) 392-7572  
E-mail: htang2@toronto.ca

## **SIGNATURE**

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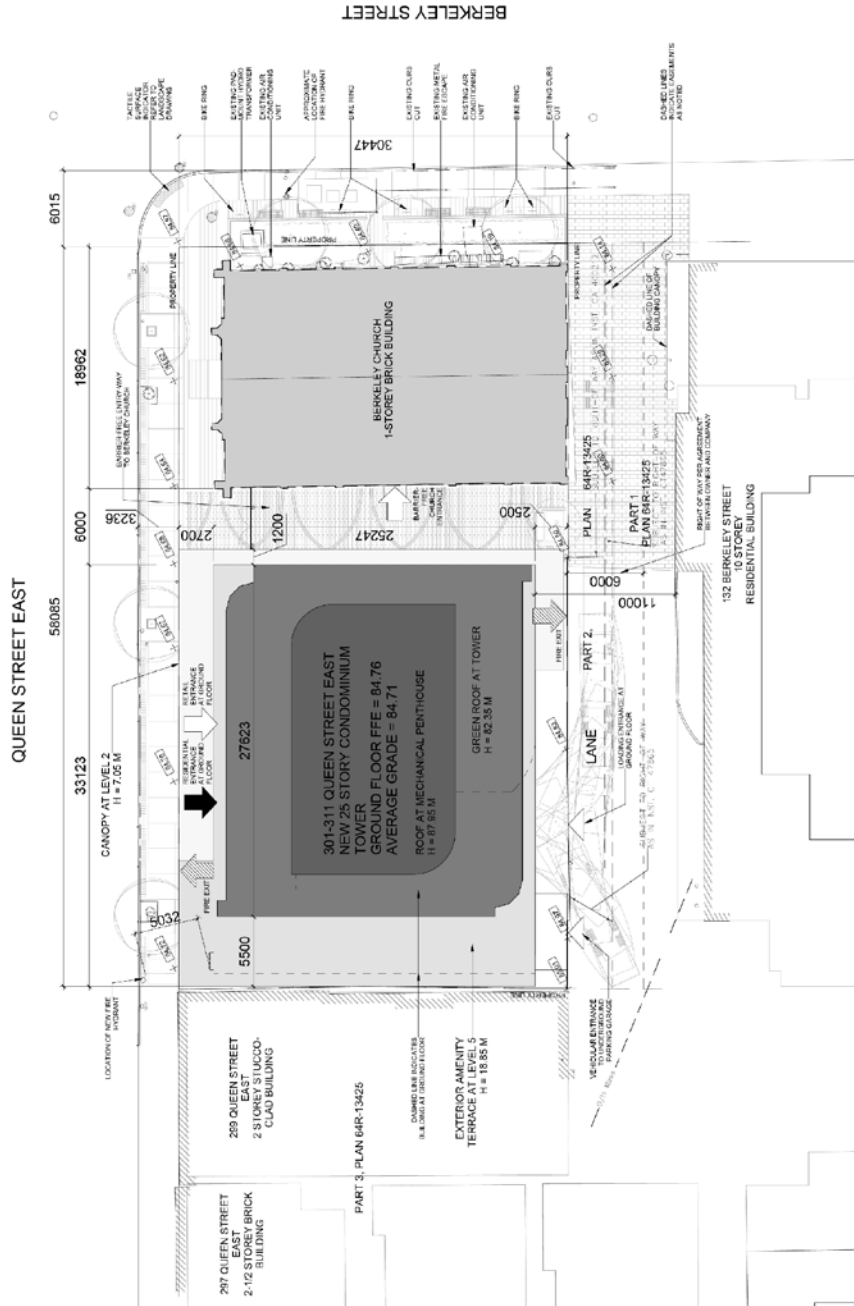
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

(P:\2016\Cluster B\pln\TEYCC\23301609068.doc) - vc

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a-d: Elevations  
Attachment 3: Official Plan  
Attachment 4a-b: King-Parliament Secondary Plan  
Attachment 5: Zoning  
Attachment 6: Application Data Sheet

# Attachment 1: Site Plan



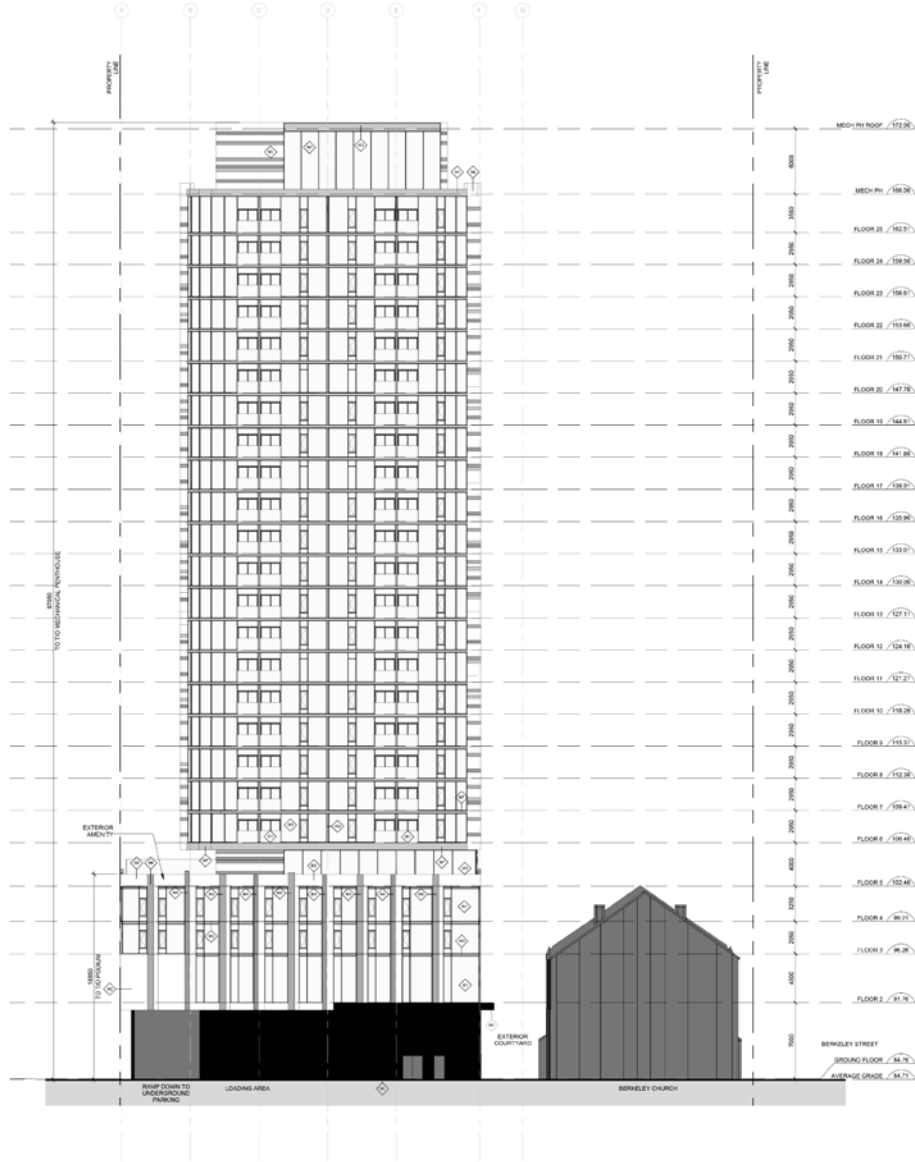
301-317 Queen Street East

File # 16 161250 STE 28 0Z

Site Plan  
Applicant's Submitted Drawing

Not to Scale  
07/08/2016

# Attachment 2a: South Elevation



## South Elevation

## 301-317 Queen Street East

Applicant's Submitted Drawing

Not to Scale  
07/08/2016

File # 16 161250 STE 28 0Z

## Attachment 2b: West Elevation



### West Elevation

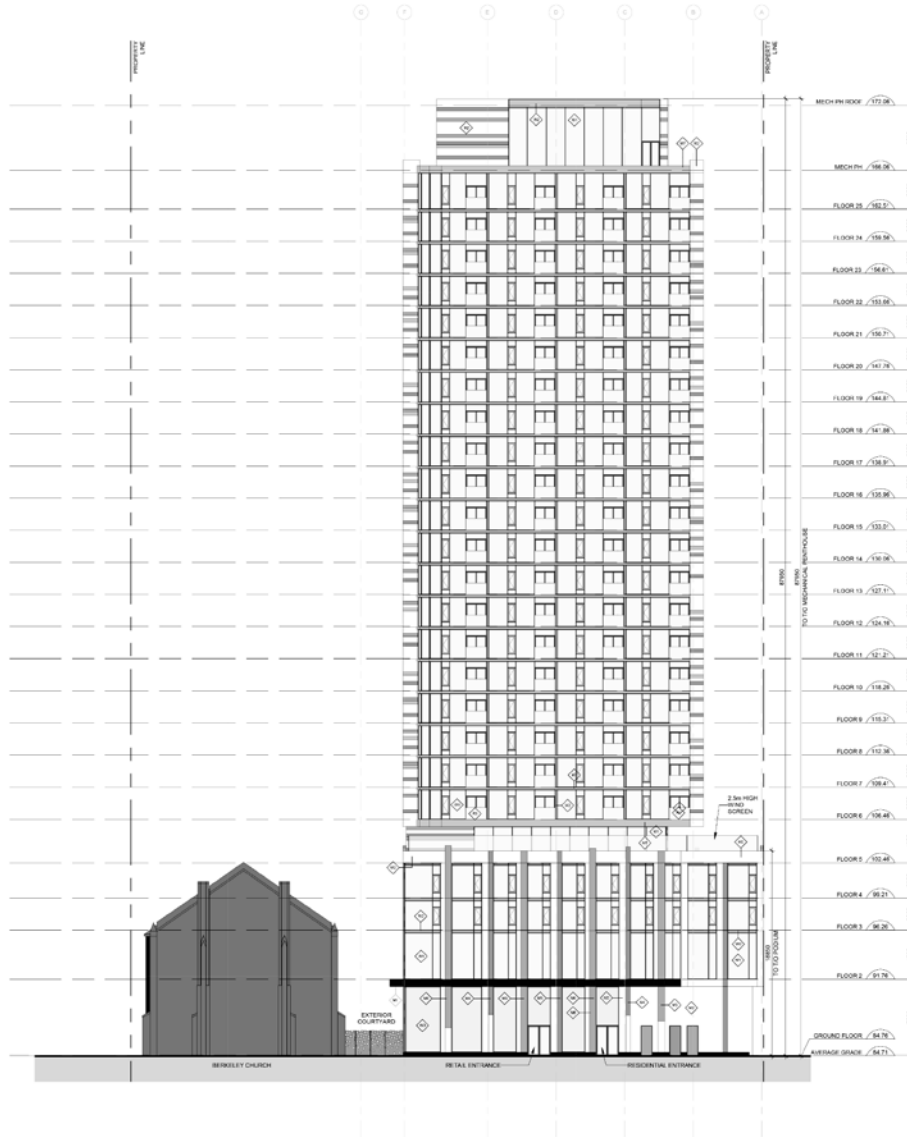
Applicant's Submitted Drawing

Not to Scale  
07/08/2016

### 301-317 Queen Street East

File # 16 161250 STE 28 0Z

## Attachment 2c: North Elevation



### North Elevation

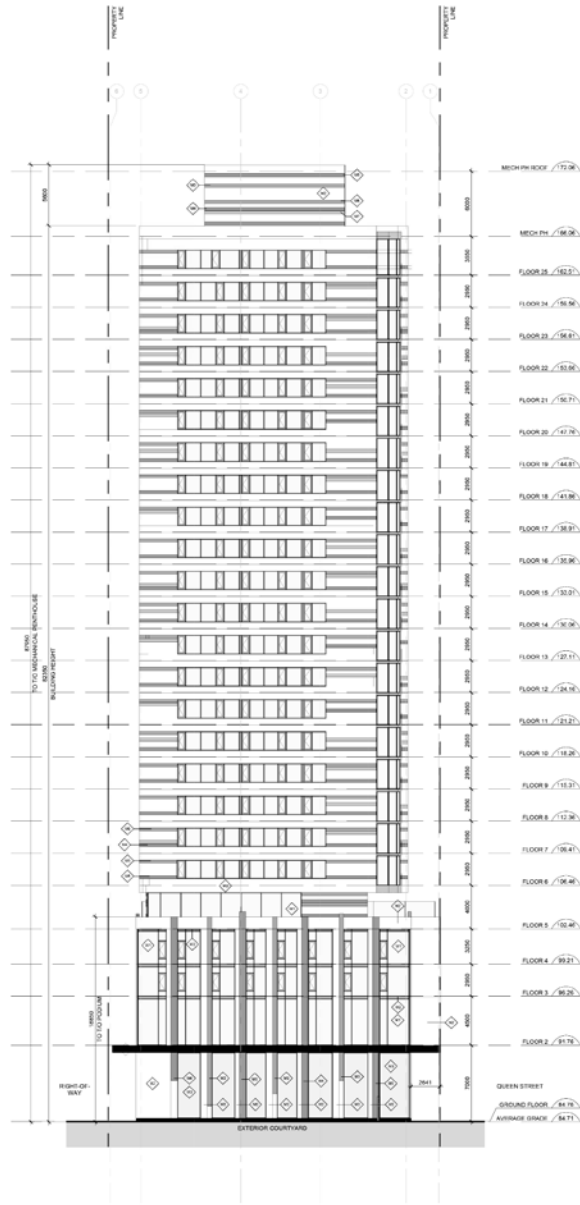
301-317 Queen Street East

Applicant's Submitted Drawing

Not to Scale  
07/08/2016

File # 16 161250 STE 28 0Z

## Attachment 2d: East Elevation



### East Elevation

Applicant's Submitted Drawing

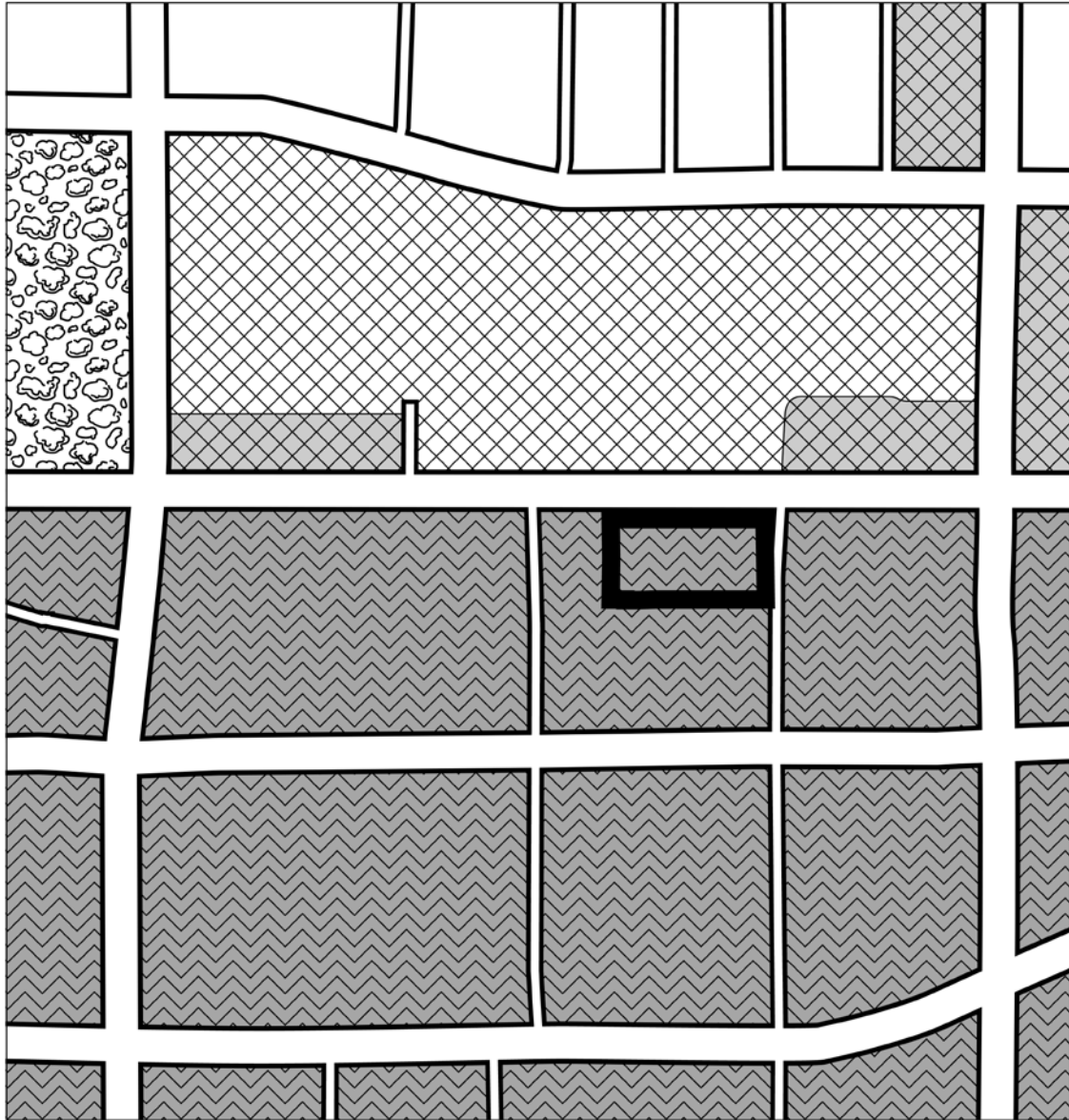
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07/08/2016

### 301-317 Queen Street East

File # 16 161250 STE 28 OZ



### Attachment 3: Official Plan



**TORONTO**  
 Extract from Official Plan

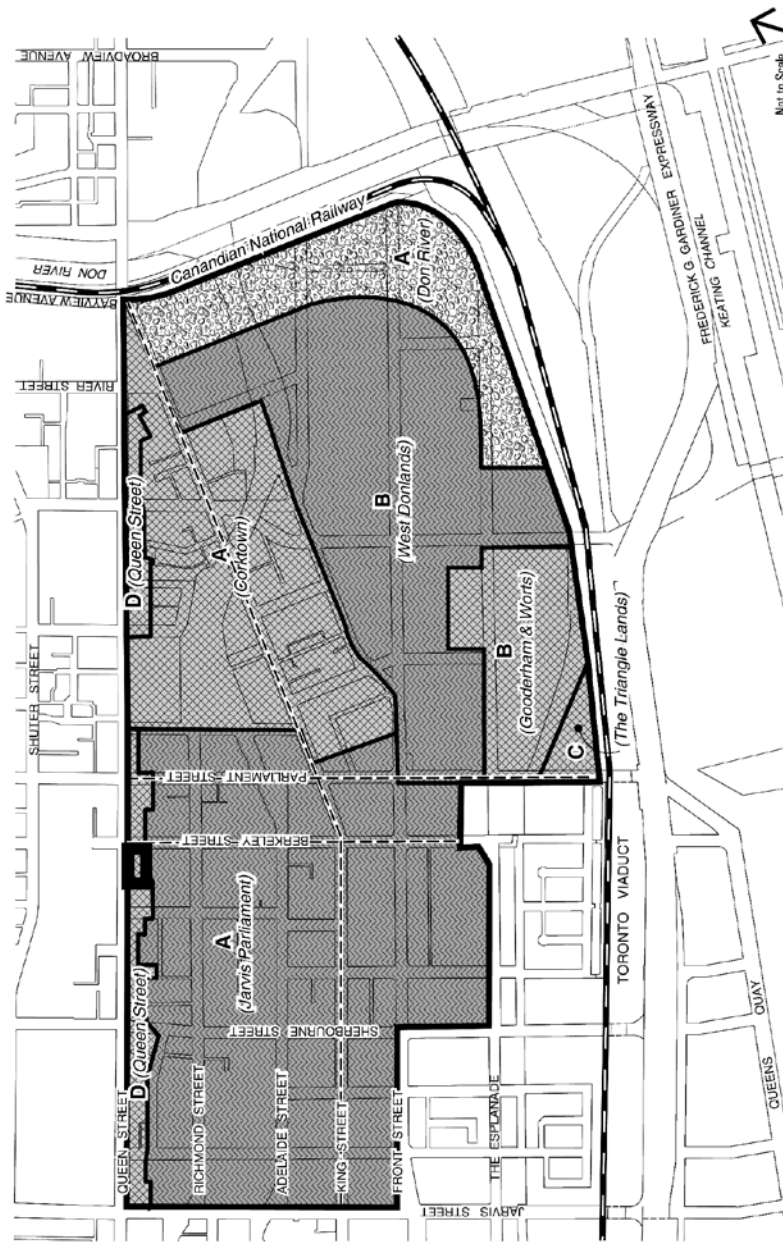
301-317 Queen Street East

File # 16 161250 STE 28 OZ

- |  |  |
|--|--|
|  Site Location            |  Parks & Open Space Areas |
|  Neighbourhoods           |  Regeneration Areas       |
|  Apartment Neighbourhoods |  Mixed Use Areas          |

↑  
 Not to Scale  
 07/08/2016

# Attachment 4a: King-Parliament Secondary Plan – Land Use

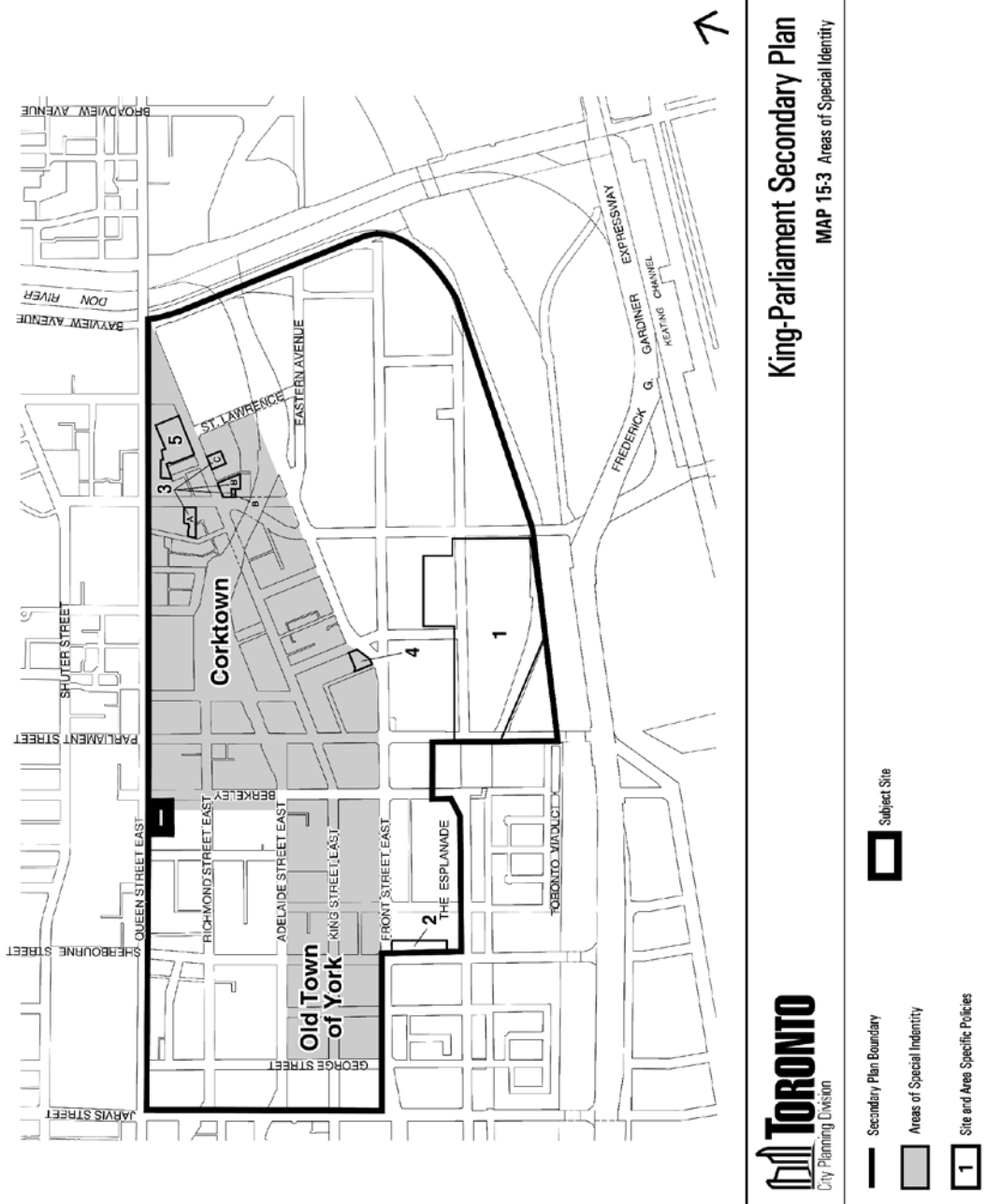


**Toronto**  
City Planning Division

**King-Parliament Secondary Plan**  
MAP 15-1 Land Use Plan

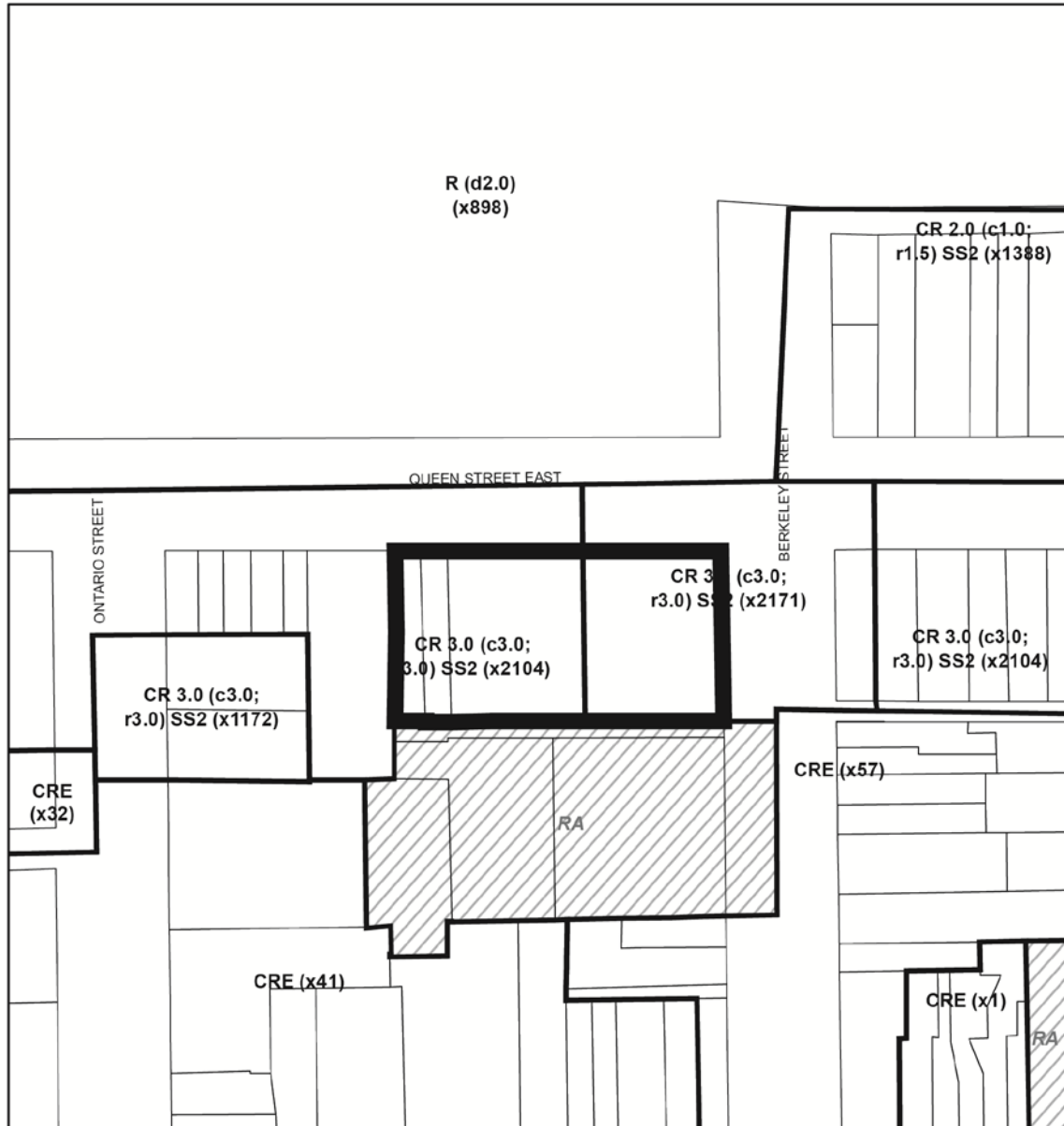
June 2006

# Attachment 4b: King-Parliament Secondary Plan – Areas of Special Identity



December 2010

## Attachment 5: Zoning



**301-317 Queen Street East**

**Zoning By-Law No. 569-2013**

File # 16 161250 STE 28 OZ

Location of Application

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

R Residential

CR Commercial Residential  
CRE Commercial Residential Employment



Not to Scale  
Extracted: 07/08/2016

**Attachment 6: Application Data Sheet**

Application Type: Official Plan Amendment & Rezoning  
 Details: OPA & Rezoning, Standard  
 Municipal Address: 301-317 QUEEN STREET EAST  
 Location Description: PLAN 7A PT LOT 42 \*\*GRID S2808  
 Project Description: Official Plan and Zoning By-law amendment to permit the development of a 25-storey mixed use building containing: 206 dwelling units and 6 levels of below-grade parking.

Application Number: 16 161250 STE 28 OZ  
 Application Date: May 25, 2016

**Applicant:** GOLDBERG GROUP  
**Agent:**  
**Architect:** QUADRANGLE ARCHITECTS  
**Owner:** JAMES GAULT HOLDINGS INC.

**PLANNING CONTROLS**

Official Plan Designation: Regeneration Areas  
 Zoning: CR 3.0 (c3.0; r3.0) SS2 (x2104)  
 Height Limit (m): 12  
 Site Specific Provision:  
 Historical Status: Yes  
 Site Plan Control Area: Yes

**PROJECT INFORMATION**

Site Area (sq. m): 1,781.4  
 Frontage (m): 58  
 Depth (m): 30.4  
 Total Ground Floor Area (sq. m): 1,289.4  
 Total Residential GFA (sq. m): 14,645.1  
 Total Non-Residential GFA (sq. m): 1,838  
 Total GFA (sq. m): 16,483.1  
 Lot Coverage Ratio (%): 72.4  
 Floor Space Index: 9.25  
 Height: Storeys: 25  
 Metres: 87.35  
 Vehicular Parking Spaces: 98  
 Loading Docks: 1  
 Bicycle Parking Spaces: 231  
**Total**

**DWELLING UNITS**

Tenure Type: Condo  
 Rooms: 0  
 Bachelor: 0  
 1 Bedroom: 110 (53.3%)  
 2 Bedroom: 72 (35.0%)  
 3 + Bedroom: 22 (11.7%)  
 Total Units: 206 (100%)

**FLOOR AREA BREAKDOWN** (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	14,645.1	0
Retail GFA (sq. m):	1,838	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT:** **PLANNER NAME:** Henry Tang, Senior Planner  
**TELEPHONE:** (416) 392-7572  
**EMAIL:** htang2@toronto.ca