

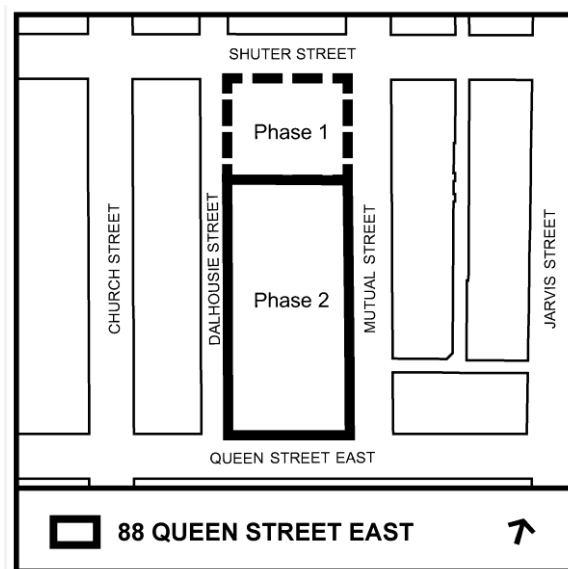
88 Queen Street East, 10 Mutual Street and parts of 30-50 Mutual Street – Official Plan and Zoning Amendment Application – Final Report

Date:	March 15, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	16 165239 STE 27 OZ and 17 257006 STE 27 OZ

SUMMARY

A development proposal relating to an entire City block bounded by Queen Street East, Mutual Street, Shuter Street and Dalhousie Street was approved by City Council in 2005. Official Plan and zoning amendments were enacted at that time and a Section 37 Agreement was entered into. Phase 1 of the development proposal (being the northern portion of the block) is presently being developed under the existing zoning, amended through variance approvals, and the associated Site Plan Control application currently under review.

This Official Plan Amendment and Zoning Amendment application applies only to the Phase 2 portions of the lands, being the mid and southern portions of the block as identified on the key map. The applications propose three mixed-use towers separated or interspaced by a public park, Privately Owned Publicly accessible Space (POPS) and pedestrian mews. The three towers, two of which are linked by sky bridges, would be 49, 27, & 28 storeys. A total of 1,126 residential units and 137 hotel rooms are proposed. There would be 85,661 m² of residential and 11,552 m² of non-residential gross floor area; the total gross floor area would be 97,218 m². These statistics apply only to the Phase 2 portions of the development.



City Planning recommends that Council approve the Official Plan and Zoning By-law Amendment applications. The introduction of a public park into this City block and the proposed POPS within Phase 2 are compatible with the adjacent original Phase 1 presently under development. The proposal is consistent with the PPS and conforms to the Growth Plan. The proposed development has been designed in the form of a complete community. The introduction of a publicly accessible pedestrian mews connecting the proposed public park, POPS and Queen Street East provides porosity through the site, integrates with Phase 1 and thereby makes a significant contribution to the public realm. Section 37 contributions have been agreed upon and will be secured through one or more agreements pursuant to Section 37 of the Planning Act.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 88 Queen Street East, 10 Mutual Street and parts of 30-50 Mutual Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 9 to report (March 15, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86, for the lands at 88 Queen Street East, 10 Mutual Street and parts of 30-50 Mutual Street substantially in accordance with the draft Zoning By-law Amendment to be available at the Toronto and East York Community Council meeting of April 4, 2018.
3. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 88 Queen Street East, 10 Mutual Street and parts of 30-50 Mutual Street substantially in accordance with the draft Zoning By-law Amendment to be available at the Toronto and East York Community Council meeting of April 4, 2018.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to satisfy outstanding items in relation to servicing, solid waste, and groundwater discharge for the proposed development and submit revised servicing and storm water management reports and associated municipal servicing plans to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.
6. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following:

- a. prior to issuance of the first above-grade building permit, the owner shall pay by certified cheque payable to the Treasurer – City of Toronto, a financial contribution in the amount of \$3.3 million dollars to be applied in the vicinity of the site and allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor as follows: \$1.1 million to park or streetscape improvements; \$1.1 million to community, recreation and/or cultural space improvements and \$1.1 million for purpose built rental housing with mid-range or affordable rents and/or land for affordable housing and/or affordable ownership housing;
- b. the cash contribution pursuant to recommendation 6 a. shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the day the payment is made;
- c. prior to issuance of the first above-grade building permit, the owner shall pay by cash or certified cheque payable to the Treasurer – City of Toronto, a financial contribution in the amount of \$600,000 dollars to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor as follows: the establishment and/or the improvement of a community facility at 261 Jarvis Street; and/or off-site streetscape improvements within the Shuter Street right-of-way; and/or other local community facilities;
- d. the cash contribution pursuant to recommendation 6 c., originally secured pursuant to By-law 108-2005, shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto calculated from March 16, 2005 to the day the payment is made;
- e. in the event the cash contributions in recommendation 6 a. and 6c. has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contributions may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands;
- f. a Public Art contribution in the amount of \$1.5 million;
- g. the following matters are also recommended to be secured in the Section 37 Agreement in support of the development:
 - i. the owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support the development, to the satisfaction of the Chief Engineer and Executive Director Engineering & Construction Services;

- ii. prior to the issuance of the first building permit on the site, the owner shall post securities and make satisfactory arrangements to guarantee completion of the construction of any municipal infrastructure required to service the site in accordance with the accepted servicing and storm water management reports and associated municipal servicing plan, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- iii. prior to the issuance of the first building permit on the site, the owner shall grant to the City, for the use of the TTC, a 3 m buffer along the south property line in fee simple and negative support and access easements, if required, with the detailed requirements determined through a TTC Technical Review, to the satisfaction of the Toronto Transit Commission;
- iv. prior to the issuance of the first building permit on the site, the owner shall provide confirmation from St Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path to the satisfaction of the Chief Planner and Executive Director, City Planning;
- v. provision that neither of the two midblock buildings proposed to be linked will include units that have principal rooms with principal windows directly facing the adjacent linked building to the satisfaction of the Chief Planner and Executive Director, City Planning;
- vi. the owner shall construct and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an area of not less than 847 square meters at grade for use by the general public as publicly accessible, privately-owned open space (POPS), along the east side of the block and in the southeast corner of the site in a location generally identified in the Zoning By-law Amendments, with the location configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor and secured in a Site Plan Agreement with the City;
- vii. the owner shall construct and maintain, to the satisfaction of the Chief Planner and Executive Director, City Planning, at grade publicly accessible pedestrian walkways having a minimum 7.5 m width for the west-east mid block connection and a minimum 8.3 m width for the north-south pedestrian mews connection with the details of the location, configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division and secured in a Site Plan Agreement with the City;
- viii. prior to the earlier of any non-residential or residential use or occupancy and registration of the first condominium on the site, the owner shall have completed construction of the POP'S and pedestrian walkways referred to in 6e

vi and 6e vii above and shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement in perpetuity in favour of the City over the privately-owned open space (POPS) and the pedestrian walkways, including rights of support as applicable, on such terms and conditions as are set out in the section 37 agreement, including provision for insurance and indemnification associated with public access easements;

- ix. prior to the issuance of the first building permit on the site, the owner agrees to convey to the City, at nominal cost and free and clear of encumbrances, a 0.6 m wide road widening to the full extent of the westerly limit of the lot for the widening of Dalhousie Street to the satisfaction of the Chief Engineer and Executive Director Engineering & Construction Services on terms and conditions as are set out in the section 37 agreement, including environmental requirements in accordance with City Council policies respecting environmental conditions of lands being conveyed to the City;
- h. in addition to the matters set out in Recommendation 6g. the section 37 Agreement will also secure the owner's obligations to convey a public park respecting parkland contributions for both Phase 1 and Phase 2 in the location shown on the Zoning By-law Amendments having a minimum size of 962 square meters (the "Proposed Park") and to design and construct base and above-base park improvements, on terms and conditions set out in the section 37 Agreement to the satisfaction of the General Manager Parks Forestry and Recreation, including the following:
 - i. prior to the issuance of the first above-grade building permit for all or any part of Phase 1, excluding a permit for demolition or a rental/sales centre, the owner shall register a Section 118 restriction on title to the Proposed Park, in form and priority to the satisfaction of the City Solicitor, to secure the conveyance to the City;
 - ii. the owner shall prepare all documents and convey the Proposed Park to the City to the satisfaction of the General Manager, Parks Forestry and Recreation prior to the earlier of any residential or non-residential use of all or any part of Phase 1, including first or interim occupancy, and registration of the first condominium pursuant to the Condominium Act, 1998, on all or any part of Phase 1 and the remaining 22m² of parkland dedication be made by cash in lieu payment prior to issuance of the first building permit for all or part of Phase 2;
 - iii. prior to conveyance of the Proposed Park to the City, the owner shall complete all required environmental assessment and remediation of the lands in order to meet applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting remediation of lands being conveyed to the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;

- iv. prior to issuance of the first above grade building permit for all or any part of Phase 1, the owner shall submit all necessary plans and drawings and financial security equal to 120% of the estimated cost of base park improvements to the satisfaction of the General Manager, Parks Forestry and Recreation;
- v. prior to issuance of the first above grade building permit for all or any part of Phase 1, the owner shall submit a design and cost estimate for the above base park improvements together with financial security in the amount of 120% of the Parks and Recreation Development Charges payable for development within such Phase 1 to the satisfaction of the General Manager, Parks Forestry and Recreation and, prior to issuance of the first above grade building permit for all or any part of the respective subsequent phase, the owner shall submit financial security in the amount of 120% of the Parks and Recreation Development Charges payable for the development within the subsequent phase, as required to the satisfaction of the General Manager Parks, Forestry and Recreation;
- vi. within four months after issuance of the first above-grade building permit for all or any part of Phase 1, the owner shall submit detailed working drawings, specifications and landscape plans showing the scope of work for the above base park improvements for review and approval of the General Manager, Parks Forestry and Recreation;
- vii. the owner shall install and maintain at its own expense, temporary perimeter fencing around the Proposed Park until completion of park construction;
- viii. the owner shall complete construction of the base park improvements and above base park improvements not more than six months after the conveyance of the Proposed Park to the City, to the satisfaction of the General Manager, Parks, Forestry and Recreation, subject to extensions for seasonality at the discretion of the General Manager, Parks, Forestry and Recreation;
- ix. following completion of the base park improvements and the above base park improvements to the satisfaction of the General Manager, Parks Forestry and Recreation, the owner shall provide as built drawings together with certification from a landscape architect certifying that the work has been completed in accordance with the approved drawings and, further, the owner shall be required to guarantee all work and associated materials for a two year period; and
- x. in the event that Phase 2 proceeds to first building permit in advance of Phase 1, all obligations set out in Recommendation 6.h) i. to viii. shall apply to Phase 2, read with the necessary modification.
 - i. all conveyances to the City, including easements, shall be for nominal consideration, free and clear of encumbrances and at no cost to the City on terms set out in the

Section 37 Agreement to the satisfaction of the City Solicitor and the owner shall be responsible to prepare, submit to the City for approval and deposit all required reference plans to describe the lands being conveyed.

7. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation; the development charge credit shall be for the Zoning Bylaw Application (16 165239 STE 27 OZ) associated with Phase 2 of the proposed development at 88 Queen Street East; the development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the Phase 2 development in accordance with the City's Development Charges By-law, as may be amended from time to time.
8. City Council authorize appropriate City Officials to take such actions as are necessary to implement these recommendations, including execution and implementation of such agreement or amending agreement as may be appropriate to secure the matters, services and facilities required pursuant to Section 37 of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

City Council at its meeting of February 24, 2005, approved an Official Plan and Zoning By-law amendment application for the development of an entire block which included mixed uses and enacted By-law 179-2005 and By-law 180-2005, respectively. The original Parcel A, now referred to as "Phase 1", included a 28-storey tower and midrise building. Original Parcels B and C, now referred to as "Phase 2" and the subject of the current amendment applications, included two 28-storey towers and 3 mid-rise buildings. Development of Parcel A (Phase 1) is proceeding pursuant to By-law 180-2005 as amended by variance applications and site plan review. Development of Parcels B and C (Phase 2) as originally proposed is not proceeding, and is the subject of this report. The Final Report associated with the February 24, 2005 approval is available at <https://www.toronto.ca/legdocs/2005/agendas/council/cc050201/te1rpt/cl001.pdf>

A Preliminary Report on the application was considered by the Toronto East York Community Council on October 13, 2016. Key issues identified in the Preliminary Report included:

- built form issues including: setbacks and stepbacks, transition, tower separation distances, shadowing and appropriate tower heights;
- issues related to developing new neighbourhoods and complete communities including appropriate servicing and provision of community facilities;

- appropriate location, size and configuration of the on-site Park and POPS;
- confirmation that building heights do not intrude into the St. Michaels Hospital flight path and St. James Cathedral View Corridor;
- treatment of the ground floor of the building and its relationship to the streetscape, the proposed mews, Park and POPS;
- heritage adjacency issues including shadow impacts on St. Michael's Cathedral;
- transportation and traffic impacts including driveway locations, parking and loading;
- adequacy of the proposed amenity space and consideration for provision of affordable housing and three bedroom units; and
- appropriate ways to address Public Art Plan.

Community Council directed City Planning staff to schedule a community consultation meeting with an expanded notice area and that notice for the public meeting be given according to the regulations of the *Planning Act*. The Preliminary Report is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.38>

ISSUE BACKGROUND

Proposal

Development for the entire block is proceeding in phases. The overall development statistics for both Phase 1 (not part of this application) and Phase 2 (subject of this report) would include 1,533 residential units and 137 hotel units. There would be 110,042 m² of residential and 12,362 m² of non-residential gross floor area. Total gross floor area would be 122,409m² which is equivalent to a Floor Space Index of 12.3 under Zoning By-law 569-2013.

Phase 1, the northern portion of the block, remains subject to By-law 180-2005. Minor Variance applications (16 137156 000 00 MV and 17 125246 STE 27 MV) were approved with conditions by the Committee of Adjustment on August 10, 2016 and August 2, 2017 and, among other matters, permitted development of a 28-storey tower with podium within the Phase 1 portion of the lands. A Site Plan Application for Phase 1 (15 270190 STE 27 SA) has been submitted and is currently in circulation. Phase 1 includes a small portion of the northerly limit of the original Parcel B to accommodate the access to the below grade garage as well as an area that is now proposed as public park within the original Parcel B, both of which were permitted in the original zoning by-law. This is illustrated on the maps/diagrams to the Zoning By-law Amendments.

These Official Plan and Zoning Amendment applications apply to the Phase 2 component of the development being the southern and mid portions of the block, otherwise original Parcels B and C. For the Phase 2 component of the development: 1,126 residential units, 137 hotel rooms and commercial/retail space are proposed. There would be 85,661 m² of residential and 11,552 m² of

non-residential gross floor area for a total of 97,218 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 Phase 2 block and partially within Phase 1) to Queen Street (south end of the block) and to a POPS (south-east side of the block). Commercial/retail uses would be at-grade with residential above grade. The southerly building will front onto Queen Street and will include a hotel and additional retail space within portions of the podium. The POPS would be 847 m² and the development would have parking and loading below grade which is accessible to below grade areas of Phase 1.

The proposed parkland dedication for both Phase 1 and 2 is 994m². The proposed public park would be unencumbered and represent a parkland dedication of 962 m². A cash-in-lieu payment would make up the shortfall. The entirety of the park is being provided as part of the Phase 1 development and is included in the current site plan application submitted for Phase 1.

The following summary of the proposed development is based on the Site Plan in Attachment 1 which identifies Buildings B, C and D.

East tower and podium (Building B on Attachment 1) would be developed in a tower-base form entailing a 7-storey podium with a 28-storey tower (92.6 m height including mechanical penthouse) attached by a bridge functioning as outdoor amenity space to Building C.

Land use	Retail at-grade and 311 residential units above
Tower setback to <ul style="list-style-type: none"> - north to Building in Phase 1 - west to Building C - east to mid-point of Mutual - south to Building D 	35 m 12.6 m 13 m 25 m
Tower footplates (approximate)	Varies from 729-807 m ²
Public Realm (curb to building face) <ul style="list-style-type: none"> - north to Building in Phase 1 - south to Building D - west to Building C - east to curb 	11.4 m 24.9 m 9 m 6 m
Amenity space <ul style="list-style-type: none"> - Indoor - Outdoor - Bridge (outdoor) 	1005 m ² (shared with Bldg C) 456 m ² (shared with Bldg C) 303 m ² (shared with Bldg C)
Unit Mix <ul style="list-style-type: none"> - Bachelor - One bedroom - Two bedroom - Three + bedroom 	4 118 169 20
Total	311

West tower and podium (Building C on Attachment 1) would be developed in a tower-base form entailing a 7-storey podium with a 27-storey tower (89.5 m height including mechanical) attached by bridge functioning as outdoor amenity space to Building B.

Land use	Retail at-grade and 288 residential units above
Tower setback to <ul style="list-style-type: none"> - northeast to Building in Phase 1 - west to mid-point Dalhousie - east to Building B - south to Building D 	30 m 9 m 12.6 m 31 m
Tower footplate (approximate)	Varies from 700-779 m ²
Public Realm (curb to building face) <ul style="list-style-type: none"> - north to Building in Phase 1 - south to Building D - west to curb - east to Building B 	41.5 m 7.5 m 6.1 m 9 m
Amenity space <ul style="list-style-type: none"> - Indoor - Outdoor - Bridge (outdoor) 	1005 m ² (shared with Bldg B) 456 m ² (shared with Bldg B) 303 m ² (shared with Bldg B)
Unit Mix <ul style="list-style-type: none"> - Bachelor - One bedroom - Two bedroom - Three + bedroom 	1 88 176 23
Total	288

South Tower and podium (Building D on Attachment 1) would be developed in a tower-base form entailing a 7-storey podium with 49-storey tower (163 m height including mechanical).

Land use	Retail and hotel at grade, hotel and 527 residential units above
Tower setback to <ul style="list-style-type: none"> - north to Building B - west to mid-point Dalhousie - east to mid-point Mutual - south to mid-point Queen 	25 m 17.4m 15.6 m 15 m
Tower footplate (approximate)	898 m ²
Public Realm (curb to building face) <ul style="list-style-type: none"> - north to Building C - north to Building B - west to curb - east to curb - south to curb 	7.5 m 24.9 m 6 m 6 m Varies from 6-7.4 m
Amenity space	

- Indoor	791 m ²
- Outdoor	527 m ²
Unit Mix	
- Bachelor	0
- One bedroom	275
- Two bedroom	191
- Three + bedroom	61
Total	527

Vehicular and bicycle parking, in addition to various servicing functions, is proposed in a 4-level underground parking structure (linking into 5-levels of parking within Phase 1) which would encompass the majority of the Phase 2 lands, but not below the proposed public park. Portions of the parking and loading areas would service both Phase 1 and Phase 2. 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 at grade within the building podium and would include: 1 Type B, 2 Type C and 1 Type G space that would be shared between the buildings on the Phase 2 lands. Vehicular parking for the entire development would include 117 shared visitor/commercial spaces and 557 residential spaces. There would also be 164 short term and 1,550 long term bicycle parking spaces for the entire development.

Other details of the proposal are shown in Attachment 13.

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 northern portion of the block as represented by the Phase 1 component of the development is presently under construction.

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/OPA application applies to the mid and southern portions of the block.

The surrounding uses are as follows:

- North: Under construction 28-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 the 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.

Planning Act, 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 under the Act, including, the conservation of features of significant architectural, cultural or historical interest, and the promotion of built form that is well-designed and encourages a sense of place.

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Building complete communities with a diverse range of housing options, public service facilities , recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Official Plan

Chapter 2 of the Official Plan sets out the Urban Structure of the City, develops the strategy for directing growth within this structure and establishes policies for the management of change, through the integration of land use and transportation planning. The proposed development is located in the Downtown area as defined by Map 2. Although growth is expected to occur in the Downtown, not all of Downtown is considered a growth area.

The property is designated *Mixed Use Areas* on Map 18, Land Use Plan of the Official Plan. *Mixed Use Areas* provide for a broad range of commercial, residential and institutional uses in single or mixed use buildings, as well as parks and open spaces and utility uses. Not all *Mixed Use Areas* are expected to experience the same scale or intensity of development. Surrounding context, built form considerations and the capacity of municipal infrastructure will inform the extent of development. This designation contains policies and development criteria which are used to guide development and ensure an appropriate transition between areas of different intensity and scale.

Chapter 3 of the Official Plan establishes the policy direction for guiding growth by integrating social, economic and environmental perspectives on the built, human and natural environment. Policy 3.1.2, Built Form sets the framework for new development. Policy 3.3, Building New Neighbourhoods 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 Built Form policies also identify the importance of urban design as a fundamental element of City building. These policies are intended to minimize the impacts of new development and guide the

form of new buildings to fit within their context. The applicant is proposing to construct a Tall Building which is addressed by Policy 3.1.3.

Other key policies that are applicable to this development include: Policy 5.6.1 which states that the Plan should be read as a whole to understand its comprehension and integrative intent as a policy framework; 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).

The subject site is outside but in close proximity to the boundaries of Official Plan Amendment 82 (OPA 82), the Garden District Area Specific Policy. A key Policy of OPA 82 is that there shall be no net new shadows permitted on Moss Park as measured on March 21 and September 21 from 10:00 am to 6:00 pm. OPA 82 is in full force and effect, except for site specific appeals, as a result of an OMB verbal Order of December 7, 2017.

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 City block (Phase 1 and Phase 2) including the lands subject to this Zoning Amendment application. By-law 180-2005 permits a mixed use development consisting of three 28-storey residential buildings and four 5 to 8-storey buildings with commercial uses at grade and a total maximum gross floor area of 90,372m² (not more than 88,610 m² residential and not more than 1,762 m² non-residential). By-law 180-2005 also repealed By-law 699-92, which reflected an older development concept.

Site Plan Control

The proposed development is subject to Site Plan Control. An application, file 15 270190 STE 27 SA, has been submitted for Phase 1, primarily within the original Parcel A. A Site Plan application for Phase 2, being the mid and southern portions of the block and the subject of this report, has not been submitted.

City-Wide Tall Building Design Guidelines

Policy 5.3.2 of the Official Plan states that guidelines will be adopted to advance the vision, objectives, and policies of the Plan. City Council adopted the Tall Building Design Guidelines on May 7, 2013 for use in evaluating tall building proposals.

<http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

The Tall Building Design Guidelines are intended to be used in assessing the siting, massing and design of tall buildings and the associated public realm. 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. More specifically, the guidelines provide recommendations for: building placement and orientation, entrances, massing of base buildings, tower floor plates, tower separation distances, pedestrian realm considerations and sustainable design and transition.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the Tall Building Design Guidelines May 2013). This guideline identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Building Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate tall building proposals.

The Downtown Tall Buildings Guidelines are available at

<http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The Downtown Tall Building Guidelines identify Queen Street East as 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.

TOcore

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city. TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured. The study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north, and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

This consideration and analysis is provided in Attachment 8.

More information on Council direction pertaining to TOcore can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1>. Further background information can be found at www.toronto.ca/tocore.

Reasons for Application

An application to amend the Official Plan and Zoning By-laws is required to permit the proposed increase in height and density within Phase 2 as well as to amend other applicable provisions in the Zoning By-laws. New site specific zoning amendments to each of former City of Toronto By-law 438-86, as amended, and City of Toronto By-law 569-2013, as amended, are required to replace By-law 180-2005 in connection with former Parcels B and C.

Community Consultation

A community consultation meeting was held on June 23, 2016, which was attended by approximately 30 members of the public. Specific comments related to the zoning amendment component of the development were:

Built Form:

- concern with potential shadowing impacts
- positive comments including: like Queen Street elevation, good proposal, mid-block connection are good, welcome change compared to 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
- potential to extend mews to Shuter

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
- need to provide for more families in development

A second community consultation meeting was held June 12, 2017, which was attended by approximately 24 members of the public. This second community meeting was a combined City Planning and Parks, Forestry and Recreation meeting. Specific comments related to the zoning amendment component of the project were:

Architecture:

- like stepping/undulating aspect to tower design
- suggestion to setback south tower further from Queen to better express podium
- need more brick material at grade

Planning:

- encouragement for retail-grocery store
- need to protect helicopter flight path
- south tower is too tall and doesn't transition down to the east
- shadowing impacts onto existing balconies at 127 Queen East

Heritage:

- concern with how development relates to Mutual Street properties, particularly view through the mid/block connections and open space

- concern with how podium height relates to Mutual and Queen Street

Parks:

- desire for the Park to be visible from Shuter

COMMENTS

Staff have reviewed the proposed development and are of the opinion the proposed development is acceptable as the proposed built form is supportable in its current form for reasons outlined below.

Provincial Policy Statement and Growth Plan

Provincial Policy Statement (PPS)

Policy 1.1.3.3 of the PPS refers to appropriate locations for intensification and redevelopment while 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. In the Official Plan the site is designated *Mixed Use Areas* which is an appropriate location for intensification, subject to appropriate development standards. The proposed development site, as a location for intensification, is consistent with those PPS policies that refer to appropriate locations for intensification and redevelopment.

There are additional policies in the PPS which refer directly or indirectly to health and hospitals. More specifically, a Public Service Facility is a defined term which includes the provision of services for health programs. 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 which is also reflected in Policy 1.7.1 b) which refers to optimizing the long-term availability and use of Public Service Facilities. As further described below, the proposal does not intrude into the helicopter flight path and is therefore consistent with those policies in the PPS referring to health and hospitals.

Growth Plan

Guiding Principle 1.2.1 of the Growth Plan supports the achievement of *complete communities* with an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Policy 2.2.1 states that the vast majority of growth will be directed to *settlement areas* and within *settlement areas* growth will be focused in *delineated built-up areas*. Policy 2.2.3 further states that *Urban Growth Centres*, the *Downtown* is one such Centre, will be planned to accommodate significant population and employment growth.

Policy 2.2.4.2 of the Growth Plan refers to maximizing the number of potential transit users within walking distance (500 m) of a transit station. Major Transit Station Areas are defined to include planned transit stations; the Queen Street relief line and Sherbourne station are planned and recognized as such in the draft Downtown Plan. The proposed development is within 500 m of both the planned Sherbourne station and the existing Queen Street station. The policy reference to 'maximizing' is tempered by Policy 2.2.2.4 b) which refers to the appropriate type

and scale of development and transition of built form to adjacent areas and by Policy 3.2.8.1 which refers to the co-ordination of Public Service Facilities (which includes hospitals) with land use planning.

As further discussed below, the application proposes a mix of uses in the form of a complete community that has been designed to maximize density while providing a type and scale of development which does not intrude into the St. Michael's helicopter flight path. The development proposal therefore conforms to the Growth Plan.

Official Plan – Land Use

Official Plan Policy 3.3 Building New Neighbourhoods 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. The proposed development is located in the *Mixed Use Areas* designation of the Official Plan. The uses proposed for the project are residential, retail, hotel and parkland (private and public). The applicant's proposed mix of uses conforms to those policies referring to complete communities and new neighbourhoods. This proposed mixed-use development, as a land use, would be permitted in the *Mixed Use Areas*.

While intensification is provided for in *Mixed Use Areas*, it must be achieved through a built form that provides appropriate fit, transition and the protection of designated *Neighbourhoods*, heritage buildings and parks/open space areas. The applicant has submitted a site specific Official Plan amendment to specifically address built form issues and more specifically to address shadowing of Moss Park. This issue is further discussed in the shadowing section of this report.

Built Form

Context, Building Placement and Massing

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. This is expanded on by Policy 3.1.2.3 d) and 3.1.2.4 which state that new development will limit its impact by providing for adequate light and privacy and ensuring adequate access to sky view. For the *Mixed Use* areas designation, Policy 4.5.2 c), d) and e) state that the location and massing of new developments provide a transition, limit shadows and frame street edges in good proportion. OPA 352 (under appeal) Policy B i) refers to tower setbacks so that the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities by fitting in with the existing and/or planned context. Policy B ii) further references access to natural light, a reasonable level of privacy and views between towers.

These policies are further informed by Tall Building Design Guidelines. Guideline 1.1 refers to context, 1.2 to Master Planning larger sites, 1.3 addresses Fit and Transition in scale, 2.1 refers to Building Placement, 3.2.1 addresses floor plate size and Guideline 3.2.3 addresses separation distances. For tower development the guidelines recommend a minimum 25 m setback between towers (12.5 m to lot line or mid-point of the right-of-way) to ensure sufficient sky view, privacy

and light to residents and a maximum floor plate of 750 m² in order to, among other things, minimize shadow impacts and loss of sky view from the public realm.

The existing context features multiple tall buildings or mid-rises, and on the subject site, existing zoning approvals for tall buildings. The proposed development (Phase 2) entails three towers with podiums separated by a public realm network featuring a public park (Phase 1 straddling original Parcel A and Parcel B) fronting Dalhousie Street connecting through a pedestrian mews to a POPS on Mutual Street and to Queen Street. This is an appropriate way of linking open spaces while providing porosity through the block. The proposed towers (refer to Attachment 1 Site Plan) have floor plates of 700-779m², 728-807 m² and 898 m² and separation distances ranging from 12.6 m (between tower B and C), 25 m (between tower B and D) and 31 m (between tower C and D). The Phase 2 towers have separation distances from the Phase 1 tower (not part of this application) by 35 m and 30m.

The mid-block towers generally conform to the recommended tower floorplate guideline. On some floors the tower floorplate is slightly larger than 750 m² and on other floors it is slightly lower. The southern tower has larger floorplates, these larger floor plates do not compromise the achievement of appropriate tower setbacks, minimizing shadowing impacts and preserving view corridors and as such are acceptable.

With the exception of the two mid-block towers, the proposed towers meet the recommended minimum tower separation distances. The mid-block towers are proposed as linked buildings with linkages at the 3, 13 and 21st levels, the linkages would be in the form of outdoor amenity space. The linked buildings would be off-set from each other and have been designed in such a way that the elevator cores are on the perimeter of each building directly facing the adjacent tower. In addition, interior floor plan unit layouts have been designed so that all primary rooms have windows which look past the other building, thereby meeting the goal of privacy and access to light while not compromising the public realm and skyview. The floor plans for the mid-block towers would be secured in a Section 37 Agreement through a condition that no units in these linked buildings would have principal rooms with windows looking directly into the adjacent linked building.

Although Planning typically does not support reduced separation distances between towers, in the case of towers B and C a lesser separation is acceptable based on the protection of light view and privacy for residents through the offsetting of the towers and securing the floor plans. More importantly, the block was able to be planned comprehensively to improve the quality of the public realm by the opening up of the site overall through the inclusion of POPS and a new on-site park. The overall project has also been massed to minimize shadow impacts on the surrounding public realm off site. This site represents a unique circumstance having existing permissions for towers and significant density which has been re-deployed. This is not intended to set a precedent for other sites on Queen East or across the City.

The development block has existing zoning permissions for tower development with additional mid-rise development around the circumference of the block. The proposed development redeploys this massing by opening up the block for public uses and provides new Park and POPS spaces. The proposed development, within a context of existing towers and zoning permissions

and with an appropriate built form and massing, conforms to the above noted Official Plan policies and Official Plan Amendment 352.

Tower Height

The proposed tower height has been assessed through a review of context, shadowing, view corridor and helicopter flight paths.

Built Form Policy 3.1.2.1 of the Official Plan states that new development will fit within its existing and/or planned context and in Built Form – Tall Building Policy 3.1.3.2 c) that tall buildings relate to their existing and/or planned context. The context within a few blocks features a number of mid-rise and tall buildings with significant variations in height. Existing or planned heights are from the 50-storey range with the 30-storey range being more typical. To the south and east tower heights are notably lower. The existing zoning permission on site would permit two 28-storey towers. A third tower is permitted within this City block on the adjacent Phase 1 lands. Although there are no adjacent towers at the 49-storey level, within a one or two block context surrounding the site there are proposed or under construction developments, which are also outside of the helicopter flight paths, with approved heights of 52-stories (215 Church), 60-stories (197 Yonge), 46-stories (25 Richmond) and 50-stories (175 Dundas). Within this context, the proposed 49, 27, & 28-storey towers within Phase 2 fit within the planned and built form context. The heights, including mechanical penthouse, would be 163, 89.5 and 92.6 metres, respectively.

Official Plan Built Form Policy 3.1.2.3 f) refers to minimizing additional shadowing on neighbouring parks to preserve their utility which is similar to Parks and Open Space Policy 3.2.3.3 which references minimizing additional shadows on parks and open spaces to preserve their utility. For the *Mixed Uses Areas* designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces. OPA 82 Policy 3.7 further states that there shall be no net new shadows permitted on Moss Park measured on March 21 and September 21 from 10:00 am to 6:00 pm. Downtown Tall Building Design Guideline 3.2 states that tall buildings should not cast new shadows on Signature Parks (Moss Park being a Signature Park) from 10:00 to 4:00 pm on September 21st. The same Guideline refers to not casting new net shadows on other parks between 12 Noon and 2:00 pm on September 21.

The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development for March, June and September 21. The submitted shadow studies show the proposed towers would not shadow Arena Gardens Park (designated *Other Open Space Areas*), but would shadow:

- Metropolitan United Church Grounds (designated *Other Open Space Areas*) at 9:18 and 10:18 (March/September 21) and 9:18 and 10:18 (June 21). It is noted that the 10:18 shadow on March/September 21 is marginal
- Moss Park (designated *Parks*) between 4:18 and 6:18 March / September 21

The shadowing that would be generated by the proposed development does not conform to the protected times identified in OPA 82 for Moss Park. Although the site is outside of

the boundaries of Official Plan Amendment 82, the intent and purpose of all Official Plan policies protecting parks from adverse shadowing impacts must be considered. The policies refer to protecting the utility of parks by minimizing shadowing, the guidelines specify times of the day for the protection which is expanded on by the policies of OPA 82.

Shadow studies indicate that with the redevelopment of Moss Park, there would be some shadowing by the proposed 49-storey tower on the proposed new community centre (west side of Moss Park) and some shadowing on the proposed tennis courts and pedestrian walkway (east side of Moss Park). The proposed mid-block linked towers would not shadow Moss Park. An application has been submitted for an Official Plan Amendment to permit the proposed building location and massing of the development as a Site and Area Specific Policy. Through careful siting of the 49-storey tower to be both outside of the helicopter flight path and outside of the proposed St. James view corridor and by orienting the tower in a west-east manner with a relatively narrow width, the resulting shadows are being minimized. The proposed shadowing is relatively minor and that it would not significantly affect the utility of the Park or its planned use under existing redevelopment plans and in the circumstances the proposed shadowing is acceptable in this instance and context.

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, St. James Cathedral being one of those properties. The existing protected view is looking north to the spire of St. James Cathedral. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies to and beyond St. James Cathedral. Urban Design has reviewed the applicant's documentation in consultation with Heritage Preservation Services and undertaken a modelling exercise to assess to what extent, if any, that the towers would intrude into the proposed view corridor. Their conclusion is that the proposed towers, as represented in the modelling exercise, would be within substantial compliance of the proposed and existing view corridor.

Official Plan Policy 4.8.4 states that new buildings will be sited and massed to protect the continued use of flight paths to hospital heliports. 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. The Zoning Order reflects the helicopter flight paths and identifies an obstacle limitation surface into which structures or naturally growing objects shall not penetrate. The Zoning Order is scheduled to be revoked March 31, 2018. City Council at its meeting of December 5, 2017 adopted an airport zoning regulation for the hospital helicopter flight paths, By-law 1432-2017, which is in full force and effect and reflects the same flight paths as in the Minister's Zoning Order.

In order to comply with the helicopter flight path and the related Official Plan policy, any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities would have to be below or outside the protected flight path. The

proposed Building B and Building C (refer to Attachment 1), with a mid-block location, are located below the helicopter flight path. The proposed Building D (refer to Attachment 1), on the south side of the site, is located adjacent but outside of the flight path. Confirmation has been received from WSP, on behalf of St Michael's Hospital, that the proposed towers do not intrude into the helicopter flight paths. However, as crane and projection information was not provided as part of the review, it is recommended that a requirement be secured in the Section 37 Agreement that the Owner provide confirmation from St Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path.

The proposed tower heights fit within the planned and built form context. The proposed towers do not intrude into the existing or proposed St James view corridor and do not intrude into the helicopter flight paths. In addition, the proposed towers are generally consistent with the Downtown Tall Building Guidelines and any shadowing of Moss Park by the proposed 49 storey tower during the times restricted in the policies of OPA 82 are being minimized. As such, the proposed heights are acceptable.

Podium Height and Heritage Adjacency

The proposed development is in a podium/tower form with the tower element stepped back from the podium edge. The proposed mid-block podiums are 7-stories in height and vary from 6 to 9-stories fronting Queen Street. Tall Building Design Guideline 3.1.1 refers to the base building (podium) height being consistent with the existing street wall context. Development on the opposite side of the streets, in the form of podiums or lower profile buildings, ranges from 7-stories (north-west), 3 to 5-stories (south) and up to 10-stories (east).

An appropriate podium height is also informed by adjacent heritage buildings. The site is adjacent (being across the street) to heritage properties located at 99-123 Queen Street East (south side) and 3 Mutual Street (east side). Official Plan Policy 3.1.5.26 states that construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property. Heritage Preservation Services staff have reviewed the Heritage Impact Assessment (HIA) along with the architectural plans and provided comment that the proposed podiums and related tower stepbacks provides an acceptable response to the adjacent heritage buildings (on the opposite side of the street) and that any fine tuning of the architectural expression can be addressed as part of a subsequent Site Plan application.

The proposed podium heights are consistent with the existing street walls on the opposite sides of the street and satisfy heritage adjacency issues and as such are appropriate.

Pedestrian Linkages and Public Realm

For development in the *Downtown*, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. Tall Building Design Guideline 4.2 also recommends a minimum 6 metres wide sidewalk zone.

The application proposes to bisect the site with a new north-south pedestrian mews (ranging from 8.3 to 9m in width) which would connect the proposed Park in the north-west portion of the block (provided as part of Phase 1) to the proposed POPS at the south-east side and to Queen Street to the south. The application also proposes a west-east mid-block connection (7.5 m in width) in accordance with original requirements from the 2005 approval which was secured in a Section 37 Agreement. Circumventing the Phase 2 portion of the block, the pedestrian realm (curb to building face) would vary from 6m on Dalhousie and Mutual Streets to a varying setback ranging from 6 to 7.4 m along Queen Street East.

The proposed pedestrian realm (curb to building face) is in conformity with and meets the intent of the guidelines. The extra wide sidewalk zone along Queen Street is in recognition of the importance of Queen Street as a retail priority street. By providing a pedestrian mews, west-east mid block connections and a POPS the application is providing for a generous public realm and porosity through the site. It is recommended that the proposed at-grade mid-block connection and the at-grade mid-block connection be secured as an easement within a Section 37 Agreement in order to provide for public access.

Amenity Space

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi unit residential development will provide indoor and outdoor amenity space for residents of the new development. Official Plan Policy 4.5.2 k) states that in *Mixed-Use Areas* development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 m² of indoor and 2.0 m² of outdoor amenity space for each unit, and Zoning By-law 569-2013 which requires a minimum of 4.0 m² of amenity space for each unit (of which at least 2m² shall be indoor).

The development proposal includes both indoor and outdoor amenity space. The architectural plans, as distinct from the site statistics, indicate a total of 1795 m² (1.6 m² per dwelling unit) of indoor and 1286 m² (1.1 m² per dwelling unit) of outdoor space proposed for a total of 3081 m² (2.7 m² per dwelling unit). The amenity space has been designed so that the indoor space is generally adjacent to the outdoor space and in the case of Buildings B and C, is shared between the buildings. A separate lobby with lounge/bar/restaurant space is proposed in the ground floor of the hotel. In addition to the amenity space, the applicant is proposing both an outdoor POPS and an on-site public park (being provided as part of Phase 1). The cumulative effect of providing both indoor and outdoor amenity space in addition to a POPS and public park is appropriate in meeting the needs of both on-site residents as well as providing public outdoor space for residents in the area.

Family Sized Units and Affordable Housing

In the *Downtown* section of the Official Plan, Policy 2.2.1.1 c) refers to the provision of a full range of housing opportunities. In implementing this policy, staff seek to secure 10% of all units as three bedroom or greater to broaden the range of housing provided *Downtown*. The applicant is proposing 104 three-bedroom units (9.2% of the total units). This provision is broadly in line with City standards and as such is appropriate.

The City also encourages the provision of affordable housing. Official Plan Policy 5.1.1.6 provides for the provision of affordable housing as a potential Section 37 benefit. Proposed is a \$1.1 million (as part of an overall \$3.3 million) Section 37 contribution to be allocated to land for purpose built rental housing with mid-range or affordable rents and/or land for affordable housing and/or affordable ownership housing. These funds would provide a meaningful contribution towards the provision of affordable housing and is acceptable.

Transportation, Traffic and Parking/Loading

An Urban Transportation Conditions Report was submitted with the application and has been reviewed by staff. Vehicular access and egress to the block would be from a proposed mid-block ramp on Dalhousie Street and from a ramp within the Phase 1 portion of the development at the north-east corner of the block fronting Mutual Street. The proposed development would provide vehicular parking and loading in a four-level underground parking garage. The proposal includes for both Phase 1 and Phase 2 a combined (to be shared) 674 parking spaces, 1,550 bicycle parking spaces and 3 loading spaces comprising 1 Type B, 2 Type C and 1 Type G space.

Transportation Services staff have reviewed the proposal and commented that they concur with the applicant's assertion that anticipated traffic impacts will have minimal impacts on area intersections and can be acceptably accommodated on the adjacent road network. Transportation Services also commented that a 0.6 m wide road widening is required along Dalhousie Street and that a surface easement for a 5 metre corner rounding purposes is required at both Queen Street East/Dalhousie and Queen Street East/Mutual; these are shown on the proposed development plans. The road widening requirement is proposed to be secured within a Section 37 Agreement. The corner rounding would be required as part of a subsequent Site Plan application. The proposed parking and loading space standards is also acceptable and have been incorporated into the implementing draft by-law.

In addition to Transportation Services comments, the TTC have commented on transportation elements of the application. The TTC commented that the development is located partly within the Development Review Zone of the proposed Downtown Relief Line (Queen Street subway extension) and that a below-grade 3 m setback (buffer) may be required and that the exact nature of the setback (buffer) shall be determined through a TTC Technical Review. The applicant's plans incorporate a 3 m below-grade setback which TTC has acknowledged. The TTC has indicated that this setback (buffer) and the TTC Technical Review shall be secured through a Section 37 Agreement.

Official Plan Policy 2.4.12 states that hotels will make provisions for taxi stands on private property. The applicant has proposed a hotel in the southwest corner of the site. A taxi stand and valet drop-off are proposed below grade.

Site Servicing and Solid Waste

The applicant submitted a Functional Servicing and Stormwater Management Report by MMM Group. Engineering and Construction Services has reviewed the report and advises that the Functional Servicing Report needs revisions to address servicing issues. This report includes a Recommendation that the Bills be withheld pending the submission of a report that addresses servicing issues to the satisfaction of Engineering and Construction Services.

Engineering and Construction Services has also advised that as a condition of approval that the owner be required to pay for and construct any improvements to the municipal infrastructure in connection with the site servicing, should it be determined that upgrades are required to the infrastructure to support the development. Financial security prior to issuance of building permits is required, as applicable. This condition is recommended to be incorporated into a Section 37 Agreement.

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 Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second 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.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through an onsite parkland dedication.

As part of the zoning amendment application, the applicant has agreed that the total parkland dedication requirement will be calculated on the basis of the development of the entire block, being Phase 1 and Phase 2. The total parkland requirement has been calculated to be 984m². The proposed park location is generally as shown in the Zoning By-law Amendments and is in the south-west corner of original Parcel A and the north-west corner of the original Parcel B in By-law 108-2005. The current revised plans prepared by Page + Steel IBI Group Architects (dated by the Architect 08/18/17), show that the 962 m² park shall be developed and conveyed as part of the Phase 1 - Site Plan Application. To the extent that part of the proposed parkland comprises part of original Parcel B and is the subject of the Zoning Amendment Application relating to Phase 2, the parkland requirements will also be secured in the contemplated Section 37 Agreement.

The remaining 22 m² of the parkland dedication shall be paid in cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit for Phase 2. More detailed terms and conditions to the Parkland dedication for inclusion in the Section 37 Agreement are outlined in Attachment 12, this includes credits against Development Charges for Above Base Park Improvements which form part of the recommendations to this report.

The owner has indicated a willingness to complete the buildout of the park. PFR is agreeable to have the property owner design and build out the park, in consultation with PFR. In this report, PFR requests City Council's approval to direct the Parks and Recreation component of the Development Charges for Phase 2 of the development, to the Above Base Park Improvements.

Council adopted MM36.15 which approves a development charge credit against the Parks and Recreation component of the Development Charges for Site Plan Application (15 270190 STE 27 SA) associated with Phase I of the proposed development at 30 & 50 Mutual Street.
<https://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-111781.pdf>

Urban Forestry

An Arborist Report and Landscape Plan was submitted by the applicant. Urban Forestry have reviewed the plans and commented that at the Site Plan Control stage of this development they will require detailed landscape plans to indicate the planting of large growing shade tree, if space exists, within the City road allowance and on site. Additionally, as part of the site plan application the applicant must provide composite utility plan and cross sections.

Public Art

The entire block is subject to an existing Section 37 Agreement which among other items, requires that 1% of the gross construction costs be allocated to Public Art. As part of this development application it is recommend that the Public Art budget for Phase 2 be set at \$1.5 million. It is noted that a \$750,000 Public Art contribution was required for Phase 1 which is presently under construction. It is recommended that the \$1.5 million Public Art contribution be secured in a Section 37 Agreement.

Section 37

Given the increase in height and density represented by the current proposal, the Official Plan provides for the provision of Section 37 contributions. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. The community benefits must bear a reasonable planning relationship to the proposed development.

A Community Services and Facilities Study was submitted by the applicant as part of a Planning Rationale study. City staff reviewed the study and commented that there is a need for Section 37 funds for the provision of purpose built rental units (affordable and/or mid range) and capital improvements to libraries and community centres. Additionally, Toronto Public Library has indicated a need for Section 37 funds for the St Lawrence, City Hall and Parliament branches of the library and Parks has identified a need for funds for parkland improvements within the Ward.

Both Phase 1 and Phase 2 of the proposed development are subject to an existing Section 37 Agreement, dated February 28, 2005, which applies to the entire block as part of the previous 2005 approvals. This prior Section 37 Agreement was Registered as AT754496 on 2005 03 16 and relates to By-law 180-2005 (the "2005 Section 37 Agreement"). Among other matters, the 2005 Section 37 Agreement refers to a \$900,000 contribution towards community facilities, the provision of Public Art equivalent to 1% of the gross construction costs and a 0.6 m road widening requirement along the entire Dalhousie Street frontage. The 2005 Section 37 Agreement will continue to apply to Phase 1. The recommendations of this report contemplated that certain of the previous obligations relating to Phase 2 will be pulled forward as part of the Phase 2 obligations and approval of the Zoning By-law Amendments. Some of the previous obligations will no longer be required.

This report recommends that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan up to \$3.3 million in Section 37 contribution should be required to be provided by the owner under Section 37 of the *Planning Act* for the following community benefits within the vicinity of the site with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office:

- \$1.1 million to park or streetscape improvements
- \$1.1 million to community, recreation and/or cultural space improvements
- \$1.1 million to land for purpose built rental housing with mid-range or affordable rents and/or land for affordable housing and/or affordable ownership housing

The amount and recommended community benefits are comparable to those secured for similar developments in the area. The \$3.3 million should be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of such funds by the Owner to the City.

In addition to the above noted \$3.3 million dollars, it is recommended that a further \$600,000 Section 37 contribution be required which corresponds to that portion of the original \$900,000 contribution that would be attributable to Phase 2 pursuant to the 2005 Section 37 Agreement. This amount will be indexed from February 28, 2005 (date of 2005 Section 37 Agreement) to the date of payment.

The following matters are also recommended to be secured as a legal convenience in the Section 37 Agreement to support development:

- i. the owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support the development, to the satisfaction of the Chief Engineer and Executive Director Engineering & Construction Services;
- ii. prior to the issuance of the first building permit on the site, the owner shall post securities and make satisfactory arrangements to guarantee completion of the construction of any municipal infrastructure required to service the site in accordance with the accepted servicing and storm water management reports and associated municipal servicing plan, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- iii. prior to the issuance of the first building permit on the site, the owner shall grant to the City, for the use of the TTC, a 3 m buffer along the south property line in fee simple and negative support and access easements, if required, with the detailed requirements determined through a TTC Technical Review, to the satisfaction of the Toronto Transit Commission;
- iv. prior to the issuance of the first building permit on the site, the owner shall provide confirmation from St Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path to the satisfaction of the Chief Planner and Executive Director, City Planning;

- v. provision that neither of the two midblock buildings proposed to be linked will include units that have principal rooms with principal windows directly facing the adjacent linked building to the satisfaction of the Chief Planner and Executive Director, City Planning;
- vi. the owner shall construct and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an area of not less than 847 square meters at grade for use by the general public as publicly accessible, privately-owned open space (POPS), along the east side of the block and in the southeast corner of the site in a location generally identified in the Zoning By-law Amendments, with the location configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor and secured in a Site Plan Agreement with the City;
- vii. the owner shall construct and maintain, to the satisfaction of the Chief Planner and Executive Director, City Planning, at grade publicly accessible pedestrian walkways having a minimum 7.5 m width for the west-east mid block connection and a minimum 8.3 m width for the north-south pedestrian mews connection with the details of the location, configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division and secured in a Site Plan Agreement with the City;
- viii. prior to the earlier of any non-residential or residential use or occupancy and registration of the first condominium on the site, the owner shall have completed construction of the POPS and pedestrian walkways referred to in 6e vi and 6e vii above and shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement in perpetuity in favour of the City over the privately-owned open space (POPS) and the pedestrian walkways, including rights of support as applicable, on such terms and conditions as are set out in the section 37 agreement, including provision for insurance and indemnification associated with public access easements;
- ix. prior to the issuance of the first building permit on the site, the owner agrees to convey to the City, at nominal cost and free and clear of encumbrances, a 0.6 m wide road widening to the full extent of the westerly limit of the lot for the widening of Dalhousie Street to the satisfaction of the Chief Engineer and Executive Director Engineering & Construction Services on terms and conditions as are set out in the section 37 agreement, including environmental requirements in accordance with City Council policies respecting environmental conditions of lands being conveyed to the City;

Conclusion

City Planning recommends that Council approve the Official Plan and Zoning By-law Amendment applications. The proposal for three mixed-use towers on the lands including residential, hotel and retail uses, a public park and POPS is appropriate for the Phase 2 component of this development and is compatible with the adjacent Phase 1, which is presently under construction but not part of this application. The proposal is consistent with the PPS, conforms to the Growth Plan and conforms with the City's Official Plan. The proposed development has been designed in the form of a complete community which introduces an acceptable built form that reinforces the existing and planned built form context. The introduction of a pedestrian mews connecting the public park, POPS and Queen Street East provides porosity through the site and thereby makes a significant contribution to the public realm. Section 37 contributions relating to the increase in height and density have also been agreed upon including certain of the original obligations secured in 2005, and will be secured in one of more agreements pursuant to Section 37 of the Planning Act.

CONTACT

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E-mail: Derek.Waltho@toronto.ca

SIGNATURE

Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

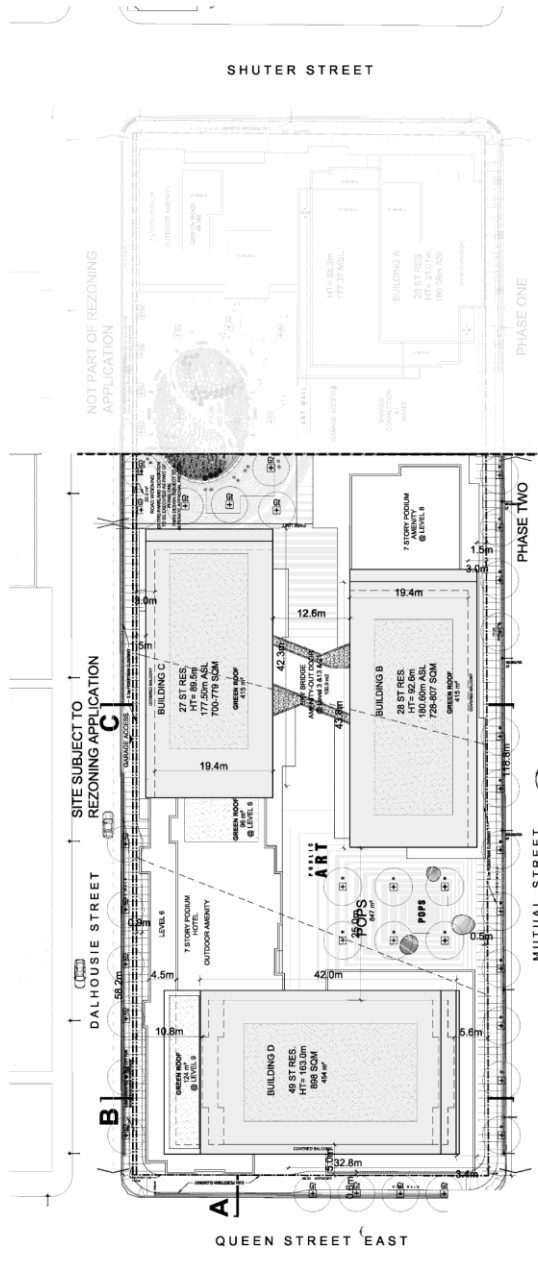
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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: North Elevation
Attachment 4: East Elevation
Attachment 5: South Elevation
Attachment 6: Zoning
Attachment 7: Official Plan
Attachment 8: Draft Downtown Plan – Key Policies
Attachment 9: Draft Official Plan Amendment
Attachment 10: Draft Zoning By-law Amendment 438-86
Attachment 11: Draft Zoning By-law Amendment 560-2013

Attachment 12: Parkland Dedication Conditions of Approval
Attachment 13: Application Data Sheet

Attachment 1: Site Plan



Site Plan

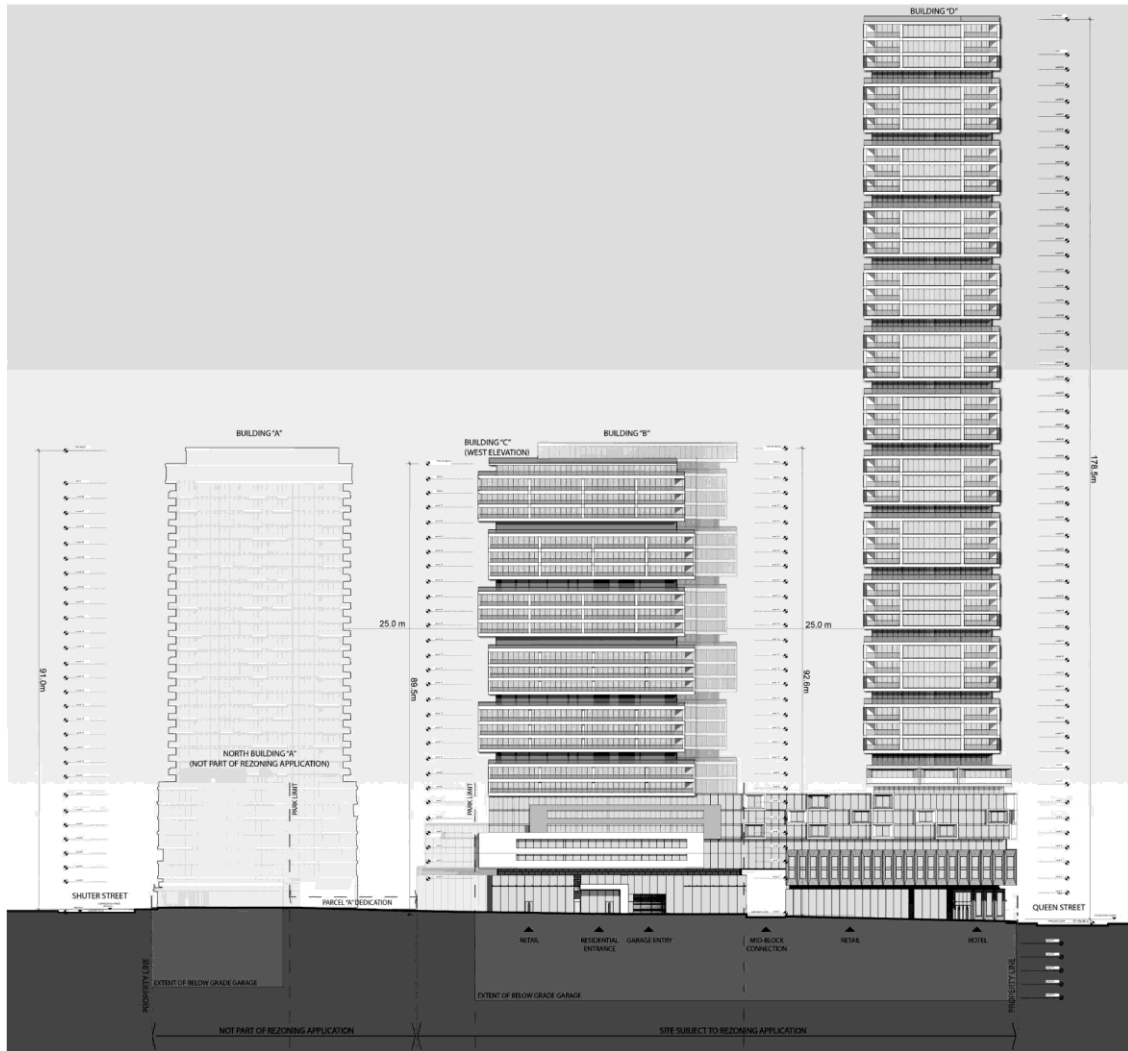
Applicant's Submitted Drawing

Not to Scale 

88 Queen Street East, 10 Mutual Street
+ Part of 30-50 Mutual Street

File # 17 257006 STE 27 OZ, File # 16 165239 STE 27 OZ

Attachment 2: West Elevation



West Elevation

Elevations

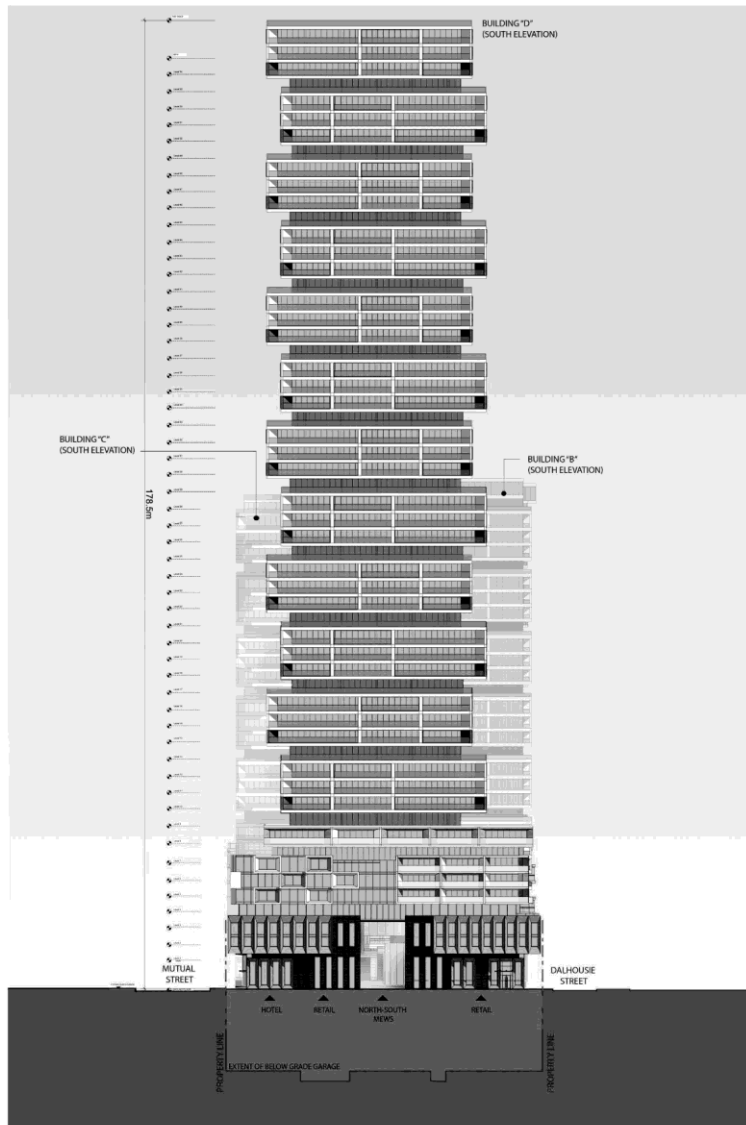
Applicant's Submitted Drawing

Not to Scale
12/08/2017

88 Queen Street East, 10 Mutual Street
+ Part of 30-50 Mutual Street

File # 17 257006 STE 27 OZ, File # 16 165239 STE 27 OZ

Attachment 3: North Elevation



North Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
12/08/2017

88 Queen Street East, 10 Mutual Street
+ Part of 30-50 Mutual Street

File # 17 257006 STE 27 OZ, File # 16 165239 STE 27 OZ

Attachment 4: East Elevation



East Elevation

Elevations

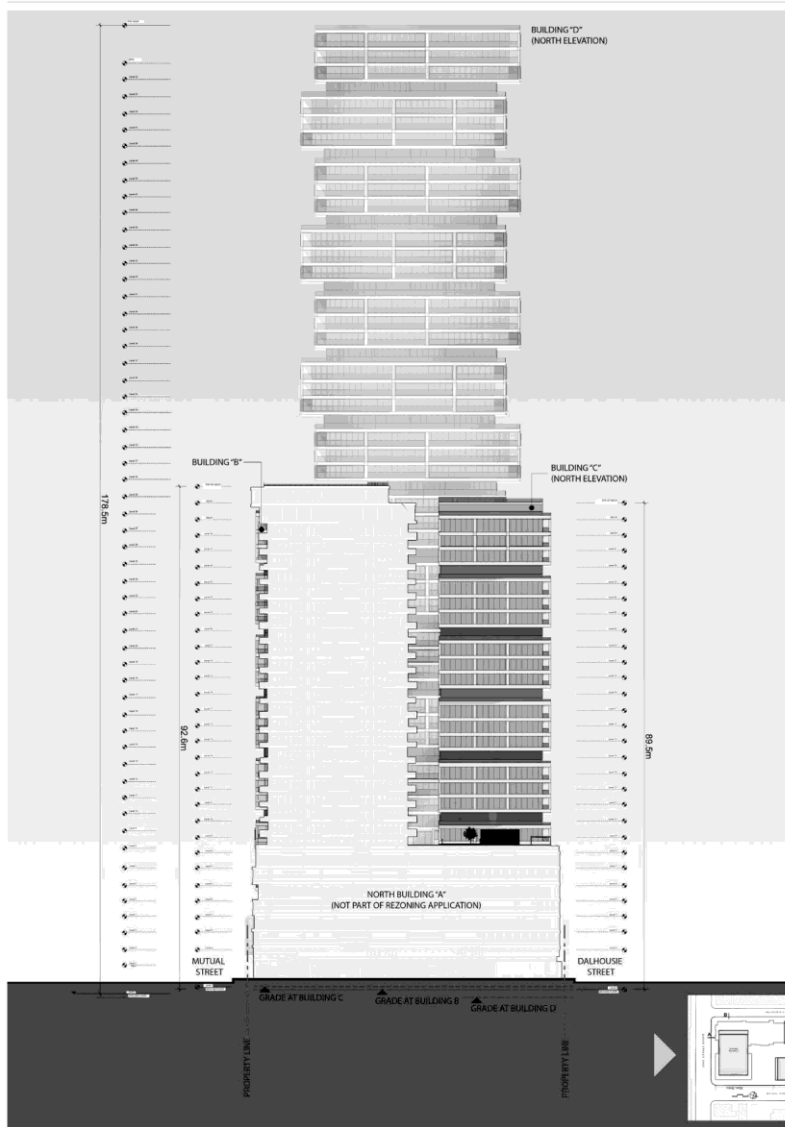
Applicant's Submitted Drawing

Not to Scale
12/08/2017

88 Queen Street East, 10 Mutual Street
+ Part of 30-50 Mutual Street

File # 17 257006 STE 27 OZ, File # 16 165239 STE 27 OZ

Attachment 5: South Elevation



South Elevation

Elevations

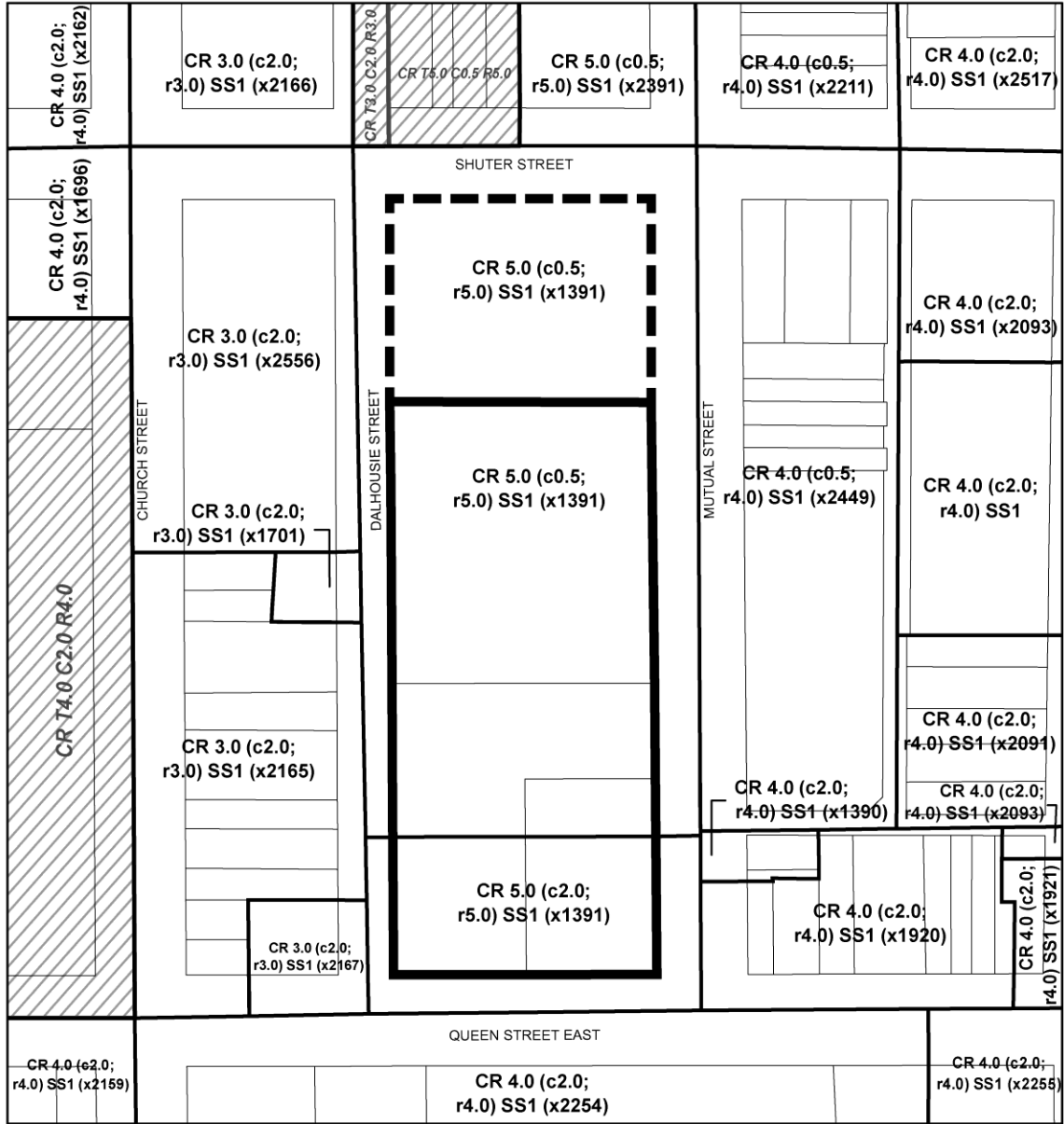
Applicant's Submitted Drawing

Not to Scale
12/08/2017

88 Queen Street East, 10 Mutual Street
+ Part of 30-50 Mutual Street

File # 17 257006 STE 27 OZ, File # 16 165239 STE 27 OZ

Attachment 6: Zoning



Zoning By-Law No. 569-2013

88 Queen Street East

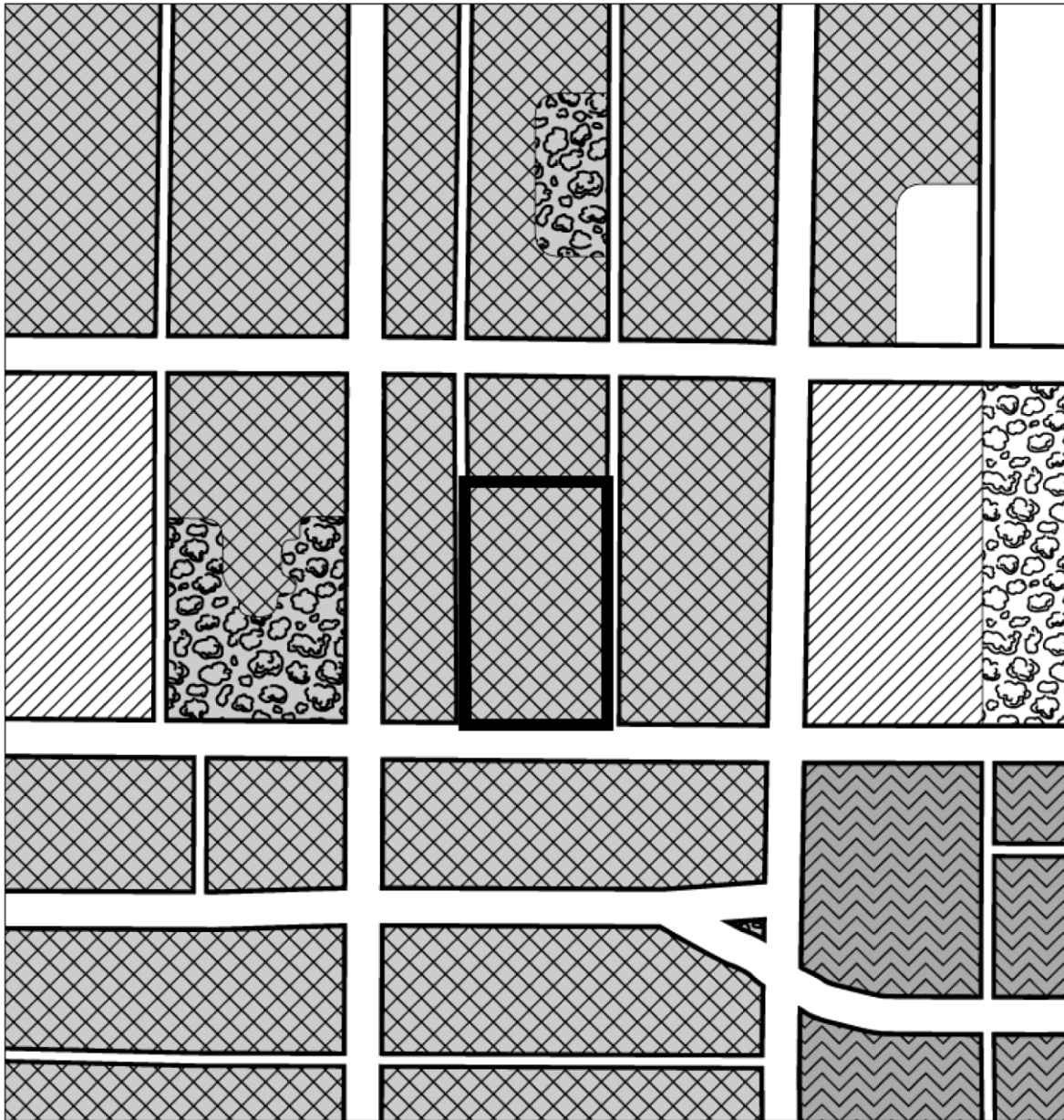
File # 16 165239 STE 27 0Z

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 7: Official Plan



Official Plan Amendment #397

**88 Queen Street East, 10 Mutual Street
+ Part of 30-50 Mutual Street**

File # 17 257006 STE 27 OZ, File # 16 165239 STE 27 OZ



Not to Scale
12/11/2017

Attachment 8: Draft Downtown Plan – Key Policies

Policy	Policy Description	Proposed Development and Analysis
5.1	Complete communities	Proposed hotel, retail, residential, Park, POPS
6.4	Tall building locations	Planned context permits tall buildings as per 6.4.1
6.5	Tall building floorplates (750m ²)	Proposed 898 m ² , 770-779 m ² and 728-807 m ²
6.6	Base building design	Proposed 7-storey base (podiums) providing active uses at grade. Minimum 3 hours of sunlight on opposite sidewalk not possible due to existing shadowing from other developments.
6.11	Setback curb to building face (6m)	Meets or exceeds minimum standards
6.15	POPS	Proposed POPS publicly accessible and connects to public realm
6.17	Shadowing on Parks and Open Spaces (from 10:18-4:18 pm)	Minor shadow from 4:18 pm onwards on Moss Park, otherwise no shadows on Moss Park
6.20	Pedestrian level wind conditions	Wind conditions generally expected to be suitable for intended purpose
6.26.3	Transition between tall buildings	Proposed 25 m separation to south tower and 12.6 m between mid-block towers. Mid-block towers and unit layouts oriented to minimize overlook issues and provide access to sunlight
6.27.1	Tall building transition to parks/streets	Proposed towers stepback from podium edges
6.31& 6.32	Helicopter flight paths	Proposal does not intrude into flight path
6.35	Amenity space	Indoor amenity space generally connected to outdoor amenity
7.6	On-site Parkland priority	Proposed on-site park
7.40	Urban Forest	Proposed street trees, park trees and POPS trees
8.30	Proportion of non-residential GFA when in proximity to planned subway	Proposed 137 room hotel and 2,272 m ² retail space, in addition to residential uses, adjacent to proposed Queen Street relief line
8.31	SASP required within 500 m of planned transit station	Site specific OPA forms part of this application
8.33	Required retail on Priority Retail Streets (Queen East)	Retail and hotel uses proposed at grade fronting Queen Street East
9.4	On-site Community Facility	Proposed \$1.1 million Section 37 contribution to community, recreation and/or cultural space in the Ward
11.2	Number and sizes of 2 and 3 bedroom units	Combined numbers of 2 and 3 bedroom units meets overall requirement. Unit size statistics not available
11.4	Required on-site affordable housing	Proposed \$1.1 million Section 37 contribution to Toronto Community Housing and/or affordable housing
Map 11	Land use designation (Mixed Use Areas 2 and 3)	Mid block towers conforms to Mixed Use Areas 2. South tower does not conform to Mixed Use Areas 3.

Attachment 9: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

BY-LAW No. XXX-2018

To adopt an amendment to the Official Plan of the City of Toronto with respect to lands municipally known as 88 Queen Street East, 10 Mutual Street and parts of 30-50 Mutual Street.

WHEREAS authority is given to Council by Section 17 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the 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. The attached Amendment "A" to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.
2. This is Official Plan Amendment No. 397.

ENACTED AND PASSED this __ day of _____, A.D. 2018.

JOHN TORY,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

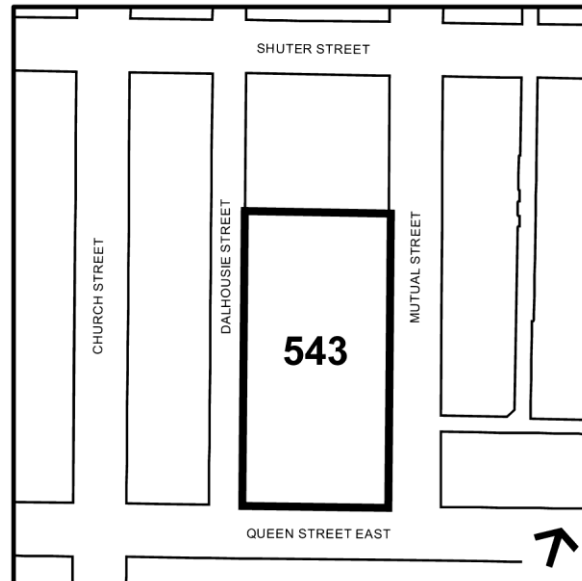
OFFICIAL PLAN AMENDMENT NO. 397

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2018 AS
88 QUEEN STREET EAST, 10 MUTUAL STREET AND PARTS OF 30-50 MUTUAL
STREET**

1. The Official Plan of the City of Toronto is amended as follows:
- (a) Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 543 for the lands known municipally in 2018 as 88 Queen Street East, 10 Mutual Street and Parts of 30-50 Mutual Street, as follows:

"543. 88 Queen Street East, 10 Mutual Street and Parts of 30-50 Mutual Street

The development of three towers with a maximum height of 49, 27, and 28-stories is permitted.



- (b) Map 29, Site and Area Specific Policies, are amended for the lands known municipally in 2018 as 88 Queen Street East, 10 Mutual Street and Parts of 30-50 Mutual Street, shown on the map above as Site and Area Specific Policy No. 543

Attachment 10: Draft Zoning By-law Amendment 438-86

To be provided prior to Community Council meeting

Attachment 11: Draft Zoning By-law Amendment 569-2013

To be provided prior to Community Council meeting

Attachment 12: Parkland Dedication Conditions of Approval

Conditions of Approval:

Parkland Dedication

1. The Owner will be required to convey 962 m² for public parkland purposes comprised of lands within Phase 1 and Phase 2. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation (PFR) in the location identified in the Zoning By-law Amendments (the "Proposed Park").
2. The remaining 22 m² of the parkland dedication shall be paid in cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit for Phase 2 of the development.
3. Prior to the issuance of the first above grade building permit for all or any part of Phase 1, excluding a permit for demolition or a rental/sales centre, the Owner shall register on title to the Proposed Park, in form and in priority to the satisfaction of the City Solicitor, a Section 118 Restriction pursuant to the Land Titles Act, agreeing not to transfer, lease or charge all or any part of the Proposed Park lands without the consent of the General Manager, Parks, Forestry and Recreation, or his/her designate.
4. The Owner is required to convey the lands comprising the Proposed Park to the City prior to the earlier of any residential use of all or any part of Phase 1, including first or interim occupancy, and registration of the first condominium pursuant to the Condominium Act, 1998 on all or any part of Phase 1, all to the satisfaction of the City Solicitor
5. The Owner shall pay for the costs of the preparation and registration of all relevant documents. At their own expense, the Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the Proposed Park.
6. All surrounding buildings shall be setback from the property boundary of the Proposed Park or measures taken to prevent spread of fire in order to be in compliance with the Ontario Building Code regulations affecting Limiting Distances so that they are met on the adjacent property. PFR will not enter into a Limiting Distance Agreement(s) respecting the Proposed Park. The Owner shall submit a letter confirming that the building will be in compliance with the Ontario Building Code, without the requirement of a limiting distance agreement.

Environmental Assessment

7. Prior to conveying the Proposed Park to the City, the Owner must:
 - 7.1. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, Engineering & Construction Services;
 - 7.2. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8,000.00 towards the cost of the peer review in the form of a certified cheque, to the Chief Engineer and Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
 - 7.3. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering & Construction Services;
 - 7.4. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Chief Engineer and Executive Director, Engineering & Construction Services for peer review and concurrence, which states:
 - 7.4.1. In the opinion of the Qualified Person:
 - i. It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and
 - ii. To the extent that the opinion in 7.4.1(i) is that past migration is likely, it is either possible or unlikely that such off-site

contamination on adjacent City lands poses an adverse effect to the environment or human health.

7.4.2. Land to be conveyed to the City meets either:

- i. The applicable Ministry Generic Site Condition Standards for the most environmentally sensitive adjacent land use; or
- ii. The Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

7.5. The Qualified Person's statement, referenced in 7.4 above, will include a Reliance Letter that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, Engineering & Construction Services.

7.6. For conveyance of lands requiring a Record of Site Condition:

7.6.1. File the Record of Site Condition on the Ontario Environmental Site Registry; and

7.6.2. Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Chief Engineer and Executive Director, Engineering & Construction Services.

*Park Construction
Base Park Improvements*

8. The Owner, at its sole cost and expense, will be responsible to complete base construction and installation for the Propose Park (the "Base Park Improvements"). The Base Park Improvements include the following:
 - i. demolition, removal and disposal of all existing materials, buildings and foundations;
 - ii. grading inclusive of topsoil supply and placement, minimum of 150 mm;

- iii. sod #1 nursery grade or equivalent value of other approved park development;
 - iv. fencing to City standard (where deemed necessary);
 - v. all necessary drainage systems including connections to municipal services;
 - vi. electrical and water connections (minimum 50 mm) directly to the street line, including back flow preventors, shut off valves, water and hydro meters and chambers;
 - vii. street trees along all public road allowances, which abut future City owned parkland; and
 - viii. standard park sign (separate certified cheque required)
9. All Base Park Improvements shall be completed to the satisfaction of the General Manager, PFR.
 10. Prior to the issuance of the first above grade building permit for all or any part of Phase 1 or Phase 2, whichever is earlier, the Owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, PFR.
 11. Prior to issuance of the first above grade building permit for all or any part of Phase 1, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements to the satisfaction of the General Manager, PFR. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
 12. The construction of the Base Park Improvements shall be completed within six months after the conveyance of the Proposed Park to the City, to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the sole discretion of the General Manager, PFR when determining a revised delivery date for the Base Park Improvements.
 13. The Owner must obtain a Park Occupation Permit (POP) from PFR's Park Supervisor for the Ward when Base Park Improvements are undertaken following conveyance of the Proposed Park to the City. The POP will outline in detail matters including but not limited to the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration of Base Park Improvements, all to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Temporary Fencing

14. Prior to conveyance of the Proposed Park the Owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the Proposed Park is completed.

Parkland Grading and Drainage

15. Prior to the construction of the Base Park Improvements, the Owner shall ensure that the grading and drainage for the Proposed Park is compatible with the grades of the adjacent lands to the satisfaction of the General Manager, PFR.
16. The Owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a Proposed Park.

Credit against DC's for Above Base Park Improvements

The owner has agreed to design and construct above base park improvements for the Proposed Park (the "Above Base Park Improvements") for a development charge credit against the Parks and Recreation component of the Development Charges and, accordingly, the following condition applies:

17. The Owner agrees to design and construct the Above Base Park Improvements for a development charge credit against Parks and Recreation component of the Development Charges for Phase 1 and Phase 2, to the satisfaction of the General Manager, PFR. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of Development Charges payable for the Phase 1 and Phase 2 development in accordance with the City's Development Charges By-law, as may be amended from time to time. Prior to issuance of the first above grade building permit for Phase 1, the Owner is required to submit a design and cost estimate to be approved by the General Manager, PFR, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development within Phase 1 (30 & 50 Mutual Street). Prior to issuance of the first above grade building permit for Phase 2, the Owner is required to submit a letter of credit equal to 120% of the Parks and Recreation component of the Development Charges payable for the development within the subsequent phase, as required to the satisfaction of the General Manager, PFR.

Above Base Park Improvements

18. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, PFR. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating,

vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, PFR.

19. Four months after the issuance of the first above grade building permit for the first of Phase 1 or Phase 2, , the Owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park Improvements for review and approval by the General Manager, PFR.
20. The construction of Above Base Park Improvements will occur concurrently with Base Park Improvements and shall also be completed within six months after the conveyance of the Proposed Park to the City to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the sole discretion of the General Manager, PFR when determining a revised delivery date for the Above Base Park Improvements.
21. The Owner must obtain a Park Occupation Permit (POP) from PFR's Park Supervisor for the Ward when Above Base Park Improvements are undertaken following conveyance of the Proposed Park to the City. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the lands comprising the Proposed Park.

Performance Guarantee

22. Following completion of the construction and installation of the Base and Above Base Park Improvements to the satisfaction of the General Manager, PFR and acceptance by the City, the Owner shall be required to guarantee such work and associated materials for a 2 year period (the "Parkland Guarantee Period)". The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. The Owner shall rectify, or cause to be rectified, at their own expense and to the satisfaction of the General Manager, PFR any defects and deficiencies in any aspect of the Base or Above Base Improvements that arise within the Parkland Guarantee Period. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, PFR be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Guarantee Period.
23. Upon the expiry of the Parkland Guarantee Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, PFR.

24. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to PFR. A complete set of “as built” plans shall be provided electronically on CD in PDF format, and two (2) sets full size bond hard copy the General Manager, PFR. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
25. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to PFR.
26. In the event that Phase 2 proceeds to first building permit in advance of Phase 1, all obligations set out in sections 1 to 25, shall apply to Phase 2, read with necessary modification.

Attachment 13: Application Data Sheet

Application Type	Rezoning	Application Number:	16 165239 STE 27 OZ
Details	Rezoning, Standard	Application Date:	May 31, 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 28, 27 and 49 storeys containing 1,126 residential units and 11,552 square metres of non-residential gross floor area. An on-site public park and POPS would also be provided.		

Applicant:	Agent:	Architect:	Owner:
PATRICK DEVINE		IBI Group	QUEEN DEVELOPMENTS INC.

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	6903.62	Height:	Storeys:	28, 27, 49
Frontage (m):	58.34			
Depth (m):	118.75			
Total Ground Floor Area (sq. m):	3842.56			Total
Total Residential GFA (sq. m):	85666		Parking Spaces:	674
Total Non-Residential GFA (sq. m):	11552		Loading Docks	3
Total GFA (sq. m):	97218			
Lot Coverage Ratio (%):	55.7			
Floor Space Index:	14.1			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	5
1 Bedroom:	481
2 Bedroom:	536
3 + Bedroom:	104
Total Units:	1126

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	85666.1		0
Retail GFA (sq. m):	2271.7		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	9279.9		0

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