

## **133-141 Queen Street East and 128 Richmond Street East Zoning Amendment Application – Preliminary Report**

Date: January 29, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 13 - Toronto Centre (formerly Ward 28 - Toronto Centre-Rosedale)

**Planning Application Number:** 18 225083 STE 28 OZ

**Current Use on Site:** 1-storey commercial buildings and associated surface parking lot

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 133-141 Queen Street East, and 128 Richmond Street East. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application in consultation with the Ward Councillor.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 133-141 Queen Street East and 128 Richmond Street East in consultation with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

### **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## DECISION HISTORY

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There were no *Planning Act* applications submitted for the site within the last 10 years.

## ISSUE BACKGROUND

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### Application Description

This application proposes to amend the Zoning By-law for the property at 133-141 Queen Street East and 128 Richmond Street East to permit a 41-storey (133.1 metres including the mechanical penthouse) building containing 1,300 square metres of retail space on the first and second storeys, 440 residential units on subsequent storeys, and a 3-level underground garage to accommodate 99 parking spaces.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context, Attachment 2 for the location map, Attachment 3 for the proposed site plan, and Attachments 4-7 for the proposed elevations.

### Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include the Growth Plan for the Greater Golden Horseshoe (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands within the Downtown as shown on Map 2 of the Official Plan and designated Mixed Use Areas as shown on Map 18 of the Official Plan. See Attachment 8 of this report for the Official Plan designation of the site.

### **TOcore: Planning Downtown**

City Council adopted the Downtown Plan Official Plan Amendment ("OPA 406"), as amended, at its meeting of May 22-24, 2018. The Council decision may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Further, City Council authorized the City Planning Division to seek provincial approval of OPA 406 under Section 26 of the *Planning Act*, and enacted By-law 1111-2018 on July 27, 2018. The By-law may be found here: <https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>

OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

On August 2, 2018, the City Clerk issued the Notice of Adoption for OPA 406. The Ministry of Municipal Affairs and Housing (MMAH) confirmed that the City's application is complete and now has 210 days from the date of receipt (August 9, 2018) to issue a decision. Council has directed Staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

OPA 406, in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities, is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally 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 to the east.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe (2017). City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan (2017) and has regard to matters of provincial interest under Section 2 of the *Planning Act*.

The current application is located on lands designated Mixed Use Areas 2 – Intermediate on Map 41-3 of the Downtown Plan. Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

On October 5-7, 2016, City Council adopted Official Plan Amendment 352 – Downtown Tall Building Setback Area (currently under appeal) ("OPA 352"). 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.

### **Zoning By-laws**

The site is zoned CRT4.0 C2.0 R4.0, with a height limit of 30 metres. This zone permits a mixture of uses including residential, retail and offices. The site is subject to certain permission and exception provisions, including: the requirement for street-related retail and service uses along Queen Street East; a 16 metre streetwall height with subsequent massing to be within a 44 degree angular plane along Queen Street East and Jarvis Street; and the prohibition of commercial parking garages and private commercial garages. The site is also subject to site specific By-law 94-0166 that permits a mixed-use building with a base building height of 16 metres along Queen Street East, and a base building height of 10.7 to 22 metres along Jarvis Street before setting back to a maximum height of 30 metres.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. *Planning Act* applications submitted after May 9, 2013 are subject to the new Zoning By-law. The site is zoned CR 4.0 (c2.0; r4.0) SS1 (x2255). The height limits, range of uses, site specific permissions and exceptions, including the permissions of By-law 94-0166 are carried over from Zoning By-law 438-86. See Attachment 9 of this report on the Zoning.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

### **Design Guidelines**

The following design guidelines will be used in the evaluation of this application:

- City-wide Tall Building Design Guidelines;
- Downtown Tall Buildings Vision and Supplementary Design Guidelines; and
- Growing Up Draft Urban Design Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

## **Site Plan Control**

The proposed development is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **COMMENTS**

### **Reasons for the Application**

The proposal requires an amendment to the Zoning By-law for: an increase in overall density; an increase in building height; building beyond the 44 degree angular plane along Queen Street East; reductions of minimum tall building setbacks; a reduced amenity space standard; a reduced parking standard; and a reduced loading space standard, among others.

## **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. The application as currently proposed is not supportable by staff. In order to advance this proposal, it will be necessary for the applicant to address the following preliminary issues that have been identified and any other issues that may be identified through more detailed review and comments received through the circulation.

## **Provincial Policies and Plans Consistency/Conformity**

### **Planning Act**

Section 2 of the *Planning Act* established a list of provincial interests that approval authorities, including the City of Toronto, shall have regard for when carrying out their responsibilities under the *Planning Act*. The sections that are relevant in the context of this application include: 2 d), 2 p) and 2 r) which speak to: the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; and the promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **Provincial Policy Statement, 2014**

Policies of the PPS that are relevant in the context of this application include:

Policy 1.1.1 indicates healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

Policy 1.1.3.2 b) states that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3, where this can be accommodated. Policy 1.1.3.3 indicates planning authorities shall identify 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.

Policy 1.4.3 states Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area.

Policy 1.5.1 indicates that healthy, active communities should be promoted by:  
a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

Policy 1.7.1 indicates long-term economic prosperity should be supported by:  
c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;  
d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Policy 2.6.1 indicates significant heritage resources and significant cultural heritage landscapes shall be conserved.

Policy 2.6.3 indicates Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Policy 4.7 indicates the official plan is the most important vehicle for implementation of this document.

Growth Plan for the Greater Golden Horseshoe, 2017

Policies of the Growth Plan that are relevant in the context of this application include:

Policy 1.2.1 indicates the successful realization of the vision for the Greater Golden Horseshoe centres on effective collaboration amongst the Province, other levels of government, First Nations and Metis communities, residents, private and non-profit sectors across all industries and other stakeholders.

Policy 2.2.1.4 indicates the policies of the Plan will support the achievement of complete communities that:

c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;  
e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.

Policy 2.2.2.4 b) indicates municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:  
b) identify the appropriate type and scale of development and transition of built form to adjacent areas.

Policy 4.2.7.1 indicates cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

Policy 5.2.5.6 indicates municipalities are to develop and implement urban design and site design official plan policies that direct the development of a compact built form in order to achieve the minimum intensification and density targets in the Plan.

In addressing the direction of the PPS and the Growth Plan, the City has adopted the Official Plan, OPA 352 (Tall Buildings) and even the most recent OPA 406 (TOcore) that address such matters as:

- providing direction on how development is to be massed to ensure it is appropriate based on the existing and planned context, including surrounding streets and open space areas;
- including housing policies that speak to providing a full of range of housing types; and
- the provision for new parks and opens as being necessary for growth areas.

These policies are to work together with the City's zoning by-law and other supporting documents like the Tall Building Guidelines, the Downtown Tall Building Guidelines and the draft Growing Up Guidelines.

Further review of the application's consistency to the PPS and conformity to the Growth Plan, including the identification of additional policies is ongoing.

### **Built Form, Planned and Built Context**

The proposal 's building height of 133.1 metres does not conform to the site specific Zoning By-law 94-0166 that permits a building height of 30 metres. The proposed tall building also does not adhere to the Downtown Tall Building Guidelines where this section of Jarvis Street may accommodate a tall building between the range of 47 to 77 metres, subject to various performance standards.

The proposal's massing along Queen Street East does not conform to the Zoning By-law standard that requires building mass to fit within a 44 degree angular plane after a height of 16 metres. It is also noted that the guidelines do not identify the section of Queen Street East where this site fronts on as a tall building site.

The proposal does not conform to OPA 352 and associated Zoning By-laws 1106-2016 and 1107-2016 that require tall building developments to provide adequate setbacks from side property lines. The proposed 41-storey tower provides a 5.5 metre setback from the west property line, whereas a minimum 12.5 metres is required.

The Architectural Plans and a Sun/Shadow Study were submitted and are under review by City staff. The current proposal would create shadow impacts on Moss Park.

## **Housing**

The proposal includes 440 residential dwelling units consisting of: 263 (60%) one-bedroom units; 133 (30%) two-bedroom units; and 44 (10%) three-bedroom units. The Architectural Plans was submitted and are under review by City staff. The proposal's residential types, mixture, and unit sizes will be reviewed against Provincial Plan and Official Plan policies pertaining to housing, along with supporting documents including the Growing Up Guidelines.

## **Relief Line Project Assessment**

The subject site fronts on Queen Street East and is within a section of the Council approved alignment for the Relief Line subway. City staff and TTC staff will review the proposal in light of the Relief Line's approved alignment.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). Neither an Arborist Screening form and/or an Arborist Report were submitted as of the date of this report.

## **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. An Archaeological Assessment was submitted and is currently under review by City staff.

## **Heritage Impact & Conservation**

The subject site is within proximity to 99 Queen Street East to the west, designated under Part IV of the *Ontario Heritage Act* by By-law 51-84 and included in the City's Heritage Register. A Heritage Impact Assessment report was submitted and is currently under review by City staff.

## **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.



A CS&F Study was submitted and is currently under review by City staff.

### **Infrastructure/Servicing Capacity**

Connections to the existing watermain and sanitary sewer on Queen Street East and Jarvis Street respectively are proposed to service the development. The proposed development will also need to meet the requirements of the City of Toronto's Wet Weather Flow Management Guidelines.

The applicant will need to ensure any discharging of groundwater to the City's sewer system by the proposed development can be adequately supported.

A Functional Servicing and Stormwater Management Report and Preliminary Geotechnical Investigation were submitted and are currently under review by City staff.

A three level underground garage provides 99 vehicular parking spaces for the development. Both vehicular and loading access to the development is proposed to be accessed from Richmond Street East.

A Transportation Impact Study was submitted and is currently under review by City staff.

### **Helicopter Flight Path**

The proposal is within proximity to an Obstacle Limitation Surface for the St. Michael's Hospital Heliport, as identified in City By-law 1432-2017. The proposal is currently under review by City staff and St. Michael's Hospital.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features to be secured through the zoning by-law process include: automobile infrastructure; cycling infrastructure; and storage and collection of recycling and organic waste.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital

facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

Should the proposal be substantially amended to address the issues identified by the City, Section 37 of the *Planning Act* will be applied. .

### **Other Matters**

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

### **CONTACT**

Henry Tang, Senior Planner, Tel. No. 416-392-7572, Fax No. 416-392-1330, E-mail: [henry.tang@toronto.ca](mailto:henry.tang@toronto.ca)

### **SIGNATURE**

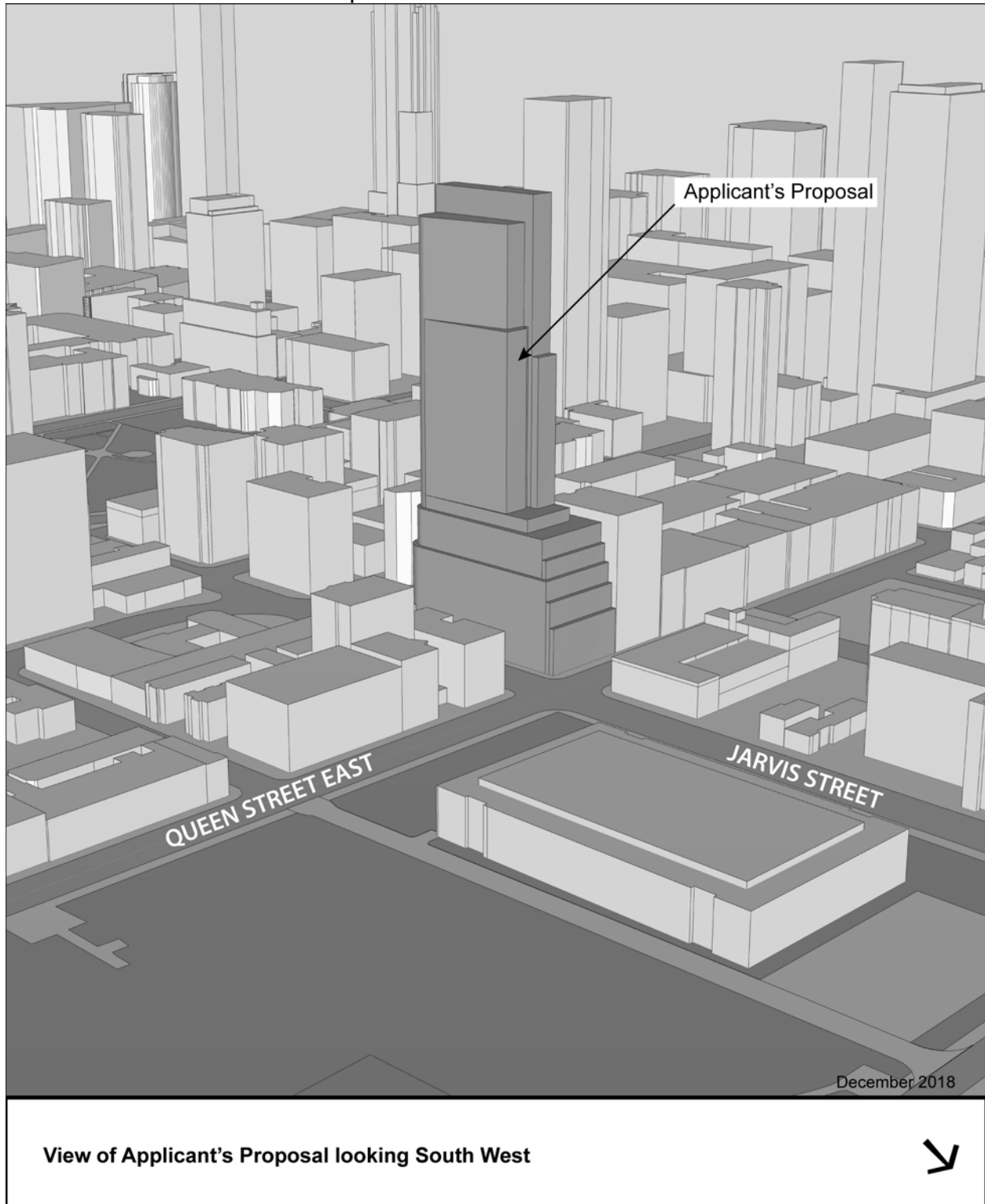
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Lynda H. Macdonald, MCIP, RPP, OALA  
Director, Community Planning  
Toronto and East York District

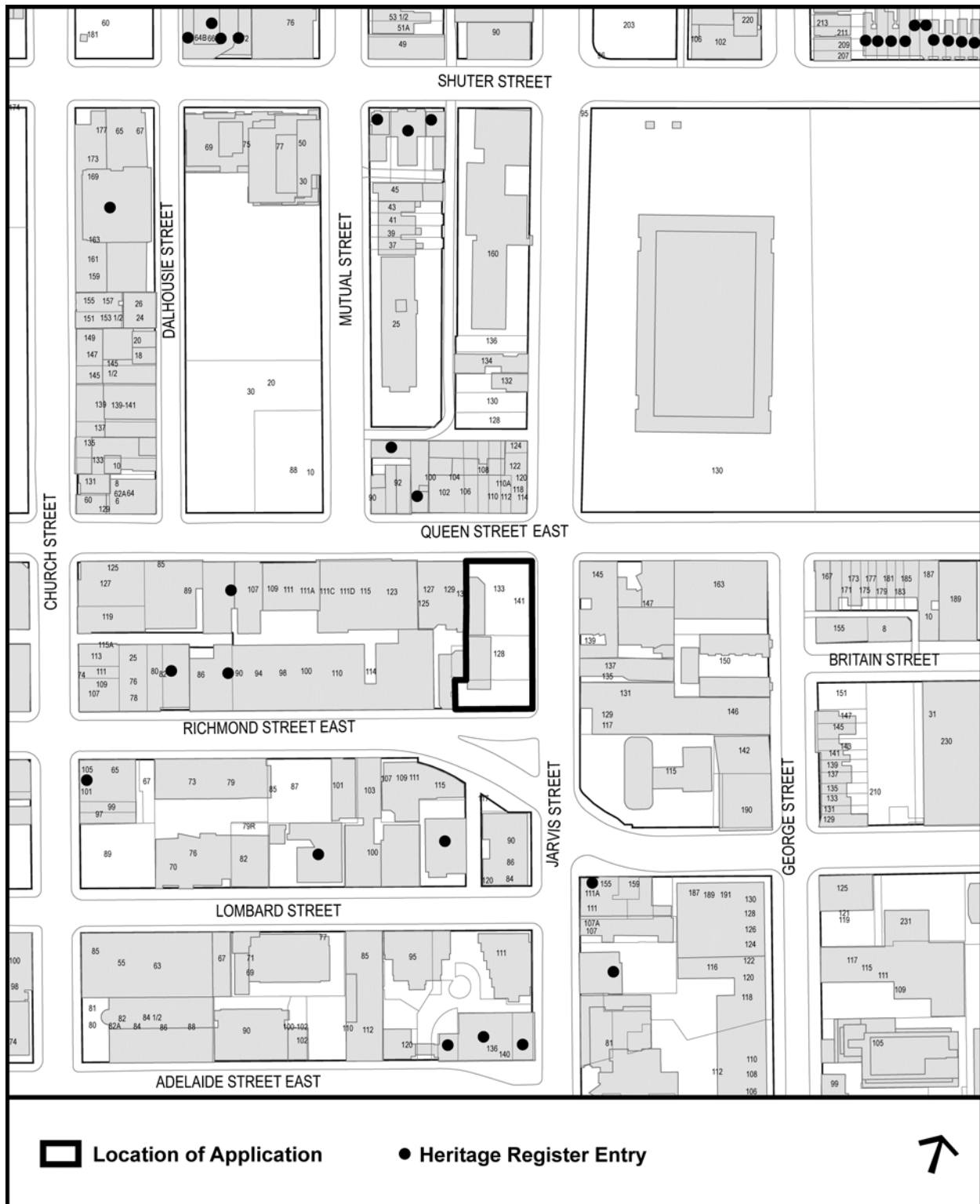
### **ATTACHMENTS**

Attachment 1: 3D Model of Proposal in Context  
Attachment 2: Location Map  
Attachment 3: Site Plan  
Attachment 4: East Elevation  
Attachment 5: North Elevation  
Attachment 6: West Elevation  
Attachment 7: South Elevation  
Attachment 8: Official Plan Map  
Attachment 9: Zoning By-law

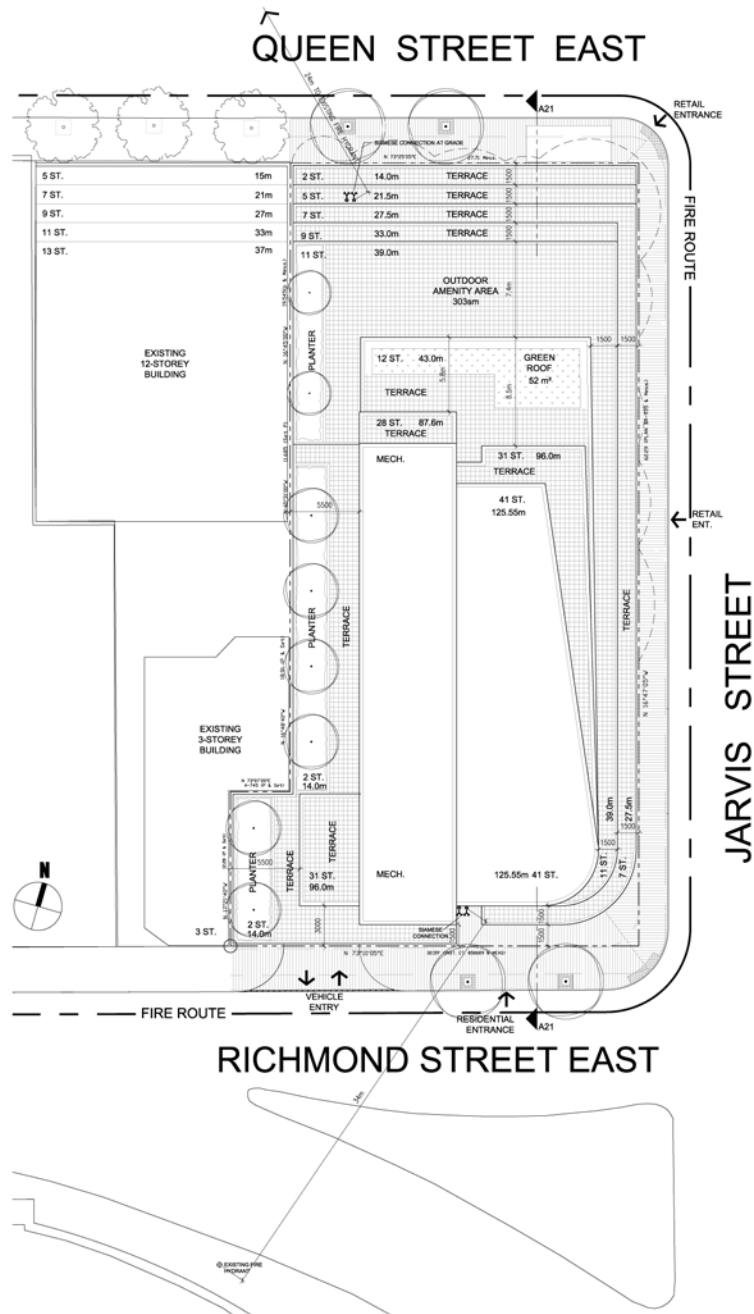
## Attachment 1: 3D Model of Proposal in Context



## Attachment 2: Location Map



## Attachment 3: Site Plan



### Site Plan

### 133-141 Queen Street East and 128 Richmond Street East

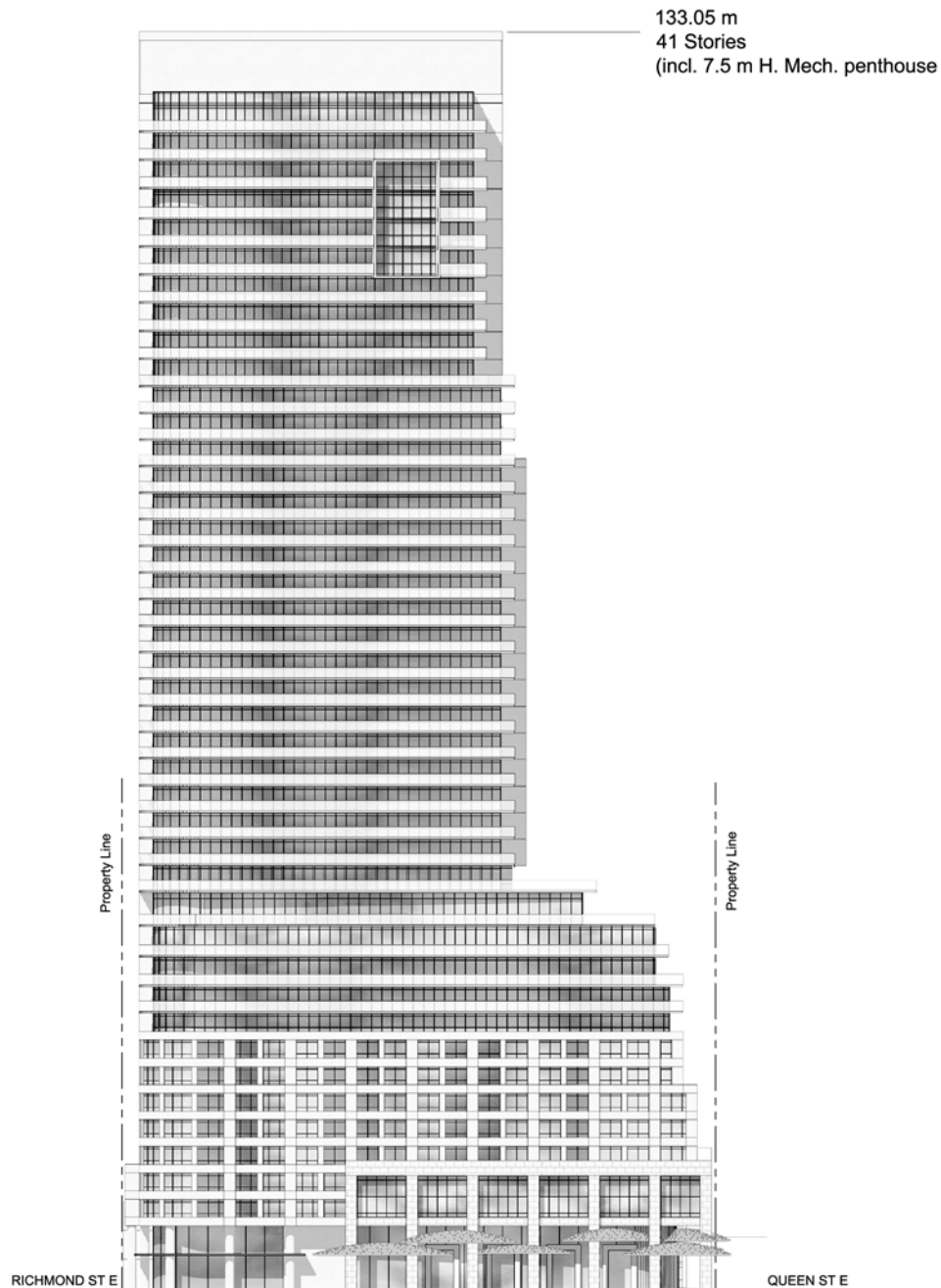
Applicant's Submitted Drawing

Not to Scale  
12/10/2018



File # 18 225083 STE 28 0Z

## Attachment 4: East Elevation



### East Elevation

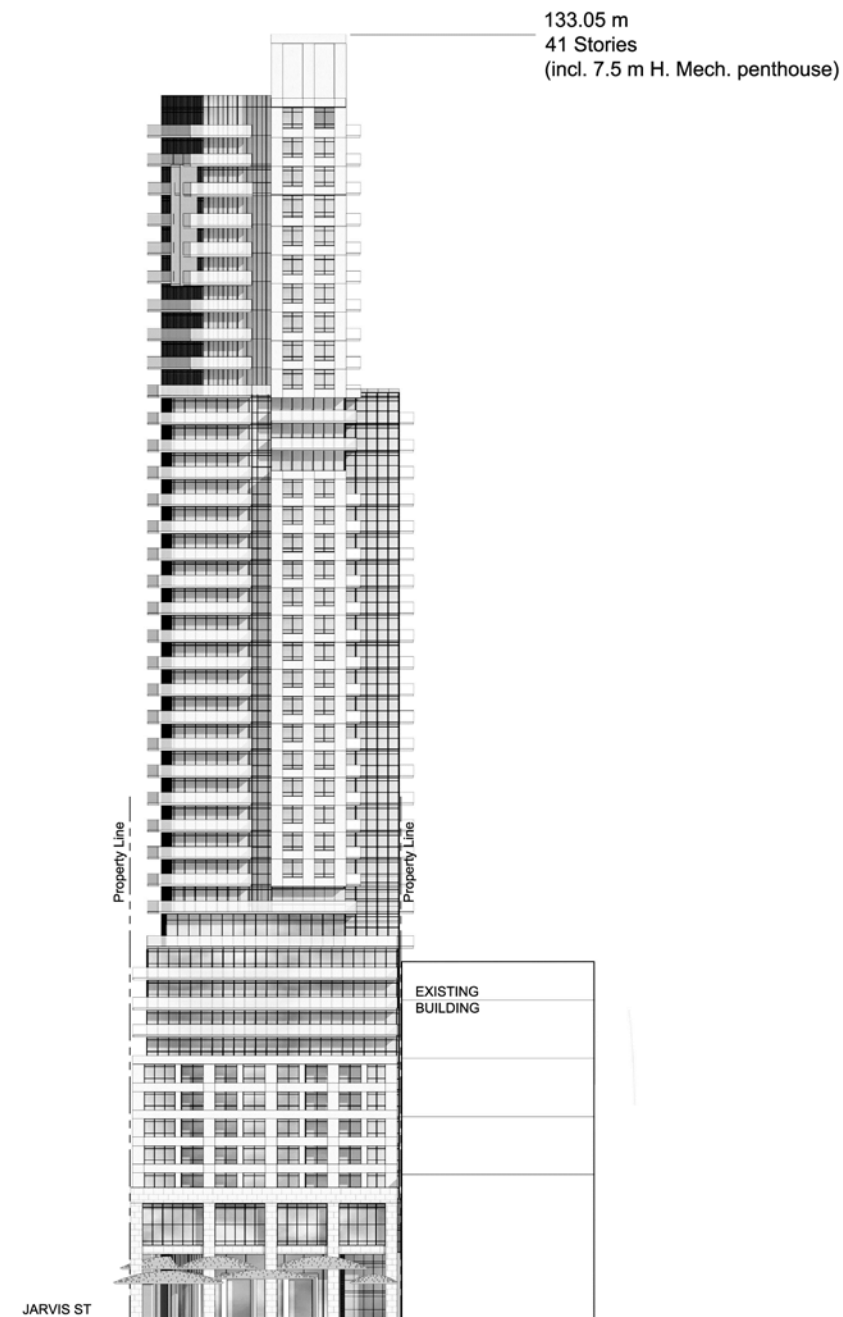
133-141 Queen Street East and 128 Richmond Street East

Applicant's Submitted Drawing

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File # 18 225083 STE 28 02

## Attachment 5: North Elevation



### North Elevation

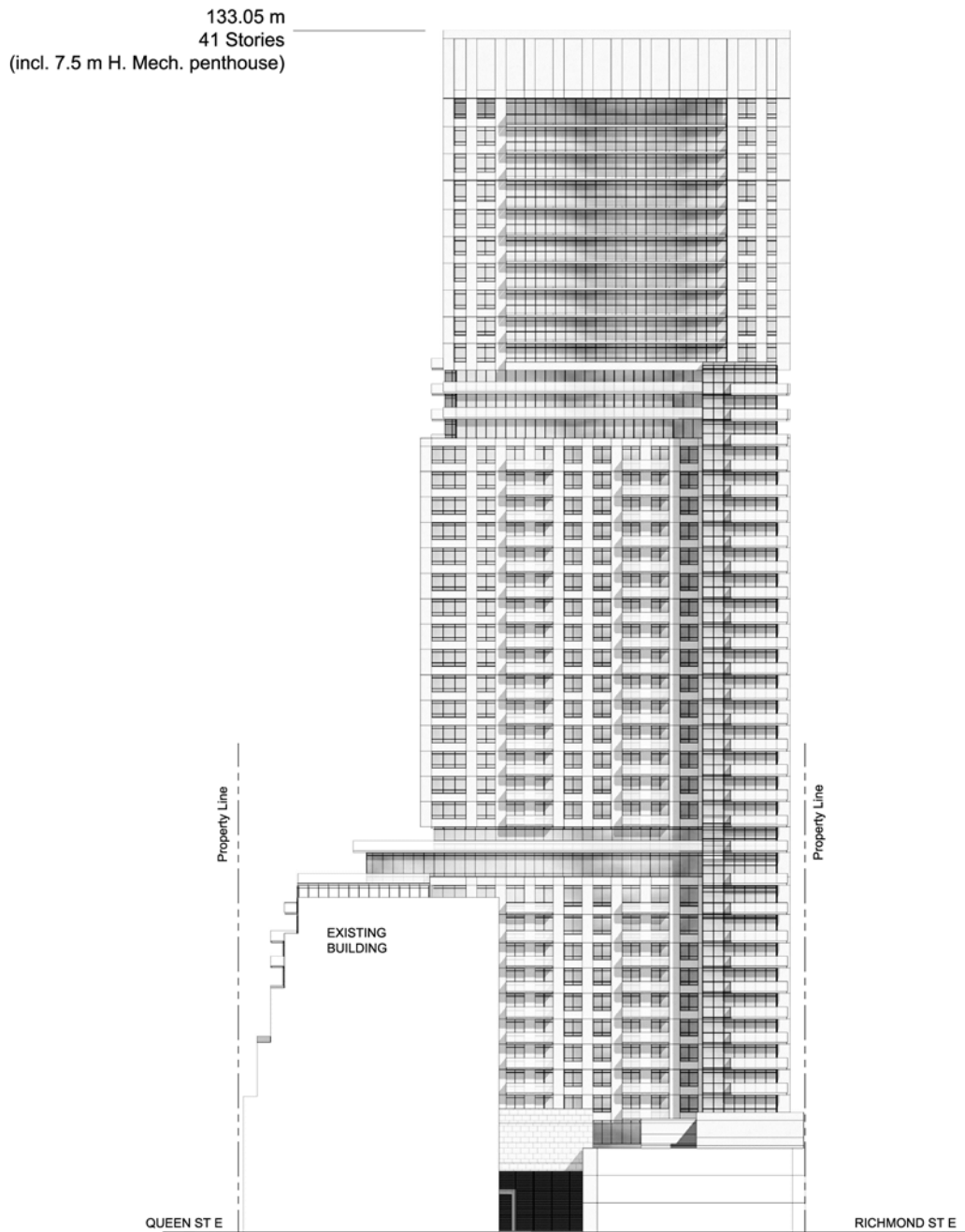
133-141 Queen Street East and 128 Richmond Street East

Applicant's Submitted Drawing

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File # 18 225083 STE 28 02

## Attachment 6: West Elevation



### West Elevation

133-141 Queen Street East and 128 Richmond Street East

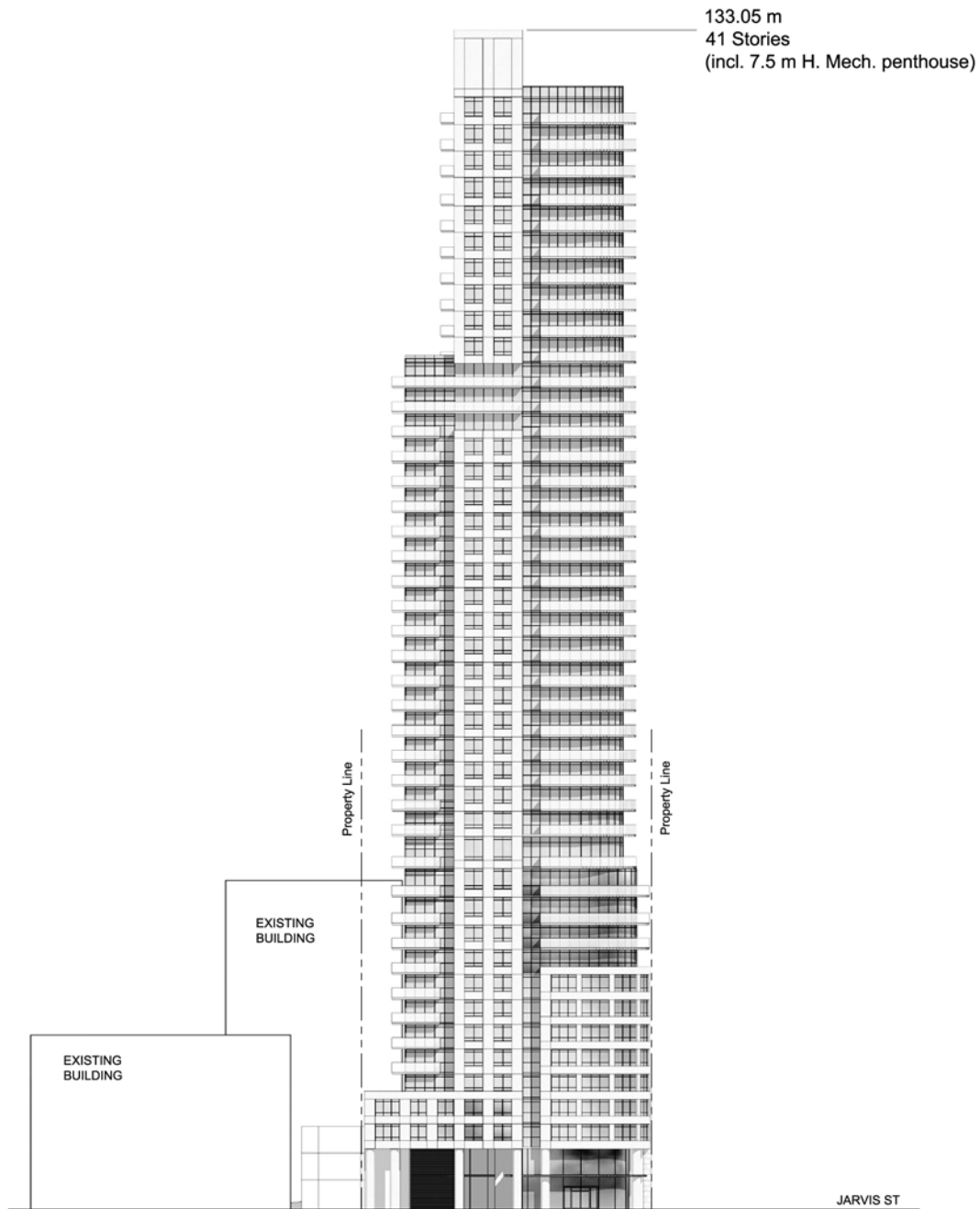
Applicant's Submitted Drawing

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File # 18 225083 STE 28 02



## Attachment 7: South Elevation



**South Elevation**

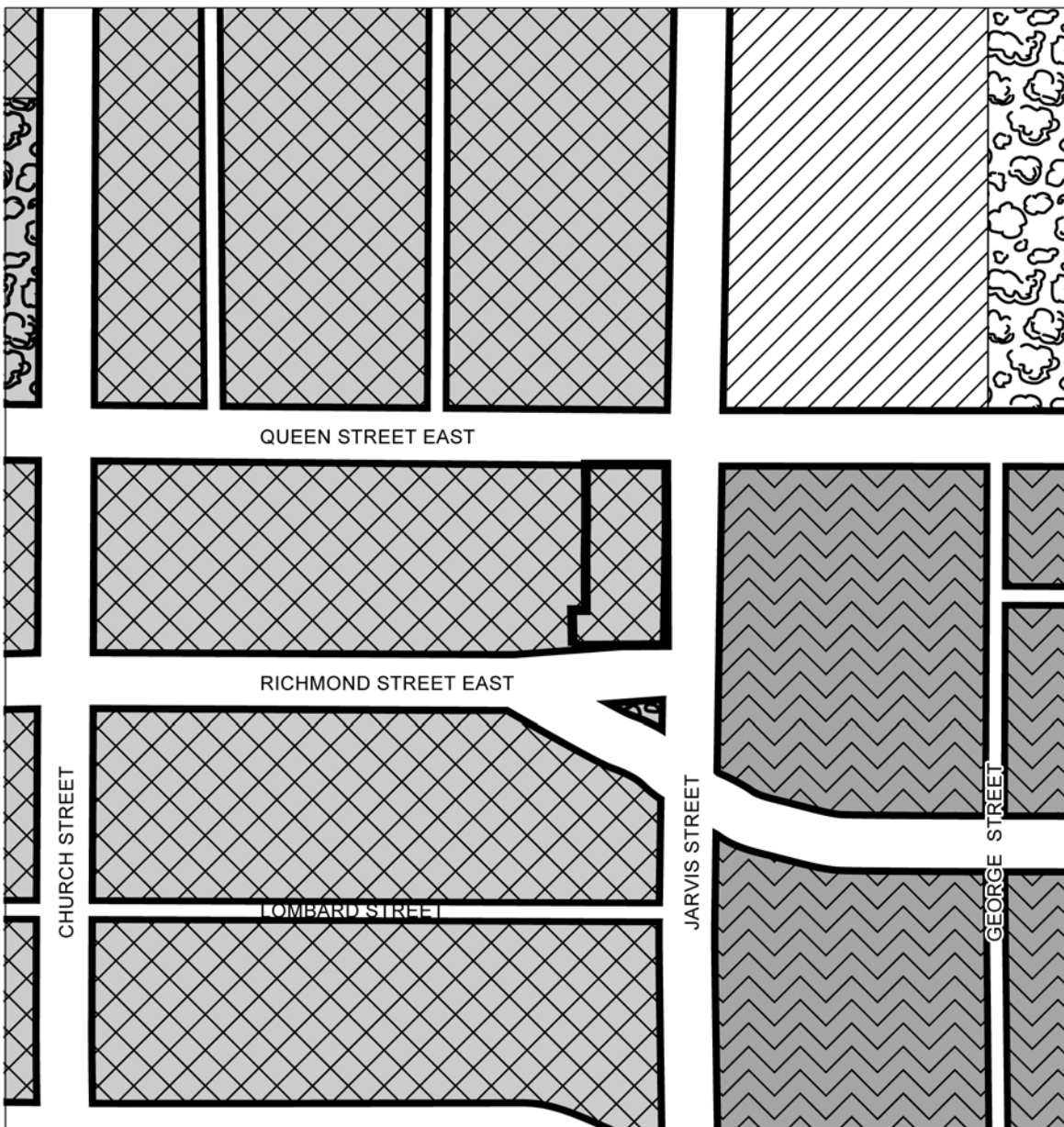
**133-141 Queen Street East and 128 Richmond Street East**

**Applicant's Submitted Drawing**

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01/14/2019

File # 18 225083 STE 28 02

## Attachment 8: Official Plan Map



### Official Plan Land Use Map

133-141 Queen Street East and 128 Richmond Street East

File # 18 225083 STE 28 0Z

	Location of Application		Natural Areas		Institutional Areas
	Neighbourhoods		Parks		Regeneration Areas
	Apartment Neighbourhoods		Other Open Space Areas		Employment Areas
	Mixed Use Areas				

Utility Corridors

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Not to Scale  
12/10/2018

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### 133-141 Queen Street East and 128 Richmond Street East

File # 18 225083 STE 28 OZ



**CRE** Commercial Residential Employment  
**OR** Open Space Recreation



<i>R4</i>	Residential District
<i>CR</i>	Mixed-Use District
<i>MCR</i>	Mixed-Use District

