

90-104 Queen Street East and 3 Mutual Street – Zoning Amendment Application – Preliminary Report

Date: February 28, 2019

To: Toronto and East York Community Council

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

Wards: Ward 13 - Toronto Centre

Planning Application Number: 18 271140 STE 13 OZ

Notice of Complete Application Issued: December 21, 2018

Anticipated City Council Meeting Date: May 14, 2019.

Listed Heritage Buildings on Site: Yes

Current Uses on Site: 1 to 4-storey mixed use commercial-residential buildings

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 90-104 Queen Street East and 3 Mutual Street for a 34-storey mixed-use building. 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 with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 90-104 Queen Street East and 3 Mutual Street together 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

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Zoning By-law for the property at 90-104 Queen Street East and 3 Mutual Street to permit a 34-storey (107.8 metres including the mechanical penthouse) building containing 339 square metres of retail and community space on the first and second storeys, 356 residential units on subsequent storeys, and a 3-level underground garage to accommodate 61 parking spaces. There would be 65 (18%) studio, 150 (42%) one-bedroom, 105 (30%) two bedroom and 36 (10%) 3-bedroom units.

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 3 for site plan and Attachment 5 for application data sheet.

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) and, where applicable, the Greenbelt Plan (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 4 of this report for the Official Plan designation of the site.

The application is adjacent to the Garden District Site and Area Specific Policy 461 (OPA 82).

The site is designated *Mixed Use Areas 2 - Intermediate* in the approved, but not in full force and effect, Downtown Plan.

The development is subject to the approved, but not in full force and effect, Official Plan Amendment 352 - Downtown Tall Building Setback Area.

Zoning By-laws

The site is zoned CR T4.0 C2.0 R 4.0 under Zoning By-law 438-86. Under Zoning By-law 569-2013, 90-104 Queen Street East is zoned CR 4.0 (c2.0; r4.0) SS1 (x1920) while 3 Mutual Street is zoned CR 4.0 (c2.0; r4.0) SS1 (x1390). Both By-laws refer to a maximum density of 4.0 and maximum height of 30 metres.

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 restriction on office GFA to a maximum 0.5 FSI; and the prohibition of commercial parking garages or private commercial garages.

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: increase in overall density; increase in building height; reduction of minimum tall building setbacks; reduction in amenity space provisions; and reduced parking standards, among others.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff will continue to evaluate this planning application for consistency with the PPS (2014) and conformity with the Growth Plan (2017).

- Given the explicit link between Provincial Policy and the Official Plan, conformity with the PPS and the Growth Plan will also be determined by conformity with the Official Plan.

Official Plan Conformity

Staff will continue to evaluate this planning application against the Official Plan to determine the application's conformity to the Official Plan including the Downtown Plan OPA 406 which is not yet in force, but has been adopted by Council and subject to Ministerial approval at this time. Although OPA 406 identifies the site as *Mixed Use Areas 2 - Intermediate*, this designation requires that massing will respect and reinforce the existing and planned context of the neighbourhood.

Built Form, Planned and Built Context

Staff will continue to assess the suitability of the proposed height, massing, and other built form issues based on Section 2 d), h), j), p) and r) of the Planning Act; the PPS (2014), Growth Plan (2017), the City's Official Plan policies and the City's Tall Building Design Guidelines and Downtown Tall Building Design Guidelines.

Staff will continue to assess:

- the appropriate building height and massing given the existing and planned context and the Policy Direction of OPA 406;
- appropriate tower floor plate size;
- shadowing impacts on nearby parks;
- the appropriateness of the proposed tower and podium setbacks and stepbacks;
- potential for negative light, view and privacy impacts to adjacent and nearby properties as well as impacts to the public realm;
- the provision of adequate amenity space and an appropriate mix of dwelling units;
- the appropriateness and suitability of the proposed setbacks and stepbacks to the on-site heritage resources;
- conservation of heritage resources;
- loss of on-site rental housing and appropriate provisions for existing tenants; and
- conformity with the St. Michaels helicopter flight path.

Additional issues may be identified through the review of the application including further review from City divisions and agencies and the public consultation process.

Housing

A Housing Issues Report is required for Zoning By-law Amendments for applications that seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominiums or that propose residential development in excess of five hectares. A Housing Issues Report has been submitted for review by staff. Based on a site inspection, staff have determined that a Rental Housing Demolition Application is required as the site contains more than 6 dwelling units. This application was subsequently submitted.

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). A Tree Inventory and Preservation Plan was submitted and is under review.

Heritage Impact & Conservation

The subject site includes two Heritage listed properties, 90 Queen Street East and 3 Mutual Street (refer to Attachment 2). A Heritage Impact Assessment 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. 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.

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.

The proposal at its current height and density will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits have not yet been discussed. City staff intends to apply Section 37 provisions of the *Planning Act* should this application be approved in some form. Potential benefits may include: provision for affordable housing units; local streetscape and parkland improvements; child care facilities; and on-site community space.

Infrastructure/Servicing Capacity

Staff is reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro) to accommodate the proposed development. The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Hydrogeological Review; Geotechnical Investigation; and Transportation Impact study.

Staff will continue to assess:

- the servicing reports provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- the Transportation Impact Study submitted by the applicant, to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the development and impacts generated by the development.

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 or Registered Plan of Subdivision.

Staff will continue to assess:

- the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

Other Matters

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

CONTACT

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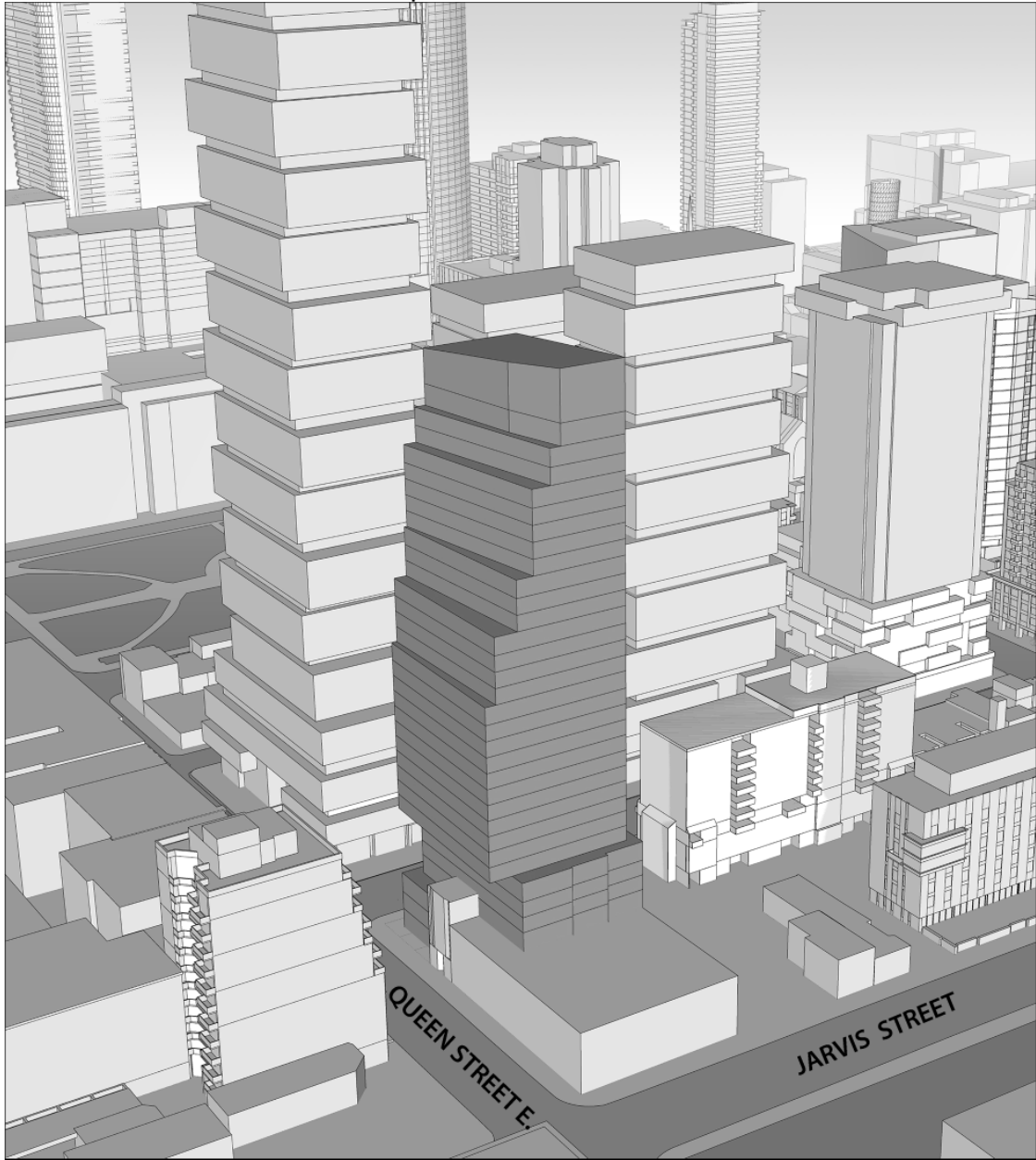
SIGNATURE

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: Official Plan Map
Attachment 5: Application Data Sheet

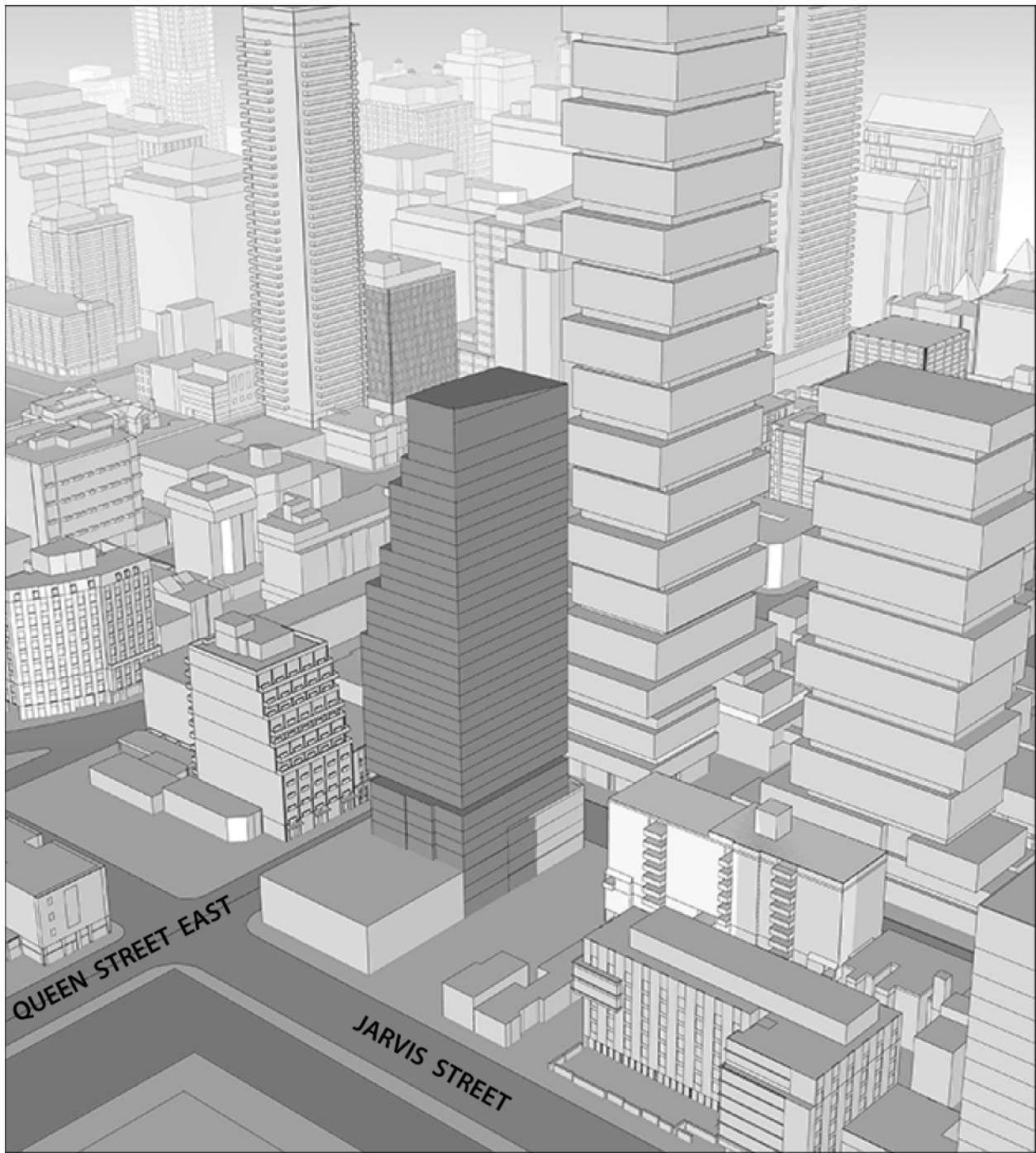
Attachment 1: 3D Model of Proposal in Context



View of Applicant's Proposal Looking North-west



01/10/2019

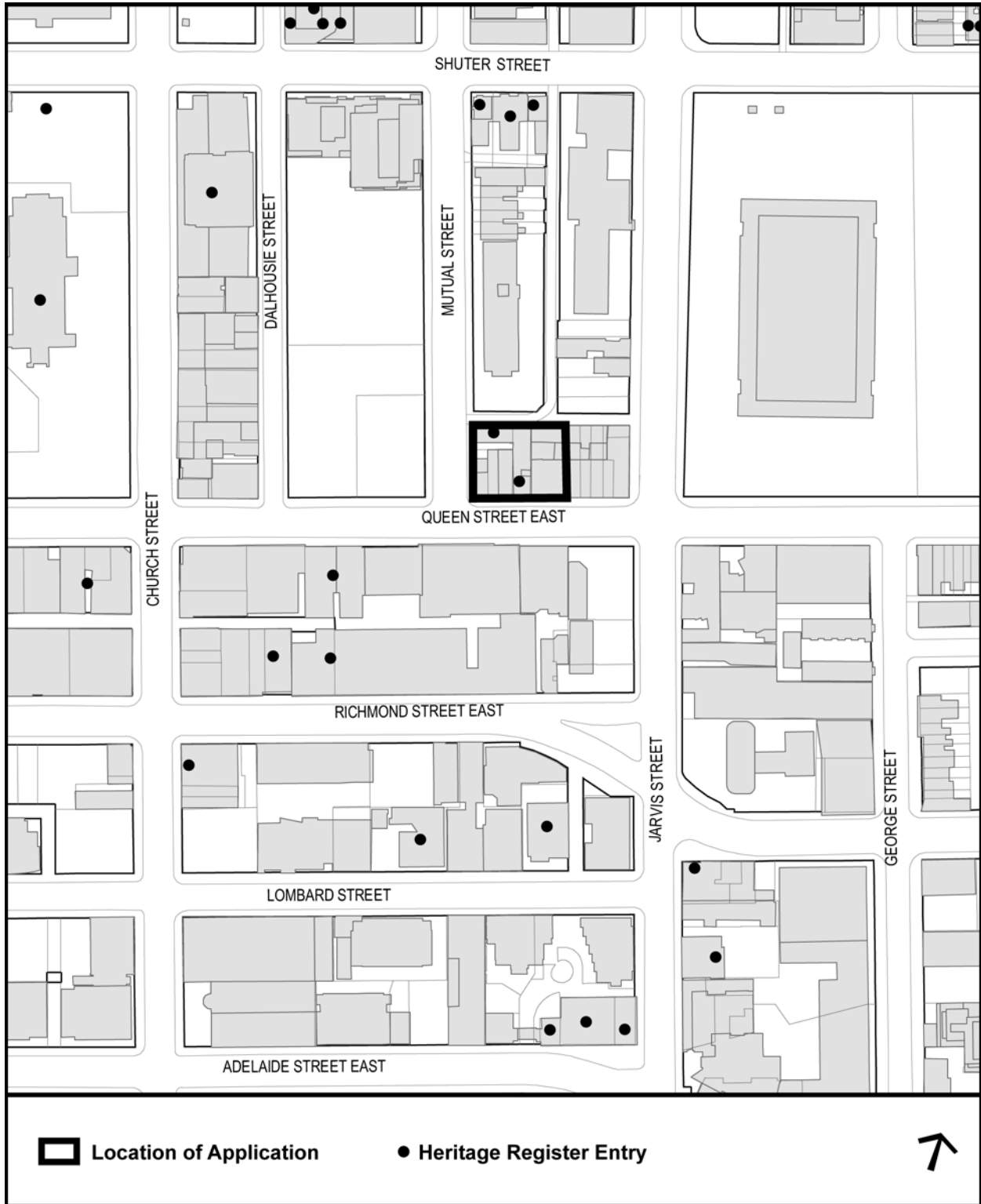


View of Applicant's Proposal Looking South-west

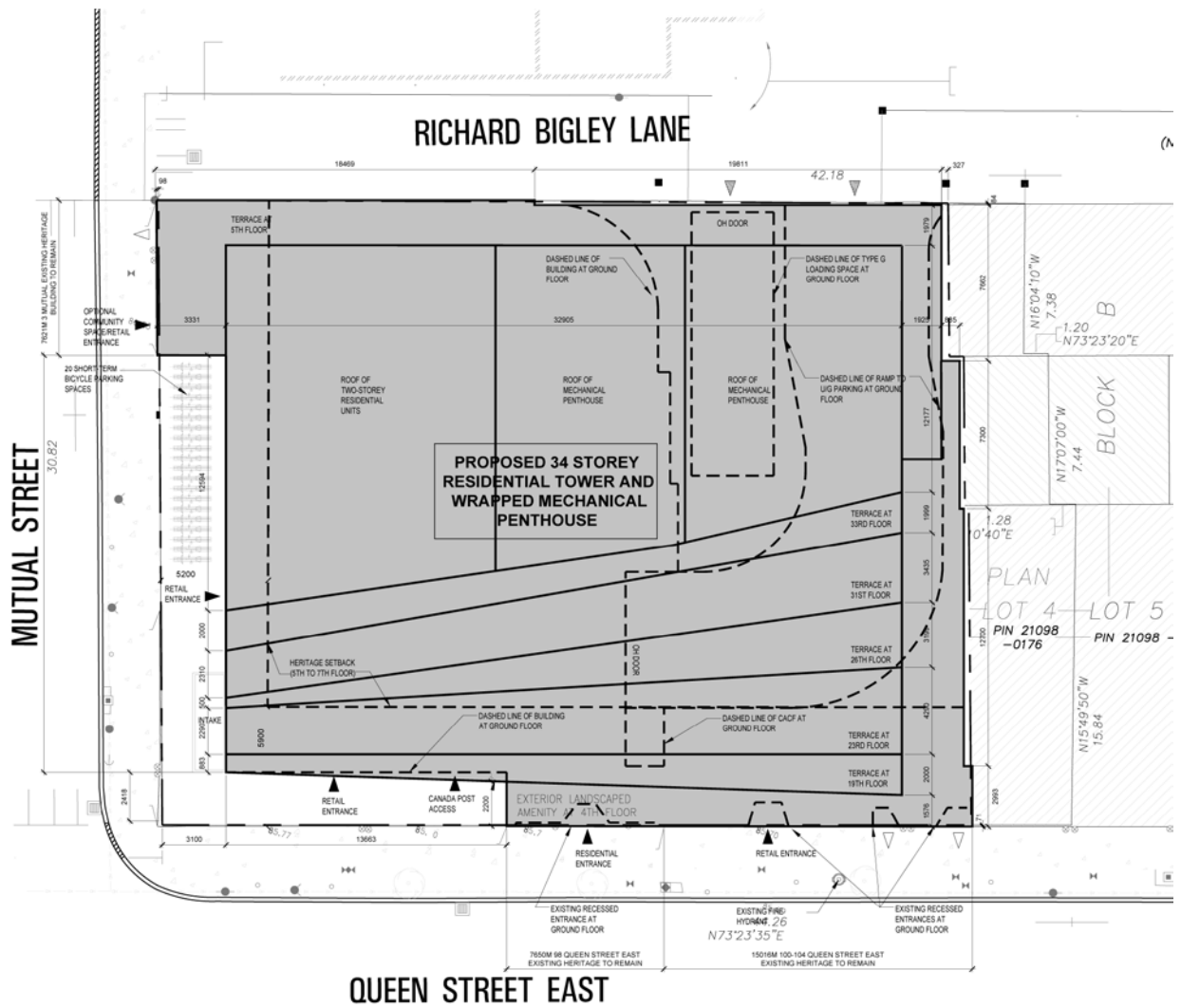


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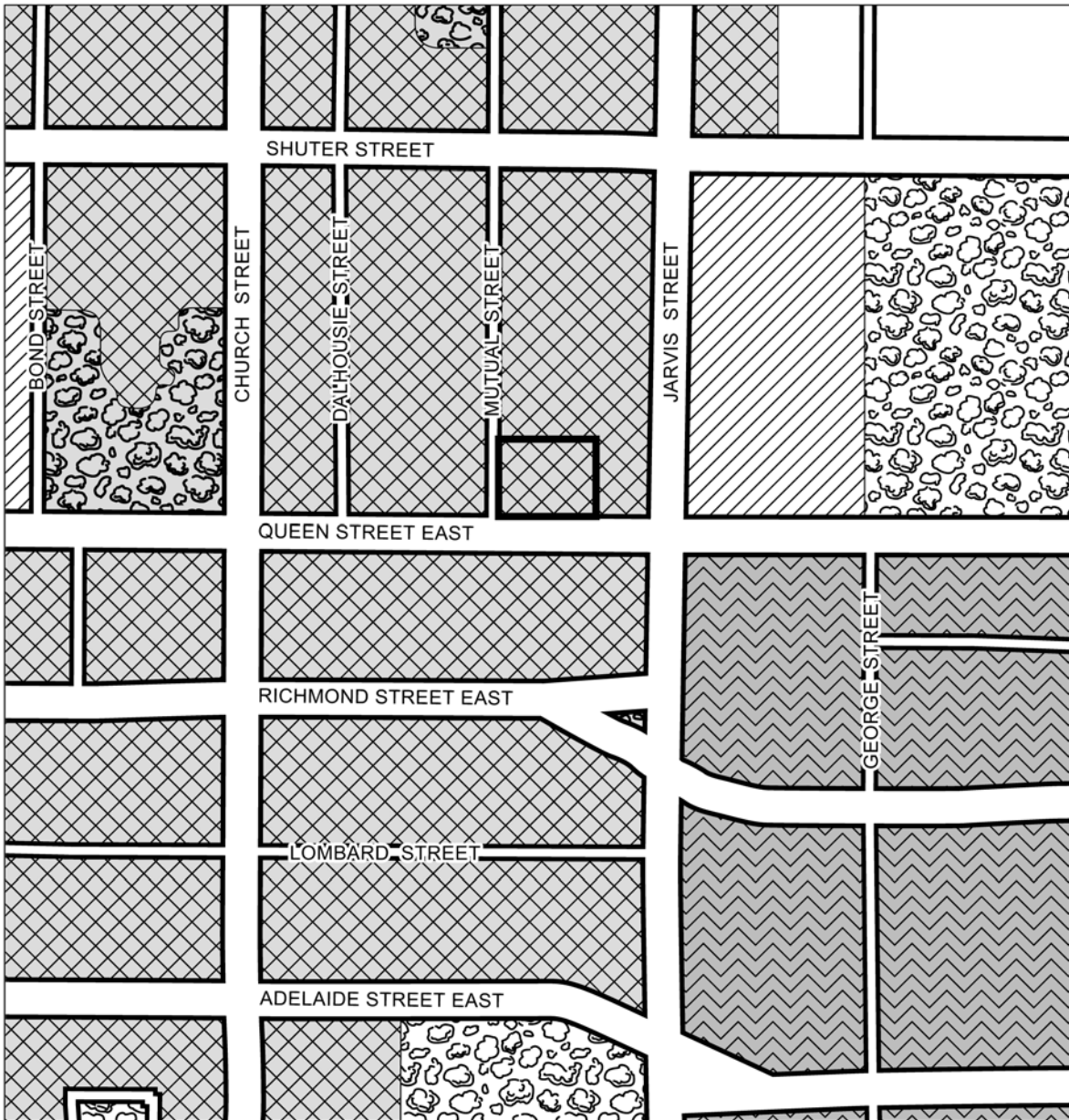
Attachment 2: Location Map



Attachment 3: Site Plan



Attachment 4: Official Plan Map



Official Plan Land Use Map #18

90-104 Queen Street East

File # 19 271140 STE 13 0Z

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|-------------------------|--------------------------|---------------------|
| Location of Application | Parks & Open Space Areas | Institutional Areas |
| Neighbourhoods | Parks | Regeneration Areas |
| Mixed Use Areas | Other Open Space Areas | |

↑
Not to Scale
01/04/2019

Attachment 5: Application Data Sheet

Municipal Address: 90 QUEEN ST E Date Received: December 21, 2018

Application Number: 18 271140 STE 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment to permit a 34-storey mixed-use building, with a height 107.95 metres to the top of the wrapped mechanical penthouse. The building will include a 3-storey base element that incorporates retention of the four storey Richard Bigley building (98 Queen St E) and the three storey facades of 100 to 104 Queen Street East. A total of 23,848 square metres of gross floor area is proposed, consisting of 356 dwelling units and 339 square metres of retail and community space.

Applicant	Agent	Architect	Owner
Kyle Galvin		IBI Group Architects	QM Developments Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR 4.0 (C2.0; r4.0) SS1 (x1920)	Heritage Designation:
Height Limit (m):	30 m	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 1,202 Frontage (m): 84 Depth (m): 31

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	667		1,070	1,070
Residential GFA (sq m):	1,412		23,509	23,509
Non-Residential GFA (sq m):	819		339	339
Total GFA (sq m):	2,231		23,848	23,848
Height - Storeys:	4		34	34
Height - Metres:			105	105

Lot Coverage Ratio (%): 89.05 Floor Space Index: 19.85

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	23,509	
Retail GFA:	243	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	96	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	3			
Freehold:	3			
Condominium:			356	356
Other:				
Total Units:	6		356	356

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		65	150	105	36
Total Units:		65	150	105	36

Parking and Loading

Parking Spaces:	61	Bicycle Parking Spaces:	396	Loading Docks:	1
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