

90 - 104 Queen Street East and 3 Mutual Street – Zoning Amendment Application and Rental Housing Demolition Applications – Final Report

Date: August 24, 2020

To: Toronto and East York Community Council

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

Ward 13 - Toronto Centre

Planning Application Number: *18 271140 STE 13 OZ and 19 112644 STE 13 RH*

SUMMARY

This application proposes to amend the Zoning By-law to permit a 34 storey mixed use development including commercial uses, an on-site community facility and 364 dwelling units with a total gross floor area of 23,345 square metres at 90-104 Queen Street East and 3 Mutual Street. The proposed building would have a height of 107.15 metres including the mechanical penthouse. The proposal includes three levels of underground parking.

This Rental Housing Demolition Application proposes to demolish an existing residential rental property containing a total of 10 dwelling units (five rental dwelling units and five owner occupied dwelling units) located at 90-104 Queen Street East and 3 Mutual Street. The applicant has not proposed to replace the demolished units within the proposed development, however the owner will be required to provide for tenant relocation assistance as a condition of demolition approval.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and conforms to the City's Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law. This report also recommends approval of the Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions. The proposed development has been designed in the form of a mixed use development that generally conforms with the guidelines and importantly addresses both on-site heritage resources and shadowing issues. The provision of both an on-site community facility and a range of dwelling unit types will help address both community service and housing issues. Staff recommend that Council support approval of the zoning by-law amendment application

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 90-104 Queen Street East and 3 Mutual Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 90-104 Queen Street East and 3 Mutual Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council approve the Rental Housing Demolition Application File No. 19 112644 STE 13 RH in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of five (5) existing rental dwelling units located at 90-104 Queen Street East, subject to the following condition:
 - a. The owner shall provide an acceptable tenant relocation and assistance plan to mitigate hardship for existing tenants of the existing five (5) existing rental dwelling units proposed to be demolished at 90-104 Queen Street East. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning.
5. City Council authorize the Chief Planner and Executive Director, City Planning, to issue the Preliminary Approval for the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 for the demolition of the five (5) existing rental dwelling units located at 90-104 Queen Street East after all of the following have occurred:
 - a. Satisfaction or securing of the condition in Recommendation 4 above;
 - b. The Zoning By-law Amendment(s) have come into full force and effect;
 - c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning, or their designate, pursuant to Section 114 of the City of Toronto Act, 2006;
 - d. The issuance of excavation and shoring permits (conditional or full permit) for the approved development on the site;

- e. The owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant;
- f. The execution and registration of an agreement pursuant to Section 111 of the City of Toronto Act, 2006 securing Recommendation 4 above; and
- g. The execution and registration of an agreement pursuant to Section 37 of the Planning Act.

6. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning has given Preliminary Approval referred to in Recommendation 5 above.

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for 98-104 Queen Street East after the Chief Planner and Executive Director, City Planning has given Preliminary Approval referred to in Recommendation 5 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that:

- a. The owner removes all debris and rubble from the site immediately after demolition;
- b. The owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
- c. The owner erects the proposed mixed use building on the site no later than four (4) years from the from the date that the demolition of such building commences, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning; and
- d. Should the owner fail to complete the proposed mixed use building within the time specified in Recommendation 7.c. above, the City Clerk shall be entitled to enter on the collector's roll, as with municipal property taxes, an amount equal to the sum of twenty thousand dollars (\$20,000.00) per dwelling unit for which a demolition permit is issued, and that such amount shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

8. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for 90-94 Queen on condition that:

- a. The Zoning By-law Amendments have come into full force and effect;
- b. The owner erects construction fences in accordance with the provisions of the Municipal Code, Chapter 363, Article 7, if deemed appropriate by the Chief Building Official;

c. The owner removes all debris and rubble from the site immediately after demolition; and

e. Any holes on the property are backfilled with clean fill.

9. Before introducing the necessary Bills to City Council for enactment, City Council direct that the owner of the lands at 90-104 Queen Street East and 3 Mutual Street shall provide, pursuant to Section 37 of the Planning Act, at no expense to the City, and secure such in the implementing Zoning By-law Amendments and enter into and register on title to the above noted lands, one or more agreements pursuant to Section 37, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor the following:

a. the owner shall provide community benefits having a value to be determined and be allocated at the discretion, and to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor

b. the cash contribution referred to in Recommendation 9(a) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;

c. in the event the cash contribution referred to in Recommendation 9(a) above has not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;

d. the Owner shall design, construct, finish, and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 351 square metres Community Agency Space as measured from interior side walls, located on the second floor and inclusive of the ground floor entrance and elevator, and subject to the following:

i. the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor;

ii. prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor;

iii. prior to conveyance of the community agency space to the City, the owner shall provide a one-time cash contribution in the amount of \$280,000.00 towards operating costs of the community agency space;

iv. prior to conveyance of the community agency space to the City, the owner shall provide a one-time cash contribution in the amount of \$560,000.00 towards the initial finishing costs, less the cost of constructing the kitchen, washrooms and janitorial closet, to be paid prior to conveyance to the City with the remaining funds to be used for future capital improvements to the community agency space;

v. the one-time cash contribution referred to in Recommendation 9(d)(iii) and 9(d)(iv) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;

vi. concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement, and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space; and

e. the owner has withdrawn its appeal(s) of Official Plan Amendment 352, and By-laws 1106-2016 and 1107-2016.

10. City Council also direct that the following be secured in the Section 37 Agreement as a legal convenience to as matters required to support development:

a. An acceptable tenant relocation and assistance plan shall be developed and implemented to mitigate hardship for existing tenants of the existing five (5) rental dwelling units proposed to be demolished. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

b. 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 or related construction machinery) and permanent structures are below or outside the protected flight path, as per By-law 1432-2017, to the satisfaction Chief Building Official and Executive Director, Toronto Building;

c. the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site;

d. requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor

e. Prior to any site plan approval for the site, the owner shall obtain from Metrolinx, or its successor, written confirmation to the Chief Planner and Executive Director, City Planning and City Solicitor, that the owner has satisfied any required technical or related review for any proposed below grade structural elements, including the manner of excavation and shoring for the development of the site as these matters relate to the Ontario Line tunnel; and

f. Prior to site plan approval for the site, should Metrolinx, or its successor, provide a recommendation related to any tiebacks, or similar mechanism, that may impact the City's right-of-way, the owner shall first obtain any required approvals from the City prior to agreeing to implement any recommendations from Metrolinx that may impact the City's right-of-way.

11. City Council authorize the appropriate City officials to take such actions as are necessary to implement City Council's decision, including execution of the Section 111 Agreement, Section 37 Agreement, and any other necessary agreement(s).

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

Multiple pre-application meetings were held during 2017 and 2018. The current application was submitted on December 21, 2018 and deemed complete. A Preliminary Report on the application(s) was adopted by Toronto and East York Community Council on March 19, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. Key issues identified at that time were: height and massing; shadowing; light, view and privacy impacts; appropriate amenity space and mix of dwelling units; heritage impacts and impacts to on-site rental housing.

The application, when submitted, proposed 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.

The Preliminary Report can be viewed here:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-130265.pdf>

Community consultation is summarized in the Comments section of this Report.

PROPOSAL

The applicant's revised proposal consists of a 34-storey (98.7m excluding mechanical penthouse or 107.15 m including mechanical penthouse) mixed-use development including retail uses at grade, a 351 square metres community facility on the second floor (with a ground floor lobby) and 364 dwelling units above. The development would be in a tower with podium form. The podium would incorporate and preserve portions of the existing 4-storey heritage buildings located on the west and south sides of the site. The podium varies in height from 3 to 4-stories. The tower would generally be stepped back from the podium edge from floors 4 to 9 in a reveal before partially projecting back out at the 10th floor. South tower stepbacks would occur at multiple levels starting at the 23rd level. There are no projecting balconies proposed but there are outdoor terraces at the various stepback levels. The proposed gross floor area would be 23,345 square metres which equates to a Floor Space Index of 19.4 under Zoning By-law 569-2013.

Ground floor space would include retail space on both Mutual and Queen Streets and a residential and community space lobby fronting Queen Street. Loading and vehicular access would be from Richard Bigley Lane at the rear of the property. Amenity space would be located on floors 2, 3 and 4. Bicycle parking would be located on floors P1 with direct access to a bike ramp and adjacent to the elevator core. Vehicular parking would be below grade with access from a vehicle elevator.

Other details of the proposal are shown in Table 1 below and in Attachment 1 and 7-12:

Table 1 – Summary of Application

Category	Proposed
Tower setbacks (floors 10-22)	
West to midpoint of Mutual Street	13 m
East to property line	2 m
North to midpoint of lane	4.5 m
South to midpoint of Queen Street	13.5 m
Public realm (building face to curb, excluding heritage buildings being retained)	
Mutual Street	6.2 m
Queen Street	6.4 m
Tower floorplate GCA (approximate)	
Floors 10 to 17	856 m ²
Floors 18 to 22	864 m ²
Floors 23 to 25	745 m ²
Floors 26 to 30	690 m ²
Average tower plate	754 m ²
Ground floor height	4.8 m
Vehicular parking	
Resident	26
Car Share	6
Bicycle parking	
Visitor	36
Resident	368
Loading spaces	
Type G	1
Amenity space	
Indoor	935 m ²
Outdoor	521 m ²
Unit Mix	
Studio	65 (18%)
One bedroom	172 (47%)
Two bedroom	91 (25%)
Three + bedroom	36 (10%)
Total	364

The Rental Housing Demolition Application proposes to demolish an existing residential rental property containing a total of ten dwelling units (five rental dwelling units and five owner occupied dwelling units) on the subject site. The applicant has not proposed to replace the demolished units within the proposed development, however, a tenant relocation and assistance plan will ensure they are relocated to alternative rental accommodations.

Site and Surrounding Area

The site is a corner site with 30.5 m of frontage on Mutual Street and 39.5 m on Queen Street East. The lot area is 1201.6 m². On-site there are a number of 1 to 4-storey commercial buildings with 5 rental dwelling units on upper floors. Two of these buildings

are heritage listed, being 3 Mutual Street and 98 Queen Street East. Refer to Attachment 2.

The site contains a mix of residential, commercial and office uses, as outlined below:

- 90 to 94 Queen Street East: ground floor commercial units and two (2) owner-occupied residential dwelling units;
- 98 Queen Street East: three (3) registered condominium units;
- 100 to 104 Queen Street East: commercial units and five rental dwelling units comprised of four (4) one-bedroom units and one (1) three-bedroom unit. All five existing rental dwelling units have rents that are considered mid-range. At the time of this report, all five of the existing rental dwelling units were occupied by tenants;
- 3 Mutual Street: 4-storey office building

The surrounding uses are as follows:

North: Richard Bigley Lane and to the north of that an 11-storey apartment building.

South: On the south side of Queen Street, a range of 4 to 12 -storey mixed-use or commercial buildings.

West: Mutual Street and on the west side of Mutual Street a commercial parking lot which is presently subject of site plan applications for three mixed use towers of 27, 28 and 49-stories including a POPS immediately opposite.

East: 3-storey commercial buildings with some residential apartments on the upper floors.

Reasons for Application

The proposal requires an amendment to the Zoning By-law for an increase in density and height along with changes required to setbacks, parking and amenity space provisions.

The applicant has submitted an application for a Rental Housing Demolition Permit because the proposed development will require the demolition of at least six residential dwelling units, of which at least one of these residential dwelling units is a rental dwelling unit.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted with the application:

- Complete Community Assessment
- Tree Inventory and Preservation Plan Report

- Draft 438-86 and 569-2013 Bylaws
- Energy Strategy Report
- Phase 1 and Phase 2 Environmental Site Assessment
- Hospital Flight Path analysis
- Geotechnical Investigation
- Heritage Impact Assessment
- Housing Issues letter
- Hydrogeological Review
- Noise and Vibration Impact Study
- Pedestrian Level Wind Assessment
- Planning and Urban Design Rationale (including Community Services and Facilities Study)
- Public Consultation Strategy Report
- Functional Servicing Report
- Stormwater Management Report
- Shadow Study
- Toronto Green Standards Checklist
- Transportation Impact Study

These reports/studies can be viewed through the Application Information Centre (AIC) here: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto East York Community Council *for this application, as these submissions are broadcast live over the internet and recorded for review.*

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient supply and provision of housing options to meet changing needs including affordable housing;
- ensuring opportunities for employment opportunities and job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs;
- conservation of significant built heritage resources;
- provision of public service facilities to serve the needs of new and existing residents in the area; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Conservation of cultural heritage resources, particularly in strategic growth areas;
- 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.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an

approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSA's achieve appropriate densities.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and Official Plan Amendment 82, Official Plan Amendment 352 (implementing By-laws 1106-2016 and 1107-2016) and Official Plan Amendment 406 (Downtown Plan) as follows:

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Chapter 2 – Shaping the City

Policy 2.2.1 Downtown: The Heart of Toronto

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. The Official Plan states that: "while we anticipate and want Downtown to accommodate growth, this growth will not be spread uniformly across the whole of Downtown."

Policy 2.2.1.3 c) and d) refers to the quality of the Downtown will be improved by enhancing existing parks and strengthening the range and quality of the social, health and community services located Downtown.

Policy 2.2.1.4 states that a full range of housing opportunities will be encouraged through residential intensification in the *Mixed Use Areas* of Downtown.

Chapter 3 – Building a Successful City

Policy 3.1.1 The Public Realm

Policy 3.1.1 provides direction to the importance of the public realm including streets, sidewalks, boulevards, open space areas, parks, and public buildings.

Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by: a) providing well designed and co-ordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements; and b) locating and designing utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural, pedestrian and visual environment and enable the planting and growth of trees to maturity.

Policy 3.1.2 Built Form

Policy 3.1.2.1 states new development will be located and organized to fit within its existing and/or planned context.

Policy 3.1.2.2 requires new development to locate and organize vehicle parking and vehicular access, service areas and utilities to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

Policy 3.1.2.3 requires new development to be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks open spaces and properties by: massing new buildings to frame adjacent streets and open spaces that respects the street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and minimizing any additional shadowing on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view.

Policy 3.1.2.5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Policy 3.1.3 Built Form – Tall Buildings

Policy 3.1.3 states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right-of-way.

Policy 3.1.3.2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Policy 3.1.5 Heritage Conservation

Policy 3.1.5 provides policy direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties. Two buildings on the subject site are listed as heritage properties.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Policy 3.1.5.5 requires proposed alterations or development on or adjacent to a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.

Policy 3.1.5.26 requires new construction on, or adjacent to a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate the visual and physical impact on it.

Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, St. James Cathedral being one of those properties.

Policy 3.2.1 Housing

Section 3.2.1 of the Official Plan provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

Policy 3.2.3 Parks and Open Spaces

Policy 3.2.3 refers to the system of parks and opens spaces. Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, will be minimized as necessary to preserve their utility.

Chapter 4 – Land Use Designations

Policy 4.5 Mixed Use Areas

The subject lands are designated *Mixed Use Areas* on Map 18 of the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. (Refer to Attachment 3)

Policy 4.5.2 c) states development within *Mixed Use Areas* will locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights.

Policy 4.5.2 e) states development will frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Policy 4.5.2 i) refers to development that will provide an adequate supply of parking for residents and visitors and in 4.5.2 j) locate and screen service areas, ramps, and garbage storage to minimize the impact.

Policy 4.5.2 k) also refers to development that will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Policy 4.8 Institutional Areas

Policy 4.8.4 states that buildings will be sited and massed to protect the continued use of flight paths to hospital heliports. The applicable helicopter flight path is the St. Michael's Hospital helicopter flight path.

Chapter 5 – Implementation

Policy 5.1.1 Height and/or Density Incentives

This policy refers to Section 37 of the Planning Act and establishes the provisions under which Section 37 may be used.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making and in Policy 5.6.1.1 that policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

Official Plan Amendment 82 - Garden District Site and Area Specific Policy 461

This site is adjacent to the area subject to Official Plan Amendment 82 (OPA 82). The purpose of OPA 82 is to set the framework for new growth and development in the area while protecting those areas that should continue to remain stable. Key Objectives include 2.1 which references the provision of a full range of housing in terms of form, tenure and affordability and 2.5 which states that height and density of development will be encouraged at appropriate locations taking into account massing to protect the public realm taking into consideration shadowing, skyview and separation distances.

Policy 3.2 identifies tall building sites and specifically prohibits tower development on all other sites. Tall buildings are not permitted on the lands to the immediate east of this application.

Policy 3.5 refers to no net new shadows of Moss Park at specified times of the year.

The Garden District Site and Area Specific Policy can be found here:

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

Official Plan Amendment 352 – Downtown Tall Building Setback Area

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.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Official Plan Amendment 406 - The Downtown Plan

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council May 22, 2018 and Approved by the Ministry June 5, 2019. Downtown includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. This application was deemed complete prior to June 5, 2019 and as such the plan does not currently apply to this application. However, the policies in the plan are informative as to the future direction.

The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – 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. The Plan 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.

The Downtown Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

Official Plan Amendment to Further Protect Heritage Views of City Hall, Old City Hall and St. James Cathedral

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.

The draft Amendment can be found here

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

The outcome of staff analysis and review of relevant Official Plan policies and designations and Secondary plans noted above are summarized in the Comments section of the Report.

Zoning

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/>

Airport Zoning Regulation - St. Michael's Hospital Helicopter Flight Path

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 as authorized by an agreement between the City of Toronto and Federal Ministry of Transportation under the Aeronautics Act. In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4 and Downtown Policy 9.29, any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities has to be below or outside the protected flight path. The development site is within the St. Michael's Hospital helicopter flight path.

The by-law can be found here: <https://www.toronto.ca/legdocs/bylaws/2017/law1432.pdf>

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Downtown Tall Buildings: Vision and Supplementary Design Guidelines and the Growing Up Draft Urban Design guidelines.

City-Wide Tall Building Design Guidelines

City Council in 2013_ adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here: <https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings.

Map 1 from the Downtown Tall Building Guidelines identifies the north side of Queen Street as a High Street with heights anticipated from 15 to 25 stories (47 m – 77 m).

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

Growing Up Draft Urban Design Guidelines

On July 28, 2020, Toronto City Council adopted the updated Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines ("Growing Up Guidelines"). The update was based on the continued review and assessment from the draft guidelines adopted by Council in July 2017. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Growing Up Design Guidelines was considered in the review of this proposal. The guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Retail Design Manual

The Retail Design Manual is anticipated to be on a future Planning and Housing Committee agenda with an anticipated recommendation that the Retail Design Manual be applied in the evaluation of proposals with a retail presence. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing ground floor retail spaces.

The Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2020/01/960d-Toronto-Retail-Design-Manual-December-2019.pdf>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

Rental Housing Demolition and Conversion By-law

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the Toronto Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner and Executive Director, City Planning Division.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Pursuant to the City's Residential Demolition Control By-law, Chapter 363 of the Toronto Municipal Code, City Council approval of the demolition of residential dwelling units under Section 33 of the *Planning Act* is also required where six or more residential dwelling units are proposed to be demolished, before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike Planning Act applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal (LPAT).

On February 17, 2019, the applicant made an application for a Rental Housing Demolition Permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

As per Chapter 667-14, a tenant consultation meeting was held on December 11, 2019 to review the City's housing policies, discuss the applicant's proposal and outline the components of a typical Tenant Relocation and Assistance Plan. This meeting concluded with a question and answer period. This meeting was attended by 5 tenant households, City Planning staff and the applicant.

Site Plan Control

The subject site and proposed development are subject to Site Plan Control. An application has not yet been submitted.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). Provincial plans are intended to be read in their entirety and relevant

policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any of the policies of the Plans.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate affordable and market-based range and mix of residential uses,
- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development accommodating a significant supply and range of housing options through intensification and redevelopment,
- Policy 1.1.3.4 which refers to appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety,
- Policy 1.4.3 references an appropriate range and mix of housing options and densities and in a) establishing minimum targets for affordable to low and moderate income households and in f) establishing development standards for residential intensification,
- Policy 1.7.1 e) which refers to 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 1.6 which refers to the provision of public service facilities,
- Policy 2.6.1 states that significant built heritage resources shall be conserved, and
- Policy 2.6.3 which prohibits 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.

The PPS references development standards, appropriate range and mix of housing, provision of public service facilities (community facility) as well as conservation of heritage resources. Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key. The proposed development represents an appropriate level of intensification for the site in a settlement area, within the Downtown where the City has directed growth. Further, the site can accommodate the level of intensification proposed in accordance with section 2, in particular conservation of heritage resources on the site and providing an appropriately massed and scaled built form.

As further discussed below, the consistency with the PPS relates to the provision of healthy communities through the mix of commercial and residential uses including the provision of an on-site public service facilities (community facility) within the

development. Additionally, the proposed massing incorporates appropriate development standards as well as addressing heritage conservation matters as described and assessed later in this report. As such, in the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, is consistent with the Provincial Policy Statement (2020).

Growth Plan

The key Growth Plan policies applicable to this development are:

- Policy 1.2.1 which refers to the achievement of complete communities, the efficient use of land, a range and mix of housing options to serve all sizes, incomes and ages of households, improve the integration of land use planning with planning in public service facilities (community facility) and conservation of cultural heritage resources,
- Policy 2.2.1.4 a) refers to the achievement of complete communities that feature a diverse mix of land uses including residential and employment uses and convenient access to local stores and public service facilities (community facility) and in c) a range and mix of housing options to accommodate the needs of all household sizes,
- Policy 2.2.1.4 e) which provides for a more compact built form, and a vibrant public realm,
- Policy 2.2.2.4 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas and 2.2.2.4 f) which refers to implementation through official plan policies and designations and other supporting documents,
- Policy 2.2.4.2 refers to maximizing the number of potential transit users that are within walking distance of major transit station areas,
- Policy 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes, and
- Policy 4.2.7.1 which states heritage resources will be conserved.

In implementing these policies, Growth Plan Policy 5.2.5.6 states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. As such, the City's Official Plan and design guidelines have direct relevance for assessing Growth Plan conformity.

As with the PPS, the development site is located in an Urban Growth Centre which is directed for intensification. While growth is not uniform across the Downtown Urban Growth Centre, the policies of the Official Plan contemplate appropriately massed and scaled built form, that development conserves heritage resources, protects for public health and safety (through the avoidance of the helicopter flight paths) and provides for intensification, on this site, is appropriate.

As further discussed below, the application proposes a mix of uses including an on-site public service facility (community facility) that has been designed to maximize density while providing for an appropriate type and scale of development. The proposal is in the form of a complete community which is in a compact form and represents an

appropriate type and scale of development. Additionally, the tower and podium stepbacks provide for the conservation of cultural resources. In the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, conforms to the Growth Plan for the Greater Golden Horseshoe (2019).

The review of the proposed built form in relation to applicable Official Plan policies and relevant guidelines and their link in assessing PPS consistency and Growth Plan conformity is further examined below.

Conformity with Growth Targets and Density Targets

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The site is within the Urban Growth Centre of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are provided for the various urban growth centres in the City at a rate of 400 ppl/jobs per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto Urban Growth Centre area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates the growth and growth in density of the Urban Growth Centre.

Table 1: Downtown Toronto Urban Growth Centre

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto Urban Growth Centre area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet built (see Profile

Toronto: How Does the City Grow 2019). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2019). In addition, there would remain an additional ten years for additional approved development to occur.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown Urban Growth Centre. The density target is to be measured across the whole of the Downtown Urban Growth Centre (Policy 5.2.5.4 of Growth Plan).

Land Use

The site is designated *Mixed Use Areas* in the City of Toronto Official Plan. Policy 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The text of Section 4.5 of the Official Plan clarifies that not all *Mixed Use Areas* will experience the same scale or intensity of development.

In OPA 406 (Downtown Plan) (not applicable for this proposal) the site is designated *Mixed Use Areas 2 – Intermediate*. Policy 6.25 and 6.26 states that building typologies will respond to their site context and that scale and massing will be compatible with the existing and planned context.

The proposed land use is mixed use featuring residential and retail uses as well as an on-site community facility which conforms with the in-force *Mixed Use Area* policy for permitted land uses. The mix of uses represents a form of complete community with the inclusion of an on-site community space. Although the proposed land use would be permitted, the built form must respond to the planned and built form context and minimize impacts. The built form is reviewed and assessed in the following sections.

Built Form

The proposed built form has been reviewed against the Official Plan, including OPA 82, and the approved but not in effect for this application OPA 406 and OPA 352 as well as relevant design guidelines described in the Issue Background Section of the Report.

The proposed development has been assessed in terms of the context and separation distances, tower floorplate and placement, height and issues related to shadowing, view corridor and the helicopter flight path. The podium is separately assessed in terms of both massing and conservation of heritage resources.

Tall Building - Context and Separation Distances

The planned and built form context as it relates to tall building separation distances is one of the key considerations when assessing appropriate built form. The general intent is that sufficient separation distances be achieved to ensure light, view and privacy impacts are appropriately addressed for both residents within a building and for pedestrians on the street.

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. Policy 3.1.2.3 d) refers to limiting impacts by providing for adequate light and privacy while 3.1.2.4 refers to adequate access to skyview. Tall Building Policy 3.1.3.2 c) states that tall buildings will demonstrate how they will relate to the existing and/or planned context.

OPA 82, the Site and Area Specific Policy for the area east and immediately adjacent to the site, identifies where tall buildings are permitted and where they are not permitted in Policy 3.2. Tall Buildings are not permitted on the lands to the east of the site.

OPA 352 Policy B i) refers to tall buildings to provide setbacks from the lot lines so that individual tall buildings and the cumulative effect of multiple tall buildings within a block fit in with the existing and/or planned context. Policy B ii d), e) and f) further reference access to natural light, a reasonable level of privacy for occupants, pedestrian level and occupant views between towers.

OPA 406 Policy 3.3 states new buildings will fit within their existing and planned context and provide compatibility between differing scales of development. Policy 9.25.3 refers to built form adjacencies from tall to tall buildings through the application of separation distances and tower orientation.

Tall Building Design Guideline 1.1 refers to context and defines a 250 m and 500 m radius for that context. Guideline 1.3 refers to tall buildings fitting within the existing or planned context. Guideline 3.2.3 further identifies minimum tower separation distances of 25 m between towers.

The applicant is proposing a tall building on a corner lot. The placement of any tall building must fit within the planned context. The context features a mix of built forms and a range of heights. In the wider geographic area (250 metre radius) there are a number of tall buildings with maximum planned or built heights ranging from the 30 to 50-story range. In the immediate vicinity of the site, the adjacent buildings to the north are 11-stories (25 Mutual Street) and to the west 51 stories (88 Queen Street East). Further north on the same block, 79-85 Shuter was approved for a 32-storey tall building.

The applicant has demonstrated how their tall building would fit within this planned context while achieving the minimum required setbacks of either 25 m to an adjacent tower or 12.5 m to the mid-point of an adjacent right-of-way. To the east, the setback is premised on Official Plan policy which designates those adjacent lands as Mixed Use

Areas but prohibits tall buildings on those lands and on that basis in accordance with the Official Plan and OPA 352, the reduced east setback is appropriate given the adjacent planned context.

Tall Building Separation distances	
North	30.6 m to adjacent tower at 25 Mutual Street
South	13.5 m setback to mid-point of Queen Street right-of-way
East	2 m setback to property line with no projecting balconies. Tall Buildings not permitted on these adjacent lands as per OPA 82
West	13.0 m setback to mid-point of Mutual Street right-of-way

The proposed 34-storey tall building fits within the existing and planned context and has been located and organized to fit with appropriate separation distances.

Tall Building - Floor Plate and Placement

The achievement of appropriate massing is related to the previously assessed tower separation distances and light, view and privacy issues. In this section of the report the analysis of massing involves an assessment of tower floor plates, setbacks and stepbacks which is more nuanced to the on-site and adjacent impacts.

Official Plan Built Form Policy 3.1.2.3 d) and e) states that new development will limit its impact on neighbouring properties by creating appropriate transitions in scale to neighbouring buildings. *Mixed Use Areas* Policy 4.5.2 c) references appropriate setbacks and/or stepping down of heights between areas of different intensity and scale.

OPA 352, Council approved but not in full force and effect, Policy B) i) states that development will provide setbacks from the lot line.

Downtown Policy 9.13 to 9.15 refers to tall building floorplates designed to adequately limit shadow impacts on the public realm and neighbouring properties and maintain adequate skyview from the public realm. Step backs and/or limiting building floorplates allow daylight and sunlight to penetrate the street and lower building levels. Generally, floorplates would be a maximum of 750 square metres although increases may be appropriate where impacts are addressed. Additionally, policies 9.22 to 9.27 refer to transition in scale through the use of setbacks, step-backs and tower orientation among other means.

Tall Building Guideline 1.3 refers to an appropriate transition in scale to lower scaled buildings and in Guideline 3.2.2 to placing towers away from neighbouring properties. Guideline 3.2.1 limits tower floor plates to 750 square metres including all built areas within the building but excluding balconies. Guideline 3.2.2 refers to minimum tower stepbacks of 3m which is illustrated in Guideline 3.2.3.

The proposed development is massed in a podium tower form with the podium ranging from 3 to 4-storeys in height and the tower above that. The tower component of the development steps back from floors 4 to 9 before projecting out at the 10th level. The mid and upper levels of the tower include a series of stepbacks on the south side resulting in smaller floorplates for the upper levels of the tower. The tower floor plates

vary from 856 square metres to 302 square metres but average 754 square metres Gross Construction Area (GCA) with no projecting balconies. GCA is a measurement of floor space which relates directly to the 750 square metres referenced in the Tall Building Guidelines. The lower floors of the tower (floors 10-22) maintain a 3 m stepback from the Mutual Street podium edge, 3.5 m from the Queen Street podium edge and approximately 2.0 m from both the east and north podium edges. The upper floors of the tower would increase the Queen Street stepback.

The proposed tower massing and resultant south stepbacks is in direct response to the requirement to eliminate shadows on Moss Park during the protected times. The tower floor plate has been minimized at its upper levels and is substantially less than the 750 square metres on its upper levels. With an average floor plate of 754 square metres and stepbacks ranging from 2 to 3 metres the tower massing conforms to the general intent of the guidelines. The adjacent developments to the east are designated Mixed Use Areas and as such are anticipated to be redeveloped over time in a mid-rise form as per the policies of OPA 82 which would not permit tall building development. It is noted that OPA 82 defines a tall building as anything taller than the width of the right-of-way, therefore any development to the east would be anticipated to be no higher than 20 metres (approximately 6-stories). Given the goal of protecting Moss Park from net new shadow impacts, the proposed tower floor plate and resultant stepbacks are satisfactory.

Tall Building - Height and Shadowing

There are multiple Official Plan policies that refer to shadowing. Official Plan Built Form Policy 3.1.2.3 e) refers to limiting shadowing on neighbouring streets, properties and open spaces and in f) minimizing additional shadowing on neighbouring parks 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.

Although the site is not within the boundaries of the Garden District (OPA 82), Policy 3.5 of OPA 82, 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 and in Policy 3.6, on the playground of Ecole Gabriele Roy from September 21 to June 21 from 10:00 am to 4:00 pm.

Downtown Policy Policy 9.17 and 9.18 states development will adequately limit shadows on sidewalks, parks, open spaces and institutional open spaces as necessary to preserve their utility. Also, development will adequately limit net new shadows on Moss Park as measured from March 21 to September 21 from 10:18-4:18 pm.

These policies are expanded on by Tall Building Guideline 1.3 (a) which refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties and by Guideline 1.4 which refers to protecting access to sunlight and sky view within the surrounding context of streets, parks, open space and other shadow sensitive areas.

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 and on non signature parks (Arena Gardens and the approved park at 88 Queen Street) from 12:00 noon to 2:00 pm on September 21st. The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development. The submitted shadow studies show the proposed tower would shadow:

- Moss Park, (designated *Parks*) 6:18 pm (March 21) and 3:18 pm (December 21);
- Arena Gardens (designated *Other Open Space Areas*) 10:18 am (December 21).

The proposed shadowing would not impact Ecole Gabriele Roy or the newly approved park at 88 Queen Street East. The shadows that are being generated fall outside the protected times identified by the policies and guidelines. Through careful siting of the proposed development and particularly tower sculpting, any shadows that are being generated fall within the shadow sweep of existing approved developments, particularly from 88 Queen Street East. The proposed shadowing outside of the protected times is relatively minor and would not significantly affect the utility of the parks, the proposed shadowing is acceptable in this instance and in this context.

Tall Building - Height and St. James View Corridor

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. The draft Amendment can be found here <https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

Urban Design, in consultation with Heritage Planning, 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 tall building would not intrude into either the existing or proposed St. James Cathedral view corridor.

Tall Building - Height and Helicopter Flight Paths

Official Plan Policy 4.8.4, Airport Zoning Regulation (By-law 1432-2017) and Downtown Policy 9.29 requires new buildings to be sited and massed to protect the helicopter flight paths. Any development including all temporary and permanent structures would have to be below or outside the protected flight path.

The development site is located partly within and partly outside the St. Michaels Hospital helicopter flight path. The application has been circulated to both St. Michaels Hospital and Toronto Buildings for an assessment as to whether the proposal and its implementing by-laws conform to the flight path. St. Michael Hospital, through its consultant, has confirmed that there is no impact to the flight path. Toronto Buildings has also reviewed the draft by-law and determined there is no impact. However, at the building permit stage of the application there will be a subsequent review by Toronto Buildings which includes crane swing impacts. It is recommended that, as a matter required to support the development, a provision be included in a Section 37 Agreement that 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.

Podium Massing

The podium, or base building, is what is typically experienced by pedestrians. Official Plan Tall Building Policy 3.1.3.1 a) refers to base buildings at an appropriate scale for adjacent streets and to integrate them with adjacent buildings.

Downtown Policy 9.8.1 states that base buildings will be designed to relate to the scale and proportion of adjacent streets; in Policy 9.8.2 that base buildings will fit compatibly within the existing and planned context of neighbouring streetwall heights and in Policy 9.9 that development will provide a transition from the base building to relate to adjacent properties with a lower scaled planned context.

Tall Building Design Guideline 3.1.1 refers to the base building height being consistent with the existing street wall context and refers to base building heights being a maximum of 80% of the width of the adjacent right-of-way. Guideline 3.2.2 states that base buildings to be the primary defining element for the site and adjacent public realm with towers setback 3 metres from the base building along all street frontages. Guideline 4.3 refers to the pedestrian level wind effects and the need to setback towers to reduce undesirable downward wind flows.

The proposed podium is 3-stories (11.4 m) in height but significantly incorporates two 4-storey (approximately 16 m) heritage buildings. The new construction steps back 3 m from the Mutual Street heritage façade and 2.5 m from the Queen Street heritage façade to preserve the 3 dimensional aspects of those heritage buildings, as referenced in the Heritage section of this report.

The width of the adjacent Mutual and Queen Street right-of-ways is 20 m. This implies a maximum podium height of 16 m based on the 80% of right-of-way provision from the guidelines. An appropriate podium height is also informed by the height of adjacent developments. The developments to the east are 3-stories in height and to the north 11-stories.

The proposed podium either preserves heritage resources in situ or matches the height of adjacent buildings along Queen Street. As such, the proposed podium massing is appropriate.

Heritage

Official Plan Policy 3.1.5.2 states that properties of potential cultural heritage value or interest will be identified and evaluated while 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.

Through not in effect for this application, Downtown Policy 9.10 refers to development on sites that include or are adjacent to heritage properties will include base buildings that are compatible with the streetwall; height, articulation, proportion and alignment thereof.

Tall Building Design Guideline 1.6 refers to tall buildings to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties. The Downtown Tall Buildings: Vision and Supplementary Design Guideline 3.4 refers to locating and designing tall buildings to respect and complement the scale, character, form and setting on on-site and adjacent heritage properties.

The development site includes two buildings which are presently listed. These are 98 Queen Street East (Richard Bigley building) and 3 Mutual Street. The application proposes to incorporate these buildings into the development. The subject property is also adjacent (across the street) to 99, 107, 109, 111, 115 and 123 Queen Street East which were designated June 20, 1973 under Part IV of the Ontario Heritage Act.

The applicant submitted a Heritage Impact Assessment. Heritage staff reviewed this report in conjunction with the proposed built form and subsequently reported to Toronto Preservation Board on August 27, 2020 to recommend that Toronto City Council designate the properties at 98, 100, 102 and 104 Queen Street East and 3 Mutual Street under Part IV, Section 29 of the Ontario Heritage Act. Additionally, the report will recommend approval of the proposed alterations to the heritage properties and a requirement to enter into a Heritage Easement Agreement and provide a detailed Conservation Plan.

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.

Downtown Policy 9.1.2 refers to development being encouraged to contribute to liveability by improving the public realm. Additionally, Policy 9.5 refers to a 6 m curb to building face easement as a community benefit and in Policy 9.6 the potential to reduce this easement given the historic character of street-oriented buildings, on site heritage resources or the prevailing pattern of buildings with lesser setbacks.

Tall Building Design Guideline 4.2 also recommends a minimum 6 metres wide sidewalk zone.

The applicant is proposing a 6.2 m pedestrian realm setback (building face to curb) on Mutual Street and 6.4 m on Queen Street East for those parts of the development where there are no heritage buildings. The setbacks are reduced where heritage buildings are being retained in situ. The setbacks reflect either the retention in situ of the heritage buildings or the minimum 6 m setback and as such, they are appropriate.

The northeast corner of Queen Street East and Jarvis Street, part of the Federal Armory lands, was improved several years ago to add gardens and Garden District branding. The original plantings have not survived, owing to a lack of irrigation systems and frequent trampling. The Garden District Residents Association has been advocating for new plantings and new fencing to provide the permanent landscaping that was originally intended. As part of improving the public realm, and in consultation with the Councilor's office, the Applicant has agreed to contribute to the cost, to a maximum contribution of \$60,000.00, for the installation of a city standard low decorative barrier (with details to be coordinated with the Councillor's office) to protect plantings in this location.

With respect to wind impacts on the pedestrian realm, Official Plan Policy 4.5.2 e and Tall Building Guideline 4.3 refer to comfortable wind conditions and the protection of the pedestrian realm from wind impacts. Policy 9.1.2 of the Downtown Plan refers to development contributing to liveability by reasonably limiting uncomfortable wind conditions. The applicant has provided a Pedestrian Level Wind Assessment which concludes that wind effects are not significant to affect comfortable use of grade-level areas including the adjacent POPS to be located on the west side of Mutual Street opposite this development site. For the south-east corner of the outdoor amenity area, mitigation may be recommended in the form of perimeter wind screens depending on the proposed use in that corner. This would be secured through the Site Plan application process.

Housing - Unit Mix and Unit Sizes

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe and the City's Official Plan clearly acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs of a wide range of people throughout their life cycle is essential to the creation of complete communities. Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing and shared and/or congregate-living housing. Downtown Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities.

Through not in effect at the time of this application, Downtown Policy 11.1 states that to achieve a balanced mix of unit types and mixes, developments containing more than 80 units will include:

- a minimum 15% of the total number of units as 2-bedrooms;
- a minimum 10% of the units as 3 bedrooms; and
- an additional 15% of the units will be 2 and/or 3 bedroom units or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures.

The Growing-Up Guidelines provide similar direction on the recommended mixture of residential unit types and unit sizes for multi-unit developments.

The applicant is proposing 65 (18%) bachelor units, 172 (47%) one-bedroom, 91 (25%) two-bedroom and 36 (10%) three bedroom units. Staff are of the opinion that the proposed unit mix generally supports the unit mix objectives of the Growing Up Guidelines and applicable Official Plan and provincial policies in order to accommodate, within new developments, a broad range of households including families with children.

Tenant Relocation and Assistance

Staff recommend that the demolition of the 5 residential rental units at 100-104 Queen Street East occur once all the necessary approvals have come into full force to ensure the buildings are not prematurely demolished.

As a condition of approval, the applicant has agreed to provide tenant relocation and assistance to all eligible tenants. As part of this plan, all eligible tenants would receive the following:

- At least 6 months' notice of the date that they must vacate their rental unit;
- Compensation equal to 3 month's rent pursuant to the Residential Tenancies Act;
- Additional compensation based on length of tenure;
- A move-out moving allowance; and
- Additional compensation for special needs tenants, with the final determination by the Chief Planner and Executive Director, City Planning.

As proposed, the Tenant Relocation and Assistance Plan achieves the City's current practices and will be secured through one or more agreements with the City, all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

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. Downtown Policy 9.30 to 9.36 refers to the encouragement of amenity space to be designed in an appropriate form. Downtown Policy 9.36 also encourages the provision of pet amenity areas. These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 square metres of indoor and 2.0 square metres of outdoor amenity space for each unit, and Zoning By-law 569-2013 which requires a minimum of 4.0 square metres of amenity space for each unit (of which at least 2 square metres shall be indoor).

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 935 square metres (2.6 square metres per dwelling unit) of indoor and 521 square metres (1.4 square metres per dwelling unit) of outdoor space proposed for a total of 1,456 m² (4 square metres per dwelling unit). The amenity space has been provided on levels 2, 3 and 4 and been designed so that the majority of the indoor space is adjacent to the outdoor space. A pet amenity space has also been provided on the 4th floor.

The proposed amenity space conforms with the provisions of Zoning By-law 569-2013 and as such is appropriate.

Traffic Impact, Access, Parking and Loading

A Transportation Impact Study was submitted with the application and has been reviewed by staff. Vehicular access and egress to the site would be from Mutual Street via the Richard Bigley Lane with vehicles entering and leaving in a forward motion. The proposed development would provide vehicular parking and loading in a three-level underground parking garage accessed via elevator with loading at-grade within the building podium.

The proposal includes 26 parking spaces (21 resident and 5 car share), 364 bicycle parking spaces and 1 Type G loading space. The proposed parking and loading space standards is also acceptable and have been incorporated into the implementing draft by-law.

Transportation Services also commented that a lane widening conveyance will be required as part of a subsequent Site Plan application.

In addition to Transportation Services comments, Metrolinx has commented that the subject lands are located immediately adjacent to the planned Ontario Line Subway that is being designed to operate in a tunnel configuration within and along the Queen Street East right-of-way. Detailed designs for this priority transit project remain in development, and in the vicinity of the subject site, the precise horizontal and vertical alignment of the future subway tunnel(s) has yet to be finalized. Notwithstanding the incomplete detailed designs for the Ontario Line subway, Reference Concept Design work has sufficiently advanced in the vicinity of the subject site for Metrolinx to confirm that it has no objection to the approval of the Zoning By-law amendment application. While Metrolinx has indicated that they will work with the applicant via and outside of the Site Plan process to ensure that underground structural element, as well as the manner of construction, do not impact the design or delivery of the Ontario Line tunnel(s) in the vicinity of the site, the recommendations of this report ensure that through the site plan approval process those measures are appropriately considered and implemented prior to site plan approval as there may be impacts to the City right-of-way that are more appropriately dealt with through site plan control.

Site Servicing

The applicant submitted a Functional Servicing Report, Stormwater Management Report, Hydrogeological Review and Geotechnical Investigation. Engineering and Construction Services has reviewed the reports and advises that there are no issues related to the zoning component of this application. They do however require as a condition of approval that the applicant pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report should it be determined that improvements to such infrastructure are required to support the development.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of 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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland 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 cash-in-lieu. The non-residential component of this proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade permit.

Urban Forestry

An Arborist Report and Tree Inventory and Preservation Plan was submitted by the applicant. The report indicates there are three city owned trees and one privately owned tree proposed for removal.

Urban Forestry commented that a total of 3 new large-growing shade trees are required to be planted in the City road allowance in compensation for the proposed removal of the three existing street trees. The landscape plans propose five new street trees within the road allowance which satisfies the compensation requirements for the City owned trees. An 'Application to Injure or Remove Trees' in the amount of \$1,449.32 will be required.

Additionally, Urban Forestry requires three new large growing shade trees as compensation for the removal of a healthy privately owned tree. As part of a subsequent Site Plan application City Planning will be looking for the appropriate provision of trees.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

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.

Official Plan Policy 3.2.2.7 refers to the inclusions of community services facilities being encouraged in all significant private sector developments. Downtown Policy 10.2 states that development will be encouraged to contribute to the delivery of community facilities as a community benefit and in Downtown Policy 10.3.1 that they be located in highly visible locations.

The applicants submitted a Community Services and Facilities Study. Staff have reviewed the report and commented on the need for a range of community facilities including on-site multi-purpose community space. The application proposes an on-site 351 square metre community facility on the second floor of the podium with direct access to a ground floor lobby. This space and its configuration has been reviewed by staff and deemed satisfactory. The owner would convey the space to the City and the City would occupy, lease or sub-lease the space to a non-profit operator at below market rent. The community space would be subject to the City's Community Space Tenancy (CST) Policy under which a selection process (REOI) would be undertaken by the City to identify qualified non-profit organizations to occupy the space. These organizations will provide social or health programs and/or services; and cultural or recreational services to Toronto residents that meet a community need, and are consistent with the strategic directions or objectives of City Council and/or City Division. To date the City does not have a specific tenant in mind for the space. The space would be provided on-site through a Section 37 contribution to be secured through a Section 37 Agreement. The applicants have provided an estimate that the value of this contribution is \$4.1 to \$4.3 million.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

Should this application proceed to approval in some form, it is standard to secure community benefits in a section 37 agreement that is then registered on title. The community benefits recommended to be secured in the Section 37 Agreement have yet to be finalised and as such the following condition is recommended:

- The owner shall provide community benefits having a value to be determined and be allocated at the discretion, and to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
- A community agency space, of a minimum 351 square metres Community Agency Space measured from interior side of walls, located on the second floor and inclusive of the ground floor entrance and elevator designed, constructed,

finished (to base building condition), and conveyed to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City with such terms and conditions to be secured in the Section 37 Agreement, in accordance with the City's Community Space Tenancy all satisfactory to the Executive Director, Social Development, Finance and Administration, Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor; and prior to such conveyance one-time cash contribution (indexed to the date of payment) in the amount of \$280,000.00 towards the defrayment of operating costs of the community agency space, and a one-time cash contribution in the amount of \$560,000.00 towards the initial finishing costs, less the cost of constructing the kitchen, washrooms and janitorial closet, with the remaining funds to be used for future capital improvements to the community agency space;

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

1. 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 Toronto Buildings.
2. the owner pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support the development.
3. the owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.
4. An acceptable tenant relocation and assistance plan shall be developed and implemented to mitigate hardship for existing tenants of the existing five (5) rental dwelling units proposed to be demolished. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning.
5. Prior to any site plan approval for the site, the owner shall obtain from Metrolinx, or its successor, written confirmation that the owner has satisfied any required technical or related review for any proposed below grade structural elements, including the manner of excavation and shoring for the development of the site as these matters relate to the Ontario Line tunnel to the satisfaction of the Chief Planner and City Solicitor;
6. Prior to site plan approval for the site, should Metrolinx, or its successor, provide a recommendation related to any tiebacks, or similar mechanism, that may impact the City's right-of-way, the owner shall first obtain any required approvals from the City prior

to agreeing to implement any recommendations from Metrolinx that may impact the City's right-of-way.

Community Consultation

A community consultation meeting was held on May 2, 2019 which was attended by approximately 16 members of the public. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a town hall format question and answer period. Specific comments related to the zoning amendment component of the development were:

- Is the laneway of sufficient width to accommodate the proposed traffic
- Building design is not interesting, looks top heavy
- Adjacent building at 106 Queen has a roof top amenity area that would be impacted
- Concern with overlook from the east side terrace
- Development, as viewed from the north-east, will appear as a large building – need for further building articulation
- Need for sufficient outdoor amenity space
- Need an on-site dog facility

Concerns related to laneway have been addressed to the satisfaction of Transportation Services. Issues related to massing have been addressed through tower sculpting with the objective of eliminating shadowing on Moss Park and reducing the massing at the upper levels of the tower. Overlook issues have been, in part, addressed through the reorientation of the lower floors (floor 5 to 9) to ensure there are no units which only have primary windows overlooking the adjacent properties to the east. Concerns with the potential overlook from the outdoor amenity space can be addressed through the provision of some combination of privacy fences and evergreen plantings which would be secured through the site plan application process. The outdoor amenity space has been maximized to the extent feasible and an on-site pet amenity area provided.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to intensification in the Downtown, which is a designated growth area, in the form of a mixed use development that generally conforms with the guidelines and importantly addresses both on-site heritage resources and shadowing issues. The provision of both an on-site community facility and a range of dwelling unit types will help address both community service and housing issues. Staff recommend that Council support approval of the zoning by-law amendment application.

Staff are recommending that City Council approve the demolition of the 5 existing rental dwelling units located at 90-104 Queen Street East and 3 Mutual Street subject to the conditions set out in the Recommendations of this report.

CONTACT

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Christine Ono, Senior Planner, Tel. 416-392-1255, E-mail: Christine.Ono@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Attachment 5: Draft 438-86 Zoning By-law Amendment

Attachment 6: Draft 569-2013 Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 7: Site Plan

Attachment 8: 3D Model of Proposal in Context

Attachment 9: North Elevation

Attachment 10: South Elevation

Attachment 11: West Elevation

Attachment 12: East Elevation

Attachment 1: 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, 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.

Applicant	Agent	Architect	Owner
ALLISON CHEWTER		IBI Group	HENRY BERRY

EXISTING PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq m): 1,202 Frontage (m): 87 Depth (m): 31

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	791		880	880
Residential GFA (sq m):	1,269		23,258	23,258
Non-Residential GFA (sq m):	1,186		390	390
Total GFA (sq m):	2,455		23,648	23,345
Height - Storeys:	4		34	34
Height - Metres:			99	99

Lot Coverage Ratio (%)	73.24	Floor Space Index:	19.4
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	23,258	

Retail GFA: 390
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA: 351

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	5			
Freehold:				
Condominium:			364	364
Other:				
Total Units:	5		364	364

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		65	172	91	36
Total Units:		65	172	91	36

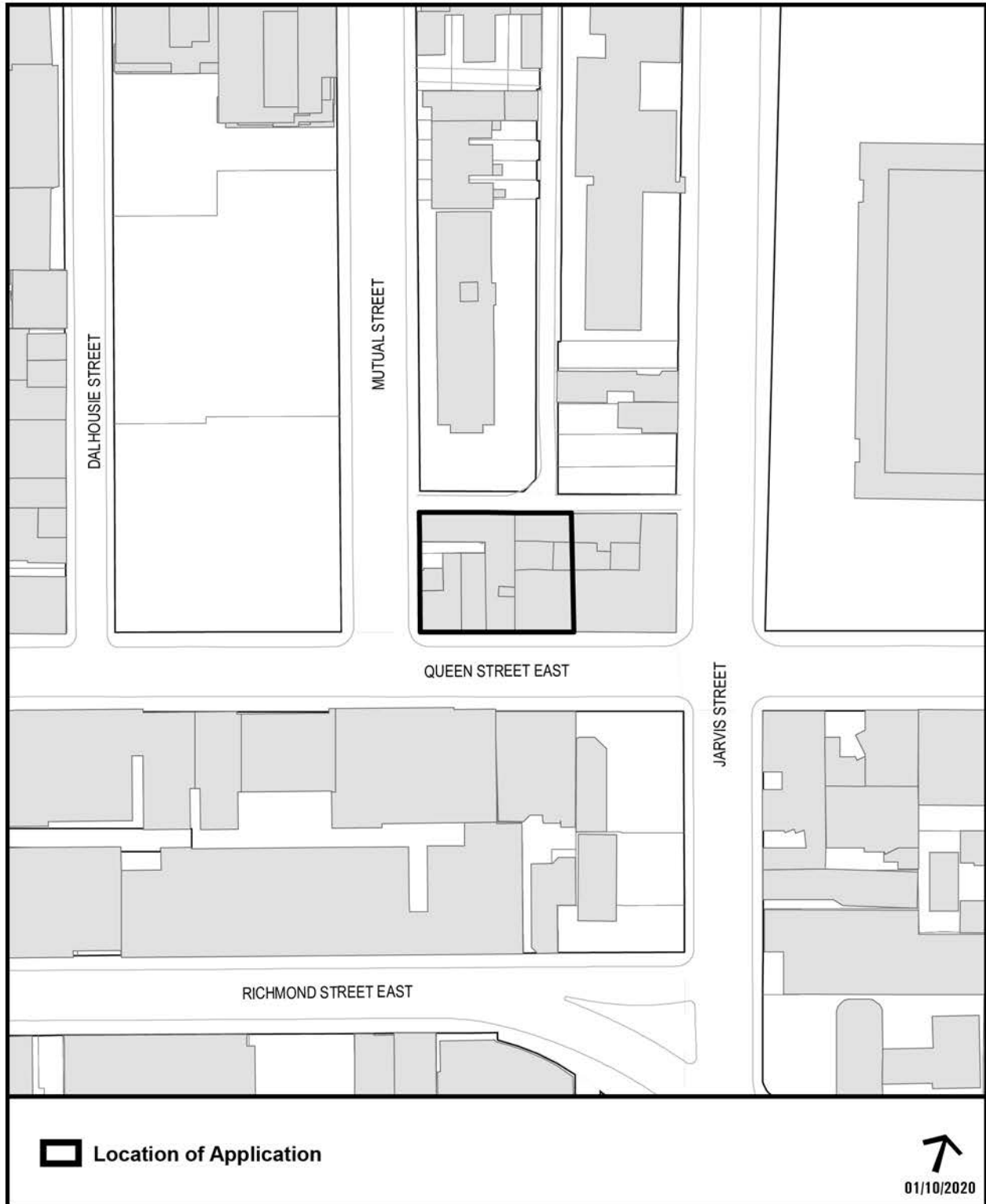
Parking and Loading

Parking Spaces: 32 Bicycle Parking Spaces: 368 Loading Docks: 1

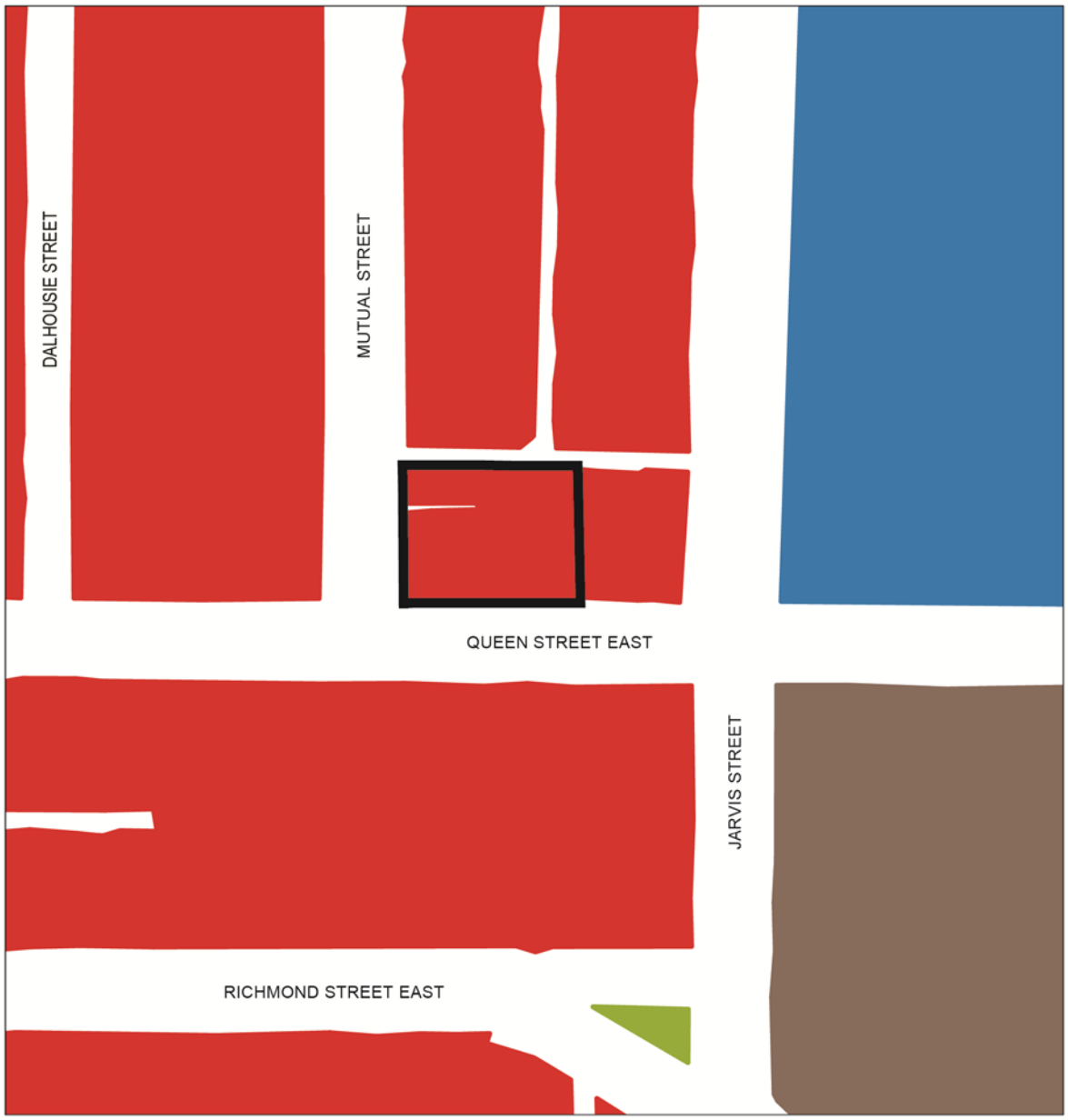
CONTACT:

Derek Waltho, Senior Planner
 416-392-0412
 Derek.Waltho@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



90-104 Queen Street East and 3 Mutual Street

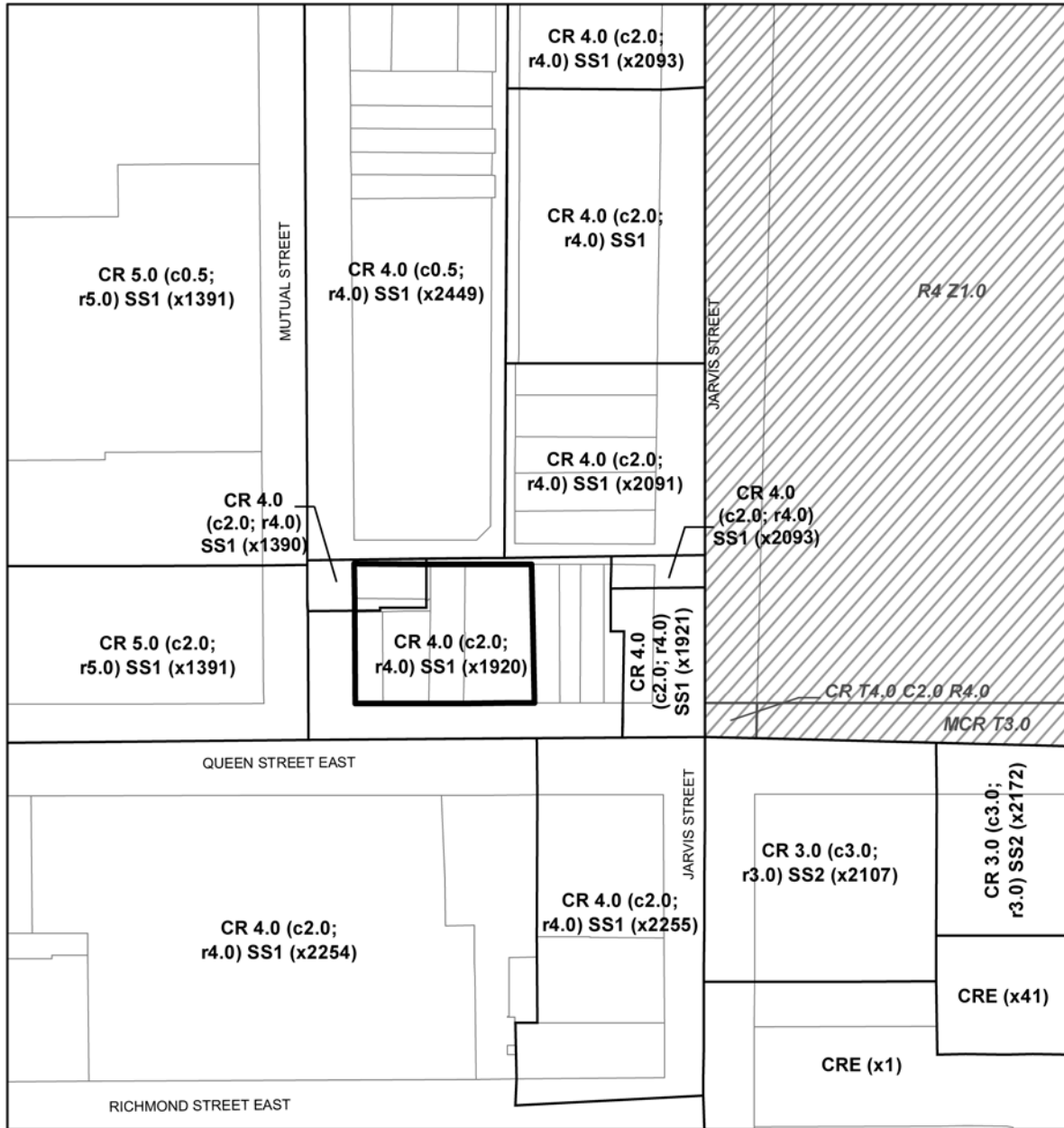
Official Plan Land Use Map

File # 18 271140 STE 13 OZ

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

↑
Not to Scale
01/10/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

90-104 Queen Street East
and 3 Mutual Street

File # 18 271140 STE 13 0Z



Location of Application

CR Commercial Residential CRE Commercial Residential Employment



See Former City of Toronto By-law No. 438-86

R4 Residential District
CR Mixed-Use District
MCR Mixed-Use District



Not to Scale
Extracted: 01/17/2020

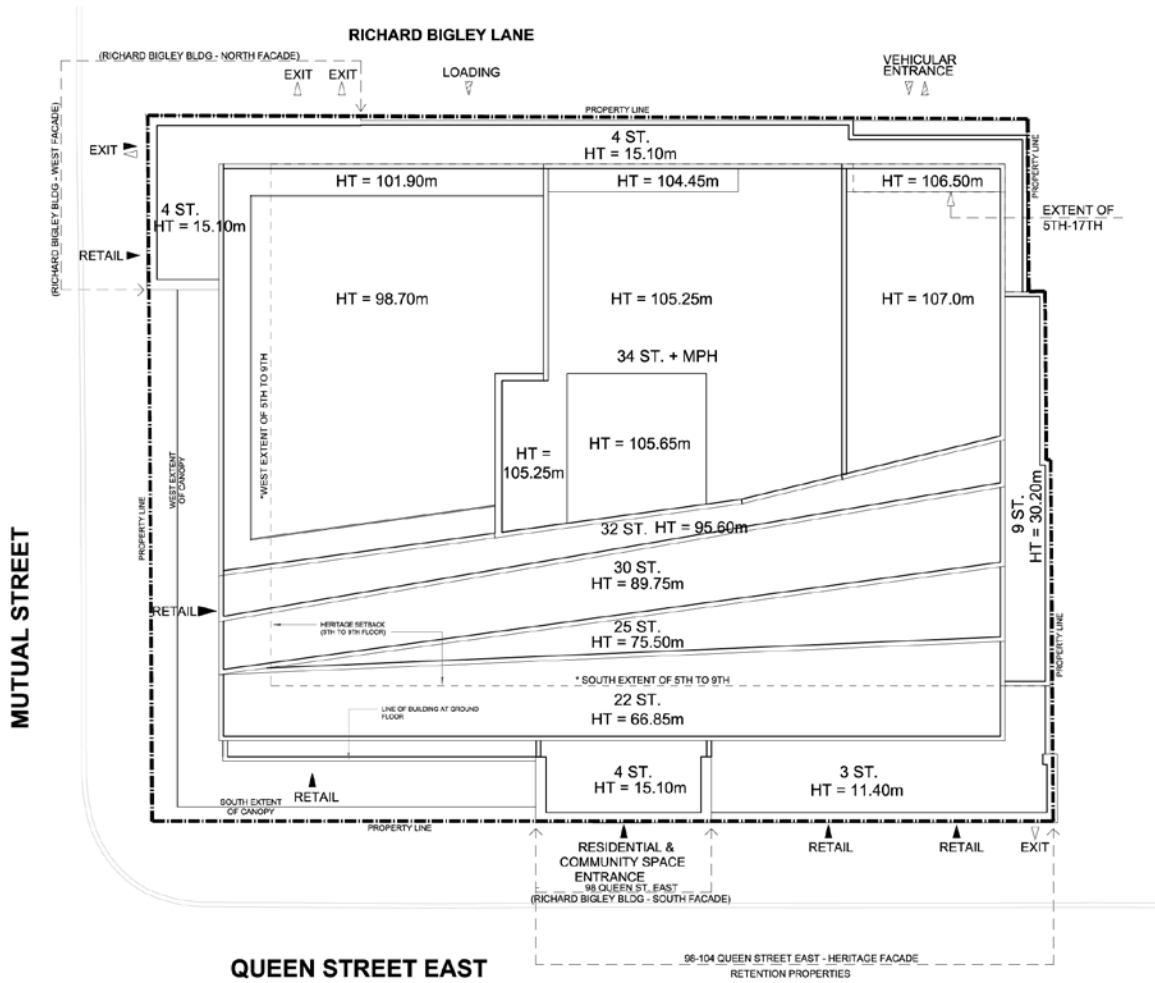
Attachment 5: Draft 438-86 Zoning By-law Amendment

To be provided prior to September 16, 2020 Toronto East York Community Council.

Attachment 6: Draft 569-2013 Zoning By-law Amendment

To be provided prior to September 16, 2020 Toronto East York Community Council.

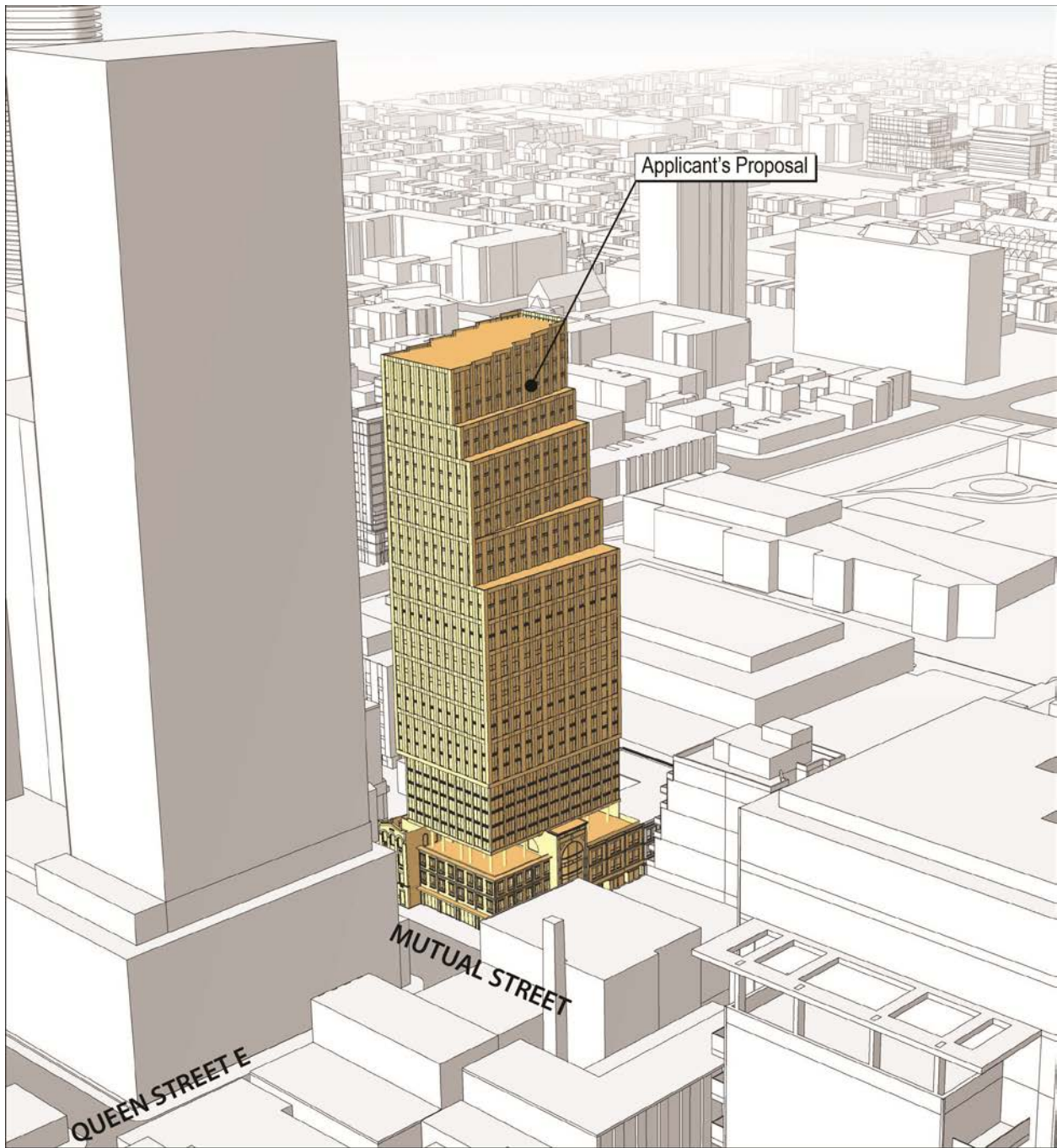
Attachment 7: Site Plan



Site Plan



Attachment 8: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northeast



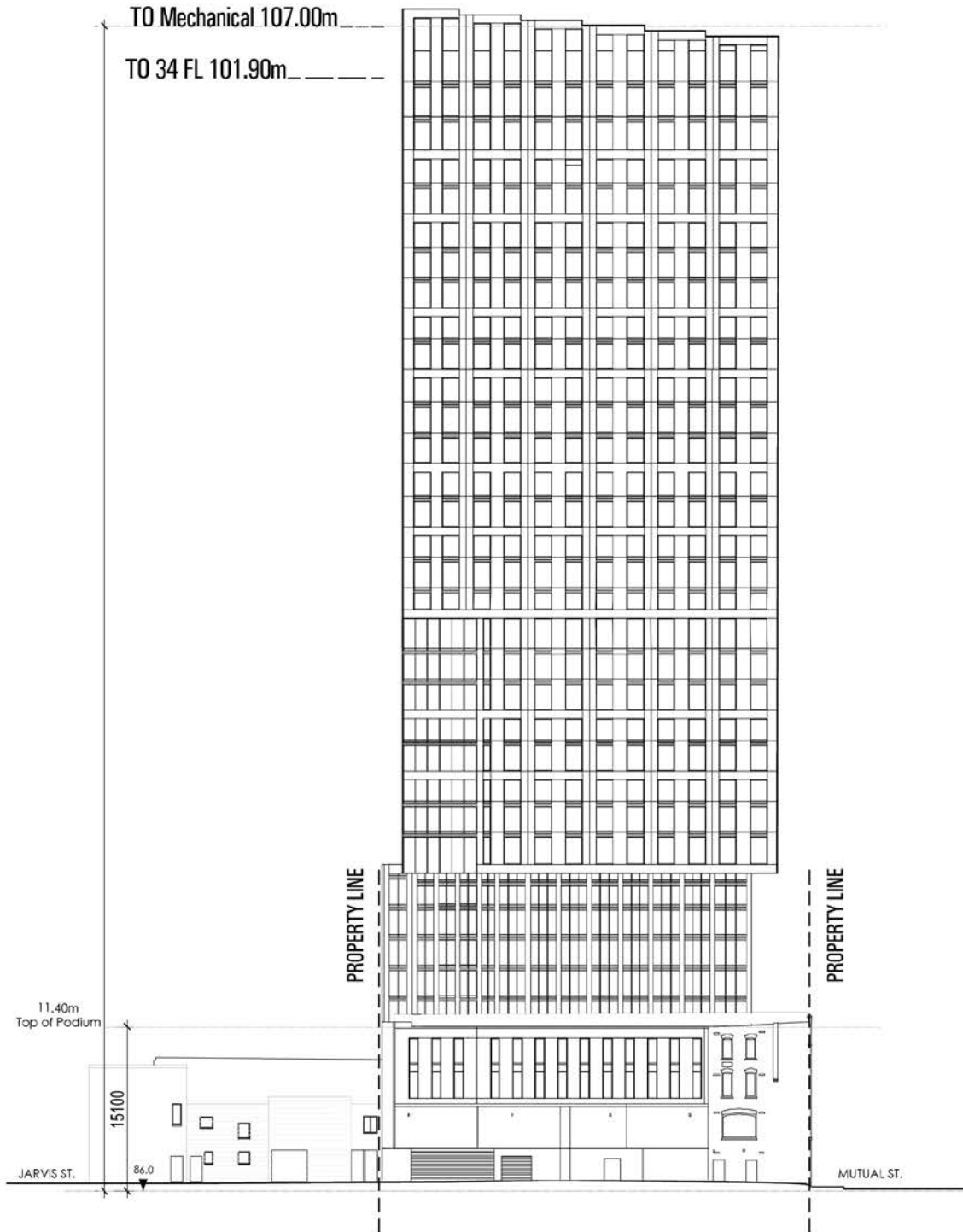
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View of Applicant's Proposal Looking Southwest

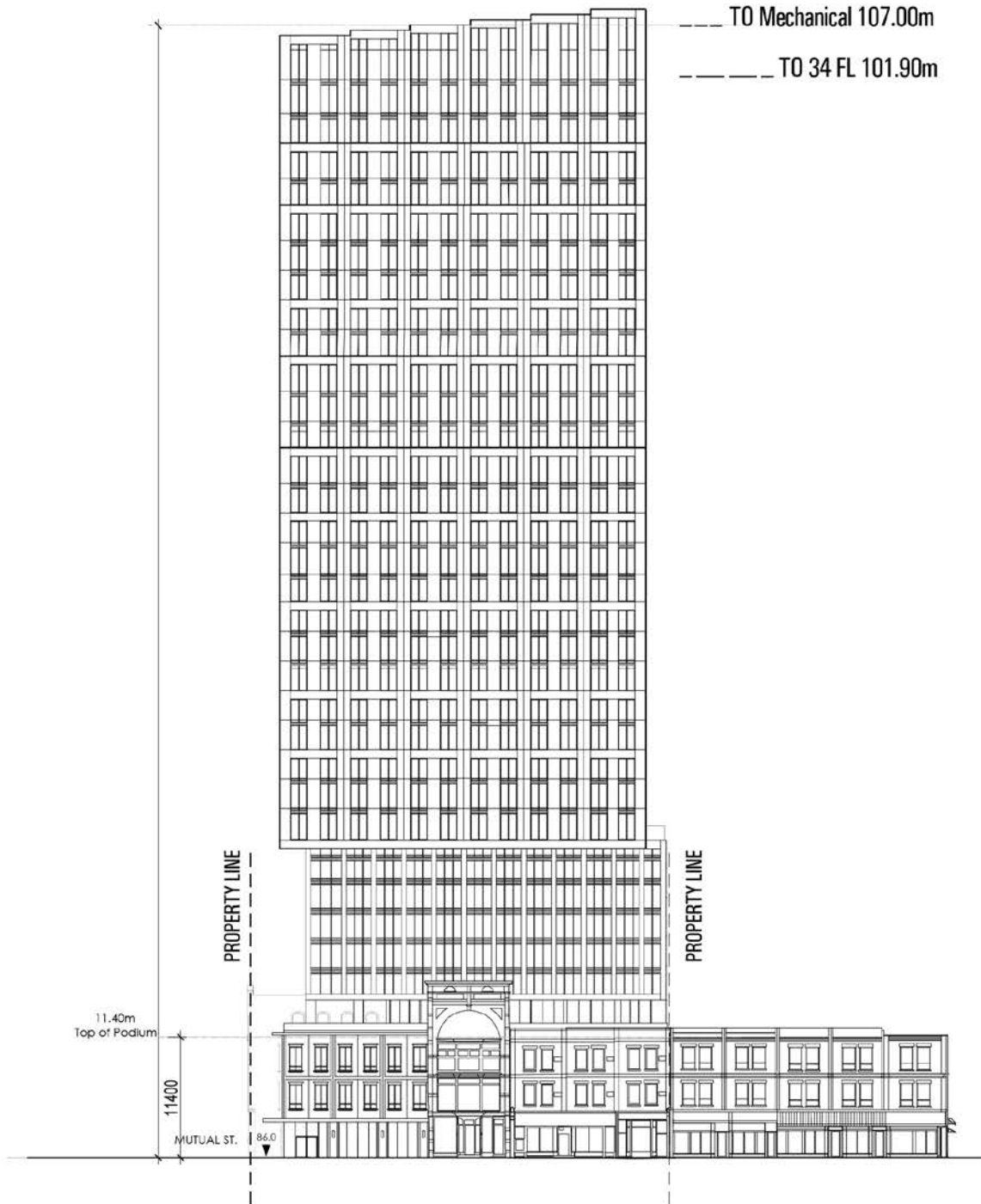

03/03/2020

Attachment 9: North Elevation



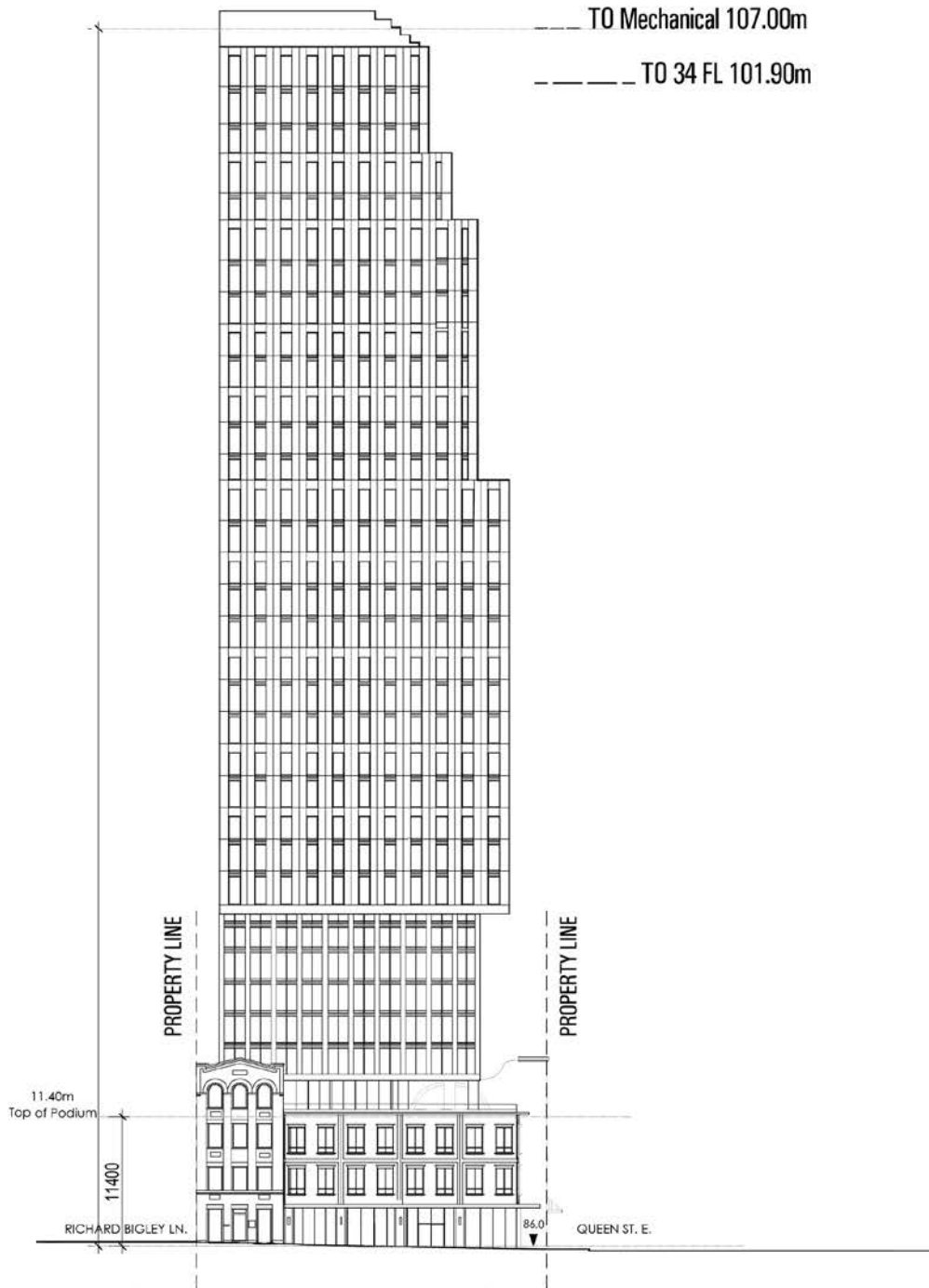
North Elevation

Attachment 10: South Elevation



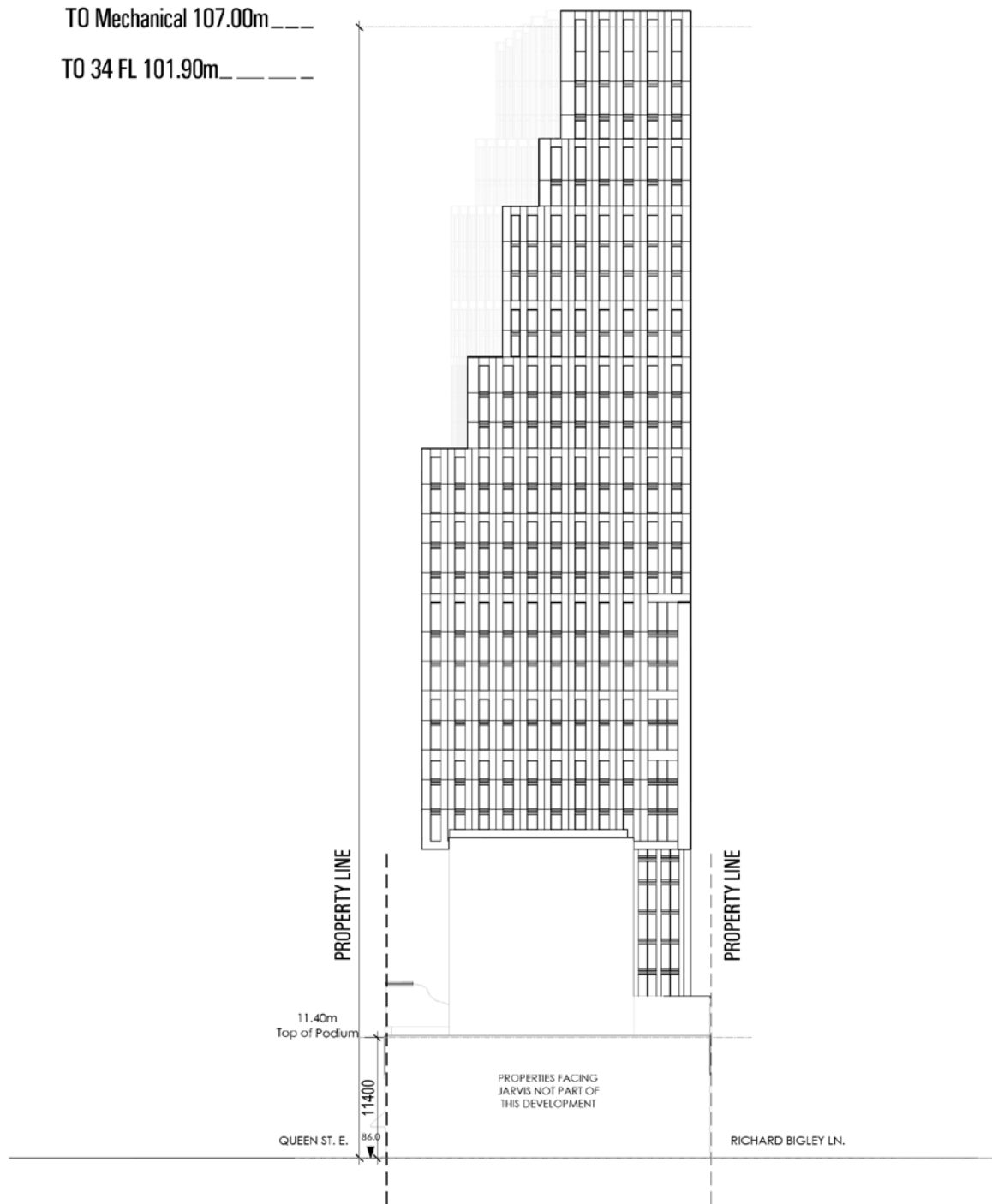
South Elevation

Attachment 11: West Elevation



West Elevation

Attachment 12: East Elevation



East Elevation

