

60 - 64 Queen Street East and 131-135 Church Street – Zoning Amendment Application – Final Report

Date: October 19, 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 111294 STE 27 OZ*

SUMMARY

This application proposes to amend the Zoning By-law to permit a 57 storey mixed use development including commercial uses, an on-site community facility and 445 dwelling units with a total gross floor area of 29,788 square metres at 60-64 Queen Street East and 131-135 Church Street. The proposed building would have a height of 185.9 metres including the mechanical penthouse. The proposal includes three levels of underground parking. The proposal would entail the demolition of the one-storey structure at 64 Queen Street East, and the partial retention of 60 Queen Street East and 131, 133 and 135 Church Street.

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 (2020) and conforms to the City's Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposed development 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 conforms with the relevant Tall Building guidelines. Staff worked with the applicant and the community to address and resolve various massing issues including appropriate setbacks and heritage conservation matters. The provision of an on-site community service and facilities space through a Section 37 contribution and a range of dwelling unit types will help address housing and community issues. Staff recommend that Council support approval of the application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 60-64 Queen Street East and 131-135 Church 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 60-64 Queen Street East and 131-135 Church 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. Before introducing the necessary Bills to City Council for enactment, City Council direct that the owner of the lands at 60-64 Queen Street East and 131-135 Church 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:

Prior to the issuance of the first above grade building permit for the lands the owner shall pay to the City a cash contribution of \$ 2,250,000 dollars to be allocated as follows:

- a. new and existing affordable housing, public realm, street and park improvements in the Ward;
- b. the cash contribution referred to in Recommendation 4(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 4(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 base condition, at no cost to the City, a minimum 4,712

square feet (437.74 square metres) Community Agency Space located on the mezzanine level 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, the 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 \$353,000.00 towards the 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 \$707,000.00 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 4(d)(iii) and 4(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 for nominal consideration and 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.

5. 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. 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 to the satisfaction Chief Building Official and Executive Director, Toronto Building;

b. the owner will pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

c. 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.

d. 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.

e. 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; and

f. 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

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

Pre-application meetings were held July 4, 2017 and August 3, 2017. The current application was submitted on January 30, 2018 and deemed complete April 13, 2018. A Preliminary Report on the application(s) was adopted by Toronto and East York Community Council on April 4, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area. Key issues identified at that time were: tower setbacks, view corridor and helicopter flight paths, potential heritage issues, shadowing, community facilities, parking and loading, and appropriate amenity and housing unit sizes.

The application, when originally submitted, proposed a 54-storey (178.6 metres excluding the mechanical penthouse) residential building containing 26,978 square metres of gross floor area. A total of 364 residential units were proposed. The proposed tower floor plate would be approximately 523 m² with a 3m Church Street setback, 3 m Dalhousie Street setback and 10 m north setback from the property line.

The Preliminary Report can be viewed here:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-113277.pdf>

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

PROPOSAL

The applicant's revised proposal consists of a 57-storey (176.9m excluding mechanical penthouse or 185.9 m including mechanical penthouse) mixed-use development including retail uses at grade, a 438 square metres community facility on the second floor and 454 dwelling units above. The development would be in a tower with podium form. The podium would incorporate and preserve portions of the existing 3-storey buildings presently located at the south-west and west sides of the site. The podium would be 3-stories (including a mezzanine level). Above that there would be a 6 storey reveal and then the tower above. There would be a further tower stepback at the 36th level. There are no projecting balconies proposed. The proposed gross floor area would be 29,788 square metres which equates to an approximate Floor Space Index of 27.5 under Zoning By-law 569-2013.

Ground floor space would include retail space fronting Church and Queen Street, a combined residential and community space entrance at the south-east corner of the site fronting Queen Street and the loading/vehicular access area would be from Dalhousie

Street. Amenity space would be located on floors 4, 5, 6 and 7. Bicycle parking would be located on floors 2 to 5 with direct access to a service elevator. Vehicular parking would be below grade.

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 | |
| West to midpoint of right-of-way | 10.5 m |
| East to midpoint of right-of-way floor 8-35 | 7.5 |
| East to midpoint of right-of-way floor 36-57 | 20 m |
| North to property line | 10 m |
| South to midpoint of right-of-way | 13 m |
| Public realm (building face to curb) | |
| Church Street | 3 m |
| Queen Street East | 3.7 m |
| Dalhousie Street | 6.2 m |
| Tower floorplate GCA (approximate) | |
| Floors 8 to 35 | 606.5 |
| Floors 36 to 57 | 481 m ² |
| Vehicular parking | |
| Resident | 43 |
| Resident (small car) | 8 |
| Bicycle parking | |
| Visitor | 47 |
| Resident | 401 |
| Loading spaces | |
| Type G and Type B | 1 shared |
| Amenity space | |
| Indoor | 1,005 m ² |
| Outdoor | 572 m ² |
| Unit Mix | |
| Studio | 90 (20%) |
| One bedroom | 59 (13%) |
| Two bedroom | 243 (55%) |
| Three + bedroom | 53 (12%) |
| Total | 445 |

Site and Surrounding Area

The site is a square corner lot with 33.7 m of frontage on Queen Street East, 32.3 m frontage on Church Street and 32 m on Dalhousie. The lot area is 1,084 m². On-site there are four existing 1-3-storey predominantly commercial buildings fronting Church Street and four fronting Dalhousie Street. Refer to Attachment 2.

The surrounding uses are as follows:

North: A mix of 2 to 3 storey predominantly commercial buildings subject to a zoning amendment application for a 49- storey tower at 137-149 Church Street (the original application was for 139-149 Church Street). Further north is the 28-storey "Jazz" rental building at the north end of the block fronting Shuter Street.

South: Queen Street and on the south side of Queen Street 2 to 3-storey commercial buildings with residential uses on the upper floors.

West: Church Street and on the west side of Church Street the Metropolitan United Church which includes a public park.

East: Dalhousie Street and on the east side of Dalhousie Street a commercial parking lot which is presently subject of site plan applications for three mixed use towers of 27, 28 and 49-stories.

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, angular plane requirements, parking and amenity space provisions.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted with the application:

- Planning & Urban Design Rationale including Community Services & Facilities Study
- Toronto Green Standard Checklist
- Functional Servicing Report
- Pedestrian Level Wind Study
- Shadow Study
- Heritage Impact Assessment
- Phase 1 Environmental Site Assessment
- Geohydrology Assessment
- Stormwater Management Report
- Geotechnical Report
- Transportation Impact Study
- Public Consultation Strategy
- Arborist Report
- Draft amending 438-86 and 569-2013 By-law
- Building Mass Model
- Noise Impact Study
- Vibration 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

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the resolution of planning conflicts involving public and private interests; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial 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 (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan amends and replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. Since the Growth Plan (2020) has come into effect on August 28, 2020, all planning decisions are required to conform with it, on or after that date. The Growth Plan (2020) 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, 2020 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 (2020), 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 (2020) 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 (2020) 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.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and Official Plan Amendments 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

On September 11, 2020, the Minister of Municipal Housing and Affairs approved amendments to the City's Official Plan with respect to the Public Realm (OPA 479) and Built Form (OPA 480) policies of the Plan. These policies are in force and in effect.

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 3.1.2 states that the public realm will provide the organizing framework and setting for development and foster complete, well-connected walkable communities and employment areas.

Policy 3.1.2 Built Form

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

Policy 3.1.2.4 requires new development to locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties.

Policy 3.1.2.5 requires development be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm.

Policy 3.1.2.6 requires new development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

Policy 3.1.3 Built Form – Building Types

Policy 3.1.3.1 states a mix of building types is encouraged on sites that can accommodate more than one building.

Policy 3.1.3.2 states that townhouse and low-rise apartment buildings are generally no taller than four storeys in height.

Policy 3.1.3.4 Mid-rise buildings will be designed to a) have heights generally no greater than the width of the right-of-way that it fronts onto.

Policy 3.1.3.7 tall buildings are generally greater in height than the width of the adjacent right-of-way.

Policy 3.1.3.9 the base portion of tall buildings should a) respect and reinforce good street proportion and pedestrian scale and b) be lined with active, grade-related uses.

Policy 3.1.3.10 the tower portion of a tall building should be designed to a) reduce the physical and visual impacts of the tower onto the public realm; b) limit shadow impacts on the public realm and surrounding properties; c) maximize access to sunlight and open views of the sky from the public realm; d) limit and mitigate pedestrian level wind impacts; and e) provide access to daylight and protect privacy in interior spaces within the tower.

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. Portions of the subject site are identified as a potential heritage property.

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

Policy 3.2.1 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 open 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 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 on June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary 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/bqrd/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 subject to City-wide Zoning By-laws 438-86 and 569-2013. The site is zoned CR T3.0 C2.0 R3.0 under By-law 438-86. Under By-law 569-2013 the site is zoned CR 3.0 (c2.0; r3.0) SS1 (x2165) and in the south-east corner CR 3.0 (c2.0; r3.0) SS1 (x2167). Both By-laws permit a variety of commercial and residential uses with a maximum density of 3.0 and a maximum building height of 18 metres. (Refer to Attachment 4)

By-law 438-86 also includes a number of Restrictive Exceptions and references prevailing By-laws 333-02 and 138-03. Key provisions include: restrictions on commercial garages, required street related retail uses and angular plane provisions. These provisions were generally carried through into By-law 569-2013.

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 near 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/bqrd/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 identify both Queen and Church Streets as a Priority Retail Street and appropriate development heights of 62 m to 107 m (20 to 35 storeys) for the Dalhousie/Queen corner of the site.

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 Urban Design Guidelines

On July 28, 2020, 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 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 revised 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>

Site Plan Control

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

Community Consultation

A community consultation meeting was held on January 19, 2018 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:

- Would the proposal intrude into St James View corridor
- Would electrical outlets be provided for new cars
- What are the shadowing impacts on Metropolitan Church
- What is the breakdown of 1, 2 and 3 bedroom units
- What are the cumulative shadow impacts from multiple developments
- Does the City have a concern with the lack of parking being provided

Concerns related to view corridor and shadowing have been addressed through massing changes in consultation with City Heritage and Urban Design staff. The proposed tower has been sculpted and setback to ensure the objective of preserving the view corridor and minimizing shadowing is achieved. Key changes include an 8 metre east tower stepback at the 36th level and reduced west tower stepbacks. Parking concerns have been addressed to the satisfaction of Transportation Services. The mix of dwelling units meets the recommended mix from the Downtown Plan, which technically does not apply to this application given the transition provisions in the Plan.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). 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 (438 square metres community facility) within the development. Additionally, the proposed massing incorporates appropriate development standards as well as conserving 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 2.2.2.3 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas and 2.2.2.3 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 cultural 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 path) 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 setbacks and their impacts to the view corridor and on-site heritage resources provides 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 (2020).

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? April 2017). 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 (2020). 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 shadow policies, OPA 406 and OPA 352 (under Appeal) as well as relevant design guidelines described in the Issue Background Section of the Report.

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

Tower - Context and Tower Separation

The planned and built form context as it relates to tower 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 3.1.2.5 require that new development be located and organized to fit within the existing and planned context. Policy 3.1.2.3 refers to development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls. Tall Building Policy 3.1.3.11 d) states that the tower portion of a tall building should be designed by providing appropriate separation distances from side and rear lot lines as well as other towers.

OPA 352, Council approved but not in full force and effect, 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 which can be achieved by 12.5 m setbacks to the mid-point of the right-of-way.

The existing and planned context features a mix of built forms including multiple towers and a range of tower heights. In the immediate vicinity of the site, there are towers to the north (both proposed and existing) within the same block and 4 towers in the adjacent block to the east (one under construction and three with zoning approvals).

Within a couple of blocks radius (250 metres) tower heights range significantly. For those sites below the flight path, heights are typically in the 25 to 35-story range. For sites outside the helicopter flight path, heights range from 11 to 60-stories. Heights for recently approved towers outside of the helicopter flight path and within this 250 m radius include: 52-stories (215 Church), 49-stories (88 Queen), 60-stories (197Yonge), 46-stories (25 Richmond), 45-stories (120 Church), 47 stories (89 Church) and 45-stories (98 Church).

Within this context, the application proposes the following tower separation distances.

| | Setbacks to adjacent towers or mid-point of right-of-way |
|-------|--|
| North | 10 m to lot line and 20 m to proposed tower at 137-149 Church Street |
| South | 13 m to mid-point of Queen Street right-of-way |
| East | 26.5 m setback to approved tower at 88 Queen Street |
| West | 10.5 m setback to mid-point of Church Street right-of-way |

The applicants have a verbal arrangement with the applicant (137-149 Church) to the north, who has also applied for a zoning amendment application, that both parties will provide a 10 m tower setback to their mutual lot line which would result in a 20 m tower separation. Additionally, the applicants are proposing no windows and no balconies on the north side of their building. The zoning by-law amendments will ensure there are no balconies or windows permitted on the north side of the building.

To the west, the setback to the midpoint of the Church Street right-of-way has been reduced to 10.5 from the recommended 12.5 m and reviewed against the criteria in OPA 352 to permit such reductions. This reduced west setback was in response to a need to protect the proposed St. James view corridor, as outlined in the view corridor section of the report. Essentially the upper levels of the proposed tower were shifted westwards in order to minimize impacts to the proposed view corridor. Given the very small tower floor plate, 481-607 square metres, there were very limited alternative options. It has been assumed that if and when the Metropolitan United Church lands redevelop (with existing approvals for low rise development on the east side of the church and tower development on the north side of the church) there will be no tower proposals south of the main church building which would be impacted by the proposed west setback.

The proposed 57-storey tower fits within the planned and existing built form context and achieves appropriate tower separation distances and as such is an appropriate built form which conforms to the Official Plan and relevant guidelines.

Tower Floor Plate and Tower 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 3.1.2.6 states that development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned context. Policy 3.1.3.11 refers to stepping back the tower from the base building, limiting and shaping the size of tower floorplates. 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 Plan 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 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 consisting of a 54-storey tower on top of a 3-storey podium (total 57-storey building). The tower component of the development has a floor plate of 606.5 m² (floors 8-35) and 481 m² (floors 36-57) with no projecting balconies. The lower floors of the tower would stepback 0.5 m from the Church street podium edge, 1.5 m from the Dalhousie Street podium edge and 3.0 m from the Queen Street podium edge. The upper floors of the tower would increase the Dalhousie Street stepback to 8 m.

The proposed tower massing and resultant stepbacks is in direct response to a need to protect the proposed St. James view corridor. In order to protect the St. James view corridor, the upper levels of the proposed tower were shifted westwards, as outlined in the view corridor section of the report. The tower floor plate has been minimized and is substantially less than the 750 square metres identified in the guidelines. The resultant stepbacks conform to the 3 m on Queen Street, but have been reduced on the west and east sides (a 10 metre stepback is proposed on the north side adjacent to the lot line). Given the goal of protecting the St. James view corridor, the proposed tower floor plate and resultant stepbacks are satisfactory.

Tower - Height and Shadowing

Official Plan Built Form Policy 3.1.2.5 refers to ensure access to direct sunlight and daylight on the public realm and in 3.1.3.10 b) and c) limit shadow impacts on the public realm and surrounding properties and maximize access to sunlight and open views of the sky from the public realm. For the Mixed Uses Areas designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces.

Shadow protection policies from OPA 82, Policy 3.5, 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 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.

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 from 12:00 noon to 2:00 pm on September 21st. Non-signature parks within the area include the approved park but not built park at 88 Queen Street, Arena Gardens and Metropolitan United Church grounds with the parkland on the south side of the Church (some City documents show portions of the east side of the church, presently a parking lot approved for development, as being parkland).

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:

- 88 Queen Street Park (designated *Mixed Use Areas*) 12:18 December 21; 1:18 March/September 21
- Metropolitan United Church parkland (designated *Other Open Space Areas*) 9:18 to 11:18 and marginally at 12:18 June 21; 9:18 to 11:18 March/September 21

The proposed shadowing would not impact Moss Park or Ecole Gabriele Roy playground at the shadow protected times identified by OPA 82. Heritage Planning has also reviewed the impacts to the heritage designated Metropolitan United Church building (as distinct from the church lands adjacent to the building) and have expressed no concerns with the shadows. Within the protected times identified for non-signature parks by the guidelines, the impact is limited to one hour of shadowing to the 88 Queen Street park and no shadowing of the Metropolitan United Church parklands.

The proposed shadowing is being generated by a very small tower floorplate (481-607 square metres) and hence any shadow that is generated is limited. With the exception of one hour, the shadowing conforms to the Downtown Tall Buildings Guidelines. The proposed shadowing is acceptable in this instance and context.

Tower - Massing and 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>

Heritage Planning in consultation with Urban Design have reviewed the proposal and determined that based on the provided renderings, the proposed tower and more specifically the massing that would result from the 8 m stepback at the 36th level, would be sufficient to ensure the conservation of the heritage view of St. James Cathedral.

Tower - 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 proposed building is located adjacent to 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. Toronto Buildings has confirmed the proposal is not in the flight path.

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 Form

The podium, or base building, is what is typically experienced by pedestrians. Official Plan Tall Building Policy 3.1.3.9 refers to base buildings should respect and reinforce good street proportion and pedestrian scale and be lined with active, grade-related uses.

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 development is in a podium/tower form with a distinct 3-storey podium (12.17 m) which incorporates the existing 3 storey heritage buildings. Above that, and stepped back from 3 to 5 m from the heritage facades, is a 6 storey reveal.

The width of the adjacent Church and Queen Street right-of-ways is 20 m and the adjacent Dalhousie Street right-of-way is 12 m. This implies a maximum podium height of 16 m on Church Street and 9.6 m on Dalhousie Street 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 development at 88 Queen Street (to the east) has an approved 7-storey podium. On the south side of Queen Street the buildings immediately across the street have heights ranging from 2 to 3-stories. The proposed development to the north has a proposed 4 to 6 storey podium height, however, existing heights are 3-stories.

The proposed podium preserves heritage resources in situ and provides additional setbacks to further preserve the 3 dimensional aspects of those heritage buildings. Heights are within the range of acceptable heights. The appropriateness of the proposed setbacks and podium expression was also reviewed by Heritage staff and is reviewed in the following Heritage section of this report.

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.

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.

This development site includes 60 Queen Street East, 131, 133 and 135 Church Street are subject to a forthcoming recommendation to designate under Part IV, section 29 of the Ontario Heritage Act. The project is also adjacent to Metropolitan United Church which is designated under Part IV of the Ontario Heritage Act and is adjacent to 79 Queen Street East which is a listed property on the Heritage Register.

The applicant submitted a Heritage Impact Assessment. Heritage staff reviewed this report in conjunction with the proposed built form and subsequently intended to report to Toronto Preservation Board on October 30, 2020 to recommend that Toronto City Council designate the properties at 60 Queen Street East, 131, 133 and 135 Church Street under Part IV, Section 29 of the Ontario Heritage Act. Additionally, the report is intended to 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.

The report can be viewed here:

<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&decisionBodyId=1899#Meeting-2020.PB17>

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 3.1.1.6 which refer, among other things, to a Complete Streets approach and in Policy 3.1.1.13 that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages.

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 metre wide sidewalk zone.

The applicant is proposing a 3 m pedestrian realm setback (building face to curb) on Church Street, 3.7 m on Queen Street East (widening to 6.7 m) and 6.2 m on Dalhousie Street. The setbacks reflect the retention in situ of the heritage buildings on Church and Queen street and as such the reduced setback in these locations is acceptable. The remaining setbacks conform to the recommended 6 m provision from the guidelines.

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 Study which concludes that wind conditions around the subject site at grade level are predicted to be calm and acceptable for all anticipated uses throughout the year. However, for the outdoor amenity areas, mitigation in the form of wind barriers and planting of coniferous in continuous clusters be required along the perimeter of the podium roof. 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.

Although this application is not subject to the Downtown Plan due to transition provision, Policy 11.1 nonetheless 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 90 (20%) bachelor units, 59 (13%) one-bedroom, 243 (55%) two-bedroom and 53 (12%) three bedroom units, the implementing by-law will include a similar unit mix. Staff are of the opinion that the proposed unit mix supports the unit mix objectives of the Growing Up Guidelines, OPA 406 and applicable Official Plan and provincial policies in order to accommodate, within new developments, a broad range of households including families with children.

Amenity Space

Official Plan Built Form Policy 3.1.2.11 states that new indoor and outdoor amenity spaces be provided as part of multi-unit residential developments and consider the needs of residents of all ages and abilities over time and throughout the year. 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 m² of indoor and 2.0 m² of outdoor amenity space for each unit, and Zoning By-law 569-2013 which requires a minimum of 4.0 m² of amenity space for each unit (of which at least 2m² shall be indoor).

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 1005 m² (2.3 m² per dwelling unit) of indoor and 572 m² (1.3m² per dwelling unit) of outdoor space proposed for a total of 1,577 m² (3.5 m² per dwelling unit). The amenity space has been designed so that the indoor space is adjacent to the outdoor space. A pet amenity space has been provided on the ground floor and 7th floor. The proposed indoor amenity space provision is appropriate. Although the outdoor amenity space is less than the standard 2 m², it is similar to what has been approved in other developments in the area and so is acceptable in this instance.

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 Dalhousie Street 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 with loading at-grade within the building podium.

Transportation Services staff have reviewed the proposal and commented that they concur with the applicant's assertion that anticipated traffic impacts will have minimal impacts on area intersections and can be acceptably accommodated on the adjacent road network.

The proposal includes 51 resident parking spaces, 448 bicycle parking spaces and 1 shared Type G and Type B loading space. The proposed parking and loading space

standards is also acceptable and have been incorporated into the implementing draft by-law.

In addition to Transportation Services comments, 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. Metrolinx 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 Subway tunnel(s) in the vicinity of the site.

Site Servicing

The applicant submitted a Functional Servicing Report, Geohydrology Assessment, Stormwater Management Report and Geotechnical Report. 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 owner pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this 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.

Parks, Forestry and Recreation staff have also commented on the need to minimize shadowing on parks and the need to provide on-site dog relief stations to help alleviate the pressure on neighbourhood parks.

Urban Forestry

An Arborist Report was submitted by the applicant. The report indicates there are two trees owned by the City which are protected under the provisions of the City's Street Tree By-law. The development proposes the removal of the two existing trees. Urban Forestry requires a total of two new large-growing shade trees to be planted within the City road allowance in compensation for the removal of the existing street trees. The landscape plans propose two new trees within the adjacent road allowance which satisfies this requirement.

Urban Forestry has commented that issues concerning the provision of new street trees, as proposed on the landscape plans, can be addressed as part of a subsequent Site Plan application. As part of that subsequent application, they would need a detailed landscape plan, composite utility plan and landscape details including cross sections.

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 neighbourhoods. 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 as part of their Planning Rationale. 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 397 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 or 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.

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 are as follows:

A payment to the City in the amount of \$ 2.25 million based on the application's height and density (indexed to reflect increases in the Construction Price Index between the date of the Council approval and the delivery of such payment), for capital improvements in the vicinity of the site for one or more of the following:

- i. new and existing affordable housing, public realm, street and park improvements in the Ward;
- ii. provided that in the event the cash contribution referred to in this section has not been used for the intended purposes within three years of the By-law coming into full force and effect, the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councilor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the site.

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 will pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer &

Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

3. 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.

4. 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.

5. 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; and

6. 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

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) 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 (2020). 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 the St. James view corridor. Staff worked with the applicant and the community to address and resolve various massing issues including appropriate setbacks and heritage impacts with the goal of preserving the St. James view corridor to the extent feasible. The provision of

both 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.

CONTACT

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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: 60 QUEEN ST E Date Received: January 30, 2018

Application Number: 18 111294 STE 27 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment to facilitate redevelopment of the site with a 57-storey mixed-use building with retail uses at grade; 29,046 square metres of residential gross floor area and approximately 720 square metres of non-residential gross floor area; 445 dwelling units.

| | | | |
|-----------|-------|-----------------|-----------|
| Applicant | Agent | Architect | Owner |
| BAZIS INC | | Core Architects | 64 QC INC |

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: CR T3.0 C2.0 Heritage Designation:
R3.0

Height Limit (m): 18 Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 1,084 Frontage (m): 34 Depth (m): 32

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|----------|----------|----------|--------|
| Ground Floor Area (sq m): | 1,019 | | 779 | 779 |
| Residential GFA (sq m): | 250 | | 29,096 | 29,096 |
| Non-Residential GFA (sq m): | 1,261 | | 692 | 692 |
| Total GFA (sq m): | 1,511 | | 29,788 | 29,788 |
| Height - Storeys: | 3 | 3 | 57 | 57 |
| Height - Metres: | 9 | 9 | 177 | 177 |

Lot Coverage Ratio (%): 72 Floor Space Index: 27.47

| Floor Area Breakdown | Above Grade (sq m) | Below Grade (sq m) |
|----------------------|--------------------|--------------------|
| Residential GFA: | 28,924 | 172 |

Retail GFA: 692
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

| Residential Units by Tenure | Existing | Retained | Proposed | Total |
|--|----------|----------|------------|------------|
| Rental: | 1 | | | |
| Freehold: | | | | |
| Condominium: | | | 445 | 445 |
| Other: | | | | |
| Total Units: | 1 | | 445 | 445 |

Total Residential Units by Size

| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|---------------------|-------|-----------|-----------|------------|------------|
| Retained: | | | | | |
| Proposed: | | 90 | 59 | 243 | 53 |
| Total Units: | | 90 | 59 | 243 | 53 |

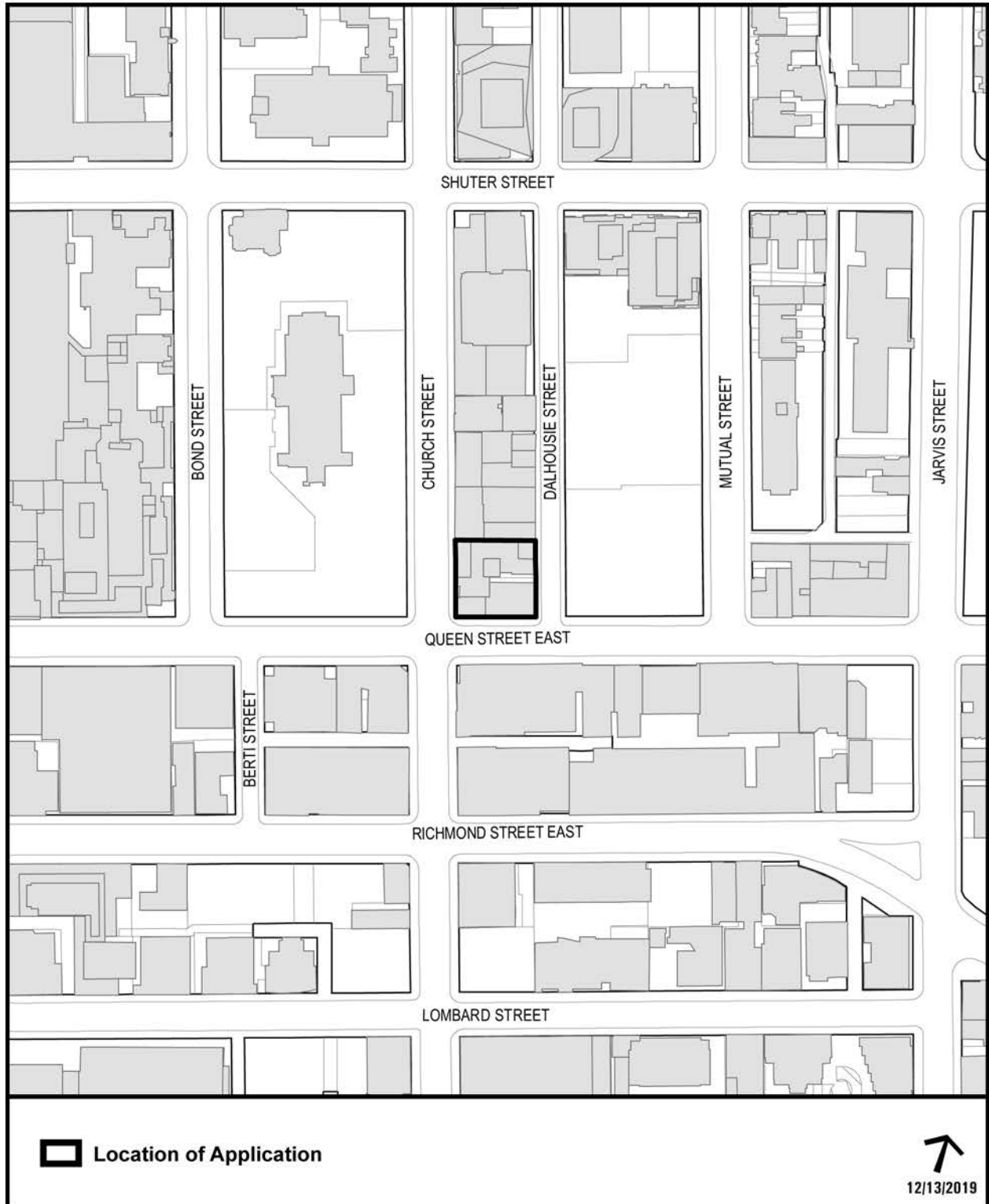
Parking and Loading

Parking Spaces: 51 Bicycle Parking Spaces: 448 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



60-64 Queen Street East and 131-135 Church Street

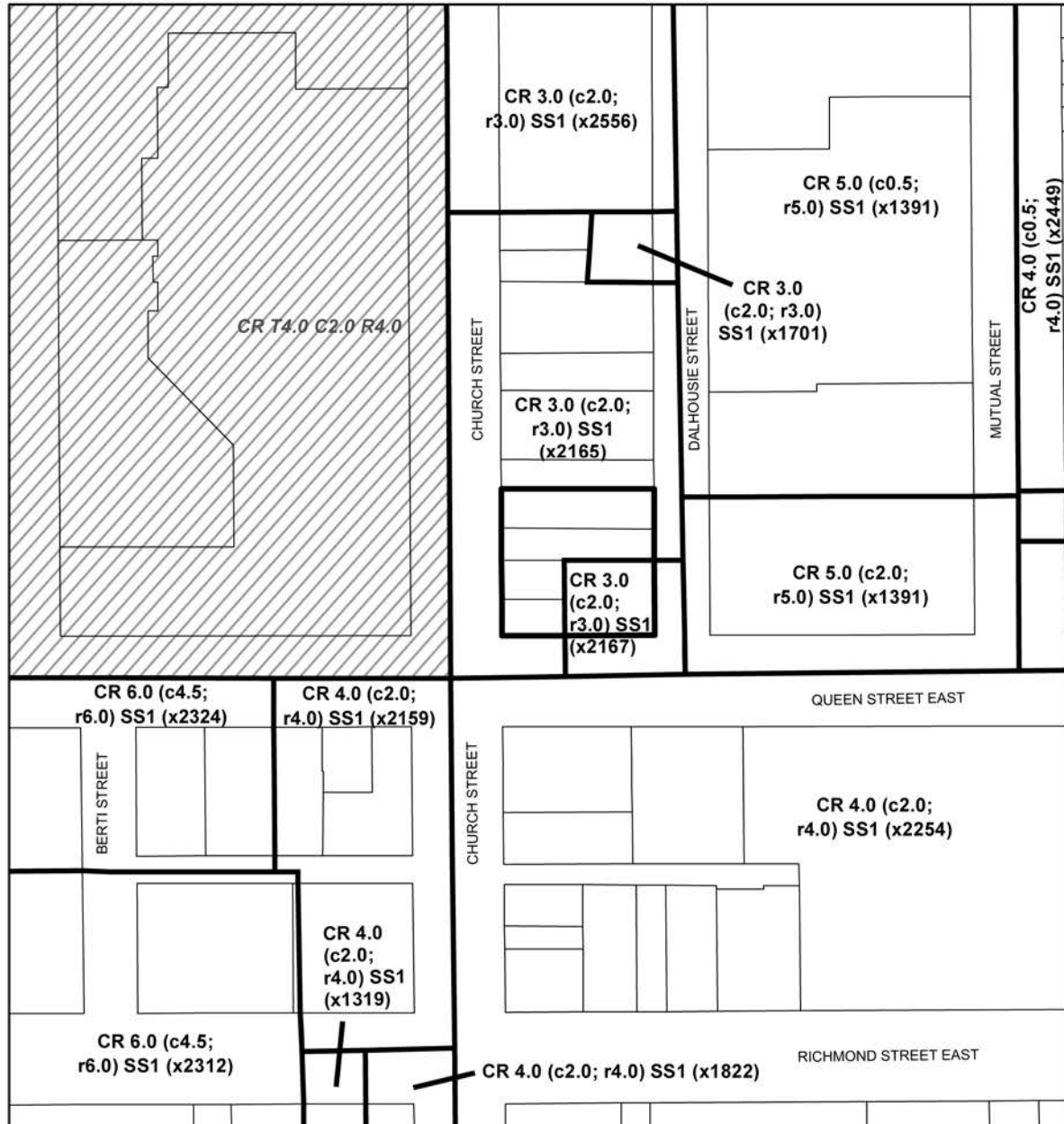
Official Plan Land Use Map

File # 18 111294 STE 27 0Z

- Location of Application
- Mixed Use Areas
- Other Open Space Areas
- Institutional Areas

Not to Scale
 12/13/2019

Attachment 4: Existing Zoning By-law Map



60-64 Queen Street East and 131-135 Church Street

Zoning By-law 569-2013

File # 18 111294 STE 27 OZ

Location of Application

See Former City of Toronto By-law No. 438-86
CR Mixed-Use District

CR Commercial Residential

Not to Scale
Extracted: 12/13/2019

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

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

CITY OF TORONTO

Bill

BY-LAW No. ____-2020

To amend the City of Toronto By-law 438-86, as amended, with respect to the lands municipally known in the year 2019 as 60 and 64 Queen Street East and 131, 133 and 135 Church Street

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increased in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and/or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the By-law;

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lot.
2. None of the provisions of Section 2(1) with respect to “*grade*”, “*height*”, “*residential gross floor area*”, “*non-residential gross floor area*” and “*lot*”, and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13)(a), (c) and (d), 4(14), 4(16), 8(2)(5), 8(3) Part I(1), (2) and (3), 8(3) Part II(A), 12(2)(259), and 12(2)(260) of By-law 438-86 of the former City of Toronto, being “A

By-law to regulate the use of land and the erection, use, bulk, *height*, spacing of land and other matters relating to buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *mixed-use building*, including a *temporary sales office* and uses *accessory* thereto, provided that:

- (a) The *lot* on which the buildings are to be located, comprises the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law;
- (b) The total *gross floor area* on the *lot* must not exceed 29,900 square metres, of which a maximum of 29,650 square metres may be used for residential purposes;
- (c) No *gross floor area* used for residential purposes may be located above a Canadian Geodetic Datum elevation of 263.55 metres;
- (d) Notwithstanding the definition *gross floor area* provided in 4. (b) of this By-law, *gross floor area* may also be reduced by 437.74 square metres of space that is to be conveyed to the City and secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as may be amended;
- (e) The space described in (d) above must be measured on each *storey* from the interior side of the main walls and the interior side of the demising walls, including dedicated lobbies and elevator shafts;
- (f) The total number of *dwelling units* must not exceed 445;
- (g) The provision of *dwelling units* is subject to the following:
 - i. a minimum of 40 percent of the total number of *dwelling units* must contain two bedrooms; and
 - ii. a minimum of 10 percent of the total number of *dwelling units* must contain three bedrooms;
- (h) *Residential amenity space* must be provided on the *lot* at a minimum of 3.54 square metres for each *dwelling unit*, of which:
 - i. a minimum of 2.26 square metres per *dwelling unit* is indoor *residential amenity space*;
 - ii. a minimum of 1.28 square metres per *dwelling unit* is outdoor *residential amenity space*;
 - iii. a minimum of 35 square metres of the total outdoor *residential amenity space* required for the building must be dedicated for use by pets; and
 - iv. guest suites do not constitute *dwelling units* for the purposes of this exception;
- (i) No portions of a building or structure located above ground shall be located

otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:

- i. parapets, columns and support structures may encroach up to a maximum of 1.5 metres;
 - ii. canopies, light fixtures, awnings, ornamental elements, architectural features, windowsills, planters, guardrails, railings, stairs, wheelchair ramps, vents, screens and landscape features may encroach up to a maximum of 1.5 metres; and
 - iii. (i)ii. above shall not apply to the required building setback to the *front lot line* abutting Dalhousie Street, as shown on Map 2, above the Canadian Geodetic Datum elevation of 121.65 metres;
- (j) Despite the definition of *storey* in 4(h) below, the mezzanine located between the first and second *storeys*, shall not constitute a *storey*;
- (k) The permitted maximum number of *storeys* in a *mixed-use building* is 57, excluding the mechanical penthouse;
- (l) No portion of a *mixed-use building*, including a mechanical penthouse, erected on the *lot*, shall be located above the heights in metres specified by the numbers following the symbol “H” as shown on Map 2 attached to and forming part of this By-law;
- (m) Notwithstanding (l) above, the following building elements, structures, or parts of a building, are permitted to extend beyond the *heights* shown on Map 2 attached to and forming part of this By-law:
- i. lightning rods, antennae, satellite dishes, window washing equipment, stair enclosures, parapets, architectural features, and elements of a green roof and insulation and roof surface materials may project above the height limits to a maximum of 3.0 metres; and
 - ii. wind screens, awnings, guard rails, railings and dividers, structures for open air recreation, pergolas, trellises, balustrades, screens, stairs, roof drainage, chimneys, vents, terraces, light fixtures, landscaping, and planters may project above the height limits to a maximum of 3.0 metres on any portion of the second *storey* podium roof or the sixth *storey* podium roof;
- (n) *Parking spaces* must be provided and maintained on the *lot* in accordance with the following:
- i. a minimum of 0.115 *parking spaces* per *dwelling unit* for the use of residents of the *mixed-use building*;
 - ii. no *parking spaces* are required for visitors to residents of the *mixed-use building*; and

- iii. no *parking spaces* are required for non-residential uses;
- (o) Notwithstanding the definition of *parking space* in Section 2(1) or the *parking space* dimensions in Section 4(17)(a) to (c) inclusive, a maximum of 8 *parking spaces* are permitted to have the following minimum dimensions:
- i. length 5.0 metres;
 - ii. width 2.6 metres; and
 - iii. height 2.0 metres;
- (p) The nearest point of an accessible *parking space* must be located no more than 10.0 metres, unobstructed by walls, curbs and similar features, from the nearest door of the vestibule or lobby that leads to a barrier-free elevator that provides access to the first *storey* of the *mixed-use building*;
- (q) An accessible *parking space* must have the following minimum dimensions:
- i. length of 5.6 metres;
 - ii. width of 3.9 metres; and
 - iii. vertical clearance of 2.1 metres;
- (r) One *loading space – type G* must be provided and maintained on the *lot*;
- (s) *Bicycle parking spaces* must be provided and maintained on the *lot* in accordance with the following:
- i. a minimum of 0.9 *bicycle parking spaces - occupant* for each *dwelling unit* for use by the residents of the *mixed-use building*; and
 - ii. a minimum of 0.1 *bicycle parking spaces - visitor* for each *dwelling unit* for use by visitors to residents of the *mixed-use building*;
- (t) Notwithstanding the definitions of *bicycle parking space – visitor* and *bicycle parking space – occupant* in Section 2(1), *bicycle parking spaces* must be provided in accordance with the following:
- i. *bicycle parking spaces* may be provided as *stacked bicycle parking spaces*;
 - ii. each *stacked bicycle parking space* must have a minimum vertical clearance of 1.2 metres, a minimum width of 0.24 metres and a minimum length of 1.8 metres;
 - iii. *bicycle parking spaces – occupant* may be located on the first, second, and third *storeys*, and the mezzanine located between the first and second *storeys*, but may not be located in any required *residential amenity space*; and

- iv. *bicycle parking spaces - visitor* may be located in an enclosed or secured room or enclosure located on the mezzanine level between the first and second *storeys*, but may not be located in any required *residential amenity space*;
3. None of the provisions of By-law 438-86 shall apply to prevent the erection or use of a *temporary sales office* on the *lot*.
 4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following:
 - (a) “*grade*” shall mean an Canadian Geodetic Datum elevation of 86.65 metres above sea level with reference to CGVD 1928.
 - (b) “*gross floor area*” shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level. The *gross floor area* of the *mixed-use building* shall be reduced by the area in the building used for:
 - i. Parking, loading and bicycle parking below *grade*;
 - ii. Loading spaces at the ground level and *bicycle parking spaces* at, or above *grade*;
 - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
 - iv. Shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - v. *Residential amenity space* required by this By-law;
 - vi. Elevator shafts;
 - vii. Garbage shafts;
 - viii. Mechanical penthouse; and
 - ix. Exit stairwells in the building;
 - (c) “*height*” shall mean the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law.
 - (d) “*lot*” shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law.
 - (e) “*stacked bicycle parking space*” shall mean a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.

- (f) “storey” means a level of a building, other than a basement, located between any floor and the floor, ceiling or roof immediately above it.
 - (g) “temporary sales office” shall mean a building, structure, facility or trailer on the lot used for the purpose of the sale of *dwelling units* to be erected on the *lot* and/or the administration and management of construction activity related to construction on the lot.
5. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.
6. The provisions of this By-law respecting the height of any building or structure, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2.
7. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix I hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
 - (B) Where Appendix I of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix I are satisfied.

Enacted and passed this ___ _day of _____, 2020.

Frances Nunziata
Speaker
(Seal of the City)

Ulli S. Watkiss
City Clerk

APPENDIX I
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown on Map 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

(A) Prior to the issuance of the first above grade building permit for the lands, the owners shall pay to the City a cash contribution of \$ 2,250,000 dollars to be allocated as follows:

(i) new and existing affordable housing, public realm, street and park improvements in the Ward, in consultation with the Ward Councillor.

The cash contribution referred to in this section 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.

(B) In the event the cash contribution(s) referred to in this section has not been used for the determined purpose(s) within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for other purpose(s), 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.

(C) The Owner shall design, construct, finish, and convey to the City, in an acceptable environmental condition, at no cost to the City, a minimum 4,712 square feet (437.74 square metres) Community Agency Space located on the mezzanine level 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, the 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 \$353,000.00 towards the 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 \$707,000.00 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 (C) of this section 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; and
- (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 for nominal consideration and 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.

Helicopter flight path

- (D) 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 to the satisfaction Chief Building Official and Executive Director, Toronto Building.

Municipal Infrastructure

- (E) The owner will pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

Ontario Line

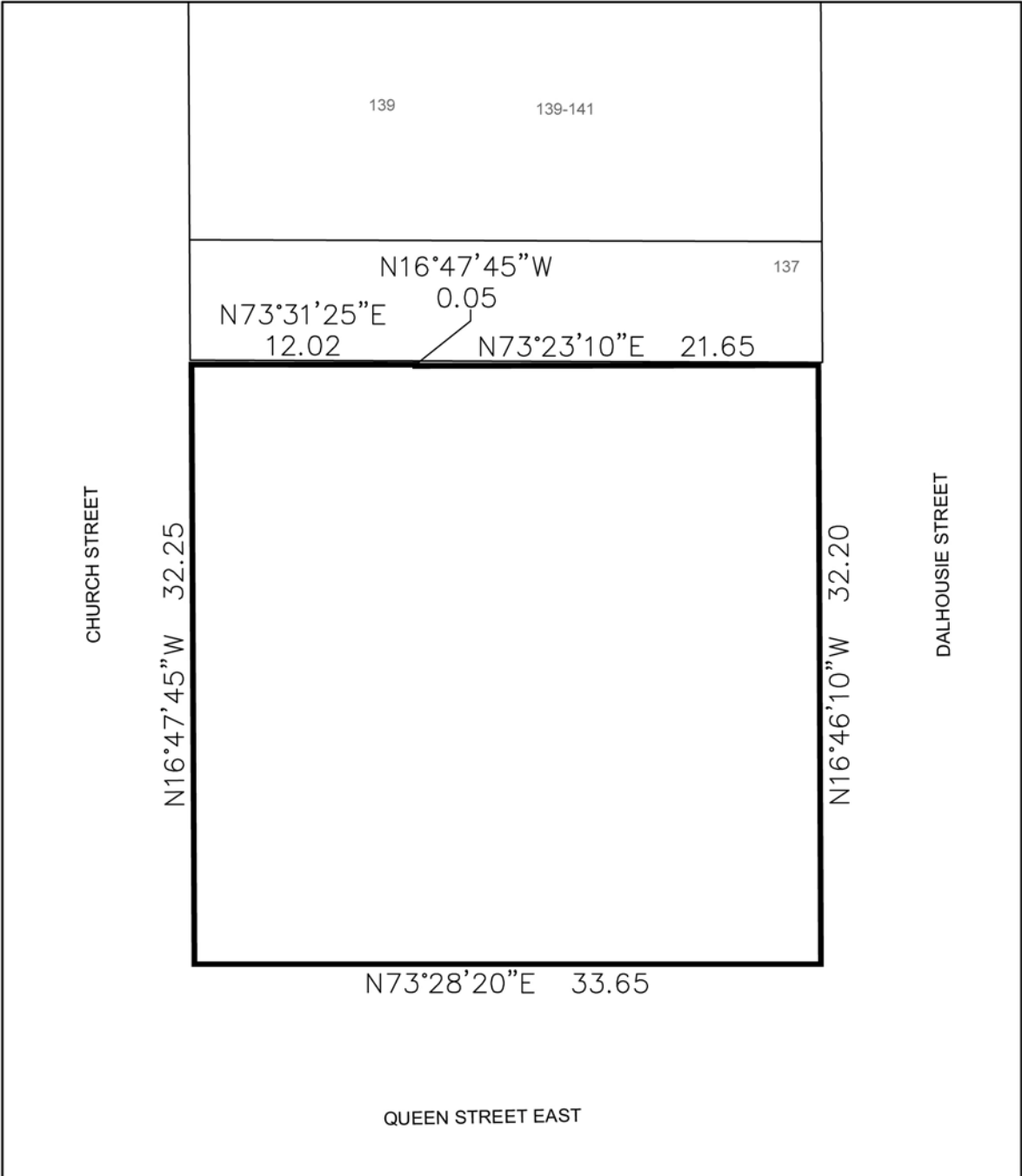
- (F) Prior to any site plan approval for the site, the owner shall obtain from Metrolinx, or its successor, written confirmation to the Chief Planner and Executive Director, City Planning and City Solicitor that the owner has satisfied any required technical or related review for any proposed below 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.
- (G) 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.

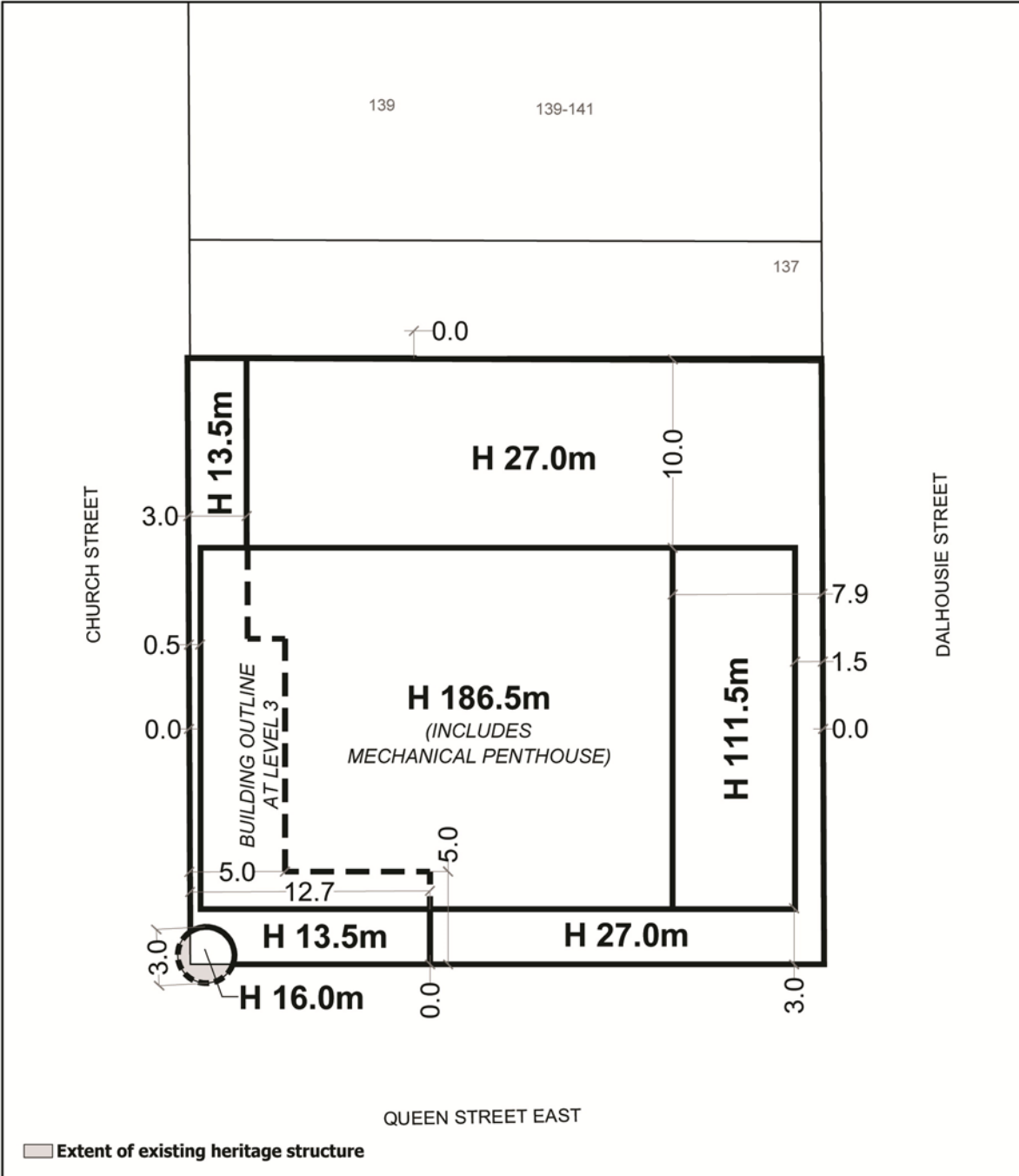
Toronto Green Standard

- (H) 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.

Construction Management Plan

- (I) 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.





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

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

CITY OF TORONTO

Bill

BY-LAW No. ____-2020

To amend the City of Toronto By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 60 and 64 Queen Street East and 131, 133 and 135 Church Street

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increased in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and/or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the By-law;

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.0 (c2.0; r3.0) SS1 (x252), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 252, so it reads:

(252) Exception CR 252

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 60 and 64 Queen Street East and 131, 133 and 135 Church Street, if the requirements of Sections 6 and 7, and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a mixed use **building** and **structure** is may be constructed in compliance with (B) through (W) below;
- (B) Despite Regulation 40.10.40.40(1) the permitted maximum **gross floor area** on the lands must not exceed 29,900 square metres, of which a maximum of 29,650 square metres may be used for residential uses;
- (C) No residential **gross floor area** may be located above a Canadian Geodetic Datum elevation of 263.55 metres;
- (D) Despite Regulation 40.5.40.40(3), **gross floor area** may also be reduced by 437.74 square metres of space that is to be conveyed to the City and secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as may be amended;
- (E) The space described in (D) above, may be measured on each **storey** from the interior of the main walls and the interior of the demising walls, including dedicated lobbies and elevator shafts;
- (F) The total number of **dwelling units** must not exceed 445;
- (G) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 40 percent of the total number of **dwelling units** must have two bedrooms; and
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
- (H) Despite Regulations 40.10.40.50 (1) and (2), **amenity space** must be provided at a minimum of 3.54 square metres for each **dwelling unit**, of which:

- (i) a minimum of 2.26 square metres per **dwelling unit** is indoor **amenity space**;
 - (ii) a minimum of 1.28 square metres per **dwelling unit** is outdoor **amenity space**;
 - (iii) a minimum of 35 square metres of the total outdoor **amenity space** required for the **building** must be dedicated for use by pets; and
 - (iv) guest suites do not constitute **dwelling units** for the purposes of this exception;
- (I) Despite Regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to supply by-law ##];
- (J) Despite (I) above, Clause 40.10.40.60 and Regulation 40.5.40.60(1), the following are permitted to encroach into the required **building setbacks** as shown on Diagram 3 of By-law [Clerks to supply by-law ##], as follows:
- (i) parapets, columns and support structures up to a maximum of 1.5 metres;
 - (ii) canopies, light fixtures, awnings, ornamental elements, architectural features, windowsills, planters, guardrails, railings, stairs, wheelchair ramps, vents, screens and landscape features up to a maximum of 1.5 metres; and
 - (iii) (J)(ii) above, does not apply to the required **building setback** to the **lot line** abutting Dalhousie Street, as shown on Diagram 3 of [Clerks to supply by-law ##], above the Canadian Geodetic Datum elevation of 121.65 metres;
- (K) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is 57, excluding the mechanical penthouse and the mezzanine located between the first and second **storeys**;
- (L) Despite Regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured as the distance from the Canadian Geodetic Datum elevation of 86.65 metres and the elevation of the highest point of the **building** or **structure**;
- (M) Despite Regulation 40.10.40.10(1), the permitted maximum **height** of a **building** or **structure**, including a mechanical penthouse, must not exceed the **height** in metres specified by the numbers following the symbol “HT” as shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (N) Despite (M) above and Clause 40.5.40.10 the following elements, **structures**, equipment, or parts of a **building**, are permitted to project above the permitted maximum **height** as shown on Diagram 3 of By-law [Clerks to supply by-law ##] as follows:
- (i) lightning rods, antennae, satellite dishes, window washing equipment, stair

- enclosures, parapets, architectural features, and elements of a green roof and insulation and roof surface materials, may project above the **height** limits to a maximum of 3.0 metres; and
- (ii) wind screens, awnings, guard rails, railings and dividers, structures for open air recreation, pergolas, trellises, balustrades, screens, stairs, roof drainage, chimneys, vents, terraces, light fixtures, landscaping, and planters may project above the **height** limits to a maximum of 3.0 metres on any portion of the second **storey** podium roof and the sixth **storey** podium roof;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** for a **mixed-use building** must be provided and maintained on the lands in accordance with the following:
- (i) a minimum of 0.115 **parking spaces** per **dwelling unit** for residents of the **mixed-use building** ;
 - (ii) no **parking spaces** are required for visitors to residents of the **mixed-use building**; and
 - (iii) no **parking spaces** are required for non-residential uses;
- (P) Despite Regulation 200.5.1.10 (2)(A), a maximum of 8 **parking spaces** may have the following minimum dimensions:
- (i) length of 5.0 metres;
 - (ii) width of 2.6 metres; and
 - (iii) vertical clearance of 2.0 metres;
- (Q) Despite Regulation 200.15.1(4) , the nearest point of an accessible **parking space** must be located no more than 10.0 metres, unobstructed by walls, curbs and similar features, from the nearest door of the vestibule or lobby that leads to a barrier-free elevator that provides access to the first **storey** of the **building**;
- (R) Of the **parking spaces** required in accordance with (O) above, that must be configured as accessible **parking spaces** in accordance with Article 200.15.10, such accessible **parking spaces** may not be included in the reduction of **parking spaces** permitted by regulation 200.5.10.1(12);
- (S) Despite Clause 220.5.10.1, one Type “G” **loading space** must be provided;
- (T) Despite Regulation 230.5.1.10(9), “long-term” **bicycle parking spaces** may be located on the first, second, and third **storeys**, and the mezzanine level between the first and second **storeys**, but must not be located in any required **amenity space**;
- (U) Despite Regulation 230.5.1.10(10), both “long-term” and “short-term” **bicycle**

parking spaces may be provided in a **stacked bicycle parking space**;

- (V) Regulation 230.40.1.20(2) with respect to the location of “short-term” **bicycle parking spaces** does not apply;
- (W) Section 600.10 with respect to Building Setback Overlay District “A” does not apply;

Prevailing By-laws and Prevailing Sections: None apply.

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law will apply as if no severance, partition or division occurred.
- 6. The provisions of this By-law respecting the height of any building or structure, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2.
- 7. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
 - (B) Where Schedule A of this By-law required that the owner provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on ___ day of _____, 2020.

Frances Nunziata
Speaker

Ulli S. Watkiss
City Clerk

(Seal of the City)

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown on Diagram 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

- (A) Prior to the issuance of the first above grade building permit for the lands, the owners shall pay to the City a cash contribution of \$ 2,250,000 dollars to be allocated as follows:
- (i) new and existing affordable housing, public realm, street and park improvements in the Ward, in consultation with the Ward Councillor.

The cash contribution referred to in this section 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.

- (B) In the event the cash contribution referred to in this section has not been used for the determined purpose(s) within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for other purpose(s), 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.
- (C) The Owner shall design, construct, finish, and convey to the City, in an acceptable environmental condition, at no cost to the City, a minimum 4,712 square feet (437.74 square metres) Community Agency Space located on the mezzanine level 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, the 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 \$353,000.00 towards the 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 \$707,000.00 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 (C) of this section 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; and
- (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 for nominal consideration and 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.

Helicopter flight path

- (D) 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 to the satisfaction Chief Building Official and Executive Director, Toronto Building.

Municipal Infrastructure

- (E) The owner will pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

Ontario Line

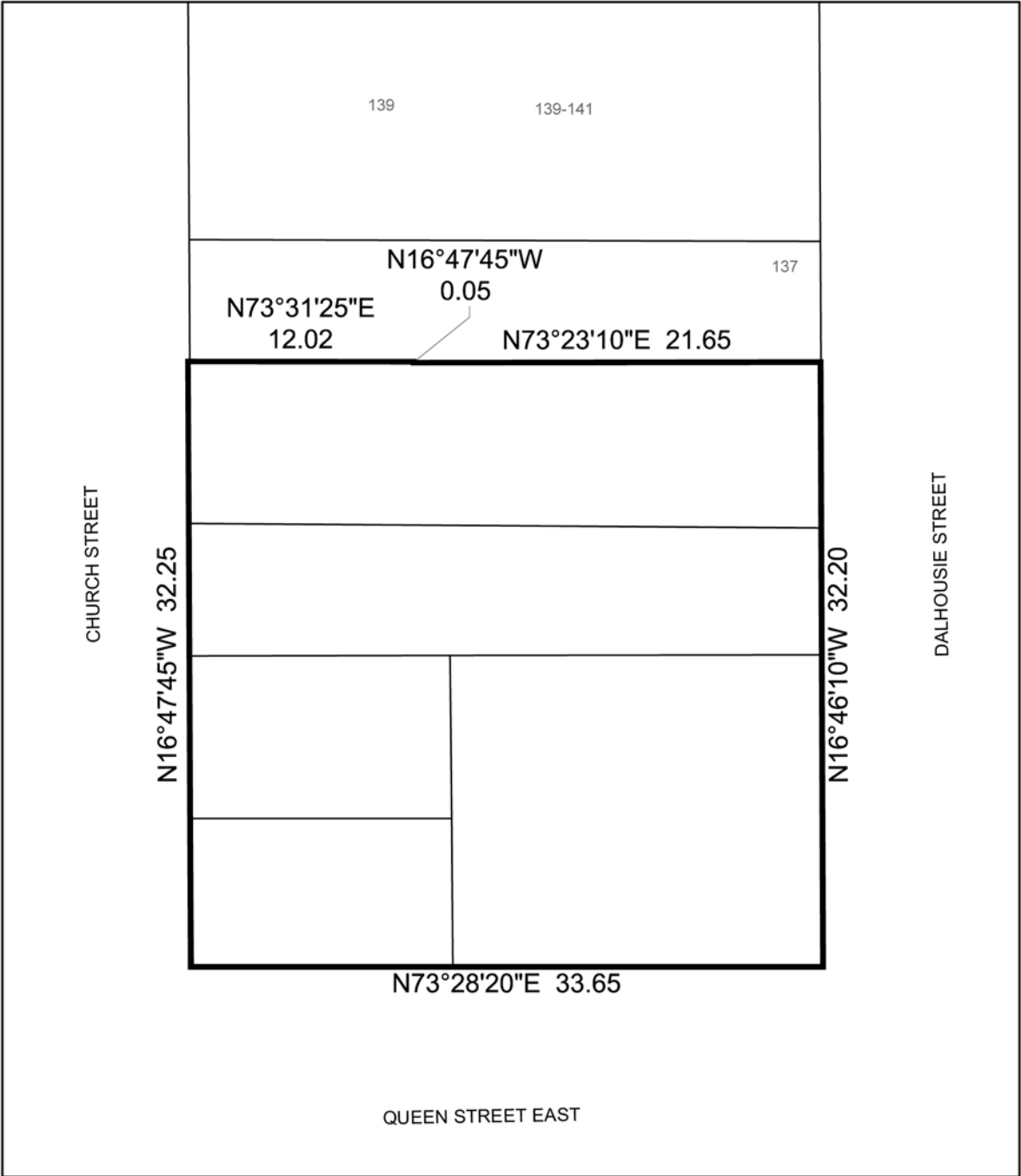
- (F) Prior to any site plan approval for the site, the owner shall obtain from Metrolinx, or its successor, written confirmation to the Chief Planner and Executive Director, City Planning and City Solicitor that the owner has satisfied any required technical or related review for any proposed below 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.
- (G) 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.

Toronto Green Standard

- (H) 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.

Construction Management Plan

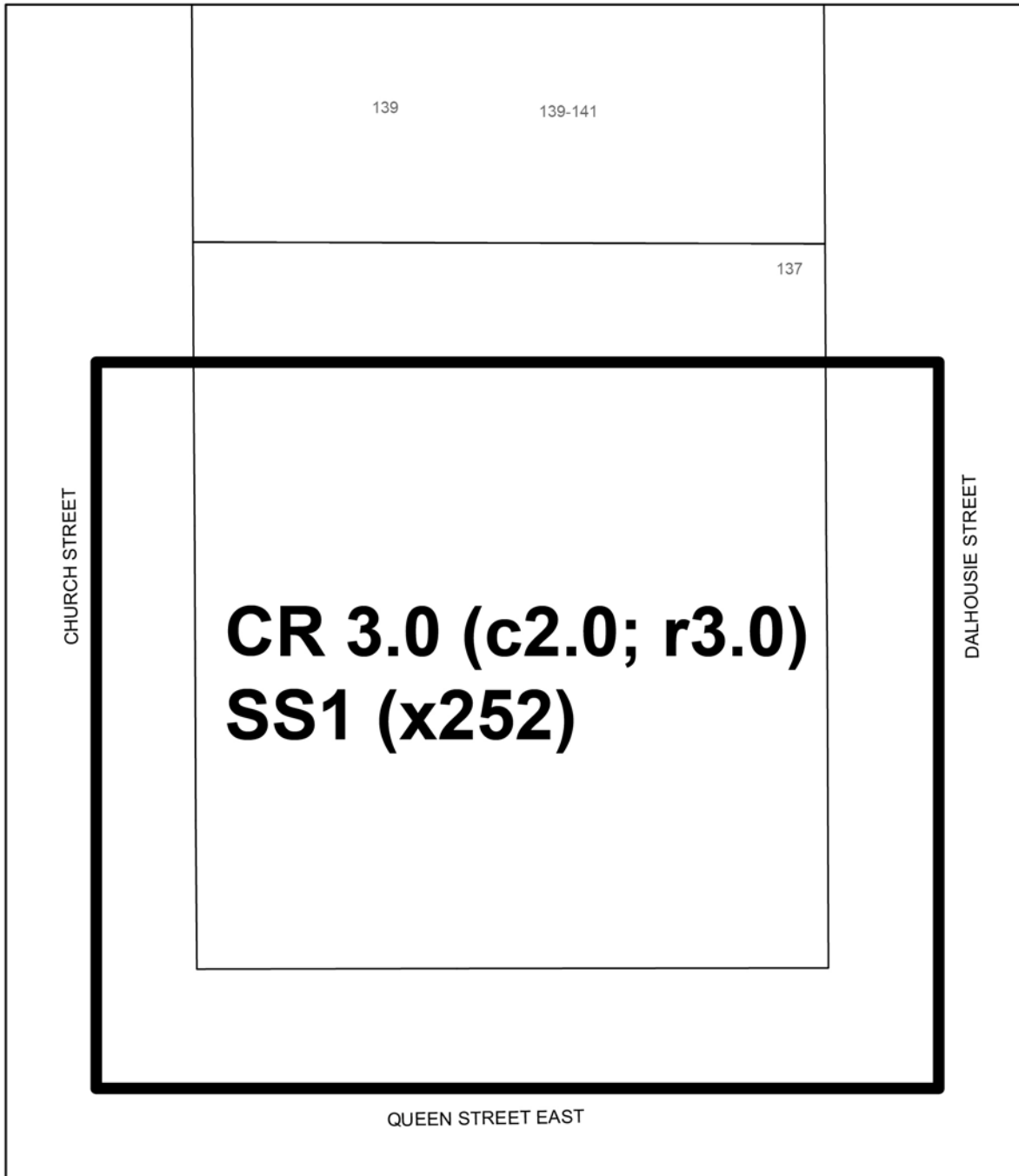
- (I) Requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking 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.



TORONTO
Diagram 1


**60-64 Queen Street East and
 131-135 Church Street**
 File # 18 111294 STE 27 0Z

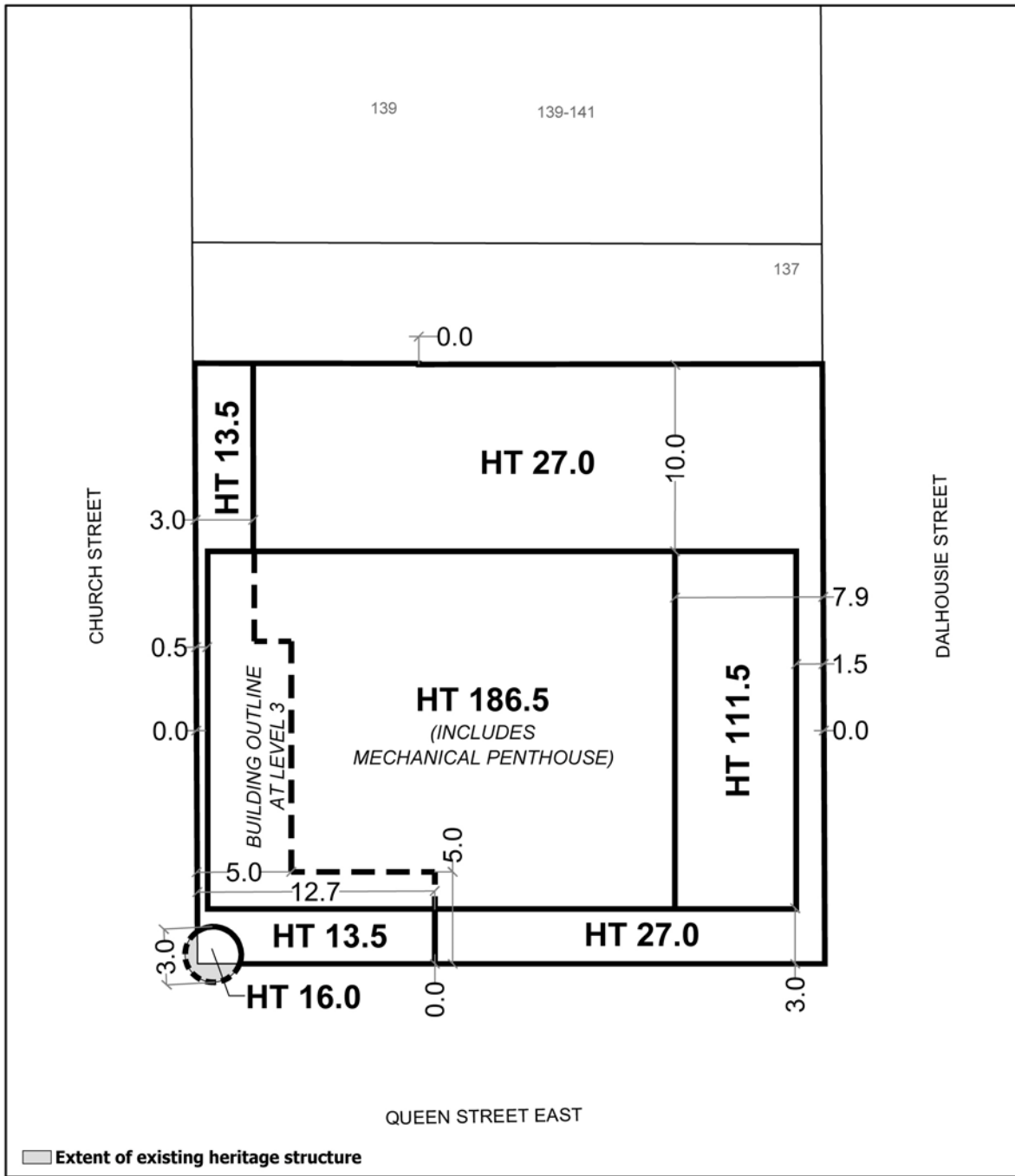
City of Toronto By-law 569-2013
 Not to Scale
 02/28/2020



TORONTO
 Diagram 2

**60-64 Queen Street East and
 131-135 Church Street**
 File # 18 111294 STE 27 02


 City of Toronto By-law 569-2013
 Not to Scale
 02/28/2020

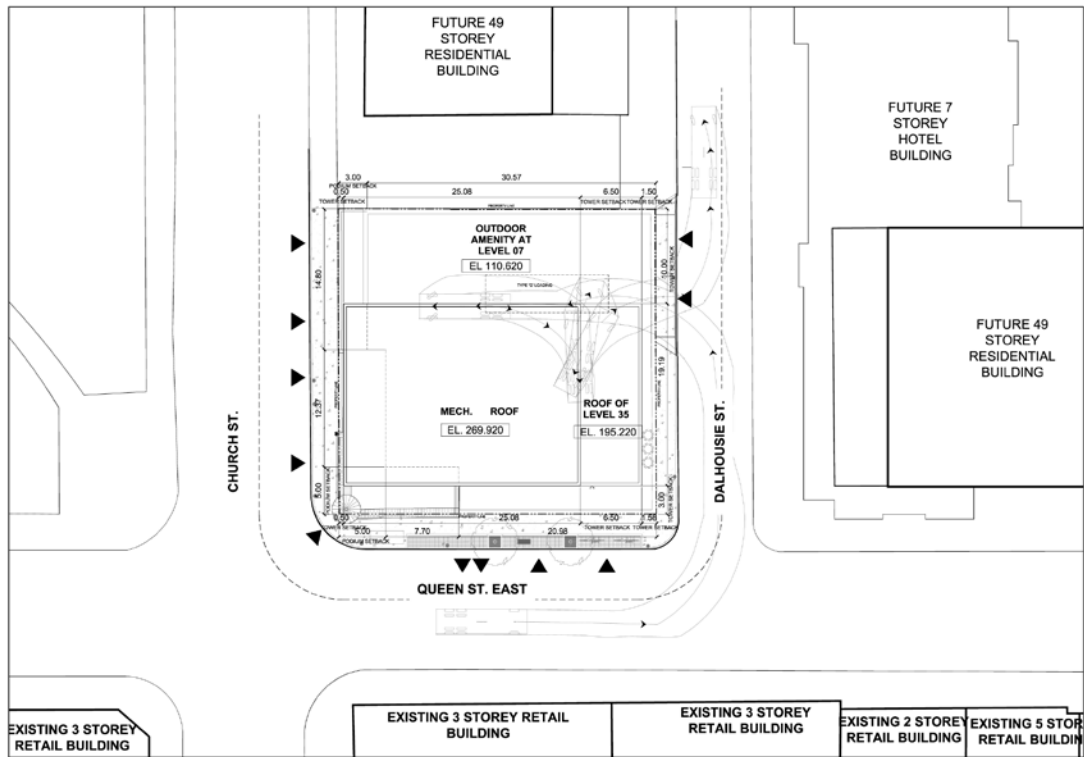


TORONTO
Diagram 3

**60-64 Queen Street East and
 131-135 Church Street**
 File # 18 111294 STE 27 02

City of Toronto By-law 569-2013
 Not to Scale
 09/30/2020

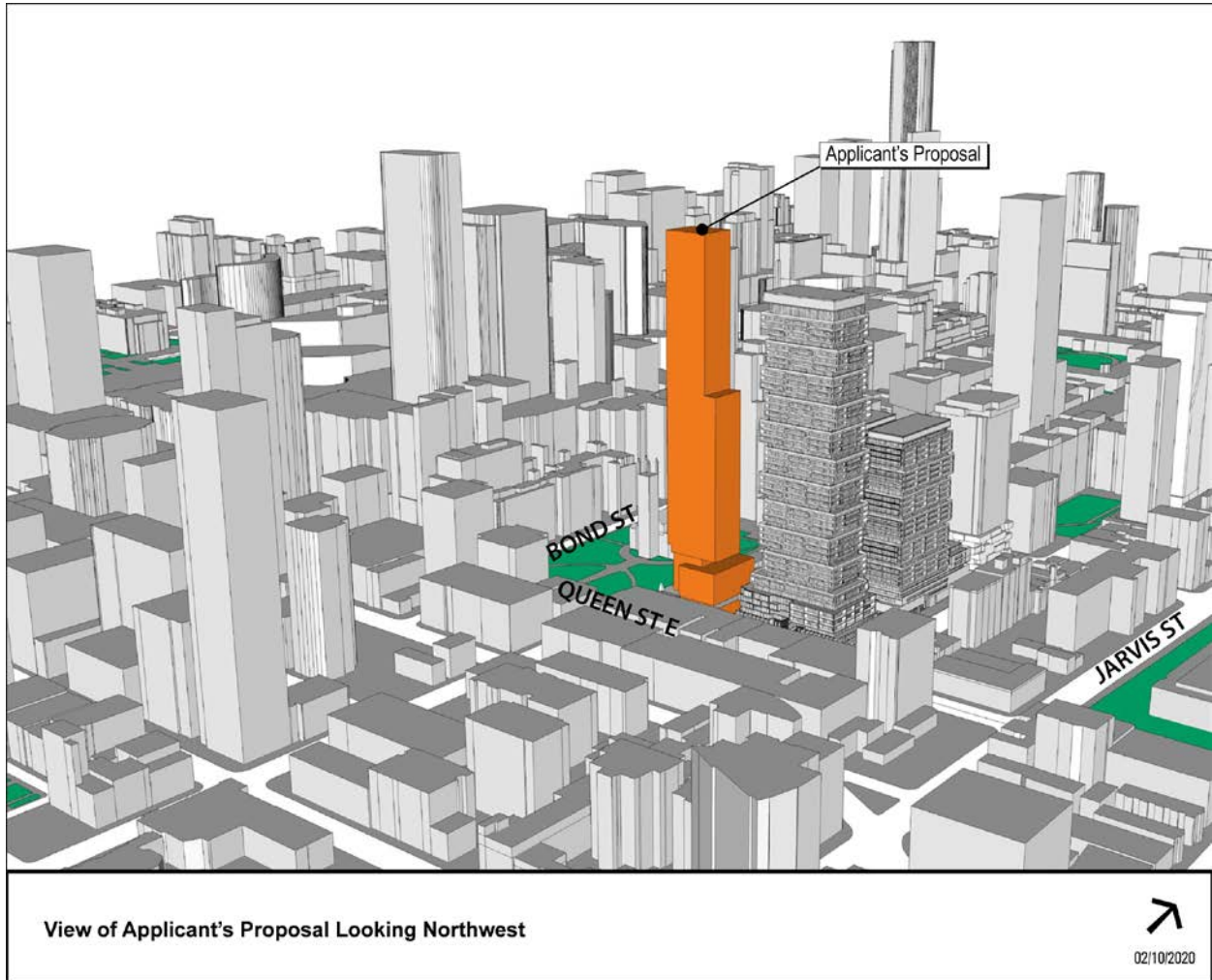
Attachment 7: Site Plan

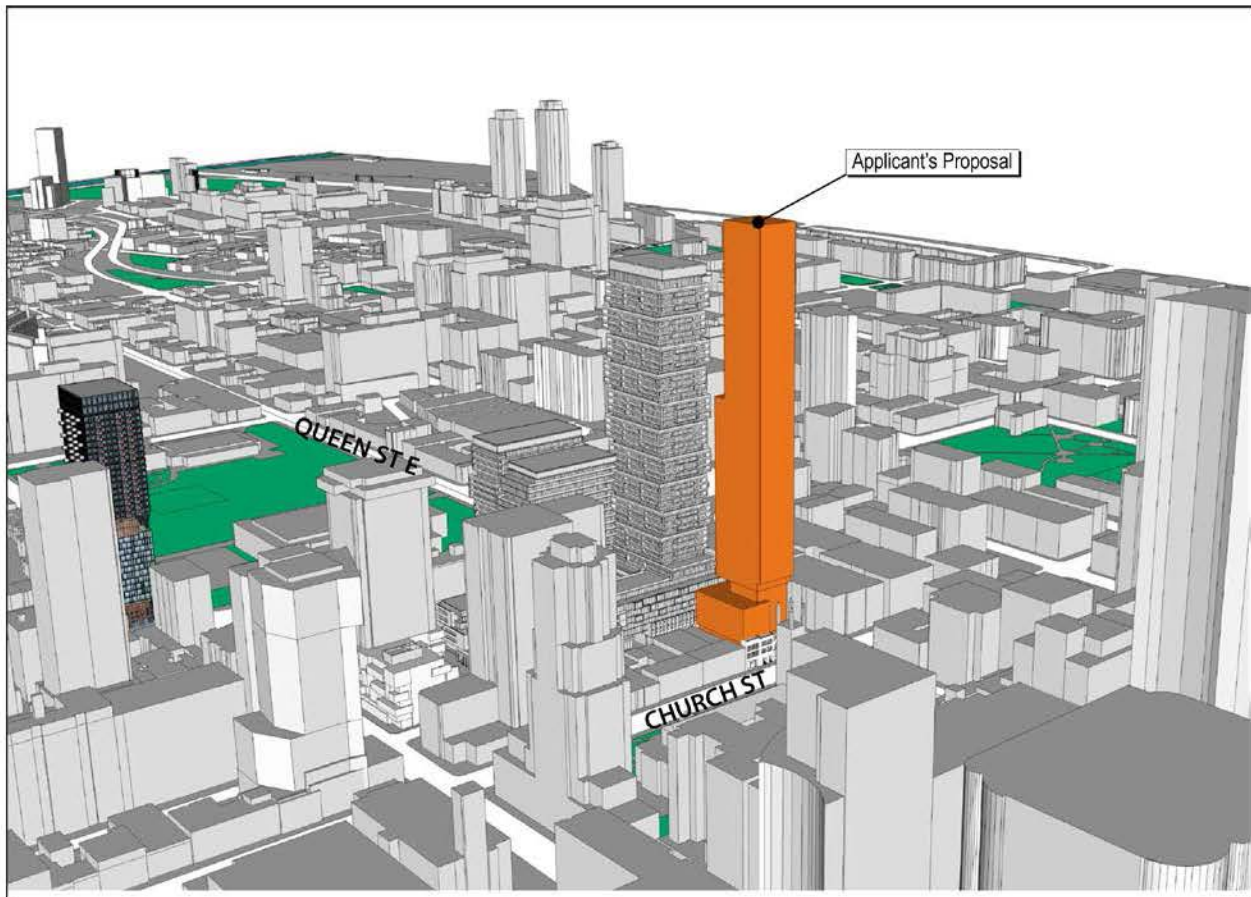


Site Plan



Attachment 8: 3D Model of Proposal in Context





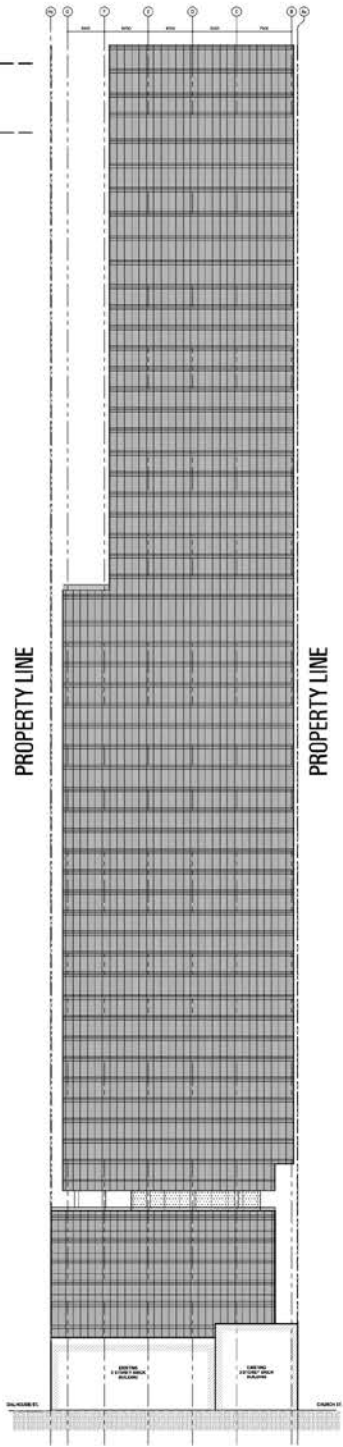
View of Applicant's Proposal Looking Southeast

↙
02/10/2020

Attachment 9: North Elevation

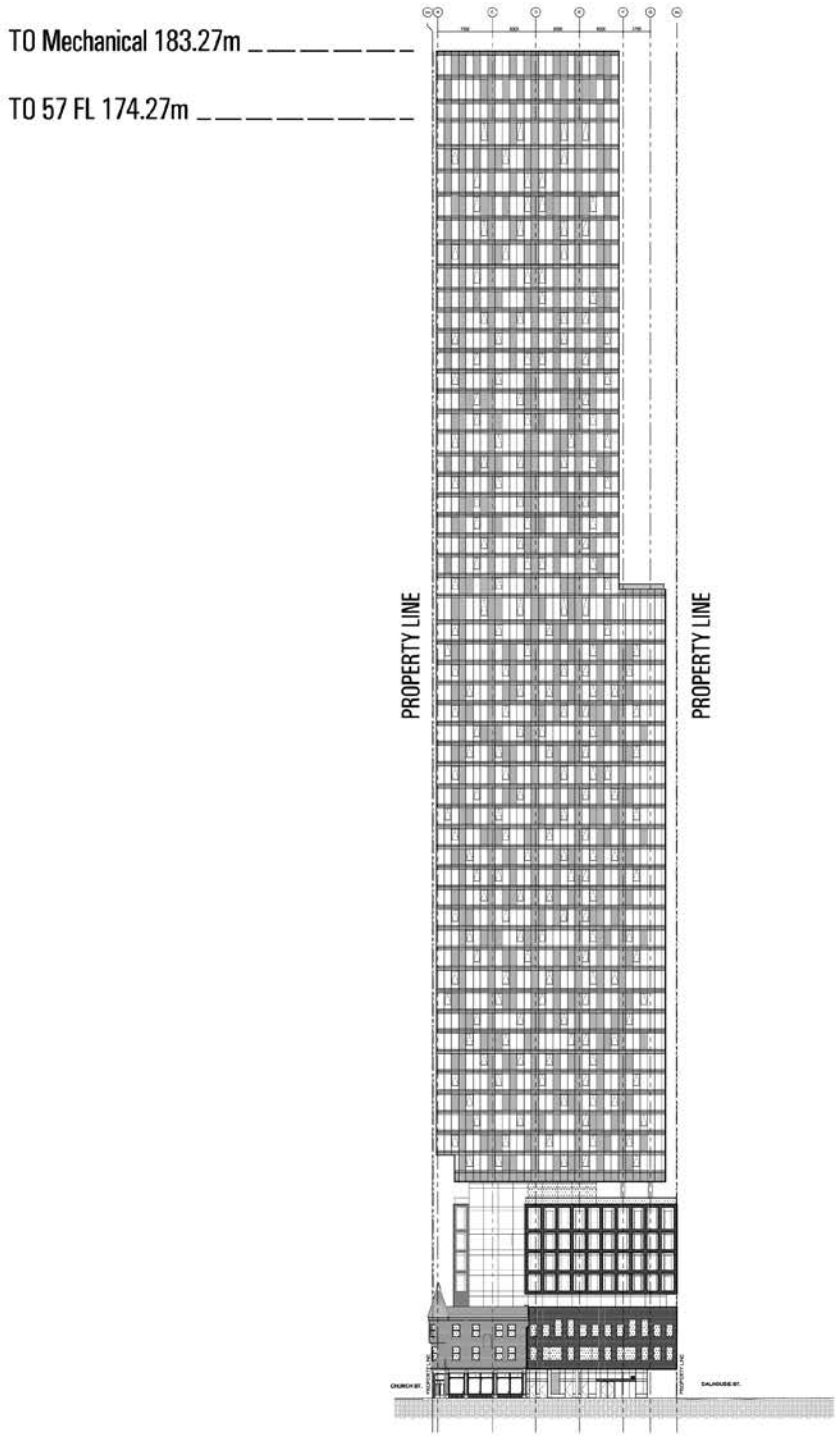
TO Mechanical 183.27m

TO 57 FL 174.27m



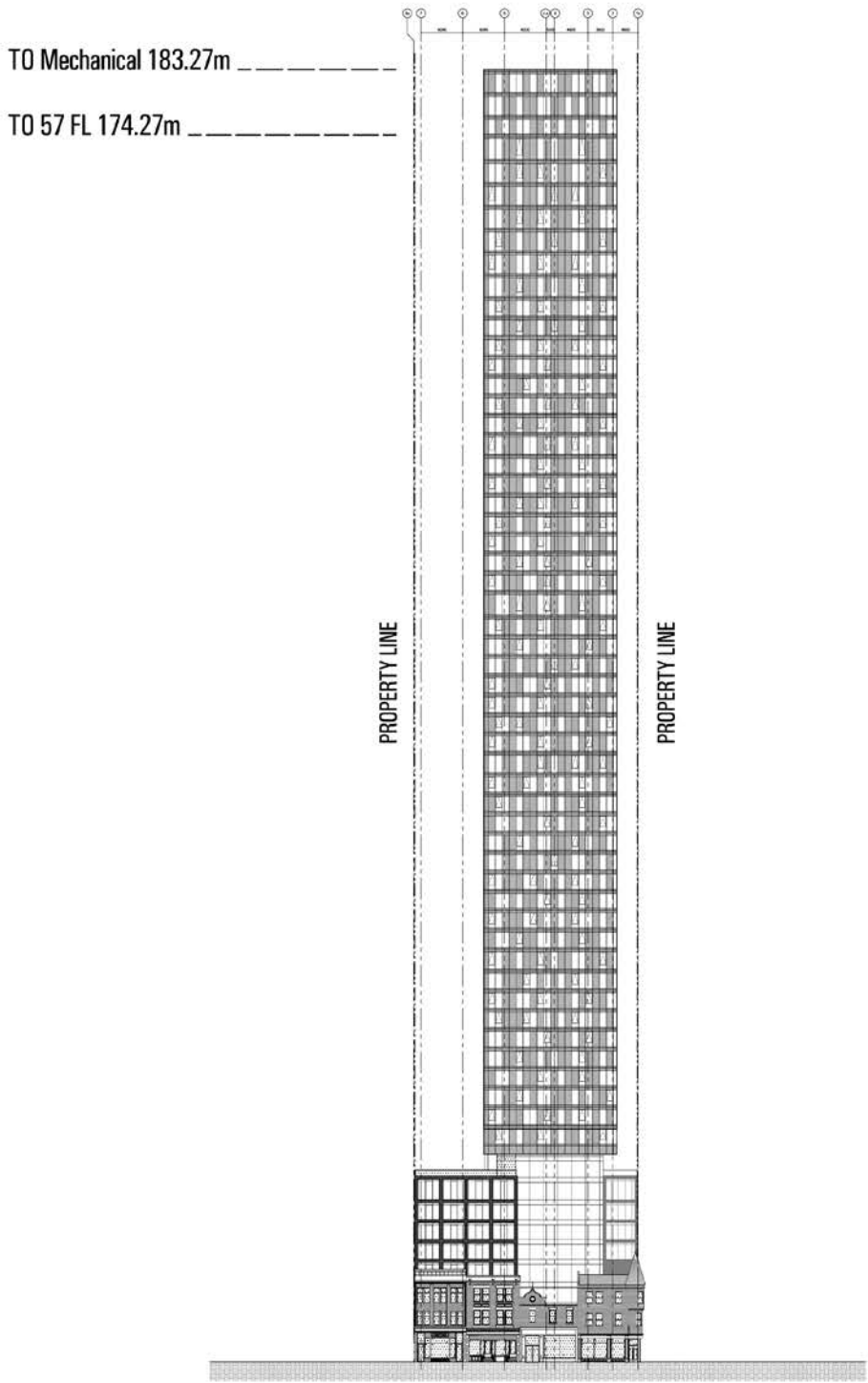
North Elevation

Attachment 10: South Elevation



South Elevation

Attachment 11: West Elevation

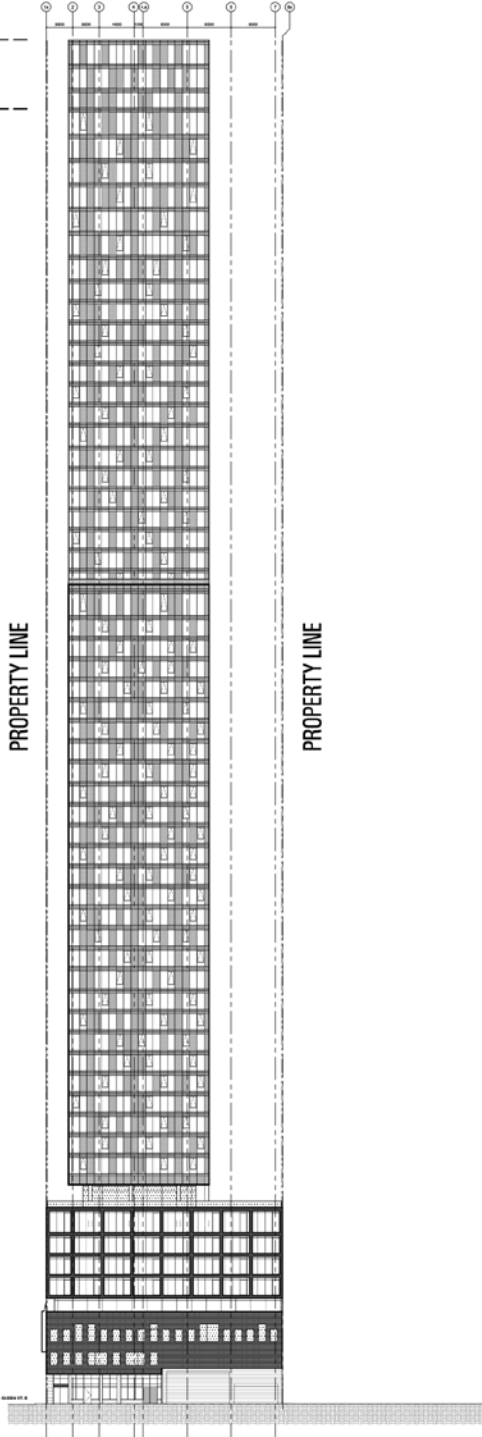


West Elevation

Attachment 12: East Elevation

TO Mechanical 183.27m

TO 57 FL 174.27m



East Elevation