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REPORT FOR ACTION

471-479 Queen Street East – Zoning By-law Amendment Application – Preliminary Report

Date: March 26, 2021 To: Toronto and East York Community Council From: Director, Community Planning, Toronto and East York District Ward: 13 - Toronto Centre

Planning Application Number: 20 220233 STE 13 OZ

Date of Complete Application Submission: Incomplete

Heritage Building(s) on Site: No

Current Use(s) on Site: 3-storey fire-damaged building formerly containing ground floor office uses, upper level residential uses, and rear surface parking at 479 Queen Street East. 471, 473, 475 and 477 Queen Street East are currently vacant as the result of a fire.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 471-479 Queen Street East. The application proposes a 15-storey (51.1 metres plus a 3.7-metre mechanical penthouse) mixed-use building with ground floor retail uses and 143 residential dwelling units. The proposal involves the demolition of the fire-damaged building at 479 Queen Street East.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. The proposal is not supportable in its current form. Staff will work with the applicant to address the issues outlined in this report. A community consultation meeting is scheduled for March 29, 2021.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Additional mailing costs resulting from an expanded notification area for the community consultation meeting held on March 29, 2021 beyond 120 metres from the site be borne by the applicant.

2. Staff continue to work with the applicant to address issues identified in this report and additional issues that may be identified through the continuing review of the application, agency comments and further community consultation processes.

FINANCIAL IMPACT

The City Planning Division 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

A pre-application meeting was held with the applicant on August 28, 2020 to discuss the proposed development concept and identify application requirements. Staff discussed the applicable policy framework and identified concerns, including: conformity with the Downtown Plan and King-Parliament Secondary Plan (current and proposed) policies; compliance with the Mid-rise Guidelines; building height and massing; access to the site off of Queen Street East; impacts to adjacent heritage resources; unit mix and size; and transition to the low-rise area to the south.

At its meeting on May 22, 2018, City Council directed staff to undertake a review of the King-Parliament Secondary Plan and the area north of Queen Street East between Jarvis Street and River Street. The review focuses on three themes being built form, public realm and heritage. On October 29, 2019, City Council directed staff to apply the policies of the proposed King-Parliament Plan on current development applications.

At its meeting on December 16, 2020, City Council added the properties adjacent to the development site at 467, 469 and 481 Queen Street East to the Heritage Register as part of the King-Parliament Heritage Survey and a component of phase one of the Toronto Heritage Survey (THS). Staff undertook a Cultural Heritage Resource Assessment (CHRA) of the Secondary Plan Area, and prepared an historic context statement and heritage survey to identify existing and potential heritage properties. Council's decisions can be found here:

http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2020.TE21.21

ISSUE BACKGROUND

Complete Application Submission Date: This application has not been deemed complete. An Incomplete Notice of Application was sent to the Applicant on March 2, 2021.

Application Description

The application proposes to amend the Zoning By-law for the properties at 471, 473, 475, 477 and 479 Queen Street East to permit a 15-storey (51.1 metres plus a 3.7-metre mechanical penthouse) mixed-use building with ground floor retail and 143 residential dwelling units. The proposed 143 dwelling units would be comprised of 76 studio (53%), 28 1-bedroom (20%), 23 2-bedroom (16%), and 16 3-bedroom (11%) units. The application proposes a total gross floor area of 8,753.2 square metres, including 213.1 square metres of non-residential floor area resulting in an overall Floor Space Index ("FSI") of 11.1 times the area of the lot. The proposal involves the demolition of the fire-damaged building at 479 Queen Street East.

The proposal includes 33 vehicle parking spaces and 180 bicycle parking spaces within a four level underground garage. Vehicle access to the garage will be provided via two parking elevators located at the south side of the building, off of the 3-metre wide private laneway to the south. Bicycle access to the garage will be provided via two elevators from the lobby or stairs located in the southwest corner of the building. The proposal includes a loading space adjacent to the residential lobby with access from Queen Street East.

The application proposes a 1.2-metre setback from the front lot line (Queen Street East) at floors 1 to 2. At floors 3 to 7 the building cantilevers towards the street and is located 0 metres from the front lot line. At floor 8 the front wall of the building steps back 2.5 metres. The east and west side walls are proposed to be 0 metres from the east and west side lot lines with openings on either side wall at floors 8 to 14.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: https://www.toronto.ca/city-government/planning-development/application-information-centre/

See Attachments 1 and 2 of this report for a three dimensional representation of the project in context, Attachment 3 for the location map, Attachment 4 for the proposed site plan drawing and Attachment 9 for the application data sheet. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

Reasons for the Application

The Zoning By-law Amendment Application has been submitted in order to amend Citywide Zoning By-law 569-2013 and Former City of Toronto Zoning By-law 438-86 to permit an increase in the overall height and density on the site and to modify various performance standards such as those for setbacks and parking.

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the "Growth Plan") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan 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 establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the Ontario *Planning Act (the "Planning Act")*.

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, and better connected 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;
- 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, 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 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.

Planning for Major Transit Station Areas

The Growth Plan as amended contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities. The site is located within 800 metres of a planned transit station for the new Ontario Line subway.

Toronto Official Plan

The City of Toronto Official Plan (the "Official Plan") is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act*. The PPS recognizes the Official Plan as the most important document for its implementation.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities.

The site is located on lands shown as *Downtown and Central Waterfront* on Map 2 of the Official Plan. The site is designated *Mixed Use Areas* as shown on Land Use Map 18 (see Attachment 5: Official Plan Map).

Downtown Plan

Official Plan Amendment 406 ("OPA 406" or the "Downtown Plan") is now inforce and effect. 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. 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.

Map 41-3-C designates the site as *Mixed Use Areas 3 - Main Street*. Policy 6.28 provides that development within *Mixed Use Areas 3* will be in the form of midrise buildings, with some low-rise and tall buildings permitted based on compatibility. The assessment of proposals for mid-rise buildings will be informed by the Mid-Rise Buildings policies in section 9 of the Downtown Plan. The Downtown Plan identifies Queen Street East as both a Great Street and a Priority Retail Street. The site is also located within a Cultural Precinct and the Downtown Film Precinct. The in-force Downtown Plan may be found here:

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

King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan. The main objective of the Secondary Plan is to encourage reinvestment in the area for a mixture

of uses that reinforces the historic built form and public realm, while ensuring growth is mutually compatible and complement to the existing built form character and scale of the area.

The site is designated *Mixed Use Area 'D' (Queen Street)* on Map 15-1 - Land Use Plan (see Attachment 6: King-Parliament Secondary Plan Land Use). Lands designated *Mixed Use Area 'D'* consists of a wide range of low-rise building types, where a mixture of street-related retail, residential and institutional uses are permitted.

The site is also within the Corktown Area of Special Identity on Map 15-3 - Areas of Special Identity (see Attachment 7: King-Parliament Secondary Plan Areas of Special Identity). New development will implement urban design policies to protect such areas.

The King-Parliament Secondary Plan may be found here: <u>https://www.toronto.ca/wp-content/uploads/2017/11/9063-cp-official-plan-SP-15-KingParliament.pdf</u>

King-Parliament Secondary Plan Review

On May 22, 2018, City Council directed staff to undertake a review of the King-Parliament Secondary Plan and the area north of Queen Street East between Jarvis Street and River Street. The review focuses on three themes being built form, public realm and heritage. On October 29, 2019, City Council directed staff to apply the policies of the proposed King-Parliament Plan on current development applications. Staff are bringing forward a recommended King-Parliament Secondary Plan and updated Zoning By-law to Toronto and East York Community Council on April 21, 2021 and to City Council on May 5, 2021.

The proposed King-Parliament Secondary Plan can be found here: <u>https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/king-parliament-secondary-plan-review/</u>

Official Plan Amendment 479 and 480 – Public Realm and Built Form Official Plan Policies

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here: <u>http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2019.PH11.4</u>

Zoning By-laws

The site is zoned Commercial Residential CR 2.0 (c2.0; r2.0) SS2 (x2104) under the City's harmonized Zoning By-law 569-2013. This zoning designation permits a variety of

commercial and residential uses. The current zoning permits a height of 12.0 metres, a maximum floor space index of 2.0 times the area of the lot, and specifies a number of required setbacks.

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

The site is also subject to former City of Toronto Zoning By-law 438-86, under which it is zoned Mainstreet Commercial Residential MCR T2.0 (H12.0), which is substantially the same with respect to use, density, and height as the provisions under Zoning By-law 569-2013.

Both By-laws include a number of Restrictive Exceptions that provide additional zoning provisions for the site. These provisions include: base height at lot line and angular plane requirements (Section 12(2) 260); amount of non-residential floor area and size of retail units (Section 12(2) 270(a)); and restrictions on commercial parking uses (Section 12(2) 132).

On November 26, 2019 City Council adopted the Priority Retail Streets Zoning By-law Amendments 1681-2019 and 1692-2019 which specify standards for retail spaces at grade. By-laws 1681-2019 and 1692-2019 identify this portion of Queen Street East as a Priority Retail Street. The By-laws were subsequently appealed to the LPAT on a citywide basis. The Council-adopted By-laws can be found here:

http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2019.PH10.1

Urban Forest/Ravines/Environment

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

Design Guidelines

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

- King-Parliament Urban Design Guidelines;
- Avenues and Mid-Rise Buildings Study Performance Standards;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet-Friendly Design Guidelines; and
- Retail Design Manual.

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

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard ("TGS"). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application. TGS Version 1.0: no longer in effect. Older applications must be upgraded. TGS Version 2.0: new applications received between January 1, 2010 and April 30, 2018. TGS Version 3.0: new applications submitted on or after May 1, 2018. Visit <u>https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requriements/</u>.

Site Plan Control

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

COMMENTS

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, staff note that the application is not supportable in its current form. Staff have identified a number of preliminary issues with the proposed development and will be working with the applicant to address these concerns and achieve a proposal which is more compatible with its surrounding context.

Provincial Policies and Plans Consistency/Conformity

Staff will evaluate this application to determine its consistency with the PPS and conformity to the Growth Plan, including but not limited to whether: the proposal makes efficient use of land and resources, infrastructure and public facilities; the proposal is directed at an appropriate location; appropriate development standards are promoted which facilitate compact form; and the proposal represents an appropriate type and scale of development and transition of built form to adjacent areas.

Official Plan Conformity

Staff will evaluate this planning application to determine its conformity to the Official Plan, including the King-Parliament Secondary Plan (both existing and proposed) and the Downtown Plan.

Built Form, Planned and Built Context

Staff will evaluate the suitability and appropriateness of the proposed height, massing, transition, and other built form issues based on Section 2 (d), (p), (q) and (r) of the *Planning Act*, the PPS; the Growth Plan; the City's Official Plan policies; the Downtown Plan (OPA 406); the King-Parliament Secondary Plan; and the City's Design Guidelines.

The following preliminary issues have been identified:

- The proposed building height of 15-storeys (51.1 metres plus a 3.7-metre mechanical penthouse) does not fit within the existing and planned height context of this portion of Queen Street East and does not conform with Official Plan built form policies, specifically those set out in the *Downtown Plan* and the King-Parliament Secondary Plan;
- The proposed building does not provide appropriate transition to the *Mixed Use Areas 4* designation to the south as required in the Downtown Plan;
- The proposed building does not frame the edge of the street with good proportion and does not maintain adequate sunlight for pedestrians; and
- The proposed building represents overdevelopment of the site.

Staff will continue to assess:

- The appropriateness of the proposed built form in relation to the adjacent properties on the Heritage Register;
- The shadow, wind and privacy impacts of the proposed building;
- The appropriateness of the proposed setbacks and stepbacks;
- The appropriateness for window openings in the side walls located at the lot line;
- The appropriateness of the mix and size of dwelling units; and
- The adequacy of the location and amount of proposed indoor and outdoor amenity space.

Infrastructure/Servicing Capacity

Staff and commenting agencies are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

The applicant has submitted the following studies and reports which have been reviewed by Engineering and Construction Services and Transportation Services staff: a Functional Servicing and Stormwater Management Report; Geohydrology Assessment; Hydrological Review Summary; and Transportation Considerations Report.

Staff will continue to assess:

• The Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and

• The Transportation Impact Study submitted by the applicant, to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Site Access, Circulation and Parking

Staff and commenting agencies are reviewing the submitted plans and Transportation Considerations Report to evaluate the proposed site access and circulation, amount and location of loading spaces, and vehicle and bicycle parking supply.

Staff will continue to assess:

- The appropriateness of the proposed site access and circulation, including use of the narrow private lane and vehicle elevators;
- The appropriateness of the proposed supply of parking for residents and visitors; and
- The appropriateness of the location and visibility of the proposed service areas.

Affordable Housing

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. Section 3.2.1 of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. The Growth Plan (2020) also contains policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

Staff will engage in discussions with the applicant, the Ward Councillor, and City staff to evaluate potential opportunities for the provision of affordable housing.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. An Archaeological Assessment has been submitted and is under review.

Toronto Green Standard

Staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Staff will encourage the applicant to pursue Tier 2, 3 or 4.

ADDITIONAL ISSUES

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context Looking Southwest Attachment 2: 3D Model of Proposal in Context Looking Northeast Attachment 3: Location Map Attachment 4: Site Plan Attachment 5: Official Plan Map Attachment 6: King-Parliament Secondary Plan Land Use Attachment 7: King-Parliament Secondary Plan Areas of Special Identity Attachment 8: Zoning By-law Map Attachment 9: Application Data Sheet

mΠ Applicant's Proposal TT Π TITIT T SUMACH STREET QUEEN STREET EAST View of Applicant's Proposal Looking Southwest

Attachment 1: 3D Model of Proposal in Context Looking Southwest

03/22/2021



Attachment 2: 3D Model of Proposal in Context Looking Northeast

Attachment 3: Location Map





Attachment 5: Official Plan Map





Staff Report for Action - Preliminary Report – 471-479 Queen Street East



Attachment 7: King-Parliament Secondary Plan Areas of Special Identity

Attachment 8: Zoning By-law Map



Attachment 9: Application Data Sheet

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Municipal Address:	471-	479 Queen St E	Date Rece	ived:	Noven	nber 19, 2020
Application Number:	20 22	20 220233 STE 13 OZ				
Application Type:	ΟΡΑ	/ Rezoning				
Project Description:	15-st	15-storey mixed-use building				
Applicant	Agent		Architect		Owner	
Aird & Berlis LLP	Bousfields Inc.		A& Associates Architects Inc.		BJL Sumach Corporation	
Existing Planning Controls						
Official Plan Designation: Mixed Use Areas		ixed Use Areas	Site Specific Provision: 517			
Zoning:	CR2.0 (c2.0; r2.0) SS2 (x2104)		Heritage Designation: N			
Height Limit (m):	12		Site Plan Control Area: Y			
Project Information						
Site Area (sq m): 779)	Frontage	e (m): 27	l	Depth (m): 27
Building Data		Existing	Retained	Propo	sed	Total
Ground Floor Area (sq m):				. 694		694
Residential GFA (sq m):				8,440		8,440
Non-Residential GFA (213		213		
Total GFA (sq m):		0		8,653		8,653
Height - Storeys:		3		15		15

Lot Coverage Ratio (%):	89.09	Floor Space Index:
	00.00	

Height - Metres:

55

11.11

55

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	8,440	
Retail GFA:	213	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			143	143
Other:				
Total Units:			143	143

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		76	28	23	16
Total Units:		76	28	23	16

Parking and Loading

Parking Spaces:	33	Bicycle Parking Spaces:	180	Loading Docks:	1
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Contact:

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