

133-141 Queen Street East and 128 Richmond St E – Zoning By-law Amendment Application – Request for Direction Report

Date: June 4, 2021

To: Toronto and East York Community Council

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

Ward: 13 - Toronto-Centre

Planning Application Number: 18 225083 STE 28 OZ

SUMMARY

On October 3, 2019, a complete application to amend the Zoning By-law was submitted to permit a 39-storey mixed-use building at 133-141 Queen Street East and 128 Richmond Street East.

On December 31, 2020, the applicant appealed the application to the Local Planning Appeal Tribunal ("LPAT") due to Council not making a decision within the 90-day time frame in the *Planning Act*.

The proposed development is not consistent with or conform with a number of policies of the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2020). The proposal does not conform to the City's Official Plan, in particular the *Mixed Use Areas*, Public Realm, and Built Form policies, as well as the Downtown Plan and OPA 352. Further, the proposed development does not adequately address the City's Tall Building Design Guidelines, or meet the intent of those guidelines.

This report recommends that City Council instruct the City Solicitor with the appropriate City staff to attend the LPAT hearing and oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Local Planning Appeal Tribunal in opposition to the current Application regarding the Zoning By-law Amendment appeal for the lands at 133-141 Queen Street East and 128 Richmond Street East.

2. In the event that the Local Planning Appeal Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application as set out in their memo dated December 11, 2019 or as may be updated in response to further submissions filed by the owner, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- c) the owner has provided a revised Functional Servicing Report, Stormwater Management Report, Municipal Servicing and Grading Plan, and any other reports or documents deemed necessary in support of the development to the City for review and acceptance by and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; the reports will determine whether the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required;
- d) the owner has entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, at the owner's sole expense, should it be determined that upgrades are required to support the development as identified in the accepted Functional Servicing and Stormwater Management Reports or other reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- e) the parties have had an opportunity to negotiate community benefits and other matters in support of the development to be secured in an agreement pursuant to section 37 of the *Planning Act*, and such Agreement has been registered on title to the lands satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning; and
- f) the owner has withdrawn its appeal of Official Plan Amendment 352, being the Downtown Tall Buildings Setback Area Specific Policy, and the associated Zoning By-laws 1106-2016 and 1107-2016, as relates to the subject lands.

3. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address the issues outlined in this report.

4. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

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

DECISION HISTORY

A Preliminary Report was adopted by Toronto and East York Community Council on February 14, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.71>

SITE AND SURROUNDING AREA

The subject site is a rectangular shaped parcel with frontage on Queen Street East to the north, Jarvis Street to the east, and Richmond Street East to the south. The site is 1,786 square metres in size, with frontages of 27.7 metres on Queen Street East, 62.3 metres on Jarvis Street and 32.59 metres on Richmond Street East.

The site presently contains 1-storey commercial buildings and an associated surface parking lot, accessed from Richmond Street East and Jarvis Street.

Surrounding uses include:

North: To the north of the site, is Queen Street East. On the north side of Queen Street East are a number of heritage-listed and designated mixed-use buildings with heights ranging from 1 to 3 storeys. Also on the north side of Queen Street East is 90-104 Queen Street East, a site that has been rezoned to permit a 34-storey mixed-use building. On the northeast corner of Queen Street East and Jarvis Street is the Moss Park Armoury and Moss Park, a municipal park containing an arena, recreation centre, park grounds, and outdoor amenities.

East: To the east of the site is Jarvis Street. On the east side of Jarvis Street are a variety of low- to mid-rise buildings, including a Petro-Canada gas station (1 storey), the Consulate-General of Indonesia (2 storeys), a hotel (3 storeys), and the Fred Victor transitional and affordable housing facility (9-storey building with 4-storey base). Further east on the same block are a 4-storey office building at 163 Queen Street East and 3-storey townhouse complex at 150 George Street.

South: To the south of the site is the intersection of Richmond Street East and Jarvis Street. The intersection contains a tree-lined triangular median (approximately 250 square metres) that separates directional traffic and serves as outdoor amenity and a pedestrian crossing. On the south side of Richmond Street East is a pair of 11-storey residential buildings at 115 Richmond Street East and 120 Lombard Street, the Central Fire Station public lane, and the Lombard Street Firehall, a heritage-designated building at 110 Lombard Street.

West: To the west of the site on the south side of Queen Street East is a 12-storey mixed-use building with ground floor retail and residential uses above. Also directly west of the site, but on the north side of Richmond Street East, is a 3-storey stacked townhouse building. Further west along the same block, is the Queen-Richmond Centre, a 3- to 5-storey heritage-designated commercial/office complex that fronts on both Queen Street East and Richmond Street East.

THE APPLICATION

Description

The application originally proposed a 41-storey (125.55 metres tall plus a 7.5-metre mechanical penthouse) mixed-use building containing 440 dwelling units and 1,300 square metres of non-residential floor area. The total gross floor area of the proposal was 33,000 square metres, which equates to a floor space index ("FSI") of 18.48 times the area of the lot.

The applicant subsequently submitted a revised proposal for a 39-storey (117.5 metres tall plus a 7.5-metre mechanical penthouse) mixed-use building. The revised proposal continues to contain 440 dwelling units (250 bachelor and one-bedroom units, 146 two-bedroom units and 44 three-bedroom units), 500 square metres of non-residential floor area, 92 resident parking spaces, and 7 visitor parking spaces. The total gross floor area of the development would be 29,500 square metres, which equates to a floor space index ("FSI") of 16.52 times the area of the lot.

The built form of the revised proposal consists of a base building streetwall ranging from 4 to 10 storeys along Queen Street East, 6 to 7 storeys along Jarvis Street, and 7 storeys along Richmond Street East. Above the base building is a tower element positioned in the centre and southern portions of the site with an overall height ranging from 32 to 39 storeys with a mechanical penthouse above. A portion of the tower meets the ground along the Richmond Street East frontage.

Table 1 below describes the details regarding the base building and tower setbacks.

Table 1 – Setbacks in Revised Proposal

	Property Line	Proposed Setback (metres)
Base Building Setbacks	North	<ul style="list-style-type: none"> • 2.4 to 6.6 (ground floor) • 0.25 to 4.8 (floors 2 to 10 inclusive) • 12.1 (floor 11)
	East	<ul style="list-style-type: none"> • 3.2 to 3.7 (ground floor) • 1.5 to 3.0 (floors 2 to 7 inclusive) • 3.0 (floors 8 to 11 inclusive)
	South	<ul style="list-style-type: none"> • 6.1 to 12.5 (ground floor) • 0.25 to 0.5 (floors 2 to 7 inclusive)

	Property Line	Proposed Setback (metres)
		<ul style="list-style-type: none"> • 2.5 (floor 8) • 1.0 to 2.5 (floors 9 to 11 inclusive)
	West	<ul style="list-style-type: none"> • 0.0 (ground floor) • 0.0 to 5.5 (floors 2 to 10 inclusive) • Floor 11 is not dimensioned and not known
Tower Setbacks	North	<ul style="list-style-type: none"> • Not dimensioned/not known
	East	<ul style="list-style-type: none"> • 3.0
	South	<ul style="list-style-type: none"> • 1.0 to 2.5
	West	<ul style="list-style-type: none"> • 5.5

The Planning Rationale submitted by the applicant indicates that the proposed building includes a tower floorplate of 694.2 square metres for floors 13 to 32 inclusive, and 568.8 square metres for floors 33 to 39 inclusive.

Vehicular access to the ground-level loading spaces, underground garage, and pick-up/drop-off area is proposed to be off Richmond Street East.

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 1-7 of this report for a location map, Application Data Sheet, a site plan of the proposal and elevations. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

Reasons for Application

The proposal requires an amendment to Zoning By-laws 438-86 and 569-2013 to vary performance standards, including: an increase in overall density; an increase in building height; building beyond the 44 degree angular plane starting at 16 metres above the property line along Queen Street East; reductions of minimum tall building setbacks; reduced amenity space standards; a reduced parking standard; and a reduced loading space standard, among others.

Site Plan Control

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

POLICY CONSIDERATIONS

The site is located in the *Downtown and Central Waterfront* on Map 2 of the City of Toronto Official Plan and is designated *Mixed Use Areas* on Land Use Map 18 of the Official Plan. The Downtown Secondary Plan designates the site as *Mixed Use Areas 2 - Intermediate*. The site is directly west of the western boundary of the King-Parliament Secondary Plan and directly south of the southern boundary of OPA 82 (Garden District Site and Area Specific Policy).

The site is zoned Commercial Residential, which permits a mix of commercial and residential uses, with a maximum height of 30.0 metres and a maximum density of 4 times the area of the site.

Additional information on applicable policy documents can be found in Attachment 8.

COMMUNITY CONSULTATION

A Community Consultation Meeting was hosted by City staff on June 25, 2019. Members of the public and the Office of the Ward Councillor participated. The following comments on the proposed development were made by community members prior to and during a presentation by the Applicant:

- proposed building is too tall and out of scale with existing context;
- insufficient transition to surrounding low- and mid-rise buildings;
- proposal does not respect the character of adjacent heritage resources;
- height of the base building and the tower location result in adverse shadow impacts and loss of skyview for adjacent residential building to the west, 127 Queen Street East;
- proposed building and balconies are too close to / abutting balconies of 127 Queen Street East;
- insufficient retail presence and animation on Queen Street East, Richmond Street East and portions of Jarvis Street;
- insufficient green space;
- insufficient pet-friendly areas;
- traffic impacts on Richmond Street East;
- vehicular access off of Richmond Street East; and
- loading and garbage facility location resulting in impacts, including noise and odour, on the rear courtyard of 127 Queen Street East.

COMMENTS

Planning Act

The review of this application and this report's recommendations have had regard for the relevant matters of provincial interest set out under Section 2 of the *Planning Act*.

Provincial Policy Statement (2020)

Planning Staff have reviewed the current proposal against the policies of the PPS, as described in the Policy Considerations Section in this report and find the proposal is consistent with some, but not all of the policies of the PPS.

Growth Plan (2020)

Planning Staff have reviewed the current proposal against the policies of the Growth Plan, as described in the Policy Considerations Section in this report and find the proposal conforms with some but not all of the policies the Growth Plan.

Land Use

The site is designated *Mixed Use Areas* in the City of Toronto Official Plan and *Mixed Use Areas 2 - Intermediate* in the Downtown Plan.

The proposed land use is a mixed-use building with retail at grade and residential units above, which conforms with the Official Plan and Downtown Plan, and are permitted uses in the CR zones of Zoning By-laws 569-2013 and 438-86. While the proposed uses are generally acceptable, the amount of retail and service commercial space on the ground floor frontages, particularly along the Queen Street East priority retail street, are not adequate. A continuous streetwall of retail frontage along the Queen Street East frontage and the elimination of the blank wall along the Jarvis Street frontage would improve the proposal.

Built Form

Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan and relevant design guidelines.

The Official Plan states that development in *Mixed Use Areas* be massed to fit harmoniously into its existing and/or planned context by framing adjacent streets and open spaces in a way that respects the street proportion. The Downtown Plan states that development in *Mixed Use Areas 2* will include building typologies that respond to their site context including mid-rise and some tall buildings, and that the scale and massing of buildings will be compatible with the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type. Overall, elements of the massing are too tall, and reductions are required to improve shadow and sky view impacts as well as compatibility with the surrounding context .

The proposed building height of 39 storeys (117.5 metres tall plus a 7.5-metre mechanical penthouse) does not comply to the Downtown Tall Building Guidelines which identifies this section of Jarvis Street as being appropriate for a tall building with a height in the range of 47 to 77 metres, subject to the satisfaction of various performance standards.

This portion of Queen Street East is subject to zoning by-law provisions that prescribe a 44 degree angular plane after a height of 16 metres to preserve the pedestrian scale

main-street and to maximize sunlight exposure on the public realm. This application does not achieve that goal. It is also noted that the Downtown Tall Building Guidelines do not identify the section of Queen Street East where this site fronts on as a tall building site.

The proposal does not conform to OPA 352 and associated Zoning By-laws 1106-2016 and 1107-2016 that require tall building developments to provide adequate setbacks from side property lines. The proposed 39-storey tower provides a 5.5 metre setback from the west property line, whereas a minimum 12.5 metres is required. The Tall Building Design Guidelines also require tall building towers to be set back 12.5 metres or greater from the side and rear property lines to maximize access to sunlight and sky view for surrounding streets, parks, open space, and properties.

The proposal in its current form does not conform with the policies of the Official Plan and the Downtown Plan as they relate to height, tower setbacks and fit within the existing and planned context, and does not meet the intent of the Tall Building Design Guidelines.

Sun/Shadow, Wind

The Official Plan requires that development in *Mixed Use Areas* locate and mass new buildings to frame the street edge with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces. The Plan also states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties.

The Downtown Plan which applies to this application also contains policies relating to shadow impacts, including adequately limiting shadows on sidewalks as necessary to preserve their utility and states that development will address microclimatic conditions for people on adjacent streets and sidewalks by reducing the overall height and scale of buildings and re-orienting, reducing the size of and/or setting back tall building elements on the site.

Moss Park is listed as a Sun Protected Park on Map 41-13 of the Downtown Plan and a Signature Park/Open Space in the Downtown Tall Buildings Guidelines. Policy 9.18 of the Downtown Plan states that development will adequately limit net-new shadow as measured from March 21st to September 21st from 10:18 a.m. – 4:18 p.m. on parks and open spaces indicated on Map 41-13. The Downtown Tall Buildings Guideline 3.2 directs tall buildings to be located and designed to not cast new net shadows on Signature Parks/ Open Spaces between 10:00 AM and 4:00 PM on September 21st.

The applicant has provided a shadow study illustrating the shadow impacts during the fall and spring equinoxes and the summer and winter solstices. Planning staff has reviewed the shadow study and find that the shadow impacts resulting from the proposal are not acceptable.

The study shows that the proposal in its current form will cast shadows on Moss Park from 3:18 P.M. to 4:18 P.M. during March 21st and September 21st. The proposal also will cast shadows on the Moss Park Armoury open space grounds from 1:18 P.M. to

3:18 P.M. during March 21st and September 21st. The proposal in its current form does not adequately limit the shadow impacts on open spaces and public parks.

The proposed building has not been designed to sufficiently minimize shadow impacts on nearby/adjacent streets, parks, and open spaces. In order to reduce the overall shadow impact for the surrounding areas, the proposal should reduce the proposed building height and reconfigure the building mass.

The applicant has also submitted a Pedestrian Level Wind Study in support of the application. The study finds that the wind conditions at most areas on and around the proposed development are generally acceptable. Other locations with slightly higher wind levels will need to be further evaluated and mitigated through design measures.

Public Realm

The Downtown Plan identifies Queen Street East and Jarvis Street as Great Streets, streets that play an important role in supporting economic activity and fostering public life. The Plan specifies that Great Streets should include public realm improvements such as: improving the scale of pedestrian clearways; prioritizing tree planting and investing in infrastructure to support the growth of a healthy tree canopy; and implementing and maintaining a high standard of design and materials. The Downtown Plan also directs development to provide a curb to building face distance of 6 metres or greater.

The ground floor of the proposed base building includes varying setbacks from the Queen Street East property line. Setbacks range from 2.4 metres in the western portion of the base building to 6.6 metres in the eastern portion, at the corner of Queen Street East and Jarvis Street. The resulting curb to building face distance along Queen Street East ranges from 6.0 to 10.2 metres.

The ground floor of the proposed base building is set back 3.7 metres from the Jarvis Street property line and results in a curb to building face distance of 6.0 metres. Portions of the Jarvis Street elevation encroach into the 3.7-metre setback and result in a curb to building face distance of 5.5 metres.

The ground floor of the proposed base building is set back a minimum of 2.5 metres from the Richmond Street East property line and results in a minimum curb to building face distance of 6.1 metres.

The proposed sidewalk widenings and enlargement of the pedestrian space at the corner of Queen Street East and Jarvis Street generally meets the policy intent of the Downtown Plan. However, portions of the ground floor along the Jarvis Street elevation penetrate the 6-metre curb to building face distance and should be removed to provide the required 6-metre curb to building face distance. Also, built form and balconies projections above the ground floor cantilevering over the 6-metre wide pedestrian walkway along all street frontages should be removed.

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 site is approximately 122 metres away from Moss Park, a 34,000 square metre public park which contains a lit baseball diamond, two tennis courts, basketball court, wading pool, children's playground, Moss Park Arena and John Innes Community Recreation Centre.

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.

Given the current rise in dog-owning population, the applicant should provide on-site dog amenities with proper disposal facilities such as dog relief stations within the building to accommodate future residents' needs. This will also help alleviate pressure on existing parks.

Tree Preservation

The applicant has submitted a Tree Declaration form in support of the application. The site does not contain any private trees and is adjacent to 1 street tree, which is located on the south side of the Queen Street East right-of-way, slightly west of the west side property line.

Urban Forestry has reviewed the application and has requested revisions and additional information as outlined in the Memorandum from Urban Forestry dated November 12, 2019.

Road Widening

There is no additional land required for Queen Street East, Jarvis Street, Richmond Street East. The requirement of a 20 metre wide right-of-way has been satisfied for the 3 streets.

A 5.0 metre radius corner rounding at the southwest corner of Queen Street East/Jarvis Street and northwest corner of Jarvis Street/Richmond Street East is required. This conveyance will be required as a condition of site plan approval.

Traffic Impact

The applicant submitted a Transportation Impact Study ("TIS") Report in support of the application. The report estimates that the proposed mixed-use development will generate 53 and 53 two-way vehicular trips during AM and PM peak hours, respectively. Given this level of estimated trip generation, the consultant concluded that the traffic impact introduced by the proposed redevelopment is acceptable.

The report recommends signal timing improvements to improve the performance of the intersection. The report was circulated to the Right-of-Way Management Traffic Operations group who has indicated that the proposed signal timing improvements are not acceptable and must be revised.

Driveway Access and Site Circulation

Vehicular access to the site is proposed to be provided via a driveway off of Richmond Street East (one-way westbound street). The proposed vehicular access is generally acceptable, however, further consultation with the Right-of-Way Management Public Realm group is required. Additional comments related to site access arrangement, site circulation and layout and the design of the proposed site entrance driveways will be provided through the site plan review process.

Parking

By-law 569-2013 requires a total of 325 parking spaces (281 residential and 44 visitor) for the proposed development. The applicant proposes to provide a total of 99 parking spaces (92 residential and 7 visitor), which equates to a parking supply ratio of 0.21 resident parking spaces per dwelling unit and 0.016 visitor parking spaces per dwelling unit. Transportation Services staff have reviewed the proposed parking supply, the applicant's submitted parking justification, parking variances approved for developments in the City of Toronto with a similar site context and number of units, and have determined that the proposed parking supply is acceptable.

Loading

As per Zoning By-law 569-2013, a minimum of one Type 'G' and one Type 'C' loading spaces are required for the proposed development and must be provided. A total of one Type 'G' and two Type 'C' loading spaces are proposed on-site.

Transportation Services staff has reviewed this arrangement and the manoeuvring diagrams and have determined that it meets the loading requirements of Zoning By-law 569-2013 and is acceptable.

Fire Services

Fire Services will review the proposal through the review of the Site Plan Control Application, when submitted.

Solid Waste

Based upon the information available, Solid Waste Management will provide bulk lift compacted garbage, recycling and organic collection services to the multi-residential component of the development. Collection of waste materials from this component will be in accordance with the "City of Toronto Requirements for Garbage, Recycling and Organics Collection Services for New Developments and Re-Developments" and Chapter 844, Solid Waste of the Municipal Code.

The City of Toronto does not provide service to large non-residential, industrial, commercial and institutional components of development. Therefore the commercial component of this development is ineligible for City of Toronto waste collection services, and all garbage and recyclables must be collected privately. Garbage and other waste materials are not to be placed on public property. Proper loading/storage facilities located on private property are required and must meet all applicable bylaws and legislation, including Chapter 841 of the Municipal Code.

Servicing and Stormwater Management

The applicant has submitted a Functional Servicing and Stormwater Management Report in support of the application. Engineering and Construction Services staff have reviewed the submitted materials and require revisions to the Functional Servicing and Stormwater Management Report as outlined in the memorandum from Engineering and Construction Services dated December 11, 2019. The applicant must also provide a revised Hydrological Review Summary Form and Servicing Report Groundwater Summary to be reviewed and accepted.

In the event that the LPAT allows the Zoning By-law Amendment application appeal in whole or in part, the final Order should be withheld pending the confirmation the Functional Servicing and Stormwater Management Report has been revised to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and it is demonstrated that the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required.

Family-Sized Units

The Downtown Plan requires that buildings with 80 or more dwelling unit include: a minimum of 10% 3-bedroom units; a minimum of 15% 2-bedroom units; and an additional 15% 2- and 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 provide appropriate unit sizes for multi-unit developments.

The proposal includes 146 (33%) 2-bedroom units and 44 (10%) 3-bedroom units. The proposed unit mix meets the policy direction of the Official Plan to provide a full range of housing and meets the unit mix objectives of the Downtown Plan and the Growing Up Guidelines. City Planning staff will continue to encourage the applicant to provide unit sizes which better meet the unit size objectives of the Downtown Plan and the Growing Up Guidelines through the Site Plan approval process.

Indoor/Outdoor Amenity Space

Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit.

The application proposes a total of 880 square metres (2.0 square metres per unit) of indoor amenity space on levels 2, 11 and 12; and a total of 290 square metres (0.66 square metres per unit) of outdoor amenity space on the levels 11 and 12.

The combined total amenity space proposed is 1170 square metres (2.66 square metres per unit). The proposed amenity space does not comply with the requirements of the Zoning By-laws.

Toronto Green Standard

The Applicant is required to meet Tier 1 of the TGS. The Applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Some performance measures for the Tier 1 development features are secured in the site-specific zoning by-law and others through the Site Plan Control application.

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*. The development's height and density are a significant increase over the applicable zoning for the site, and as such the development is subject to delivery of Section 37 benefits.

Section 37 benefits were not discussed in the absence of an agreement on the proposal's density and height. Should this proposal be approved in some form by the LPAT, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, including the Downtown Plan, and applicable City guidelines intended to implement Official Plan policies. The current proposal does not conform with the Toronto Official Plan, particularly as it relates to Public Realm, Built Form and Mixed Use Areas policies and development criteria, does not conform with the Downtown Plan and OPA 352, and does not meet the intent of the Tall Building Design Guidelines.

This report recommends that City Council direct the City Solicitor, with appropriate staff, to attend the LPAT in opposition to the Application in its current form and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions of materials submitted in support of the proposal and through deputation made by members of the public to Community Council. In addition, Planning staff may be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant

after the date of this report. As a result, in addition to the issues specifically addressed above, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Planning staff may report back to City Council as necessary.

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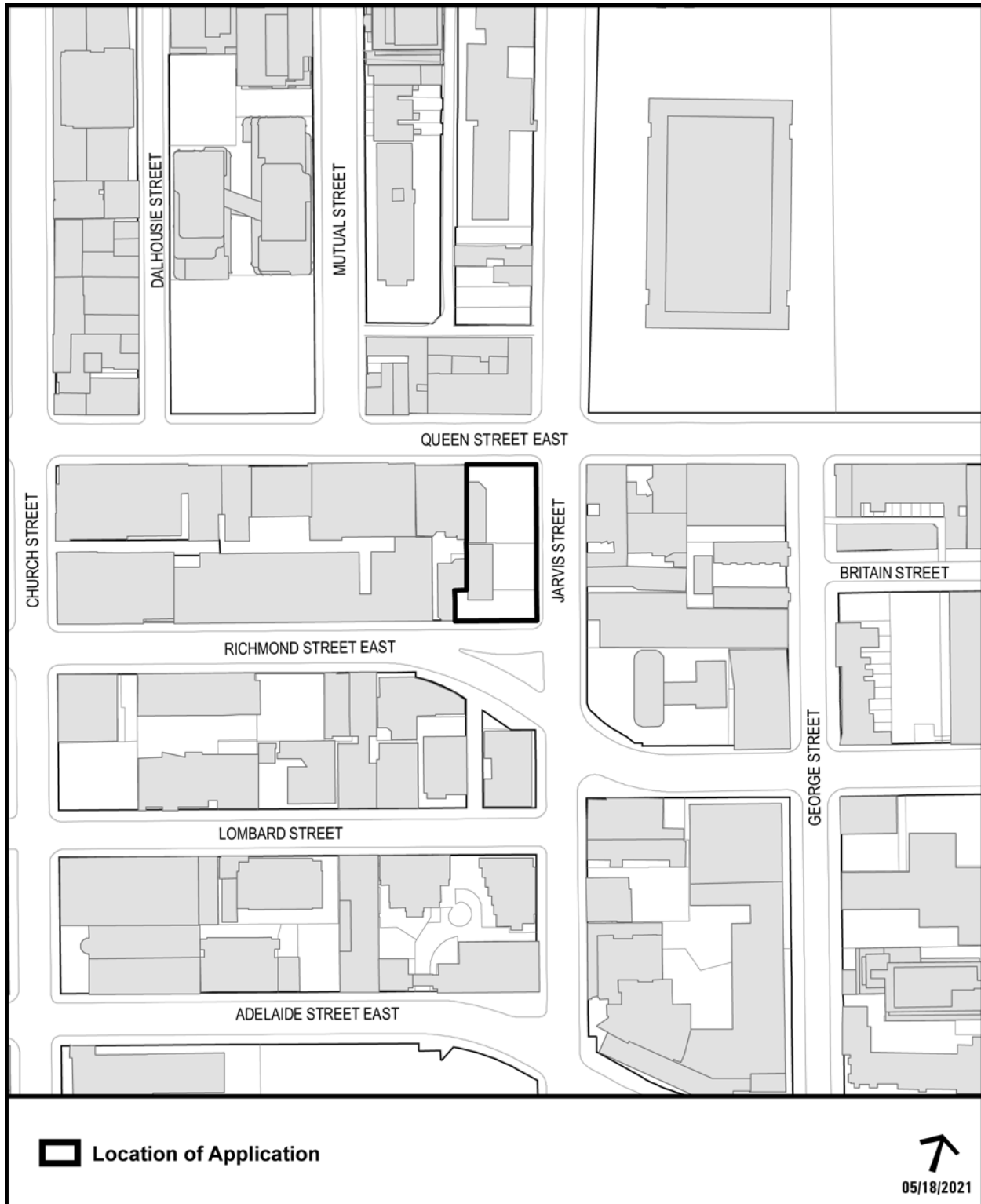
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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: Site Plan
Attachment 4: North Elevation
Attachment 5: East Elevation
Attachment 6: South Elevation
Attachment 7: West Elevation
Attachment 8: Policy Considerations
Attachment 9: Official Plan Land Use Map
Attachment 10: Downtown Plan Mixed Use Areas Map
Attachment 11: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 133-141 Queen St E and
128 Richmond St E
Date Received: September 13, 2018
Application Number: 18 225083 STE 28 OZ
Application Type: Rezoning
Project Description: 39-storey mixed-use building

Applicant	Agent	Architect	Owner
Bousfields Inc.	Bousfields Inc.	IBI Group	975240 Ontario Ltd.

Existing Planning Controls

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR4.0 (c2.0; r4.0) SS1 (x2255)	Heritage Designation:	N
Height Limit (m):	30	Site Plan Control Area:	Y

Project Information

Site Area (sq m):	1,786	Frontage (m):	28	Depth (m):	62
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	189		1,456	1,456
Residential GFA (sq m):			29,500	29,500
Non-Residential GFA (sq m):	189		500	500
Total GFA (sq m):	189		30,000	30,000
Height - Storeys:	1		39	39
Height - Metres:			118	118

Lot Coverage Ratio (%):	81.52	Floor Space Index:	16.8
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Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 29,500

Retail GFA: 500

Office GFA:

Industrial GFA:

Institutional/Other GFA:

**Residential Units
by Tenure Existing Retained Proposed Total**

Rental:

Freehold:

Condominium: 440 440

Other:

Total Units: 440 440**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	88	162	146	44	
Total Units:	88	162	146	44	

Parking and Loading

Parking Spaces: 99 Bicycle Parking Spaces: 440 Loading Docks: 2

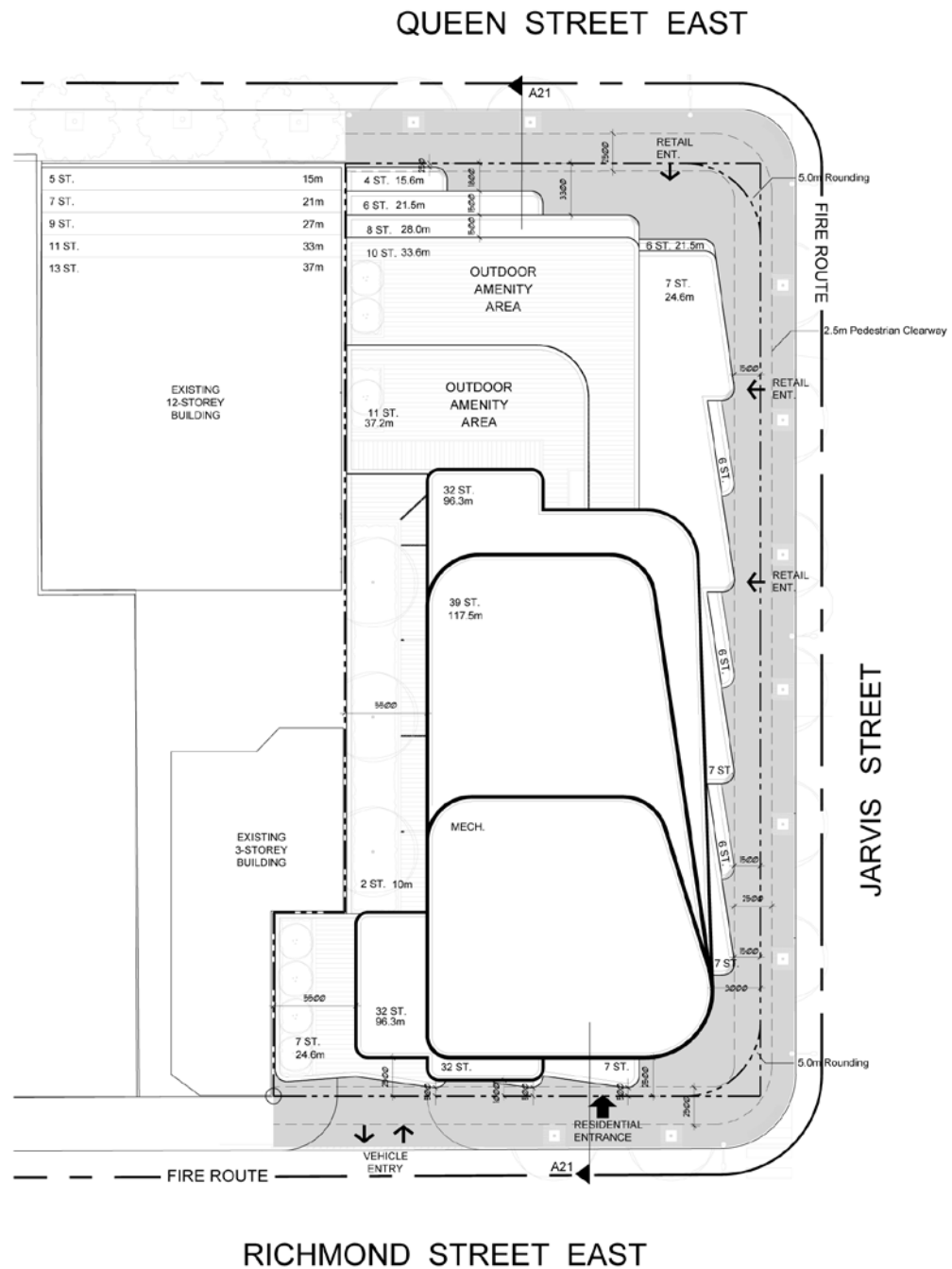
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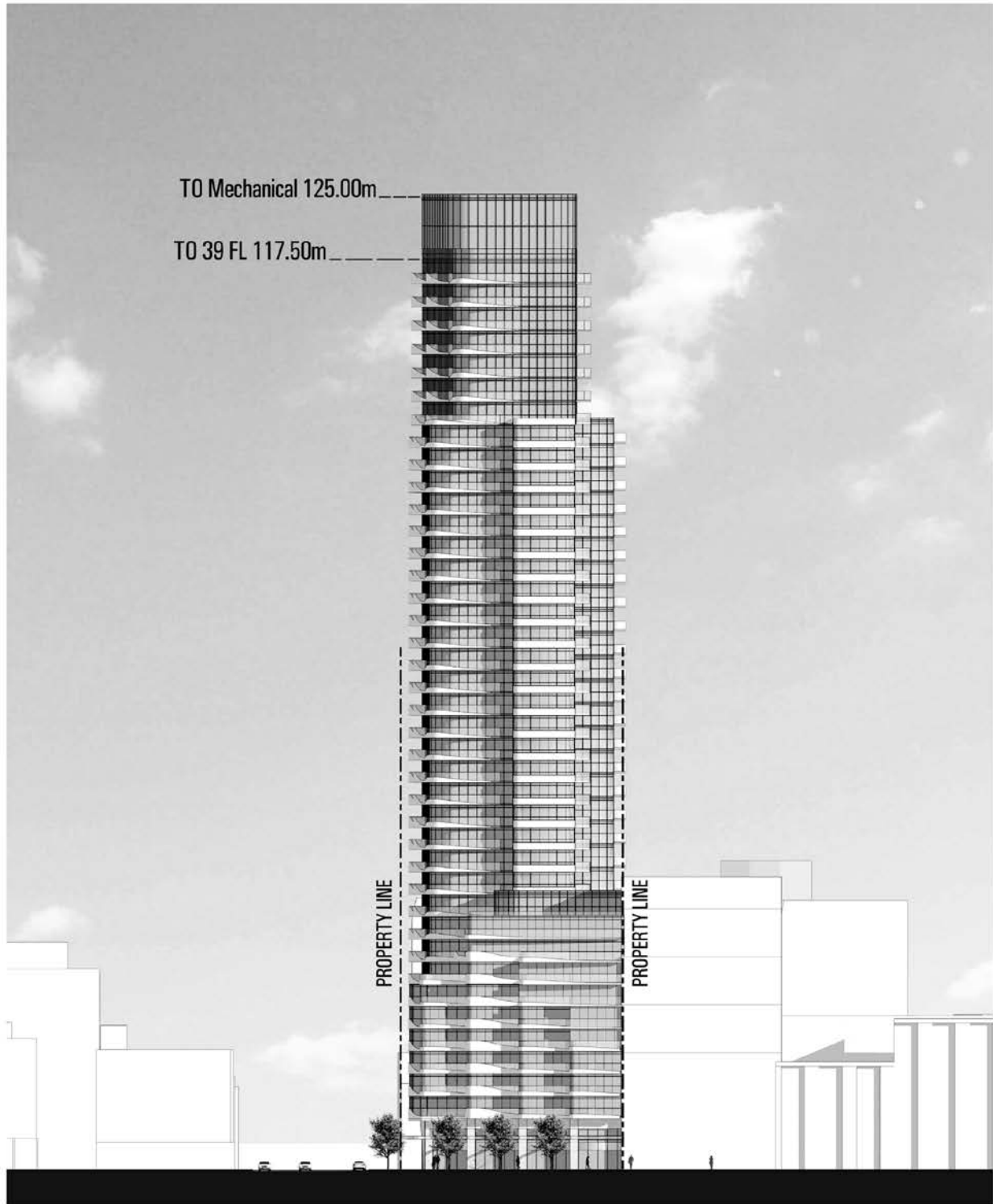
Attachment 3: Site Plan



Site Plan



Attachment 4: North Elevation



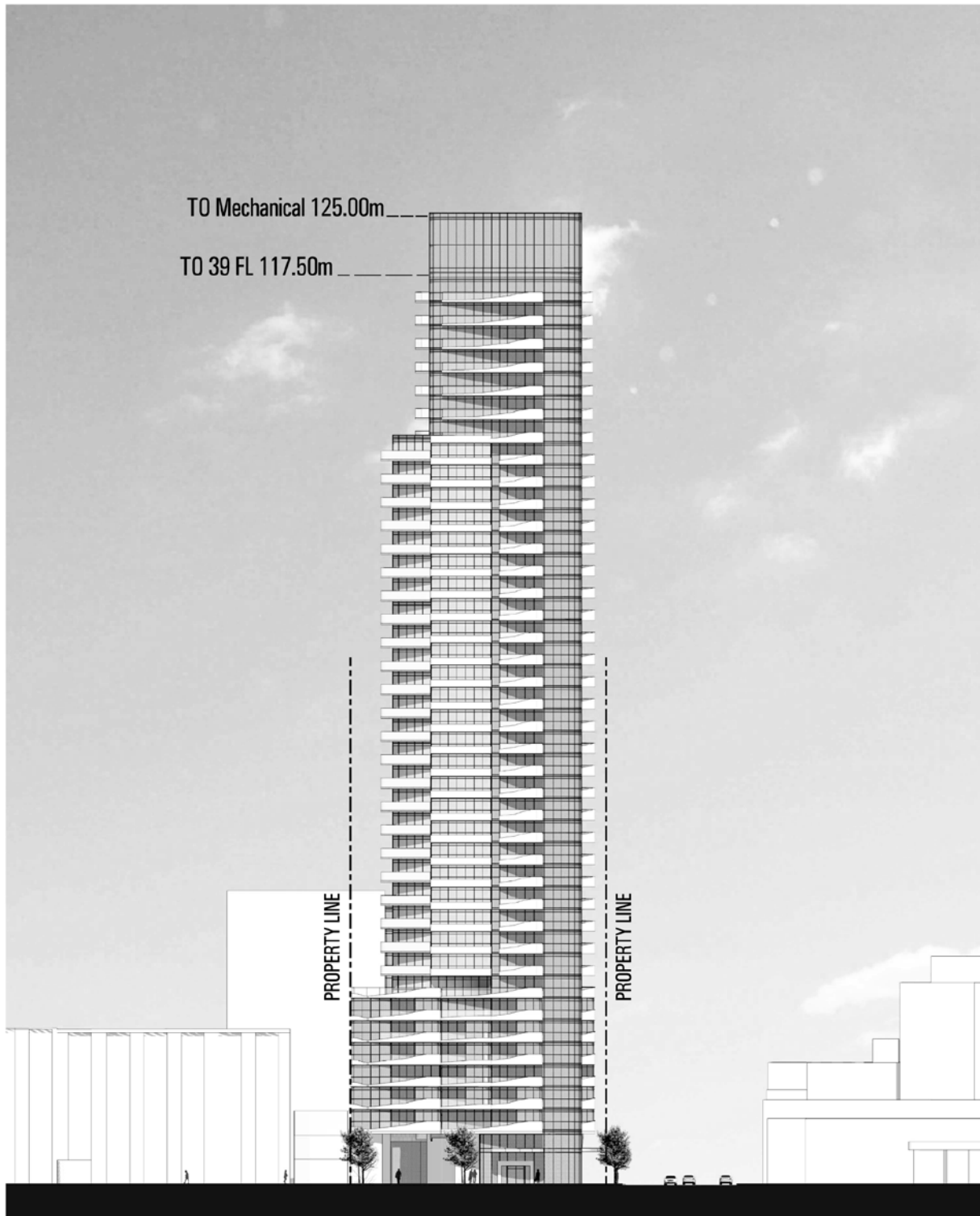
North Elevation

Attachment 5: East Elevation



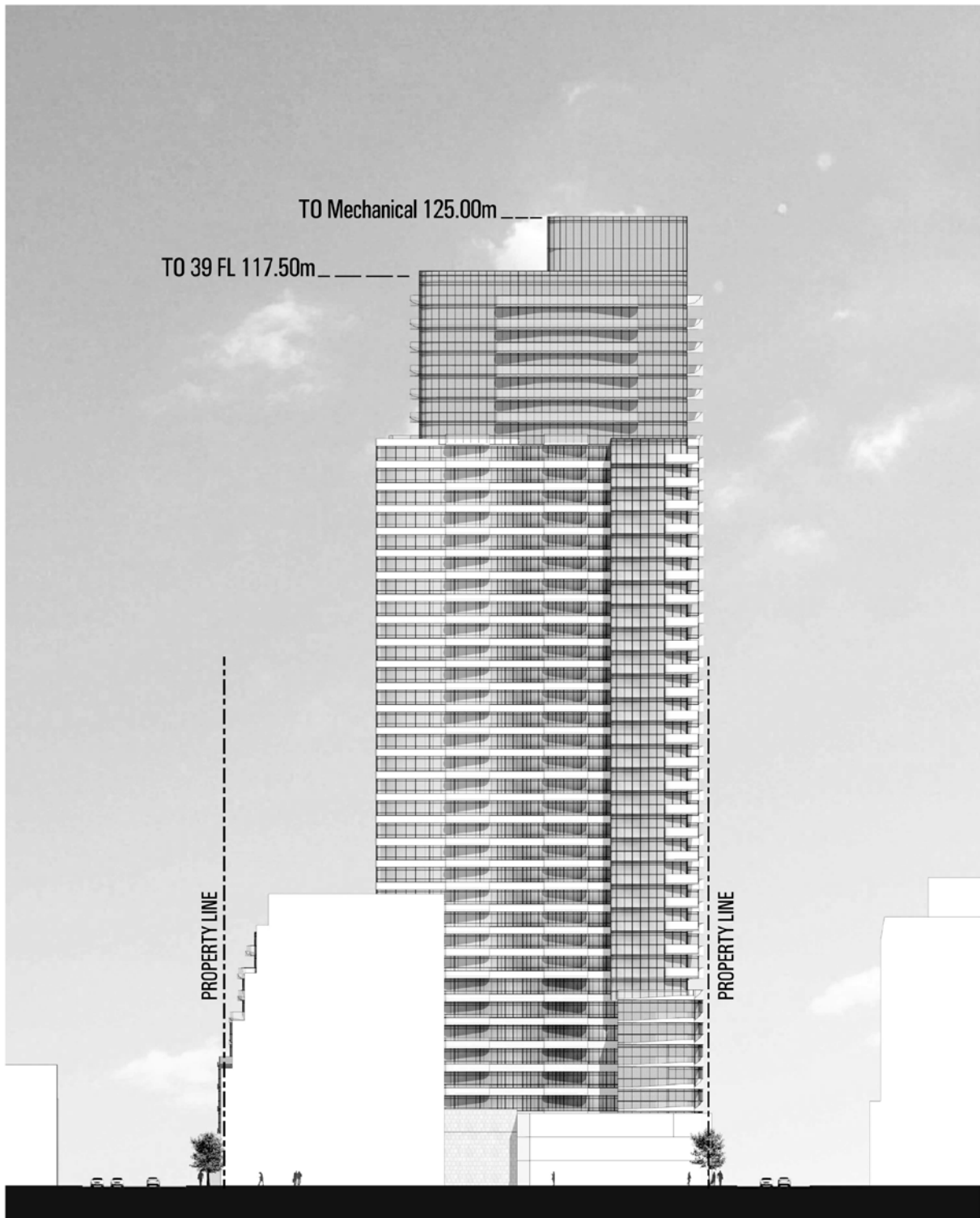
East Elevation

Attachment 6: South Elevation



South Elevation

Attachment 7: West Elevation



West Elevation

Attachment 8: Policy Considerations

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

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

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- encouraging a sense of place, by promoting well-designed built form;
- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; 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. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region (the "GGH"), 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*.

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;
- Conserve cultural heritage resources in order to foster a sense of place and benefit communities, 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) 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 (2020) requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

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.

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 9 of this report for the Official Plan Land Use Map.

Downtown Plan

Official Plan Amendment 406 ("OPA 406" or the "Downtown Plan") is now in force 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 midtown rail corridor and Rosedale Valley Road to the north and the Don River to the east.

Map 41-3-B designates the eastern portion of the site as *Mixed Use Areas 2 - Intermediate*. Development within *Mixed Use Areas 2* will include building typologies that respond to their site context including mid-rise and some tall buildings. The scale and massing of buildings will be compatible with the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type.

The Downtown Plan identifies Queen Street East as both a Great Street and a Priority Retail Street. The Downtown also designates the adjacent Moss Park as a Sun Protected Parks and Open Space.

The in-force Downtown Plan may be found here:

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

See Attachment 10 for the site's Downtown Plan Mixed Use Area designation.

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. 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, which provide the detailed performance standards for setbacks and separation distances for buildings taller than 36 metres.

The Official Plan Amendment and associated Zoning By-law Amendments can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Official Plan Amendment to Further Protect Heritage Views of St. James Cathedral

On April 23, 2013, Council adopted Official Plan Amendment 199 ("OPA 199") to establish revised heritage policies in the Official Plan as part of the 5-year review. Additional policies were also added to the Public Realm section (3.1.1) to provide for the protection of important views to landmark buildings and structures, important natural heritage views and the downtown/financial district skyline. The amendment was forwarded to the MMAH and was subsequently approved in November 2013. Following the Minister's approval, the amendment was appealed to the Ontario Municipal Board ("OMB"). After a series of OMB mediation sessions, the OMB on May 12, 2015 issued a decision which brought OPA 199 into force and effect with minor modifications. A copy of the OMB decision can be found here:

<http://www.omb.gov.on.ca/edecisions/pl131323-May-12-2015.pdf>

Through the OMB's decision a set of new Official Plan policies came into effect, including Policy 3.1.1.9 and Policy 3.1.1.10 which established view protection policies from the public realm to prominent buildings, structures and landscapes and natural features, including the view of the St. James Cathedral spire from King Street East at Church Street (southwest and northwest corners), and Front Street East (north side) across from Farquhars Lane.

A city-initiated Official Plan Amendment is underway to clarify, through enhanced study, the existing view protection policies in the Official Plan as they affect the silhouette views associated with City Hall, Old City Hall and St. James Cathedral. On July 23, 2018, City Council directed staff to use the proposed policies and diagrams contained in the latest status report to inform the evaluation of current and future development

applications in the surrounding area. The status report can be found here:
<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

Zoning By-laws

The site is zoned CR T2.5 C2.0 R2.0 under Zoning By-law 438-86, as amended, and CR 4.0 (c2.0; r4.0) SS1 (x2255) under Zoning By-law 569-2013. The CR zone permits a range of commercial and residential uses. The development standards in the Zoning By-law that apply to the site include: a maximum permitted height of 30 metres, a maximum permitted density of 4 times the area of the lot, 44-degree build-to angular plane starting at 16 metres above the property line along Queen Street East.

See Attachment 11 of this report for the Zoning By-law Map.

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

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

City Council at its meeting of December 5, 2017 adopted an airport zoning regulation for the hospital helicopter flight paths, By-law 1432-2017, which is in full force and effect as authorized by an agreement between the City of Toronto and Federal Ministry of Transportation under the Aeronautics Act. In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4 and Downtown Policy 9.29, any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities has to be below or outside the protected flight path. The development site is within the St. Michael's Hospital helicopter flight path.

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

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).

City-Wide Tall Building Design Guidelines

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

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

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

On July 28, 2020, City Council adopted the final Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building and unit scale. The Growing Up Guidelines can be found at:

<https://www.toronto.ca/city-government/planning-development/planningstudiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities/>

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

The purpose of the Pet Friendly Design Guidelines 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 pet amenities for high density residential communities. The Pet Friendly Design Guidelines can be found at:

<https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf>

Retail Design Manual

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The Retail Design Manual can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

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 3.0: new applications submitted on or after May 1, 2018. Visit <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requirements/>.

Attachment 9: Official Plan Land Use Map



Official Plan Land Use Map

133 and 141 Queen Street East
and 128 Richmond Street East

File # 18 225083 STE 28 0Z



Location of Application



Mixed Use Areas



Parks



Other Open Space Areas



Institutional Areas

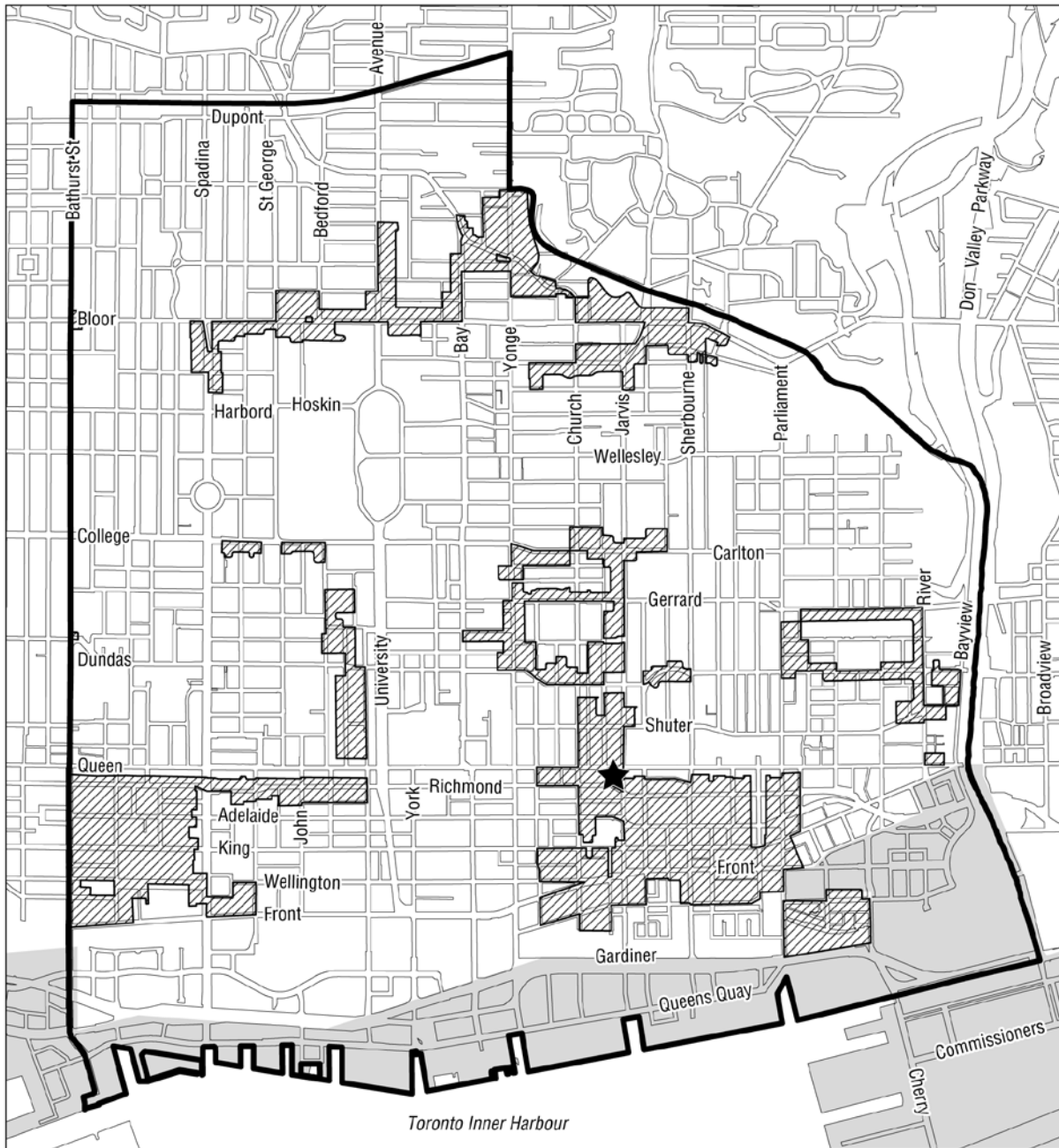


Regeneration Areas



Not to Scale
05/18/2021

Attachment 10: Downtown Plan Mixed Use Areas Map



Downtown Plan

MAP 41-3-B Mixed Use Areas 2 - Intermediate

133 and 141 Queen Street East
and 128 Richmond Street East
File # 18 225083 STE 28 0Z

- Downtown Plan Boundary
- Mixed Use Areas 2 - Intermediate
- Central Waterfront Secondary Plan
- Location of Application



Not to Scale
Extracted: 05/19/2021

TORONTO

Zoning By-law 569-2013

133 and 141 Queen Street East
and 128 Richmond Street East
File # 18 225083 STE 28 02



CR	Commercial Residential	CRE	Commercial Residential Employment
		OR	Open Space Recreation



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



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