

19-37 Queens Quay East (Pier 27 Phase 3) – Official Plan and Zoning Amendment Application – Preliminary Report

Date: August 23, 2021

To: Toronto and East York Community Council

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

Ward: Ward 10 - Spadina-Fort York

Planning Application Number: 21 143747 STE 10 OZ

Related Applications: 21 143750 STE 10 SA

Notice of Complete Application Issued: July 5, 2021

Current Uses on Site: Construction storage, a single-storey sales centres, surface parking and a central driveway; surrounded by three constructed and occupied buildings (Buildings B, D and G) ranging from 14 to 35 storeys in height

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application in respect of the lands located at 19-37 Queens Quay East (the "Subject Lands"). The application proposes to amend the development permissions for the two remaining buildings to be constructed on the Pier 27 development site at 9-39 Queens Quay East (the "Pier 27 Lands"). The Pier 27 Lands have been master planned with five buildings to be built across two phases, publicly accessible open spaces, a shared driveway, and an underground parking garage, among other features.

Building A (25 Queens Quay East) ("Building A") is presently site plan-approved for 13 storeys, comprising 132 residential units, at-grade retail fronting onto Queens Quay East, and daycare space. The application proposes to reduce the number of storeys at Building A to 11 storeys, while increasing the number of residential units to 136 units. Building F (35 Queens Quay East) ("Building F") is presently also site plan-approved for 13 storeys, comprising 139 residential units. The application proposes to increase the height of Building F to 45 storeys and to increase the number of residential units to 449 units. Overall site organization, building footprints and loading arrangements would remain largely unchanged from the previous approvals.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. In its current form, the increase in height and density presents concerns due to shadow impacts on nearby parkland, the availability of

adequate soft and hard infrastructure to support the increased density, and conformity with the original vision for the Pier 27 Lands and Central Waterfront, among other matters. Revisions to the application will be required.

Staff will proceed to schedule a community consultation meeting for the application with the ward councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 19-37 Queens Quay East, together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The 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

1990s Approvals

The Subject Lands' decision history dates back to the mid-1990s, at which time the broader Pier 27 Lands comprised a different land area and boundary configuration (and were then known as the Marine Terminal 27 lands, as discussed in greater detail later in this report), and were owned by a different owner. The Pier 27 Lands at this time were the subject of a rezoning and official plan amendment application to permit several buildings containing a mix of commercial and residential uses. Specifically, Official Plan Amendment Number 27 ("OPA 27") to the former City of Toronto Official Plan (the "Former Official Plan") was adopted in 1995, permitting the development of six buildings with a maximum gross floor area of 142,616 square metres. Following an appeal, Zoning By-law 1996-0483 (the "Avro By-law") was adopted to implement OPA 27, setting out maximum height restrictions as well as provisions designed to buffer the adjacent Redpath Sugar Ltd. ("Redpath") operation at 95 Queens Quay East, among other matters. The City granted site plan approval in 2003. However, this development was not constructed.

Phase 1 Approvals

The current owner acquired the Pier 27 Lands in 2005. Site plan control and minor variance applications were filed in 2007 to enable the development of Phase 1, on the south half of the Pier 27 Lands. These applications sought to reorganize the previously approved buildings from an east-west orientation to a north-south orientation, and included a change to the setback from Queens Quay East. The Committee of Adjustment refused the minor variance application in 2008, and the application was appealed to the then-Ontario Municipal Board ("OMB"). With the consent of all parties, the OMB approved the variances on March 17, 2009, as further amended and subject to certain conditions, including entering into and registering on title an amended and restated Section 37 agreement between the owner and the City (as further amended from time to time, the "Section 37 Agreement") and an amending agreement to the three-party agreement (as further amended from time to time, the "Three-Party Agreement") between the owner, the City and Redpath.

The Section 37 Agreement secured a series of matters, many dating back to the community benefit agreement originally secured in connection with the Avro By-law, including:

- the provision of land for parks and parks improvements;
- construction and conveyance to the City of a north-south street or alternatively the construction and maintenance of a publicly accessible driveway or road;
- the provision and maintenance of a publicly accessible through-block connection from the water's edge to Queens Quay East in the easterly portion of the Site;
- the provision of community services and facilities;
- the provision of public art;
- the consideration of district heating and cooling;
- the provision of affordable housing and housing suitable for families with children;
- the provision of a master concept plan to guide development on the Pier 27 Lands (the "Master Concept Plan");
- the submission and implementation of various reports and studies;
- a strategy for buffering residential uses from Redpath; and
- design guidelines to guide the development of the Master Concept Plan (the "MT 27 UDGs", as further amended from time to time)

The Three-Party Agreement contains matters respecting noise and odour studies, such as study requirements, design features to be incorporated into the development, notification and confidentiality requirements, and warning clauses, among others.

The foregoing approvals facilitated the construction of two pairs of 14-storey buildings, with each pair connected by an elevated bridge, collectively referred to as Buildings B and D. A 497 square metre community facility that was secured in the Section 37 Agreement is located in the base of Building B.

Phase 2 Approvals

In 2010, official plan and zoning by-law amendment and site plan control applications were filed to enable the development of Phase 2 on the northerly portion of the Pier 27 Lands, of which the Subject Lands form part, as well as to facilitate a land exchange between the owner and Waterfront Toronto. City Council adopted By-law No. 679-2012 (Official Plan Amendment No. 393 or "OPA 393") and By-law No. 680-2012, permitting a reallocation of density on the site that enabled a 35-storey (115 metre) tower on the northwest corner of the Pier 27 Lands ("Building G"), Buildings A and Building F, and the creation of a new public park at the foot of Yonge Street, where a surface parking lot is presently located, to the west of Building G (the "Yonge Street Slip Park"). No additional density was added to the Pier 27 Lands in Phase 2. See Attachment 1 for a location map, which illustrates the boundaries of the Pier 27 Lands (including Phases 1 and 2) and the Subject Lands.

OPA 393 and the amended Zoning By-law were subsequently appealed to the OMB by Redpath and certain other private parties (OMB Case No. PL120635), and the site plan application was referred to the OMB. A consent application was applied for at the Committee of Adjustment to effect the land exchange with Waterfront Toronto, where it was approved; however, the exchange did not take place due to the appeal, and the approval lapsed.

Following mediation, a settlement was reached between the owner, the City and Redpath. The OMB dismissed Redpath's appeal of OPA 393, and approved a modified version of the zoning by-law amendment ("By-law 680-2012 (OMB)"), as reflected in its decision dated June 30, 2015. Amending agreements to the Section 37 Agreement and Three-Party Agreement were entered into, among other agreements. A site plan agreement in respect of the Phase 2 development was entered into on February 21, 2017 and registered as Instrument No. AT4555209. The then-Local Planning Appeal Tribunal ("LPAT") issued a final order approving the Phase 2 site plan control application in 2018.

Further applications were made to the Committee of Adjustment, including for consent to sever the parcels that would contain future Buildings A and F from the rest of the previously severed Pier 27 Lands, and for variances to lower the parking rates and to reorganize the underground parking garage to be shared by Buildings A, F and G (the "Parking Rate Minor Variance Application"). Both applications were approved by the Committee of Adjustment.

In 2020, City staff requested the owner to submit a site plan amendment application to enable the detailed review of numerous discrepancies identified between the Phase 2 site plan-approved plans and the as-built drawings in the course of reviewing a plan of condominium application at Building G. A Notice of Approval Conditions was issued on November 26, 2020, and an amending agreement to the Phase 2 site plan agreement was finalized on January 7, 2021 and registered as Instrument No. AT5623594.

"Phase 3" Pre-application Consultation

A pre-application consultation meeting was held with the applicant in February 2021 to provide preliminary feedback on the proposed development scheme at the Subject Lands, and to discuss complete application submission requirements regarding the proposal to amend Buildings A and F. These proposed revisions to the Phase 2 approvals are being referred to by the applicant as "Phase 3".

Staff expressed concerns that a 45-storey tower at Building F would well exceed the density and height envisioned for the Pier Lands, not achieve the separation distances expected for a tall building, and cast unacceptable new mid-day shadow onto much of the Lower Yonge Park across the street. As well, staff noted that the Subject Lands have limited ability to provide for additional community services and amenities needed to account for the increase in population, in an area that is experiencing significant planned growth.

ISSUE BACKGROUND

Site and Surrounding Area

The Pier 27 Lands are located at the southeast corner of Yonge Street and Queens Quay East, and are bounded by the Yonge Street Slip to the west, Queens Quay East to the north, the Redpath sugar refinery to the east at 95 Queens Quay East, and the harbour edge to the south. The Pier 27 Lands are municipally known as 7-39 Queens Quay East (formerly known as 25 Queens Quay East). The Subject Lands form the northeast portion of the Pier 27 Lands and are municipally known as 19-37 Queens Quay East.

To the direct north of the Pier 27 Lands is the Lower Yonge Precinct, an emerging mixed-use community that has been comprehensively planned through the Lower Yonge Precinct Plan, and that is subject to a framework of area-specific planning policies and guidelines, zoning permissions, studies, and site-specific agreements. Bounded by Queens Quay East to the south, Yonge Street to the west, Lake Shore Boulevard East to the north, and Lower Jarvis Street to the east, the Lower Yonge Precinct will comprise eight development blocks containing mixed-use and office buildings ranging in approved heights from 22 to 95 storeys, a child care and elementary school, a community centre, and a new public park (the "Lower Yonge Park"), as well as new public streets and PATH connections. Building F will be located directly south of Tower 5 at 1 Yonge Street, which has been approved for 22 storeys (92 metres) in height, and Building A will be located directly south of the future Lower Yonge Park.

As noted above, Redpath, an intensively operating sugar refinery that is dependent on ship, truck and rail for its operations, is located to the direct east of the Pier 27 Lands. Its plant also includes a 3- to 4-storey office building, a single-storey warehouse building/garage and a truck parking area.

Further west beyond the Yonge Street Slip is the Westin Harbour Castle Hotel, consisting of 38- and 34-storey towers.

The Pier 27 Lands have been master planned to comprise five buildings (Buildings B and D on Phase 1 on the south half of the Pier 27 Lands, and Buildings A, F and G on Phase 2 on the north half of the Pier 27 Lands), publicly accessible open spaces (including the future Yonge Street Slip Park and a 20 metre-wide publicly accessible pedestrian walkway connecting to a waterfront promenade), and a shared driveway leading to an underground parking garage, among other features.

Application Description

This application proposes to amend the previously LPAT-approved Former Official Plan policies and zoning permissions for Buildings A and F on the Subject Lands, being the two remaining buildings to be constructed on Phase 2 of the Pier 27 Lands.

Building A is presently site plan-approved for a height of 13 storeys (42 metres with mechanical penthouse), comprising 132 residential units, 370 square metres of at-grade retail fronting onto Queens Quay East, and 532 square metres of daycare space that was secured in the Section 37 Agreement. The application proposes to reduce the height at Building A to 11 storeys (34.55 metres, and 40 metres with mechanical penthouse) while increasing the number of residential units to 136 units and the at-grade retail area to 402 square metres. The overall daycare area would remain unchanged.

Building F is presently also site plan-approved for a height of 13 storeys (42 metres with mechanical penthouse), comprising 139 residential units and 475 square metres of at-grade retail space. The application proposes to increase the height of Building F to 45 storeys (149.95 metres with mechanical penthouse) with an 11-storey (34.55 metre) podium, to increase the number of residential units to 449 units, and to decrease the at-grade retail area to 199 square metres.

The proposal would increase the total gross floor area on the Pier 27 Lands from 142,616 square metres to 157,068 square metres, and the overall density (also known as floor space index) from 4.0 to 4.4 times the area of the Pier 27 Lands.¹ On the Subject Lands, the proposal would increase the total gross floor area from 28,497 square metres to 43,306 square metres, and the density from 5.0 to 7.6 times the area of the Subject Lands.²

From a parking perspective, 227 residential parking spaces, 133 commercial parking spaces (which includes visitor spaces), and 2 daycare spaces are proposed to serve Buildings A and F.

In terms of residential parking spaces, Buildings A and F were originally site plan approved to provide 225 resident parking spaces for 271 units. The Parking Rate Minor Variance Application reduced the applicable residential parking rates for Buildings A and F to provide 105 parking spaces for 271 units. The underground parking garage had already been constructed based on the initial site plan approval.

¹ The Pier 27 Lands have an area of 35,662 square metres.

² The Subject Lands have an area of 5,689 square metres.

Table 1 below sets additional key performance standards that have been site plan-approved for Buildings A and F, and compares them to what has been proposed in this application.

Table 1 - Previously site plan-approved vs. proposed key performance standards

	Building A		Building F	
	Previously Approved	Proposed	Previously Approved	Proposed
Storeys	13	11	13	45
Height (m)³	45	40	45	150
Residential GFA (sq.m.)	13,411	9,157	13,709	34,149
Non-residential GFA (sq.m.)	370	402	475	199
Daycare GFA (sq.m.)	532 indoor (292 outdoor)	532 indoor (292 outdoor)	n/a	n/a
Total GFA (sq.m.)	14,313	10,091	14,184	34,348
# of Units	132	136	139	449
# of Vehicle parking spaces (non-commercial)	51 resident 8 visitor 2 daycare	50 resident 9 visitor 2 daycare	53 resident 8 visitor	177 resident 27 visitor
# of Bicycle parking spaces	106 resident 26 visitor 0 commercial	123 resident 14 visitor 0 commercial	112 resident 28 visitor 0 commercial	405 resident 44 visitor 6 commercial
Indoor amenity (sq.m.)	264	282	278	953

³ Height reflects the zoning-approved height, including mechanical penthouse.

	Building A		Building F	
Outdoor amenity (sq.m.)	264	279	278	395

Overall site organization, building footprints and loading would remain largely unchanged from the previous approvals.

See Attachment 2 for a three-dimensional representation of the proposal in context, Attachment 3 for a simplified site plan, Attachment 4 for elevations, and Attachment 5 for the application data sheet. Detailed project information and materials can be found on the City's Application Information Centre at <http://app.toronto.ca/AIC/index.do?folderRsn=Y%2FDmSfkCghAM0G%2BcGuzalg%3D%3D>.

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 the Growth Plan, as defined and described below. 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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (as amended, 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 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 Greater Golden Horseshoe 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.

The Growth Plan 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.

At its meeting on April 22, 2021, the Planning and Housing Committee adopted the "Draft Delineations for the Protected Major Transit Station Areas within the Downtown Secondary Plan and Draft Citywide Major Transit Station Areas (MTSA) Policy Directions" as a basis for consultation. The draft sixteen Site and Area Specific Policies under consultation contain individual delineations, policies, and minimum density targets for each station area. The Minister of Municipal Affairs and Housing is the approval authority for the delineation of Protected Major Transit Stations Areas ("PMTSAs") and the Minister's decision is not appealable. The staff report (Item PH22.6) can be accessed here:

<https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-165469.pdf> and the draft SASPs can be here:

<https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-165470.pdf>. The Subject Lands are located adjacent to, but are not within, the Union Station PMTSA, pursuant to draft SASP 607.

Former City of Toronto Official Plan

The Part 1 Official Plan for the former City of Toronto (June 1998) (the "Former Official Plan") remains in effect for the Subject Lands. The Subject Lands did not receive a land use designation in the Former Official Plan. They are located in the "Central Bayfront" area of the "Waterfront" on Map 1 (Generalized Land Use) and Map 9 (Areas of the Waterfront Referred to in the Text Official Plan Part I) of the Former Official Plan.

Area-specific planning policies and urban design principles for the Central Bayfront area and the Pier 27 Lands in particular (then referred to as the Marine Terminal lands, or

"MT 27 Lands") are enumerated in the Former Official Plan. They set out, among other matters, that in the Central Bayfront, buildings may be developed at a moderate to high intensity, with medium heights stepping down to the water, provided that the MT 27 Lands are to be developed at moderate intensity only. New development is to locate buildings and landscaping in a manner that defines Queens Quay as a significant waterfront boulevard and reinforces the system of public open spaces south of Queens Quay.

Further site-specific principles and policies applicable to development of the MT 27 Lands are set out at Section 14.32 of the Former Official Plan. The Former Official Plan prescribed building heights at the MT 27 Lands, limiting heights to up to 30 metres on the south half of the MT 27 Lands, and up to 44 metres on the north half of the MT 27 Lands. It also set density limits of 2.85 times the area of the lot for gross density, of which a maximum of 2.0 times the area of the site was limited to commercial development. These permissions were amended by OPA 393 to allow for heights of up to 51 metres in "appropriate locations" on the south half of the Pier 27 Lands (i.e. enabling the development of Buildings B and D), up to 45 metres on the north half of the Pier 27 Lands (i.e. enabling the development of Buildings A and F as presently approved), and a single tower of up to 115 metres on the northwest corner of the Pier 27 Lands (Building G).

Metro Toronto Plan

The Official Plan of the Municipality of Metropolitan Toronto (October 1998) (the "Metro Toronto Plan") also remains in force for the Subject Lands. The Metro Toronto Plan reflected the corporate responsibilities and the objectives of the then-Municipality of Metropolitan Toronto. It provided a long-term planning strategy to improve the quality of urban life in Metropolitan Toronto through an integrated approach to land use planning and management of environmental, economic and social change. Specifically, the Metro Toronto Plan provided broad principles and guidance within the context of "regional" or "metropolitan" objectives for the broader Metropolitan Toronto area, comprised of the cities of Etobicoke, North York, Scarborough, Toronto and York, and the Borough of East York (then referred to as "area municipalities"). The Metro Toronto Plan also clarified that area municipalities exercise their role in land use planning through their own official plans (in this case, the Former Official Plan), zoning by-laws, site planning and development control.

Central Waterfront Secondary Plan

The Central Waterfront Secondary Plan ("CWSP") was passed as Official Plan Amendment No. 257 by City Council on April 16, 2003 as an amendment to Part II of the Former Official Plan. The CWSP is a key policy document that sets out policies, designations and mapping specific to Toronto's waterfront, spanning from approximately Roncesvalles Avenue to the west to the Port Lands to the east. The general intention of the CWSP is to create a framework for waterfront renewal that will assist the on-going revitalization and redevelopment process.

The CWSP provides a strategy for waterfront renewal built on four core principles:

A. Removing Barriers/Making Connections

- B. Building a Network of Spectacular Waterfront Parks and Public Spaces
- C. Promoting a Clean and Green Environment
- D. Creating Dynamic and Diverse New Communities

These principles are expanded upon through a series of initiatives, or “Big Moves”, intended, along with detailed implementing policies, to promote waterfront renewal.

The CWSP was appealed in its entirety by the then-owner of the Pier 27 Lands at the time it was enacted. Although parts of the CWSP have since been brought into force, the CWSP continues to be under appeal at the Pier 27 Lands. However, given the relevance of the CWSP as a principal policy document guiding the cohesive development of the waterfront, it is being referred to in the review of this application.

The Pier 27 Lands, including the Subject Lands, are identified as *Parks and Open Space Areas* in Map C (Parks and Open Space Areas Plan 2-3) and as a *Foot of Yonge Special Study Area* in Map E (Land Use Plan 2-3). The Pier 27 Lands are also identified as an *Inner Harbour Special Place* that should be treated as a special place on the waterfront, and be designed to include high quality public amenities which contain distinctive cultural buildings, appropriate tourist facilities and a range of public uses and other development that will contribute to the special nature of the area.

The CWSP also recognizes the Redpath Sugar facility as an important feature of the waterfront that should be maintained and protected from possible negative impacts of future developments.

The CWSP can be found here: https://www.toronto.ca/wp-content/uploads/2019/02/8e22-CityPlanning_2006- OP_CWSP_Final.pdf.

2006 Official Plan

The current official plan for the amalgamated City of Toronto (the "2006 Official Plan", as further amended from time to time) 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 2006 Official Plan derives from the Planning Act. The PPS recognizes the 2006 Official Plan as the most important document for its implementation.

The 2006 Official Plan was adopted by Council in 2002 and approved by the OMB in 2006. The 2006 OMB order only partially approved the 2006 Official Plan across the City, however, as it omitted areas covered by the CWSP. Moreover, at the time of adoption, the Pier 27 Lands had been designated *Parks and Open Space Areas – Parks* under the 2006 Official Plan; the then-owners of the Pier 27 Lands appealed this designation to the OMB on the grounds that a *Parks* designation did not reflect the in-force mixed-use development approvals on the lands. This appeal remains outstanding. Accordingly, the 2006 Official Plan is not in effect at the Pier 27 Lands, including at the Subject Lands.

Although the 2006 Official Plan is not in force at the Subject Lands, it sets out the most current vision for the City's urban structure, as well as the most current understanding of its growth and strategies for achieving key city-building objectives, and is being referred to in the review of this application.

In the 2006 Official Plan, the Subject Lands are located in the Downtown and Central Waterfront, as shown on Map 2 (Urban Structure), and are now designated *Regeneration Areas* on Map 18 (Land Use).

The 2006 Official Plan may be found here:

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

OPA 406 - Downtown Plan and Infrastructure Strategies

City Council adopted Official Plan Amendment 406 ("OPA 406") on May 22, 2018. OPA 406 included amendments to the "Downtown" section of the 2006 Official Plan and Map 6 (Downtown and Central Waterfront Boundaries) of the 2006 Official Plan, and brought forward a new secondary plan for the entire Downtown area, 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 Ministry of Municipal Affairs and Housing approved OPA 406 with modifications on June 5, 2019.

The Downtown Plan – in conjunction with five associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities (the "Downtown Infrastructure Strategies") – 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.

Lands in the CWSP area are not subject to the Downtown Plan. Therefore, the Downtown Plan is not in force at the Subject Lands. However, the Downtown Infrastructure Strategies do apply to the CWSP area and are being referred to in this application, as they were adopted by Council but are not statutory documents subject to Ministerial approval.

The Downtown Plan may be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>. The infrastructure strategies may be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/tocore-planning-torontos-downtown/tocore-studies-reports/infrastructure-strategies/>.

OPA 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment 352 – Downtown Tall Building Setback Area ("OPA 352"). The purpose of OPA 352 is to establish the

policy context for tall building setbacks and separation distances between tower portions of tall buildings located Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016, which provide detailed performance standards for setbacks and separation distances for buildings taller than 36 metres.

OPA 352 and the associated zoning by-law amendments can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>.

OPAs 479 and 480 - Public Realm and Built Form Official Plan Policies

On September 21, 2020, the Minister of Municipal Affairs and Housing issued Notices of Decision approving Official Plan Amendments 479 and 480 ("OPAs 479 and 480"), which brought forward amendments to the public realm and built form policies at Sections 3.1.1, 3.1.2 and 3.1.3 of the 2006 Official Plan. The decisions were final and not subject to appeal. OPAs 479 and 480 contain policies that apply key urban design principles to achieve critical city-building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design, and help create a high quality of life for people of all ages and abilities.

OPAs 479 and 480 can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>.

Zoning By-laws

The Subject Lands are zoned CR T1.0 C1.0 R0.0 under the Former City of Toronto By-law 438-86 ("Former By-law 438-86"). The CR zone permits a wide range of residential and non-residential uses including apartment buildings, retail stores, offices, hotels, parking garages and parks. The base zoning permits a maximum non-residential density of 1.0 times the area of the lot and does not set a limit on residential density. No height limit is specified in the base zoning.

As described above in "Decision History", two site-specific By-laws apply to the Pier 27 Lands. The Avro By-law allows for a mixed residential-commercial development with a maximum aggregate gross floor area of up to 142,616 square metres (subject to an option to add additional non-residential gross floor area, provided that certain requirements were met).

In addition to typical development regulations regarding use, density, height and parking, the Avro By-law contains detailed regulations regarding wall and opening locations, type of construction, and phasing. These regulations were designed to ensure adequate buffering of new residential development on the Pier 27 Lands from Redpath's adjacent facility, and were predicated on the original development concept under consideration at the time.

As set out in the Decision History section of this report, the OMB approved a series of variances to the Former By-law 438-86 and Avro By-law in 2009 that enabled Phase 1 (Buildings D and G) to proceed.

The second site-specific By-law that applies at the Pier 27 Lands is By-law 680-2012 (OMB), which implements OPA 393 and sets out updated development standards for Phase 2 (Buildings A, F and G), including measures related to compatibility between the Phase 2 development and the adjacent Redpath use.

The Pier 27 Lands are not subject to Citywide Zoning By-law 569-2013.

Design Guidelines

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

- Tall Building Design Guidelines
- Planning for Children in New Vertical Communities Urban Design Guidelines (the "Growing Up Guidelines")
- Pet-Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings
- Design Guidelines for Privately Owned Publicly-Accessible Space
- Best Practices for Bird-Friendly Glass
- Best Practices for Effective Lighting
- Retail Design Manual
- Toronto Accessibility Design Guidelines

The City's design guidelines may be found here:

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

The MT 27 UDGs are also being reviewed.

Toronto Green Standard (Climate Mitigation and Resilience)

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2050 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies

related to environmental sustainability, including [TransformTO](#), the [Resilience Strategy](#), [Ravine Strategy](#) and [Biodiversity Strategy](#).

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

Visit <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requirements/>.

Site Plan Control

The application is subject to site plan control. A site plan control application (File No. 21 143750 STE 10 SA) has been submitted.

COMMENTS

Reasons for the Application

The proposed development would require amendments to the Former Official Plan and applicable Zoning By-laws, as amended, in order to increase the permitted height of Building F from 13 storeys (42 metres) to 45 storeys (150 metres), as well as to increase the permitted density on the Subject Lands, along with changes to other zoning standards.

ISSUES TO BE RESOLVED

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

Provincial Policies and Plans Consistency/Conformity

Revisions may be required to ensure that the proposed development conforms with the Growth Plan and is consistent with the PPS.

Official Plan Conformity

Staff are reviewing and assessing the application's conformity with applicable official plan policies that are not subject to amendment or appeal on the date of the complete application being received by the City.

The application seeks to amend the Former Official Plan, as it applies to the Subject Lands. Approval of the application in any form should not precede the resolution of all applicable outstanding official plan appeals at the Ontario Land Tribunal so as to bring the Pier 27 Lands into the 2006 Official Plan and CWSP regimes. This will help ensure the application is consistent with the broader Central Waterfront planning context.

Built Form, Planned and Built Context

Staff will assess the suitability and appropriateness of the proposed heights, massing, separation distances, and other built form matters, with reference to the MT 27 UDGs as well as citywide guidelines that have been developed to assess the impact of high-density development. In particular, separation distances relative to already constructed Buildings B, D and G will be reviewed, as well as separation distances between unbuilt buildings A and F, recognizing that towers require more generous separation distances.

The height of Building F is being reviewed to ensure that the proposed building heights fit within the existing and planned character of the Pier 27 Lands and the surrounding context, limits shadowing on existing and planned parks and open spaces, including the planned Lower Yonge Park north of the Subject Lands, steps down appropriately to the water, and limits the impact on views to the water. As noted above, a tower is not contemplated in the in-force policy framework at the Subject Lands or the Pier 27 Lands more broadly. A block context plan, sun/shadow study and pedestrian level wind study have been submitted with the application to inform this review.

The Subject Lands are a prominent waterfront site. Expectations for excellence in building design that integrates sustainable building technology were communicated to the applicant during the pre-application stage.

Land Use Compatibility

The proposed built form, density and separation distances must also be reviewed from a land use compatibility perspective relative to Redpath's industrial operations to the east. While extensive study has been undertaken to date and resulted in a range of mitigation features incorporated into the buildings approved to date, additional study will need to be undertaken for the proposal to ensure that land use compatibility is achieved between the proposal and Redpath's operations. All applicable provincial and municipal policies, regulations and guidelines will be considered to ensure that compatibility will be achieved and maintained with regard to noise, dust, odour, and air quality, among others. Peer reviews by an independent peer reviewer will be required to ensure that the compatibility/mitigation studies provided satisfy the City's terms of reference and propose suitable solutions for mitigating potential sensitive land use impacts, to the extent that additional height and density is determined to be appropriate on the Subject

Lands. Redpath will also be requested to review and comment on the proposed development, in accordance with the terms of the Section 37 Agreement and Three-Party Agreement.

Parks and Public Realm

Staff note that the proposed public realm at the Subject Lands generally reflects the same configuration and design as in previous approvals. Neither the Subject Lands nor the Pier 27 Lands are able to accommodate additional open space to support the increased height and density proposed in this application.

As noted above, staff are also reviewing the proposed development's impacts on the Lower Yonge Park and the Yonge Street Slip Park, including additional population and new shadow impacts.

Indoor and Outdoor Amenity Space

Staff are reviewing the appropriateness of the amount and locations of amenity space proposed to be provided. At Building F, the application proposes 952 square metres of indoor amenity space (371 square metres on the ground floor and 581 square metres at the 11th floor), and 395 square metres of outdoor amenity space, which would be connected to the indoor amenity space on the 11th floor. At Building A, the application proposes 282 square metres of indoor amenity space (9 square metres on the ground floor and 273 square metres on the 11th floor) and 279 square metres of outdoor amenity space, also connected to the indoor amenity space on the 11th floor.

The in-force zoning requires both indoor and outdoor amenity space to be provided at a rate of 2 square metres per dwelling unit. Such spaces are to be provided on site, for the exclusive use of residents of a building for recreational or social purposes. This means that as proposed, Building A (136 residential units) should provide a minimum of 272 square metres, and Building F (449 residential units) should provide a minimum of 898 square metres of each of indoor and outdoor amenity space on their respective sites. While Building A's overall amenity requirements and Building F's indoor amenity requirements appear to be satisfied, staff are concerned that Building F is significantly underserved in outdoor amenity space. In addition to longstanding rationale underpinning the zoning requirement for outdoor amenity space, the ongoing COVID-19 pandemic has further highlighted the importance of providing adequate dedicated space for outdoor recreation.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). Landscape plans, arborist reports and tree preservation plans were previously reviewed and approved in the context of recent approvals; staff are reviewing the application to confirm whether any updated arborist and/or tree preservation plans will be required as a result of the proposed changes to the height and density on the Subject Lands.

Housing

A housing issues report was provided to address housing considerations as they apply to the Subject Lands and the Pier 27 Lands. In particular, the affordable housing obligations at the Subject Lands reflect standards based on policy objectives originally set out in the Former Official Plan and the Avro By-law. The Section 37 Agreement applicable to the Subject Lands requires at least 30% of all residential units on the Pier 27 Lands to be constructed as "low-end-of-market housing". Low-end-of-market housing sets out maximum size requirements and is premised on the notion that smaller unit sizes drive affordability, though such units must still be shown to be suitable for households of various sizes and compositions.

Staff are also reviewing the application against the affordable housing policies in the CWSP, which sets out a coordinated approach to affordable housing objectives across the Central Waterfront. Finally, staff will assess the appropriateness of the proposed unit mix and its suitability for a broad range of households, including families with children. In addition to unit mix, the size of the units will also be assessed to ensure the proposal meets the intent of the Growing Up Guidelines.

Community Services and Facilities

Community services and facilities ("CS&F") are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcares, schools, public health, human services, cultural services and employment services, etc. The timely provision of CS&F 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 communities. 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.

In 2009, a 497-square metre community facility was secured in Building B as a Phase 1 community benefit for the Pier 27 Lands and is presently operating. A 532-square metre daycare designed to serve 52 children was secured as a community benefit in 2012 in connection with Phase 2 approvals, and is to be located in Building A. Staff note that these facilities were secured and designed assuming a significantly lower density than what is proposed in the current application.

In July 2018, Council adopted the Downtown Community Services and Facilities Strategy (the "CS&F Strategy"). This was one of five supporting infrastructure strategies for the new Downtown Secondary Plan. The CS&F Strategy outlines directions and actions intended to align service and facility planning with long-term growth in the residential and worker populations. The CS&F Strategy identifies growth-related community space and facility needs and priorities to support infrastructure investment through collaboration and alignment with the strategic and capital plans of City divisions, boards and agencies, and the development review process. Among other matters, the

CS&F Strategy estimates that approximately 3,700 new child care spaces will be required in the Downtown to meet demand generated by growth. This amount was well above the number of spaces planned for or secured at that time.

Schools, childcares, and community centres are of particular focus to support continued development along the waterfront. Staff note that a community centre, two licensed non-profit childcare facilities and a public elementary school are planned for the Lower Yonge Precinct. However, given the magnitude of growth occurring along the waterfront additional facilities, particularly child care spaces, will be required. Should additional height and density be found appropriate on the Subject Lands, staff may identify additional CS&F to be secured as a community benefit.

Infrastructure/Servicing Capacity

In addition to CS&F, staff are reviewing the application to determine if there is sufficient infrastructure capacity (such as roads, transit, water, sewage and hydro) to accommodate the proposed development. The applicant has submitted engineering and transportation reports in support of the application. These reports evaluate the impacts of the proposal on the City's municipal infrastructure.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the applicable zoning by-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title. The Pier 27 Lands, including the Subject Lands, are subject to a series of Section 37 agreements entered into between 2009 and 2016 in connection with Phase 1 and 2 approvals. These agreements secure a range of community benefits, as well as obligations pertaining to noise mitigation, air quality, land conveyances and other site conditions.

At its current height and density, the proposal would be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff may apply Section 37 provisions of the Planning Act should the proposal be approved in some form. In the event the applicant provides in-kind benefits pursuant to Section 37 of the Planning Act, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

Toronto Green Standard

City staff will review the TGS checklist submitted by the applicant for compliance with Tier 1 performance measures. Staff will continue to strongly encourage the applicant to pursue a stronger focus on environmental sustainability in this application, including targeting performance measures that meet higher tiers of the TGS. Staff expressed an expectation during pre-application consultation that any new application at the Subject Lands should address present day objectives regarding high-performance and sustainable development, as evoked through Council's climate emergency declaration.

Other Matters

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

CONTACT

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Tel. No. (416) 392-0674
E-mail: kasia.kmiec@toronto.ca

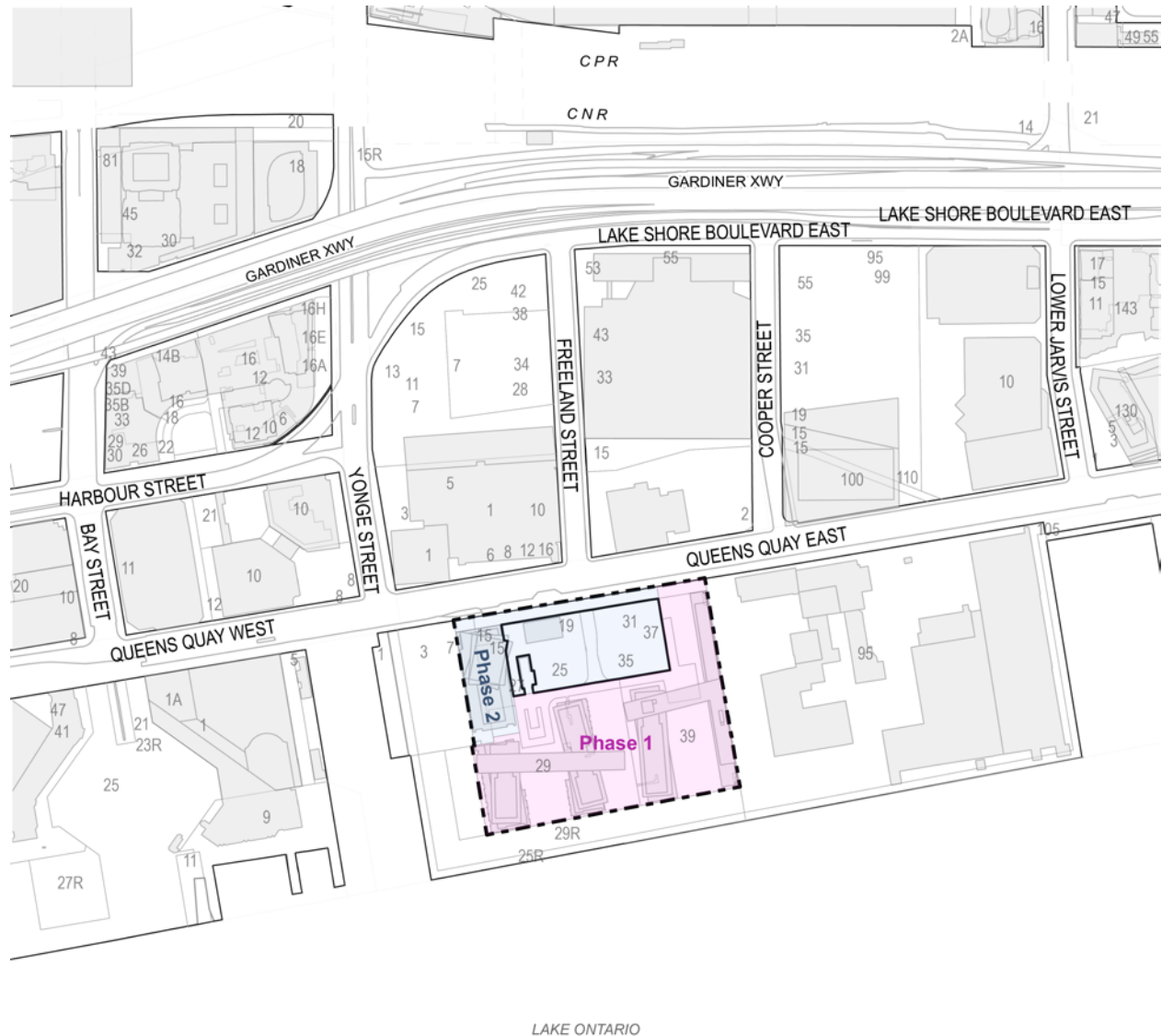
SIGNATURE

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

ATTACHMENTS

Attachment 1: Location Map (Pier 27 Lands and Subject Lands)
Attachment 2: 3D Model of Proposal in Context (From Applicant)
Attachment 3: Site Plan
Attachment 4: Application Data Sheet
Attachment 5: Official Plan Maps
Attachment 6: Zoning Maps

Attachment 1: Location Map (Pier 27 Lands and Subject Lands)



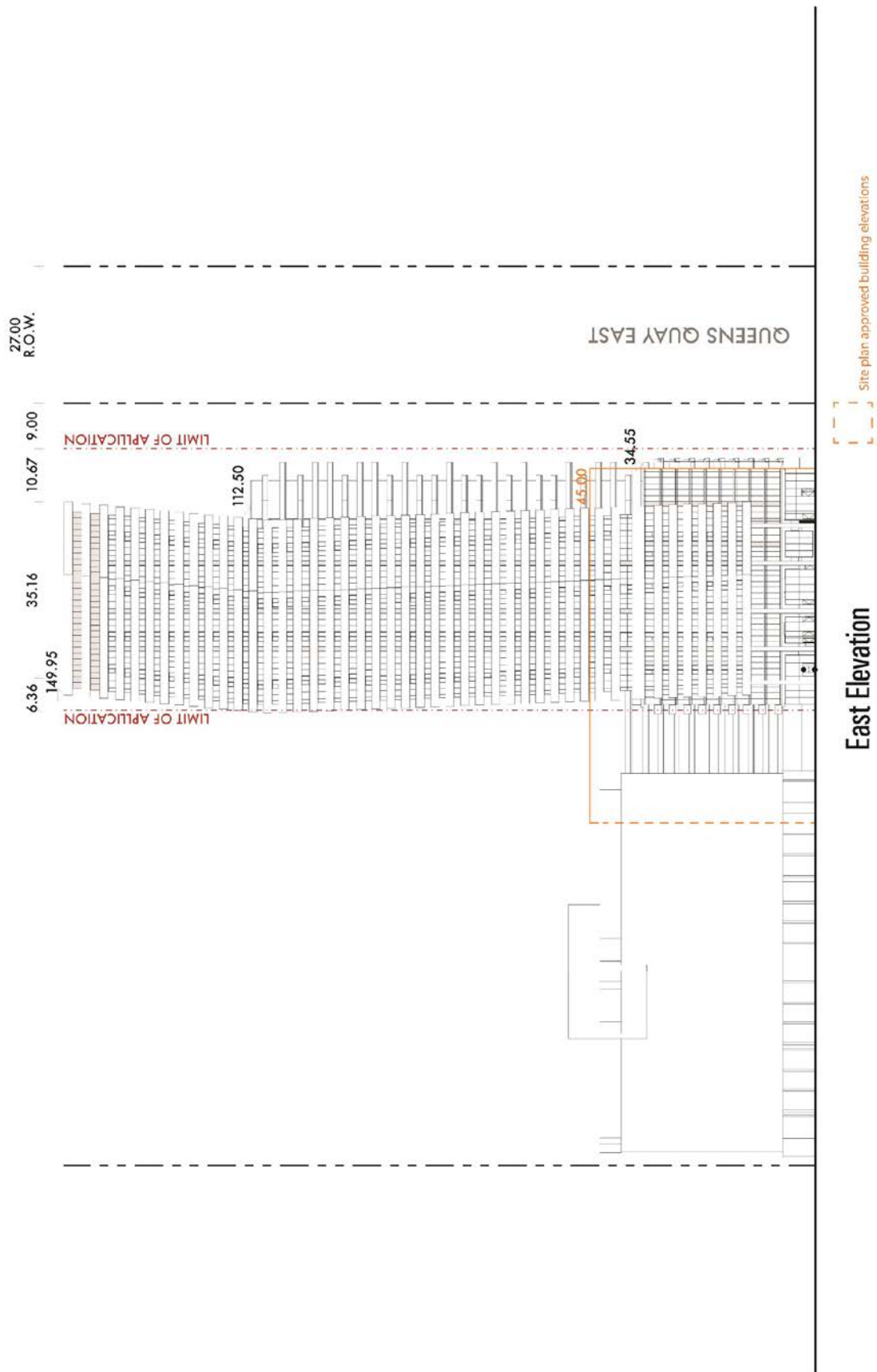
Subject Lands (Phase 3)

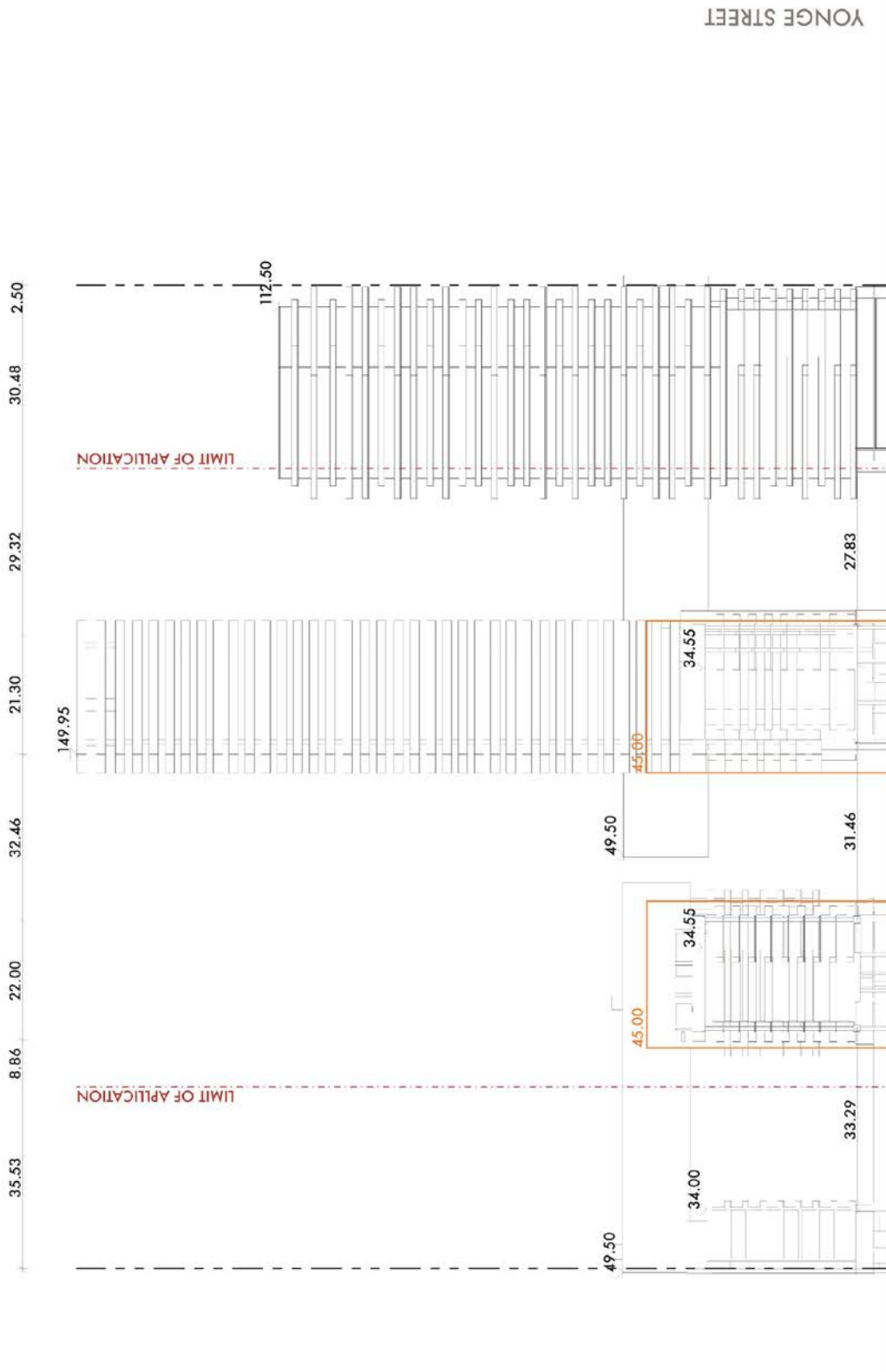
Pier 27 Lands (Phases 1 and 2)

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08/19/2021

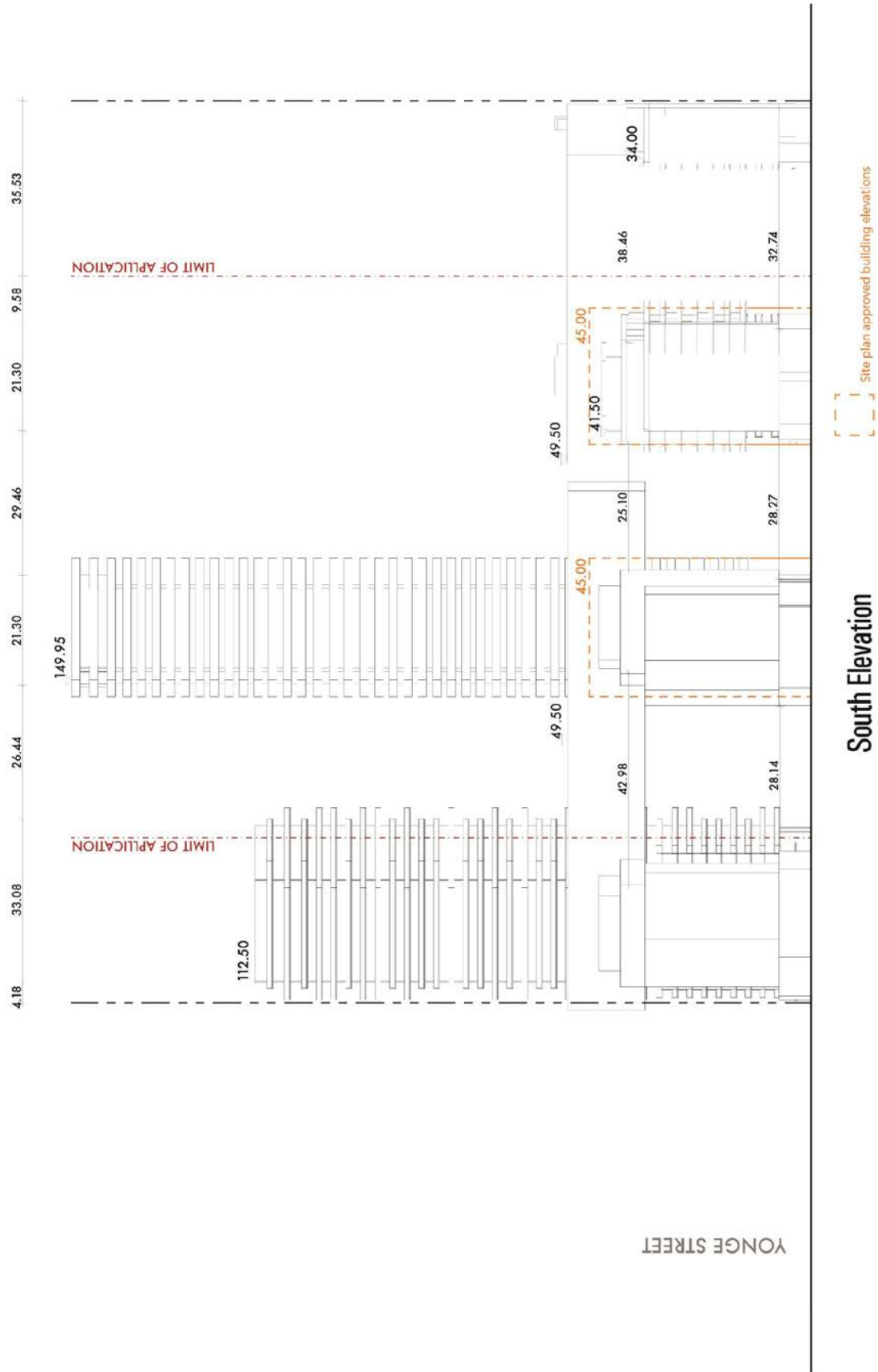
Attachment 2: 3D Model of Proposal in Context (From Applicant)

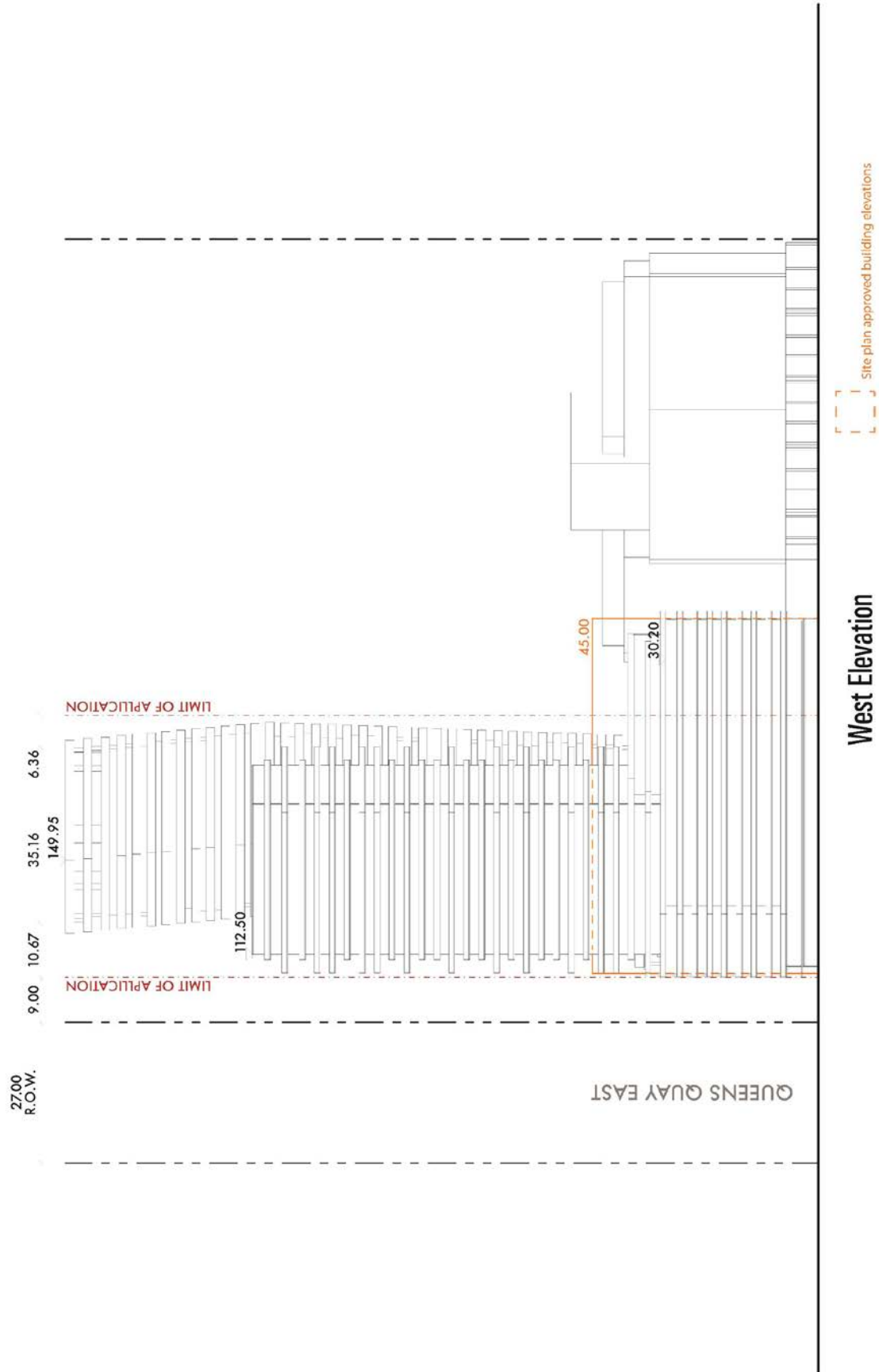




Site plan approved building elevations

North Elevation





Attachment 3: Site Plan



Attachment 4: Application Data Sheet

Municipal Address: 25 QUEENS QUAY E Date Received: April 21, 2021

Application Number: 21 143747 STE 10 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposal to modify previously approved Buildings A and F. Building A is proposed with a revised height of 11 storeys containing 136 residential dwelling units (previously approved for 13 storeys containing 132 units). Building F is proposed with a revised height of 45 storeys containing 449 residential dwelling units (previously approved for 13 storeys containing 139 units). In total, an additional 314 residential units are proposed. Please note that OPA/Rezoning File No. 21 143747 STE 10 OZ is being reviewed at the same time as Site Plan Control File No. 21 143750 STE 10 SA. OPA/Rezoning must be approved prior to site plan approval.

Applicant	Agent	Architect	Owner
OVERLAND LLP	OVERLAND LLP	architectsAlliance	PIER 27 TORONTO INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas (2006 Official Plan)	Site Specific Provision:	OPA 393 to Former Official Plan
Zoning:	680-2012 (LPAT)	Heritage Designation:	
Height Limit (m):	45 (A), 45 (F)	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	5,689	Frontage (m):	114	Depth (m):	52
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,104	2,104
Residential GFA (sq m):			43,305	43,305
Non-Residential GFA (sq m):			1,133	1,133
Total GFA (sq m):			44,438	44,438
Height - Storeys:			45	45

Height - Metres: 138 138

Lot Coverage Ratio 36.98 Floor Space Index: 7.81
(%):

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	43,306	
Retail GFA:	601	
Office GFA:	-	
Industrial GFA:	-	
Institutional/Other GFA:	532	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			585	585
Other:				
Total Units:			585	585

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		42	322	156	65
Total Units:		42	322	156	65

Parking and Loading

Parking Spaces:	362	Bicycle Parking Spaces:	587	Loading Docks:
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CONTACT:

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Kasia.Kmiec@toronto.ca

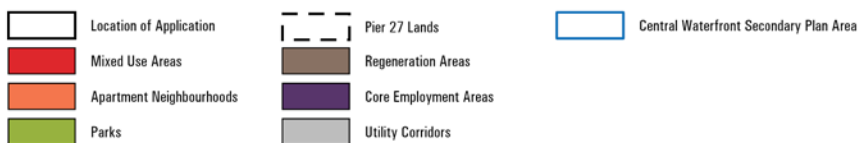
Attachment 5: Official Plan Maps



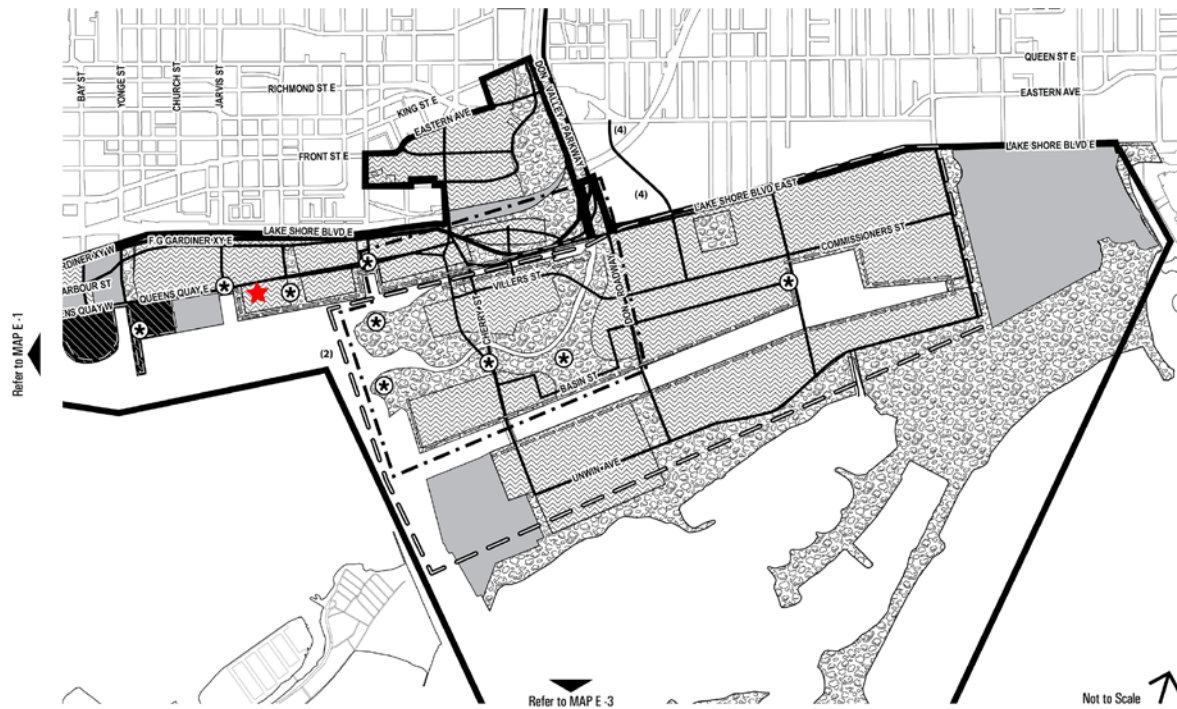
Official Plan Land Use Map 18

25 Queens Quay East

File # 21 143747 STE 10 0Z



Not to Scale
 Extracted: 08/16/2021



Central Waterfront Area Secondary Plan

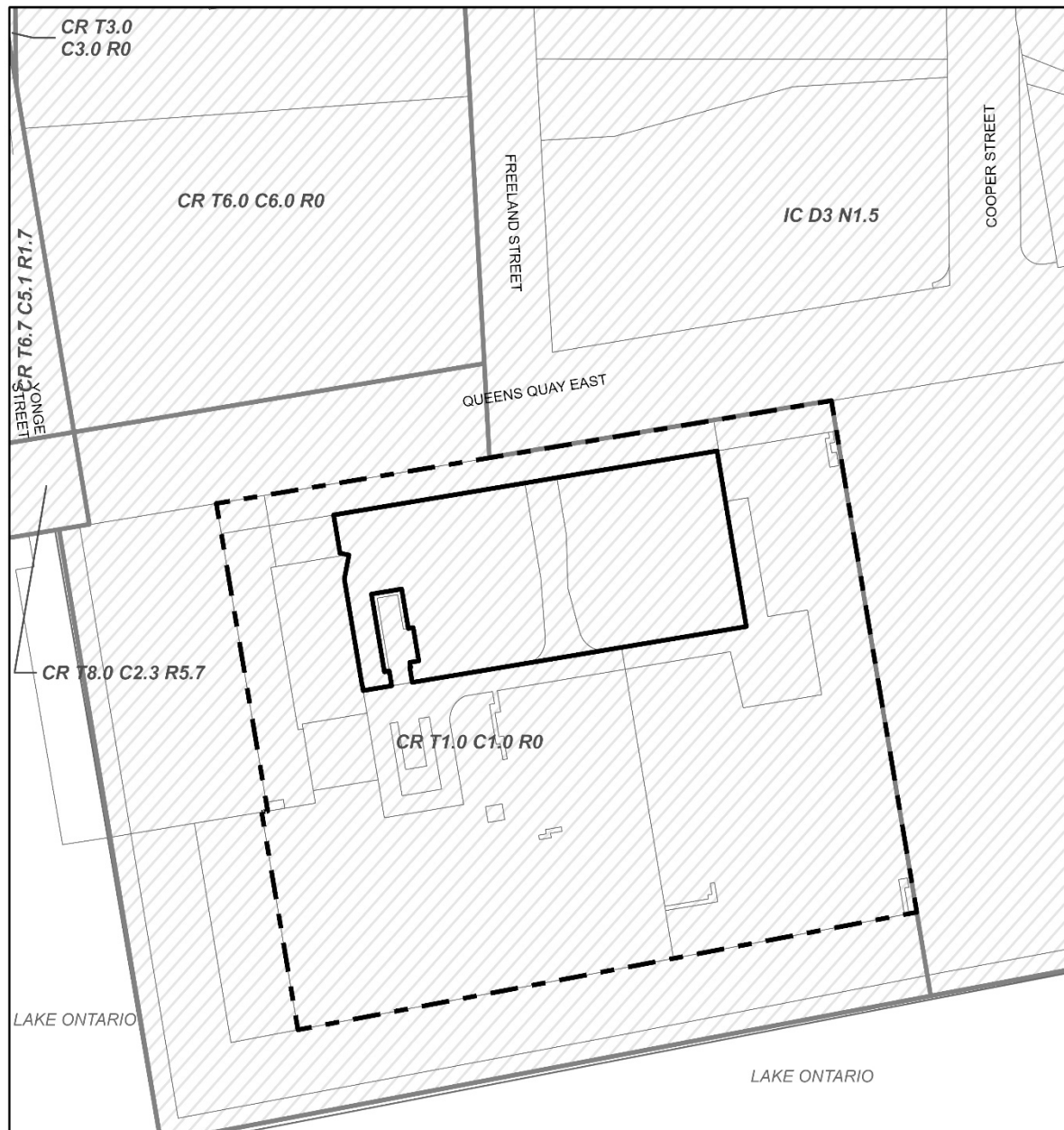
MAP E - Land Use Plan 2-3

- Secondary Plan Boundary
- Parks and Open Space Areas
- Regeneration Areas
- Existing Use Areas
- Foot of Yonge Special Study Area
- Public Promenade (Dockwall/Water's Edge)
- Inner Harbour Special Places

- Port Lands
- Area of Amendment for Lower Don Lands
- Subject Lands (21 143747 STE 10 OZ)

- Note:
- (1) See Map C for Further Detail
 - (2) New Mouth of Don River and Port Lands Shown Conceptually (2010)
 - (3) See Definitions Section Five: Making it Happen, 1) A Simplified Approach to Land Use Regulation
 - (4) Intersection and/or Alignment Configuration Subject to Further Study
 - (5) See Maps F1 and F2 for Further Details
 - (6) See Maps G1 and G2 for Further Details
 - (7) See Maps H1 and H2 for Further Details
- October 2018

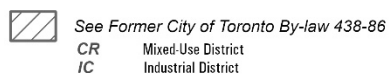
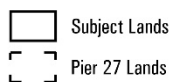
Attachment 6: Zoning Maps



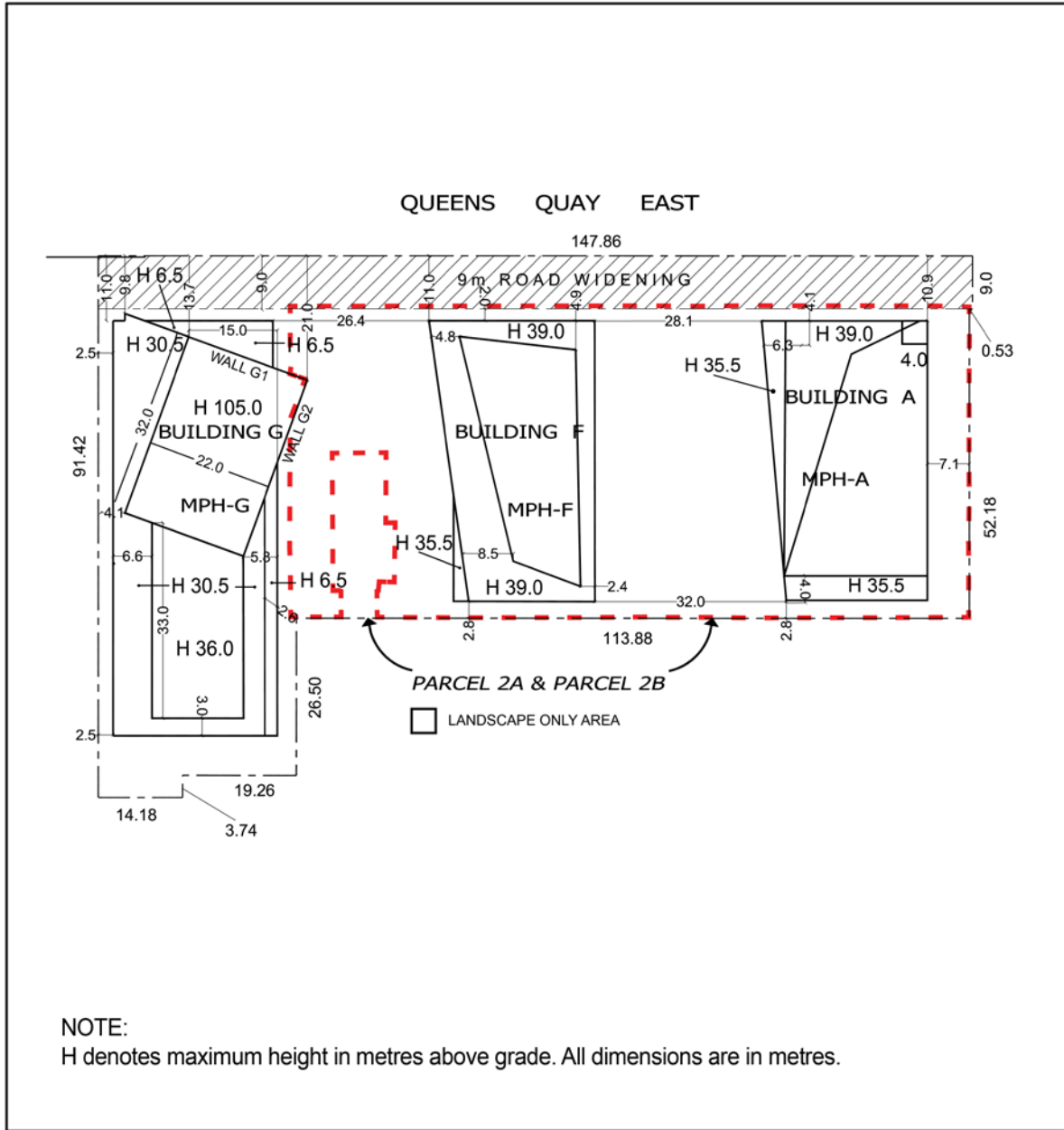
Zoning By-law 438-86

25 Queens Quay East

File # 21 143747 STE 10 02




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 Extracted: 08/17/2021



Map 2 - By-Law 680-2012 (OMB)

25 Queens Quay East

File # 21 143747 STE 10 OZ

Subject Lands



Not to Scale
Extracted: 08/16/2021
Map 2 from Order No. PL120635