

471-479 Queen Street East – Zoning By-law Amendment Application – Request for Direction Report

Date: January 31, 2022
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 13 - Toronto Centre

Planning Application Number: 20 220233 STE 13 OZ

SUMMARY

On November 19, 2020, a Zoning By-law Amendment application was submitted to permit a 15-storey (54.8 metres tall including mechanical penthouse) mixed-use building with ground floor retail uses and 143 residential dwelling units at 471-479 Queen Street East. The application was deemed complete on May 5, 2021.

On November 5, 2021, the applicant appealed the application to the Ontario Land Tribunal (the "OLT") due to Council not making a decision within the time frame under the *Planning Act*.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to 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 Ontario Land Tribunal in opposition to the Zoning By-law Amendment appeal for the lands at 471-479 Queen Street East for the reasons set out in the report (January 31, 2022) from the Director, Community Planning, Toronto and East York District, and to continue discussions with the owner in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request that the issuance of any final order be withheld until such time as the City Solicitor advises that:

- a) the draft Zoning By-law Amendments are in a form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b) the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c) the owner has entered into, and registered on title to the lands, an agreement with the City pursuant to section 37 of the *Planning Act*, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing community benefits and other matters in support of the development; and
 - d) the owner withdraw its appeal of Official Plan Amendment 525, being the King-Parliament Secondary Plan, and the associated Zoning By-law 393-2021, as they relate to the subject lands.
3. 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 the report in the current budget year or in future years.

DECISION HISTORY

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

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

Council's decisions can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE21.21>

A Preliminary Report on the application was adopted by Toronto and East York Community Council on April 21, 2021 authorizing staff to conduct a community consultation meeting. The preliminary report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE24.33>.

A Final Report including an Official Plan Amendment, and Zoning By-law Amendment to implement the King Parliament Secondary Plan was received by Toronto and East York Community Council On April 21, 2021. On May 5, 2021, City Council adopted the King-Parliament Secondary Plan, which can be accessed using the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE24.11>. The

applicant subsequently appealed the King-Parliament Secondary Plan and implementing zoning by-law.

SITE AND SURROUNDING AREA

Site Description and Dimensions: located on the south side of Queen Street East, midblock between Sumach Street and Bright Street. The site is generally rectangular, with an area of 779 square metres, and has a frontage of 26.8 metres on Queen Street East and a depth of approximately 27.2 metres.

Existing Use on Site: the site is currently vacant with the exception of a dilapidated 3-storey converted rowhouse at 479 Queen Street East.

Surrounding uses include:

East: Immediately east of the site is a 3-storey mixed-use building at 481 Queen Street East, which is listed on the City's Heritage Register. At the southeast corner of Queen Street East and Sumach Street is a 4-storey commercial building at 489 Queen Street East which is listed on the City's Heritage Register. Further east are 2-storey commercial and residential buildings.

West: Immediately west of the site are 2-storey mixed-use buildings at 467 and 469 Queen Street East, both of which are listed on the City's Heritage Register. West of Bright Street are predominantly 2- and 3-storey residential and commercial buildings.

North: Immediately north of the site are a 3-storey building containing a restaurant and rooming house at 498 Queen Street East (Dominion Hotel) and 5-storey commercial building at 468-496 Queen Street East (Dominion Square), both of which are listed on the City's Heritage Register. Further north are a 6-storey residential building, and 2- and 3-storey residential buildings along Sumach Street.

South: Immediately south of the site is a private laneway that runs east-west between Bright Street and Sumach Street with a portion that runs north-south and services properties that have frontage on Bright Street or Sumach Street. South of the lane, along Sumach Street are a 3-storey office, 1-storey community service building, 5- and 2-storey residential buildings, and 2- and 1-storey commercial buildings. South of the lane, along Bright Street are 2-storey residential buildings.

THE APPLICATION

Application Description

Height: 15-storeys (54.8 metres including mechanical penthouse).

Density: Floor Space Index (FSI) of 11.1 times the area of the lot.

Uses: Mixed use building containing retail uses at grade and residential dwelling units.

Unit count: 143 dwelling units, of which 76 (53%) are studio units, 28 (20%) are 1-bedroom units, 23 (16%) are 2-bedroom units, and 16 (11%) are 3-bedroom units.

Heritage: the properties adjacent to the development site at 467, 469 and 481 Queen Street East to the Heritage Register as part of the King-Parliament Heritage Survey and a component of phase one of the THS.

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/>

Additional Information

See Attachments 1 to 5 of this report for the location map, Application Data Sheet, three dimensional representations of the project in context, and site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

Reasons for the Application

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

Site Plan Control

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

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

Official Plan Designation: The site is designated *Mixed Use Areas*. The site is also designated *Mixed Use Areas 3 – Main Street* in the Downtown Plan, and is subject to the King-Parliament Secondary Plan and is located in the Queen Street Policy Area (Mixed Use Area 'D').

Zoning: The site is zoned Commercial Residential CR 2.0 (c2.0; r2.0) SS2 (x2104) under the City's harmonized Zoning By-law 569-2013, with a permitted building height of 12.0 metres. The site is also subject to former City of Toronto Zoning By-law 438-86, under which it is zoned Mainstreet Commercial Residential MCR T2.0 (H12.0).

As part of the recent King-Parliament Secondary Plan Review, By-law 394-2021 rezoned the site from CR 2.0 (c2.0; r2.0) SS2 (x2104) to CR 3.0 (c1.0; r2.5) SS2 (x337) and increased the permitted building height to 25.0 metres. By-law 394-2021 is currently under appeal.

Additional information

See Attachment 6 for applicable policy documents.

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on March 29, 2021. Approximately 100 people participated, as well as the Ward Councillor. Following a presentation by City staff and the applicant, the following comments and issues were raised by attendees:

- proposal disregards the planning policies for the Downtown Plan and King-Parliament Secondary Plan;
- proposal disregards the performance standards of the Mid-Rise Design Guidelines;
- appropriateness of the proposed height, density and massing;
- proposal represents an overdevelopment of a small lot;
- compatibility and fit with adjacent properties, including building type, transition, setbacks, built form and streetscape;
- building is not contextually appropriate for the area;
- if approved, proposal will set a negative precedent for Queen Street East and the surrounding area;
- disregard for the low scale heritage context of Queen Street East;
- insufficient transition to the adjacent low-rise residential area;
- insufficient setbacks, step backs, and angular planes;
- shadow impacts on neighbouring streets and open spaces;
- potential overlook and privacy issues with adjacent properties;
- loss of sky view;
- proposed unit count, size and mix;
- impact on transit capacity;
- traffic generated as a result of the proposed development;
- insufficient on-site parking for the number of dwelling units;
- appropriateness of site access off of Queen Street East and a new curb cut interrupting the sidewalk;
- pedestrian safety;
- insufficient amenities for pets;

- the need for affordable housing; and
- construction impacts.

COMMENTS

The proposal has been reviewed against the *Planning Act*, PPS, Growth Plan and Official Plan policies, as well as City planning studies and design guidelines.

Planning Act

In making a decision on this application, Council must have 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 Attachment 6: Policy Considerations) and find that while the proposed intensification and land use is generally consistent with the PPS, the proposal is not consistent with PPS policies concerning appropriate development standards. A City Council decision to oppose the proposal is also consistent with the PPS given the non-conformity with the Official Plan.

Growth Plan (2020)

Planning staff have reviewed the current proposal against the policies of the Growth Plan (as described in Attachment 6: Policy Considerations) and find the proposal does not conform to policies relating to complete communities, built form, and the implementation of appropriate development standards through the Official Plan and other supporting documents.

Land Use

The proposed mix of uses, including residential and retail, aligns with the *Mixed Use Areas* designation of the site. The proposed land uses also conform to the *Mixed Use Areas 3 – Main Street* designation in the Downtown Plan and the King-Parliament Secondary Plan.

Built Form

Planning staff have reviewed the proposed built form, including height, massing, and transition, against the policies of the Official Plan, the Downtown Plan, the King-Parliament Secondary Plan and implementing by-laws, as well as the relevant City design guidelines identified below and in Attachment 6: Policy Considerations.

Built Form

Height

The proposed 15-storey building is too tall and does not conform to the policies of the Official Plan, Downtown Plan, King-Parliament Secondary Plan, or the Mid-Rise Design Guidelines. Reductions to the building height are required to improve compatibility with the surrounding context.

The Downtown Plan designates the site as *Mixed Use Areas 3 - Main Street*. The policies of the Downtown Plan state that development in *Mixed Use Areas 3* will be in the form of midrise buildings, with some low-rise and tall buildings permitted based on compatibility. The Downtown Plan states that mid-rise development will be informed by the design objectives of having heights that reasonably define and enclose the right-of-way that it fronts onto and providing for adequate access to sunlight and sky-view from the public realm.

The King-Parliament Secondary Plan distinguishes Queen Street East as a distinct policy area, recognizing that it has a different character and lower scale than the other six policy areas of the Secondary Plan. The scale of development is implemented through the built form controls of the Zoning By-law where a maximum building height of 16 metres and a subsequent adherence to an angular plane of 44 degrees is permitted.

The updated King-Parliament Secondary Plan and implementing zoning by-laws, which are currently under appeal, state that development will generally take the form of mid-rise buildings, where the height will be consistent with the adjacent right-of-way width, and compatible with the area's distinct main street character and significant presence of heritage buildings. The implementing zoning by-law permits a maximum building height within this section of the Queen Street Policy Area of 25.0 metres.

The Mid-Rise Building Guidelines state that the maximum allowable height will be no taller than the width of the Avenue right-of-way, excluding a mechanical penthouse. Queen Street East represents an Avenue with a right-of-way width of 20 metres for the purposes of applying the mid-rise guidelines.

The proposal in its current form does not conform with the policies of the Official Plan, the Downtown Plan or the King-Parliament Secondary Plan as they relate to height and fit within the existing and planned context, and does not meet the intent of the Mid-Rise Building Guidelines.

Massing

The proposed building massing, including setbacks, step backs and angular planes, is not acceptable and does not achieve the policies of the Official Plan, Downtown Plan, King-Parliament Secondary Plan, or the Mid-Rise Building Guidelines.

The Official Plan requires new development to be massed to fit harmoniously into its existing and/or planned context by: framing streets that respects the street proportion; and providing adequate light and privacy. The Downtown Plan states that development will generally provide a transition from the base building to relate to adjacent properties

with a lower-scale planned context. The King-Parliament Secondary Plan requires development to be sited and massed to provide adequate light, view and privacy for neighbouring properties. The built form controls of the Zoning By-law require a building mass to adhere to an angular plane of 44 degrees after a maximum building height of 16 metres, and building setbacks of 5.5 metres to side and rear lot lines where the building wall contains windows.

The base building is set back 1.2 metres from the Queen Street East lot line at floors 1 and 2, resulting in a curb to building face distance of 4.8 metres. Floors 3 to 7 cantilever back toward Queen Street East and are located 0 metres from the lot line. While a 4.8-metre sidewalk is acceptable in principle, this setback should be provided clear of massing above with all cantilevered built form removed.

The base building height for the proposed development is 7-storeys, greatly exceeding the streetwall heights of buildings that make up the remainder of the block and nearby portions of Queen Street East. The proposed base building is too tall and does not respect the existing and planned character of Queen Street East, a historic main street.

Above the base building, floors 8 to 15 are set back 2.5 metres from the Queen Street East lot line. The building is set back 0 metres from both the east and west lot lines, with window openings located in both elevations on floors 8 to 14. In addition to the excessive height of the base building, the proposed upper level massing is excessive, and does not conform with the policies of the Official Plan, Downtown Plan, King-Parliament Secondary Plan, and does not meet the intent of the zoning by-law or Mid-Rise Guidelines.

Transition

In its current form the proposed building does not provide adequate transition to the low-rise area south of the subject site.

The Official Plan states that development in *Mixed Use Areas* will locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the plan, through means such as providing appropriate setbacks and/or stepping down of heights.

The Downtown Plan provides further direction on transition between areas of different scale. The Plan states that development may be required to incorporate transition in scale to achieve built form compatibility when it is: of a greater intensity and scale than the adjacent and surrounding planned context; adjacent and nearby to *Mixed Use Areas 4*; adjacent to a heritage designated property or Heritage Conservation District; and/or adjacent to existing or planned parks and open spaces.

With the exception of a second floor amenity terrace that cantilevers out to the rear lot line, the proposed development is setback is 2.5 metres from the rear lot line or 4.0 metres from the centreline of the private laneway up to floor 14. At floor 15 the rear elevation steps back 2.9 metres.

The proposal in its current form does not provide adequate transition to the low-rise area to the south, which is designated *Mixed Use Areas 4* in the Downtown Plan.

Shadow Impact

Shadow Studies were submitted in support of the application, showing net new shadows cast on March 21, June 21 and September 21. The proposal will cast shadows on the surrounding streets and sidewalks, open spaces, and adjacent residential properties throughout the day. The proposed shadow impact is not acceptable in its current form. Planning staff will continue to work with the applicant to modify the built form to minimize the shadow impact on the public realm and adjacent properties.

Wind

The Pedestrian Wind Study submitted with the application indicates that wind speeds are predicted to be suitable for the intended uses on and around the subject site.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. 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.

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

Transportation

Driveway Access and Site Circulation

Vehicular access to the site is proposed via a north-south driveway connection to Queen Street East and via use of an existing east-west private laneway. Transportation Services staff require further information on the proposed north-south driveway and documentation on a surface easement/shared access agreement that permits the subject site to use the existing private laneway lands for access. Further, in the event the OLT approves the application, Engineering and Construction Services staff require the applicant to reconstruct/resurface the entire east-west private laneway between

Sumach Street and Bright Street with acceptable elevations and paving materials, at no cost to the City.

Access to the underground parking garage is via two vehicle elevators at the rear of the site. The applicant's transportation consultant, BA Group, submitted a review of the queuing and service time related to the proposed elevators and their configuration. Given the submitted data and the 5.6 metres of clearance provided in front of both elevators (which does not conflict with the east-west laneway), Transportation Services has no issues with the proposed elevator configuration.

Additional comments related to site access arrangement, site circulation, and the layout and design of the proposed site entrance driveways will be provided through the site plan review process.

Traffic Impact

In support of the subject proposal, the applicant's transportation consultant, BA Group, prepared an Urban Transportation Considerations report, dated November 2020. In the study, the consultant estimates that the proposed development will generate approximately 21 new two-way vehicular trips during both the AM and PM peak hours. Given this trip generation, the report concludes that the site traffic can be accommodated by the existing road network.

Transportation Services has reviewed the submitted documentation and traffic analysis. Given the context of the site and the proposed reduced parking supply, Transportation Services accepts the methodology and conclusions of the report.

Parking

By-law 569-2013 requires a total of 86 vehicle parking spaces, consisting of 70 residential and 16 non-residential (14 residential visitor and 2 retail) spaces to support the proposed development. The application proposes to provide a total of 33 residential parking spaces and 0 non-residential, which equates to a parking supply ratio of 0.23 resident parking spaces per dwelling unit. A total of 180 bicycle parking spaces are proposed for residents and visitors.

Transportation Services has reviewed the submitted documentation with regards to parking demand and supply and accept the proposed parking provisions. The resident parking demand can be met by the proposed on-site supply. Furthermore, the visitor/retail demand can be accommodated in existing parking facilities in the area.

Additional comments related to the parking supply layout, access to the parking spaces and other site design matters related to the parking will be provided through the site plan review process.

Loading

Zoning By-law 569-2013 requires a minimum of one Type G loading space to serve the proposed development. The proposal includes one Type B loading space located within the north-south driveway. Transportation Services have expressed concerns with the

proposed loading configuration and have requested revisions outlined in the memorandum from the Manager, Development Engineering dated April 29, 2021.

Solid Waste

Solid Waste staff have reviewed the plans and have expressed concerns with the proposal. Staff have outlined the required revisions in the memorandum from the Manager, Development Engineering dated April 29, 2021 including the need for a Type G loading space with an adjacent staging pad.

Further, the site lies within 250 metres of a closed municipal landfill. A subsurface investigation for the possible presence of methane gas is required.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report and associated plans in support of the application. Engineering and Construction Services staff have reviewed the submitted materials and require revisions as outlined in the memorandum from Engineering and Construction Services dated April 29, 2021.

Indoor/Outdoor Amenity Space

The application is proposing a total of 361 square metres (2.5 square metres per unit) of indoor amenity space and 117 square metres (0.8 square metres per unit) of outdoor amenity space on floor 2.

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. Planning staff will continue to work with the applicant to increase the amount of amenity space provided in the proposed development.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard ("TGS"), although the applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and of achieving net-zero emissions by 2050 or sooner. Should the Zoning By-law Amendment appeal be approved by the OLT in any form, performance measures meeting, at minimum, the Tier 1 development features would be secured in the site-specific zoning by-laws and others through a future 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*.

Section 37 benefits have not been discussed with the applicant because staff are of the opinion that the proposal, as currently constituted, is not good planning. Should the Zoning By-law Amendment appeal be approved in some form by the OLT, it is

recommended that City Council authorize City staff to negotiate an appropriate agreement for section 37 benefits with the applicant, in consultation with the Ward Councillor.

Further Issues

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

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, including the Downtown Plan and King-Parliament Secondary Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the proposal does not conform to the PPS, Growth Plan, Official Plan, Downtown Plan, King-Parliament Secondary Plan, and Mid-Rise Building Design Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the applications in their current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map

Attachment 2: Application Data Sheet

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

Attachment 4: 3D Model of Proposal in Context Looking Northeast

Attachment 5: Site Plan

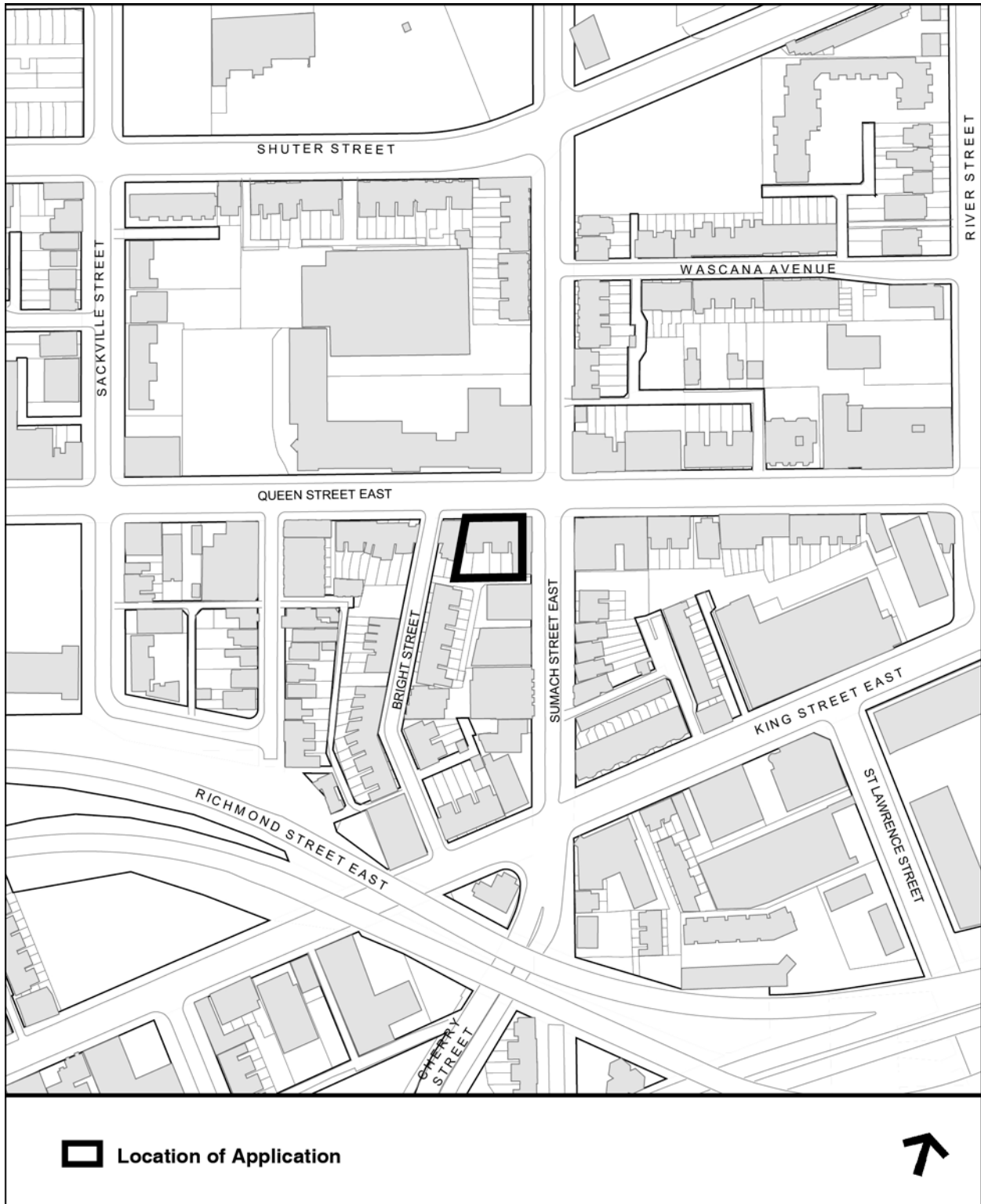
Attachment 6: Policy Considerations

Attachment 7: Official Plan Land Use Map

Attachment 8: Downtown Plan Land Use Map

Attachment 9: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 471-479 Queen St E **Date Received:** November 19, 2020

Application Number: 20 220233 STE 13 OZ

Application Type: Rezoning

Project Description: 15-storey mixed-use building

Applicant	Agent	Architect	Owner
Aird & Berlis LLP	Bousfields Inc.	A& Associates Architects Inc.	BJL Sumach Corporation

Existing Planning Controls

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	517
Zoning:	CR2.0 (c2.0; r2.0) SS2 (x2104)	Heritage Designation:	N
Height Limit (m):	12	Site Plan Control Area:	Y

Project Information

Site Area (sq m): 779 Frontage (m): 27 Depth (m): 27

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			694	694
Residential GFA (sq m):			8,440	8,440
Non-Residential GFA (sq m):			213	213
Total GFA (sq m):			8,653	8,653
Height - Storeys:	3		15	15
Height - Metres:			55	55

Lot Coverage Ratio (%): 89.09 Floor Space Index: 11.11

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

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

Total Residential Units by Size

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

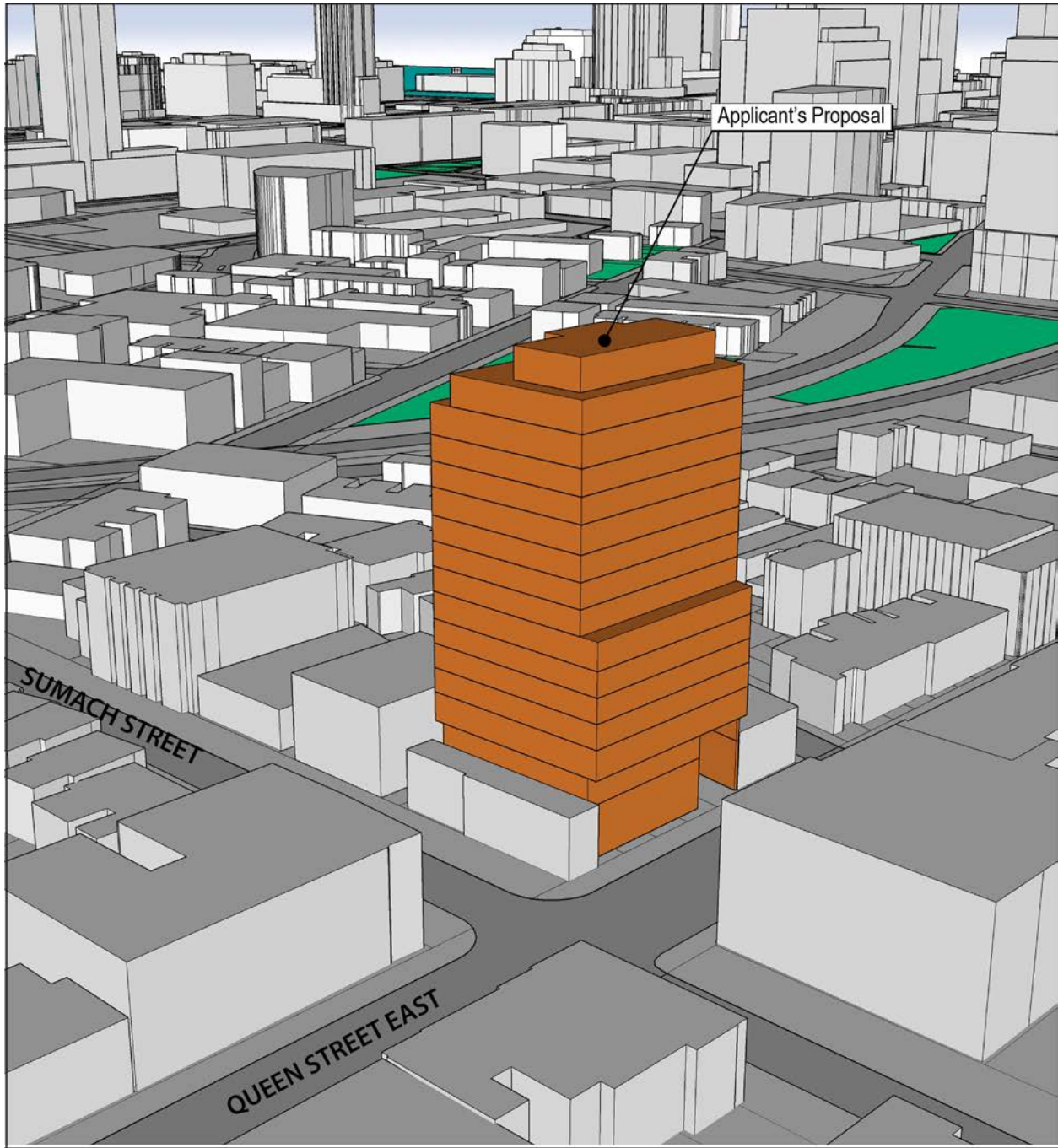
Parking and Loading

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

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

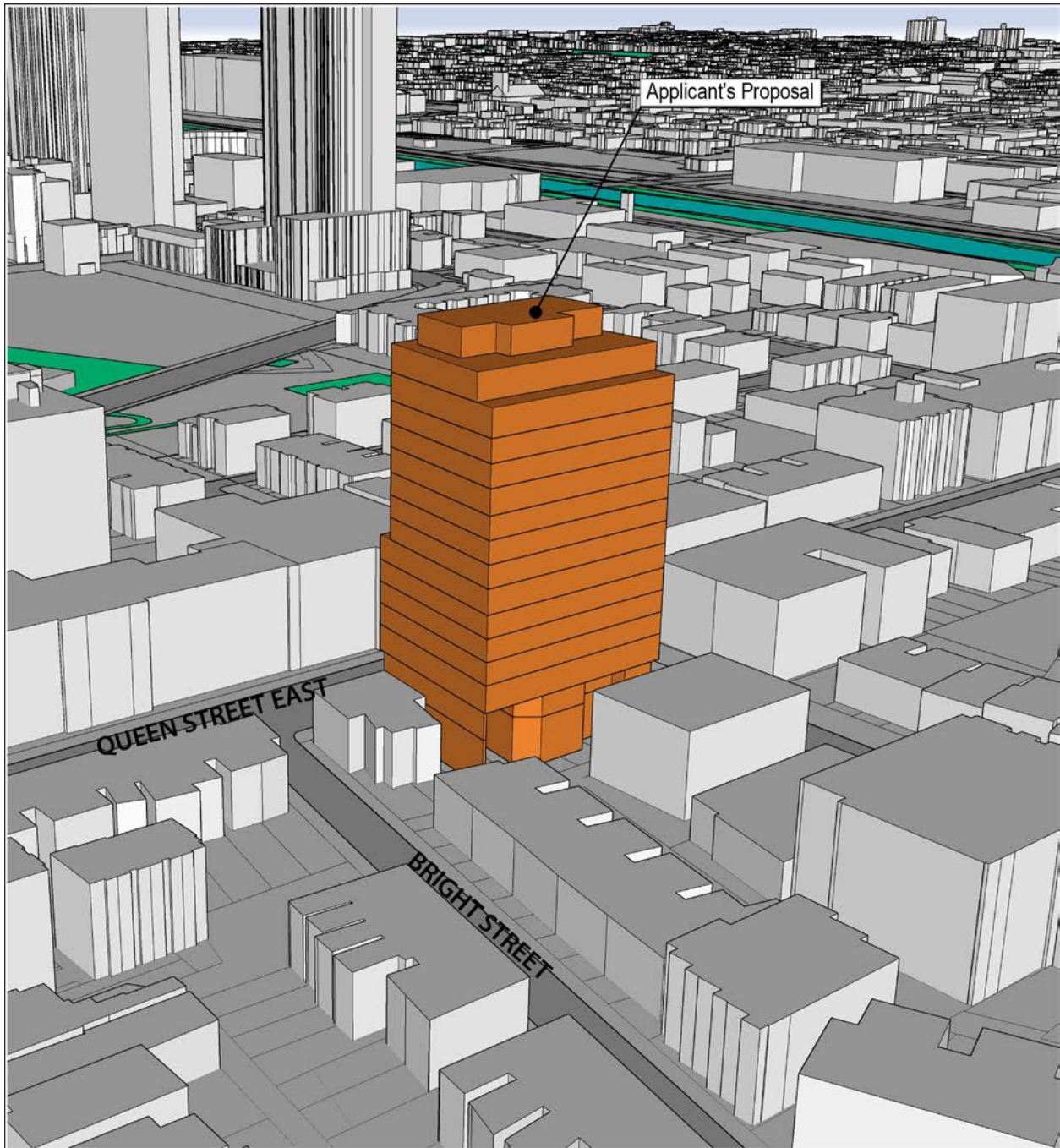


View of Applicant's Proposal Looking Southwest



03/22/2021

Attachment 4: 3D Model of Proposal in Context Looking Northeast

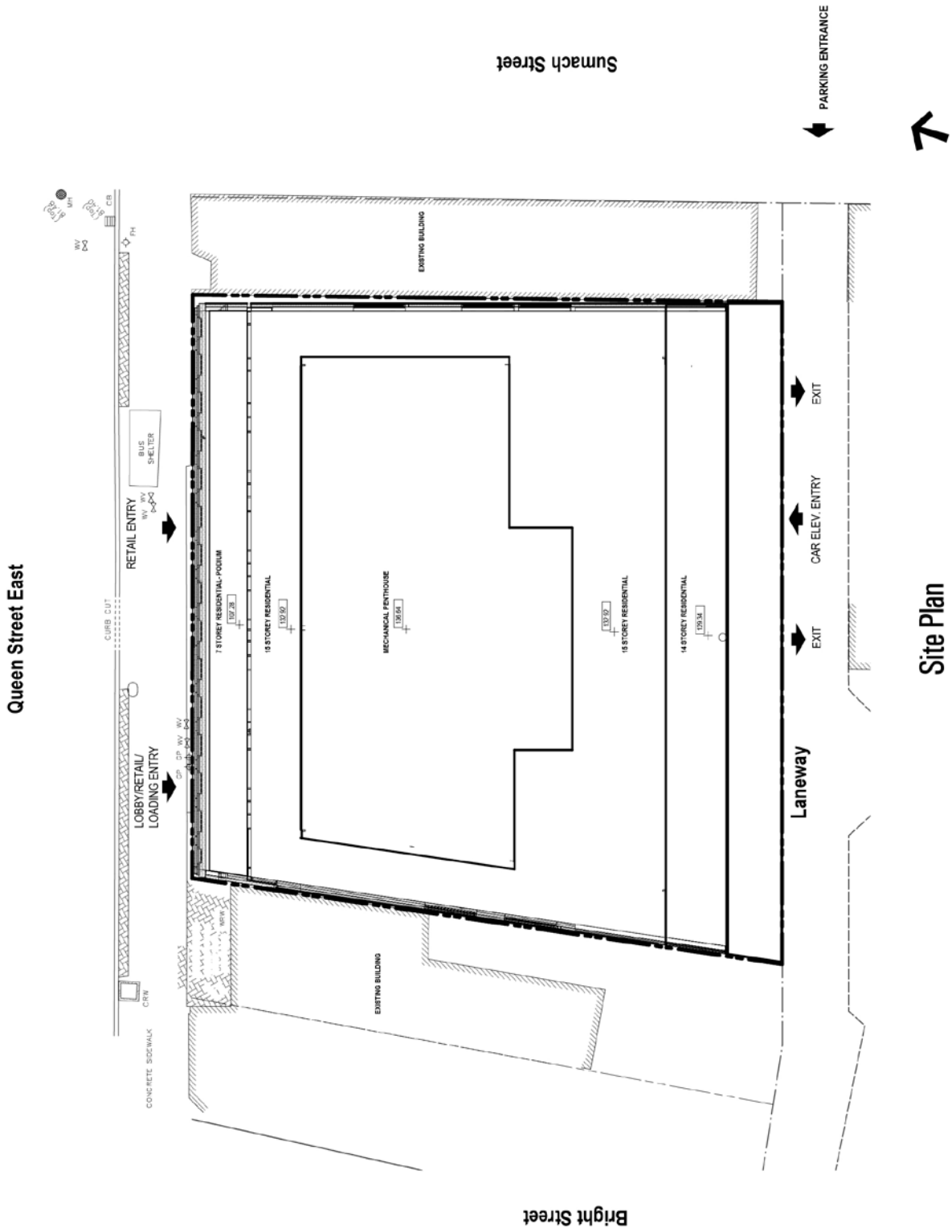


View of Applicant's Proposal Looking Northeast



03/22/2021

Attachment 5: Site Plan



Attachment 6: Policy Considerations

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

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

The Provincial Policy Statement (2020)

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

- the efficient use and management of land and infrastructure;
- ensuring the sufficient 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 4.7 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") came into effect on August 28, 2020. This was an amendment to the 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;
- 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, builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan, take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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

Conformity with Growth Targets and Density Targets

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

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

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

Table 1: Downtown Toronto Urban Growth Centre

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

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

In the Downtown Toronto Urban Growth Centre area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet built (see Profile Toronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as

occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan (2020). In addition, there would remain an additional ten years for additional approved development to occur.

Planning for Major Transit Station Areas

The Growth Plan contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSA"s) 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 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 designated *Mixed Use Areas* as shown on Land Use Map 18. See Attachment 7 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-C designates the eastern portion of the site as *Mixed Use Areas 3 - Main Street*. Development within *Mixed Use Areas 3* will be in the form of midrise buildings,

with some low-rise and tall buildings permitted based on compatibility. The assessment of proposals for mid-rise buildings will be informed by the Mid-Rise Buildings policies in section 9 of the Downtown Plan.

The Downtown Plan identifies Queen Street East as both a Great Street and a Priority Retail Street. The site is also located within a Cultural Precinct and the Downtown Film Precinct.

The in-force Downtown Plan may be found here:

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

See Attachment 8 for the site's Downtown Plan *Mixed Use Area* designation.

King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan (the "KPSP"). The main objectives of the KPSP is to encourage reinvestment in the area for a mixture of uses that reinforces the historic built form and public realm, while ensuring growth is mutually compatible and complements the existing built form character and scale of the area.

The site is designated Mixed Use Area 'D' (Queen Street) on Map 15-1 - Land Use Plan. Lands designated Mixed Use Area 'D' consists of a wide range of building types, where a mixture of street-related retail, residential and institutional uses are permitted. The sections of Queen Street East designated Mixed Use Area 'D' are predominately low-rise in built form.

The King-Parliament Secondary Plan provides strong built form policies to direct new buildings to fit into the pattern and scale of existing buildings. The built form policies are provided in Section 3 – “Urban Structure and Built Form” of the Secondary Plan. New development shall: provide adequate light, view and privacy to neighbouring properties; achieve a compatible relationship with its built form through height, massing, scale, setbacks, roof line and profile and architectural character and expression; provide appropriate proportional relationships to adjacent streets to minimize wind and shadowing impacts; provide streetscape and open space improvements; and provide open spaces for the use of residents, visitors and area workers

The King-Parliament Secondary Plan can be found here:

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

King-Parliament Secondary Plan Review

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

On May 5, 2021, City Council approved the updated King-Parliament Secondary Plan and supplementary Zoning By-laws. The applicant has appealed both the Secondary Plan and the supplementary Zoning By-law.

The updated King-Parliament Secondary Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/king-parliament-secondary-plan-review/>

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>

Zoning By-laws

The site is zoned Commercial Residential CR 2.0 (c2.0; r2.0) SS2 (x2104) under the City's harmonized Zoning By-law 569-2013. This zoning designation permits a variety of commercial and residential uses. The current zoning permits a height of 12.0 metres, a maximum floor space index of 2.0 times the area of the lot, and specifies a number of required setbacks. The City's Zoning By-law 569-2013 may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

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

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

On November 26, 2019 City Council adopted the Priority Retail Streets Zoning By-law Amendments 1681-2019 and 1692-2019 which specify standards for retail spaces at grade. By-laws 1681-2019 and 1692-2019 identify this portion of Queen Street East as a Priority Retail Street. The By-laws were subsequently appealed to the OLT on a city-wide basis. Amending By-law 393-2021 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2021/law0394.pdf>

See Attachment 9 of this report for the existing Zoning By-law Map.

Urban Forestry/Environment

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

Design Guidelines

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

- King-Parliament Urban Design Guidelines;
- Avenues and Mid-rise Buildings Study and Performance Standards;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Growing Up Urban Design Guidelines; and
- Retail Design Manual.

The City's Design Guidelines can be found here:

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

King-Parliament Urban Design Guidelines

The King-Parliament Urban Design Guidelines correspond to the policy direction of the King-Parliament Secondary Plan. The site is within the Old Town of York Area of Special Identity. New development shall respect the historical and urban design significance of the area. The King-Parliament Urban Design Guidelines can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/08/8fde-Toronto-Urban-Design-Guidelines-King-Parliament.pdf>

Avenues and Mid-rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites.

The link to the guidelines can be found at: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance

Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines.

Council's decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

Growing Up Guidelines: Planning for Children in New Vertical Communities

In July 2020, City Council adopted updated Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future city-wide and area-based planning frameworks. The objective of the Growing Up Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The link to the Growing Up Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studiesinitiatives/growing-up-planning-forchildren-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 needed pet amenities for high density residential communities.

The link to the guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/pet-friendly-designguidelines-for-high-density-communities/>

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>

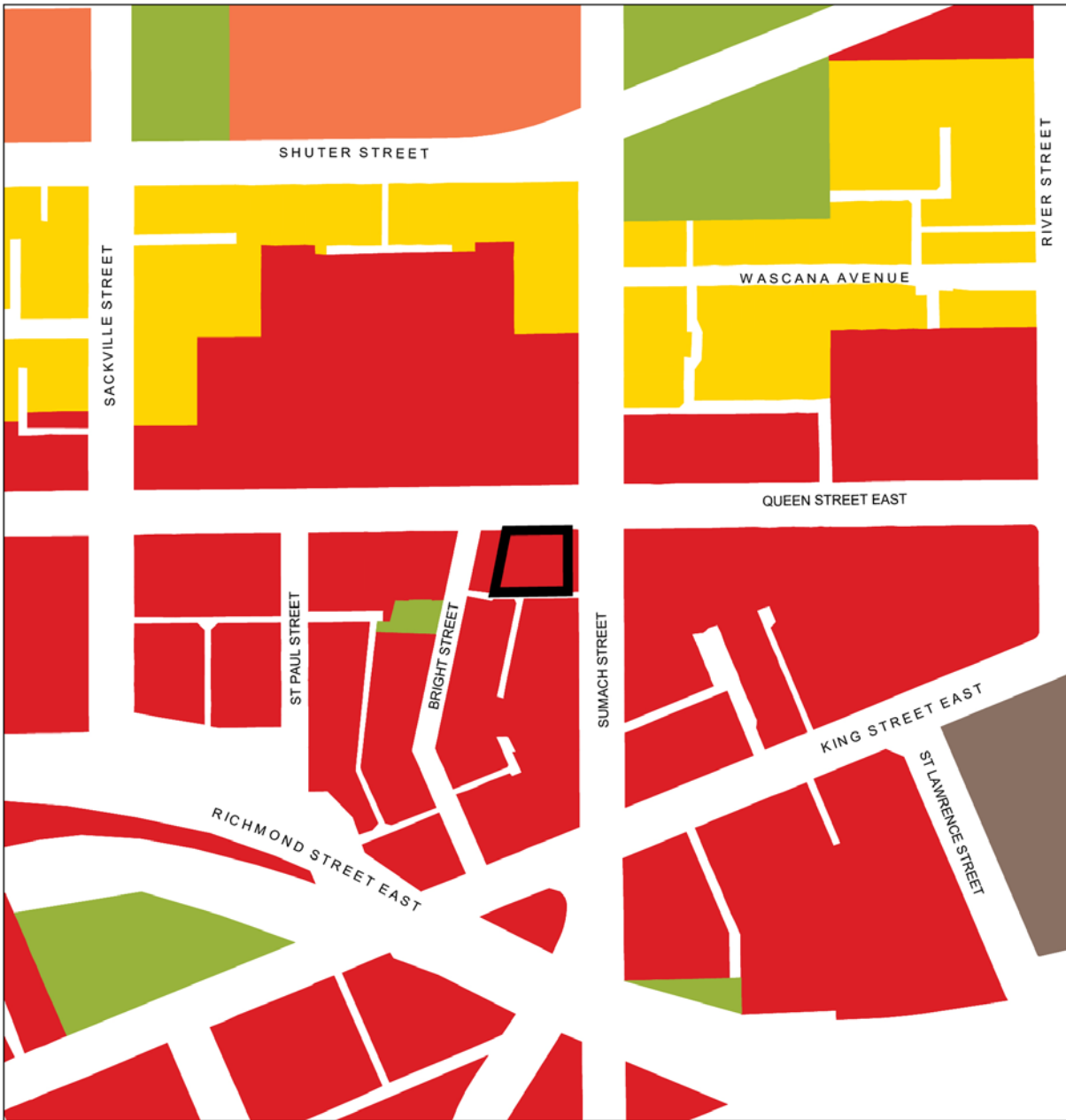
Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (the "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/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requirements/>.

Attachment 7: Official Plan Land Use Map




Official Plan Land Use Map #18

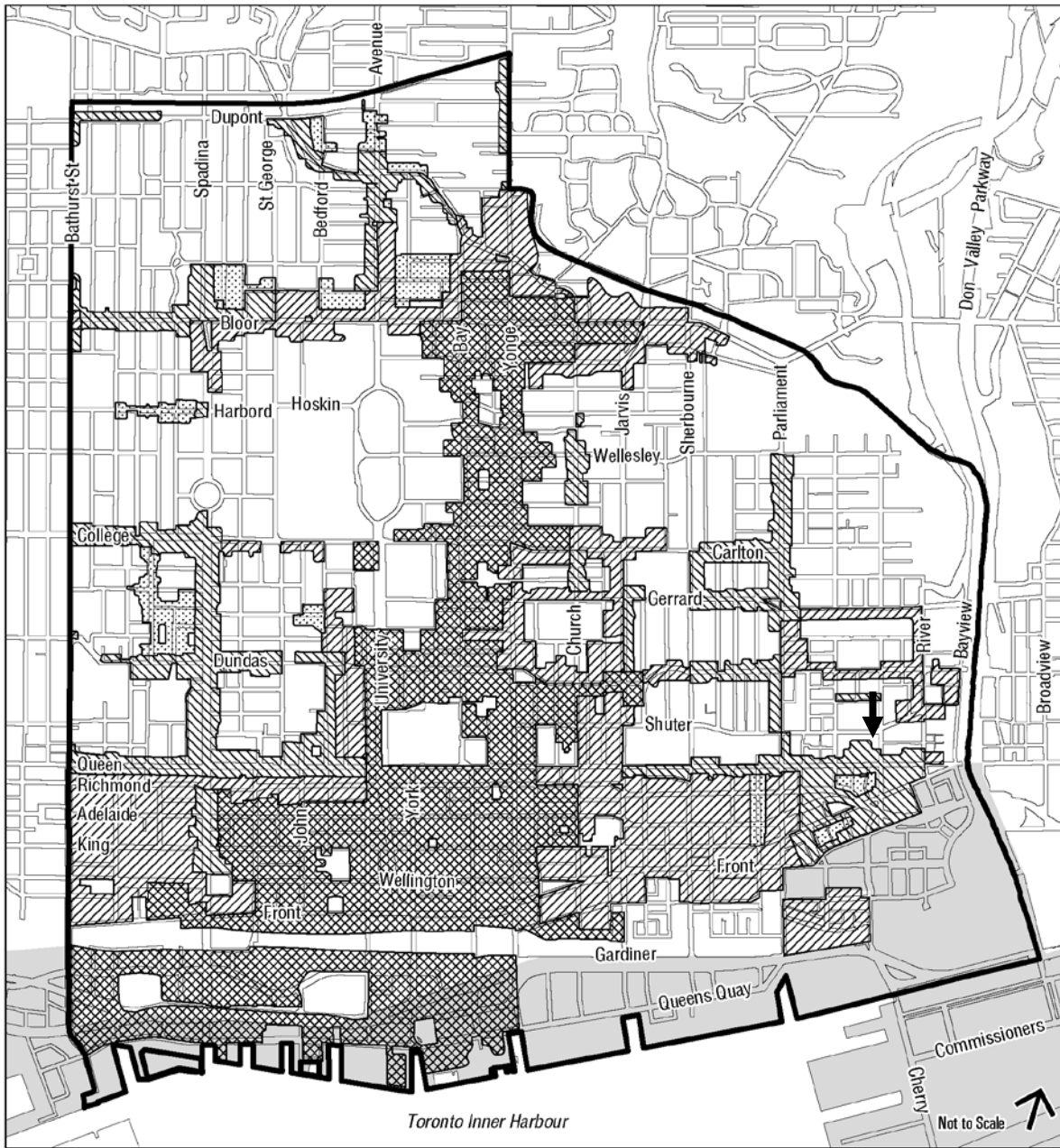
471 Queen Street East

File # 20 220233 STE 13 0Z










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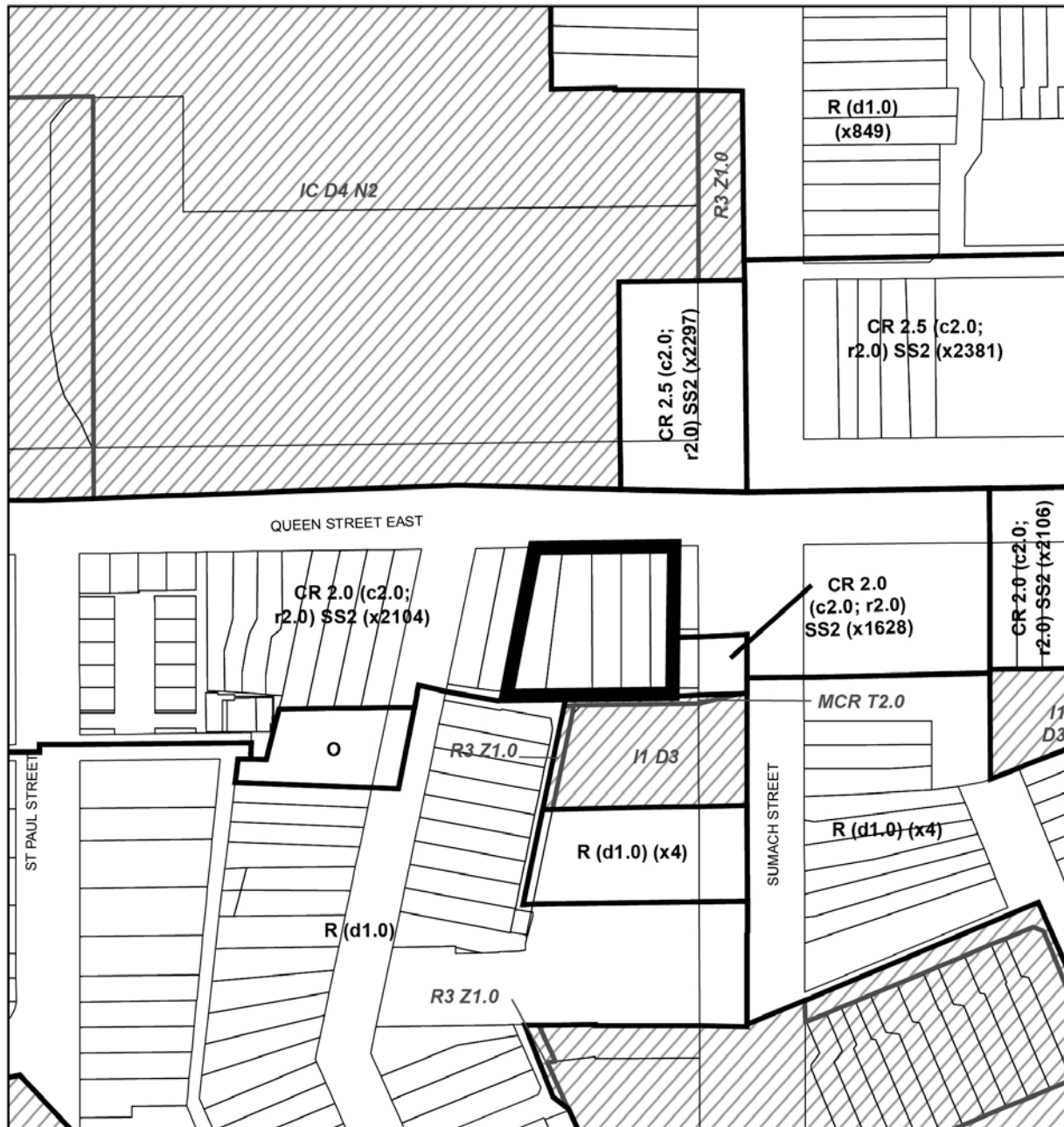
Attachment 8: Downtown Plan Land Use Map



Downtown Plan MAP 41-3 Mixed Use Areas

-  Downtown Plan Boundary
-  Central Waterfront Secondary Plan
-  Mixed Use Areas 1 - Growth
-  Mixed Use Areas 2 - Intermediate
-  Mixed Use Areas 3 - Main Street
-  Mixed Use Areas 4 - Local

Attachment 9: Zoning By-law Map



Zoning By-law 569-2013

471 Queen Street East

File # 20 220233 STE 13 0Z



Location of Application

R Residential CR Commercial Residential
O Open Space



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

R3 Residential District
MCR Mixed-Use District
I1 Industrial District
IC Industrial District



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Extracted: 03/11/2021