

# TORONTO STAFF REPORT

June 18, 2003

To: Toronto East York Community Council

From: Director, Community Planning, South District

Subject: Final Report

Application to amend the Official Plan and Zoning By-law 438-86  
33-45 Lombard Street, 98-110 Church Street and 106 King Street East  
The Anglican Diocese and St. James Cathedral, (Architects Alliance Architects)  
TE CMB 20020016, File No. 102018  
Toronto-Centre Rosedale, Ward 28

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a retail-residential building at 33-45 Lombard Street and 98-110 Church Street, and includes a density transfer to that site from St. James Cathedral at 106 King Street East

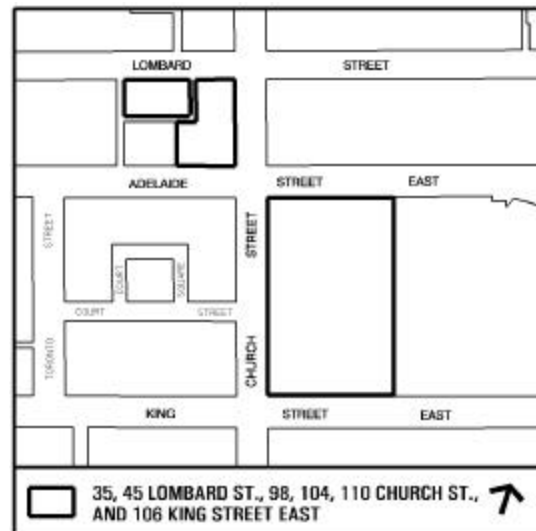
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendments attached as Attachments 6 and 7;
- (2) amend the new Official Plan as set out in the draft Official Plan Amendment attached as Attachment 8;
- (3) amend the Zoning By-law for the site substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 9;



- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments or the draft Zoning By-law Amendment as may be required;
- (5) before introducing the necessary Bills to City Council for enactment, require the owner to enter into one or more Agreements pursuant to Section 37 of the Planning Act such agreements to be registered against title to the satisfaction of the City Solicitor;
- (6) before introducing the necessary Bills to City Council for enactment, require the owner to enter an Heritage Easement Agreement for the Parish Hall and Diocesan Centre of St James Cathedral pursuant to the Ontario Heritage Act such agreement to be registered against title to the satisfaction of the City Solicitor;
- (7) submit to the Commissioner of Works and Emergency Services approved plans of the development, with sufficient horizontal and vertical dimensions of the exterior walls of the proposed building for the purpose of preparing building envelope plans for site specific exemption by-laws, such plans to be submitted at least 3 weeks prior to the introduction of Bills to Council;
- (8) submit to the Commissioner of Works and Emergency Services, if registered agreements are to be entered into, a Reference Plan of Survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands under application and any appurtenant rights-of-way for the preparation of legal descriptions at least 3 weeks prior to the introduction of Bills to Council;
- (9) submit to the Commissioner of Works and Emergency Services, prior to the introduction of Bills to Council, a noise impact statement in accordance with City Council's requirements, for review and acceptance;
- (10) submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the introduction of Bills to Council for the rezoning application, a site servicing review to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate; and
- (11) require that the applicant plant at least four trees in the City Boulevard, and provide an irrigation system, including automatic-timer, to be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain in good order and operation.

## Background:

### Proposal

The proposal is to construct a building with underground parking, containing 389 residential units and up to 600 square metres of grade level retail or office space. The proposed building has a 4-storey, 16 metre high podium along Church Street. At the north-east corner of Church Street and Adelaide Street East, a point tower with a small floor plate of 640 square metres would rise to 45 stories or an overall height of 145 metres, including the mechanical penthouse. A publicly accessible open space for use by the general public and retained by the owner is to be provided along the south side of Lombard Street. A density transfer of 15,100 square metres is proposed from the St. James Cathedral site to the development site on the northwest corner of Church Street and Adelaide Street East.

The funds secured by the Cathedral, which are to be at least \$2.7 million dollars, will be required to be used for the renovation and, possibly, the addition of space to the Parish House and Diocesan Centre, within the existing building footprint. A Heritage Easement Agreement on the Parish House and Diocesan Centre lands will permit, if desired, the demolition of the Diocesan Centre with the exterior of the remainder of the building intact and conserved. In addition, the Cathedral has an option to request the construction of up to 50 underground parking spaces for its use on the development site. This would permit the existing parking spaces in the surface parking lot on the Cathedral site to be replaced with landscaped open space, more in keeping with its park like setting. Closing of the public lane on the development site is proposed concurrent with the establishment of a new north-south public lane connecting Lombard Street and Adelaide Street East.

### Site History

This planning application attempts to resolve a longstanding and difficult land use matter associated with St. James Cathedral. The Cathedral is situated in a park-like setting consisting of privately owned open space, land that is also zoned to permit development. As such, there are substantial unused density rights on the site. Past attempts by the Cathedral to further develop their land, their primary asset, have resulted in considerable conflict. In the early 1990's the City of Toronto, in conjunction with the preparation of a new Official Plan tried to adjust the St. James Cathedral site zoning and as a result, Official Plan policy 5.15, permitting, subject to City Council approval, limited density transfers off the site was implemented, and is still in force today.

In 1999, a further attempt to redevelop a portion of the site to generate revenue for the Cathedral created controversy. St. James Cathedral entered into an agreement with Context Developments Incorporated to permit redevelopment of the north-east portion of the Cathedral site for a residential condominium. The proceeds from the land sale were to finance renovation and additions to the Parish House to make it more useable and suitable for the changing needs of the Cathedral. A dialogue with community stakeholders occurred, and the development proposal generated substantial community opposition.

The primary concerns of the working group were the adjacency of the new development to the Cathedral and its impact on the character of the site, and the need for removal of remains from a burial ground on the site dating from the early 19th century. In response to community concern, Context Developments, St. James Cathedral, the Anglican Diocese and the York Rectors began discussions and came to agreement regarding the sale of the site located at the northeast corner of Church Street and Adelaide Street East for construction of a residential condominium. The planning regime set out in this report, with the exception of renovations to the Parish House and possibly, redevelopment of the Diocesan Centre within the existing building foot print, will prohibit any further new development on the St. James Cathedral site.

### Site and Surrounding Area

The proposed development site is located at the northwest corner of Church and Adelaide Street East and is currently a commercial parking lot. Lombard Street abuts the northern limit of the site. The property has an area of 2,883 square metres. An east-west public lane abuts the south limit of the site.

The St. James Cathedral site is situated on the east side of Church Street between Adelaide Street East and King Street East. The site consists of the Cathedral, the Parish House and the Diocesan Centre and landscaped grounds. This property is known as 106 King Street East. St. James Park abuts the east limit of the site. The site is 10,113 square metres.

The lands are situated just east of the Financial District. To the east is the King-Parliament Reinvestment Area that has experienced significant revitalization in recent years. The St. Lawrence neighbourhood is located to the south and the east downtown neighbourhood is found north of the sites.

### Former City of Toronto Official Plan

The Part I Official Plan for the former City of Toronto, which is still in force, designates the St. James Cathedral site as 'Medium Density Mixed Commercial Residential Area' and 'Open Space'. The northwest corner of Church Street and Adelaide Street East is designated as 'High Density Mixed Commercial-Residential Area A' and 'Medium Density Mixed Commercial Residential Area' which have maximum density limits respectively of 6 and 4 times the lot area.

Section 5.15 of the Official Plan permits, subject to detailed criteria, a density transfer from the St. James Cathedral site to the northwest corner of Church Street and Adelaide Street of up to 1 times the area of the receiving lot that is designated as 'High Density Mixed Commercial-Residential Area A' and up to .75 times the area of the receiving lot that is designated 'Medium Density Mixed Commercial Residential Area'. The intent of the density transfer policy was to preserve heritage buildings with significant surrounding publicly-accessible open space by transferring existing development permissions off-site.

The current development proposal requires an amendment to the existing Official Plan for the former City of Toronto as both the proposed density on the northwest corner of Church Street

and Adelaide Street, and the magnitude of the proposed density transfer exceed the Official Plan permissions.

### New Official Plan

At its meeting of November 26-28 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set.

Once the new Plan comes into full force and effect it will designate the property at the northwest corner of Church and Adelaide Street as a 'Mixed Use Area'. The developed portions of the Cathedral site will be designated as a 'Mixed Use Area', while the existing publicly accessible open space will be designated as 'Parks and Open Space Area'. The Plan contains development criteria for a 'Mixed Use Area' that deal with matters such as: the massing and location of buildings to create a transition between areas of different development intensity, minimizing shadow impacts on nearby neighbourhoods, providing a desirable pedestrian environment and access to needed community services and facilities, the location and screening of service areas, ramps and garbage storage, providing recreation space for building residents, and supporting transit. Other Plan policies that are relevant are those dealing with Built Form, Tall Buildings and the 'Downtown'. The proposal has been reviewed for compliance with these policies and generally conforms.

In Chapter 7 of the new Official Plan, site and area specific policy no. 191 maintains a density transfer policy which permits a density transfer from the Cathedral Site to the northwest corner of Church and Adelaide Streets of up to one times the area of the lot at the northwest corner of Church and Adelaide Streets. An amendment to site and area specific policy no. 191 is required to permit the proposed transfer of density from the Cathedral site equal to 5.6 times the area of the receiving lot at the northwest corner of Church and Adelaide Streets.

### Zoning

The current zoning of the northwest corner of Church Street and Adelaide Street East is split. The eastern portion of the site, adjacent to Church Street, is zoned CR T4.0 C2.0 R4.0 with a 30 metre height limit and a portion of the site along Lombard Street is zoned CR T6.0 C4.5 R6.0 with a 46 metre height limit. St James Cathedral is zoned CR T4.0 C3.0 R4.0 with a 23 metre height limit. This gives the St. James Cathedral site a total gross floor area permission of around 40,452 square metres, the majority of which is unused.

### Site Plan Control

The applicant is required to submit a site plan application for both portions of the development proposal and will not be entitled to a building permit until it is approved. The site plan application is to include detailed landscape drawings of all open spaces and roof top terraces, including the publicly accessible open space along Lombard Street. The Toronto District

Schoolboard has commented with their standard advisories for incorporation in the site plan approval.

### Reasons For the Application

The proposed residential condominium exceeds density limits of the in force Official Plan and Zoning By-law. The height limit and angular plane provisions of the Zoning By-law are also exceeded. The proposed density transfer does not conform to the density criteria set out by the in force and proposed Official Plan.

### Community Consultation

A community consultation meeting was held on the application on December 12, 2002 at the St. James campus of George Brown College. About 30 persons from the community attended and the primary concerns were related to the burial ground on the Cathedral site, the Crown Patent issue, a perceived lack of internal consultation within the parish, and the possible use of brick cladding on the lower portions of the building. Previously, prior to the submission of any application to the City, a community working group initiated by Context Developments and St. James Cathedral was formed and met several times during 2000. This input lead to the current proposal to redevelop the property at the northwest corner of Church Street and Adelaide Street East.

### Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

### Comments:

#### Height, Massing and Siting

The massing of the proposal integrates two built form types found within the adjacent neighbourhoods. The four-storey building podium responds to the low and medium scale character predominate on Church Street. The taller portion of the building, a narrow point tower, rising to 145 metres (45 stories), references the lower heights of tall buildings within the Financial District situated to the west. Together these building elements form a base and a shaft to the development, while the mechanical penthouse caps it.

The tallest portion of the building mass is sited at the southeast limit of the property, while much of the site along the Lombard Street frontage is left as publicly accessible open space. As such the siting and mass of the proposed development does not create light and privacy issues for adjacent properties. The publicly accessible open space proposed improves the physical amenity and pedestrian environment within the area.

## Views

The project architect has prepared an assessment of the view impairment that would result to the owners of the Indigo Residences at 50 Lombard Street northwest of the development site. While, the view of the St. James Cathedral spire is blocked by the new point tower, due to its small floor-plate and narrow mass, significant views past the tower to the south and southeast are retained.

## Sun, Shadow, Wind

The applicant has prepared both sun/shade and wind studies. The tower casts a long, narrow shadow that in a worst case on September 21st in the morning casts a shadow over a portion of Queen Street East to the north. However, due to the narrow building mass, the shadow impact is on Queen Street East minimal. The shadow moves quickly from west to east during the day, thereby limiting the impact on any one part of the street. Neither St. James Park or St. James Cathedral is impacted by the building shadow. The wind study submitted modelled wind impacts at 25 locations in the vicinity of the development and wind conditions as a result of the development are expected to meet acceptable standards. Other than standard features such as building canopies and the podium as proposed, no wind mitigation is required.

## Traffic Impact, Parking and Loading Demand

The Commissioner of Works and Emergency Services has reviewed the proposal, including a Traffic Impact Study and a Parking Demand Study. He finds the proposed parking to be provided acceptable, including the sharing of the residential visitor parking with St. James Cathedral. He requires that the development have its own parking standard based on the forecasted parking demand. The provision of a Type G loading space to serve the development acceptable. The Zoning by-law proposed for the site regulates these matters in accordance with the recommendations of the Commissioner of Works and Emergency Services. Generally, the access to the parking garage is acceptable. However, one access aisle in the garage should be modified slightly during the site plan application process to minimize turning conflicts. The garbage pick up arrangement for the proposal is satisfactory.

## Site Servicing

The Commissioner of Works and Emergency Services requires a site servicing review, prepared by the applicant, to ensure that sanitary sewer capacity is acceptable. Any improvements required will be the responsibility of the applicant and will be required during construction of the project.

## Open Space/Amenity

A publicly accessible open space of approximately 700 square metres, comprising about one quarter of the site is proposed along the south side of Lombard Street. It will be available for usage by the general public. In addition the applicant will be required to pay the parks levy. The design of the open space will be finalized as part of the site plan approval process. In addition the

building will contain at least 325 square metres each of indoor and outdoor amenity space for the use of building residents and visitors. The applicant is also required to undertake streetscape improvements to the sidewalks abutting the site, including tree planting.

#### Lane Closing and Opening

The applicant proposes to close and purchase the majority of the L-shaped public lane located within the development site. In return, cash compensation will be paid to the City and a stratified north-south lane, extending between Lombard Street and Adelaide Street East, will be constructed and conveyed to the City for public lane purposes. An underground parking garage will be constructed under the stratified portions of the lane. The project can be approved, but not implemented until the lane closing/opening is secured through a Land Exchange Agreement. The processing of this matter has commenced and is in the first of three reporting phases required for completion.

#### Burial Ground

The St. James Cathedral site contains a burial ground used until around 1850. The City Solicitor has been requested to report to City Council on options for protecting the burial ground on the St. James Cathedral site as part of the staff report recommending a Heritage Easement Agreement for the Parish House and Diocesan Centre.

#### Crown Patent

During the review of the original development proposal to construct a residential condominium building on the north-east portion of the St. James Cathedral site, there were concerns from some members of the public that certain restrictions in the original Crown Patent for the lands would be violated as a result of the proposed development. The City Solicitor advises that any title dispute with respect to the St. James Cathedral site would ultimately be for the Courts to determine. However, the current development proposal does not involve any development on the St. James Cathedral site, other than possibly the demolition of the Diocesan Centre and the construction of a new addition within the existing footprint. Under the proposed zoning by-law, the density, and thereby, the development potential on the St. James Cathedral site, would in fact be reduced. The applicant's solicitors are of the legal opinion that nothing prevents the current development proposal from proceeding under the terms of the Crown Patent.

#### Density Transfer

The applicant proposes to transfer density of 15,100 square metres from the St. James Cathedral site. The proposed transfer is the equivalent of about 5.8 times the lot area of the recipient development lot. The density restriction of transferring not more than 1.0 times the lot in the Official Plan should be excepted for this development proposal. The intent of the density transfer policy, less the density cap on the density transfer, is met. The purpose of Section 5.15 of the in-force Official Plan, and Policy No. 191, Chapter 7 of the new Official Plan is to ensure the maintenance of heritage and open space character of the St. James Cathedral site while ensuring



an appropriate development occurs on the site granted the additional density rights. This proposal achieves that policy objective.

Through a restriction proposed in the site-specific zoning by-law for this development, no further development would be permitted that increases the floor area on the St. James Cathedral site, except for that resulting from revitalization of the Parish House and Diocesan Centre. Although the Cathedral site will still have significant residual density rights in the Zoning By-law after this proposed density transfer occurs, they will in future, have to rely on City Council approval to transfer the remaining residual density rights off site, using the density transfer policies contained within the Official Plan. With respect to the density transfer policy as it affects Metropolitan United Church, it will be considered in its own context given it is subject to a development application currently before the City for review.

#### Section 37 and Heritage Easement Agreements

The Section 37 Agreement for the site, negotiated between Context Developments, St. James Cathedral and the City, provides for several public benefits. The Cathedral will be provided at least \$2.7 million for the renovation and, possibly, addition to the Parish House and Diocesan Centre to ensure its revitalization. If no parking is provided on the retail-residential development site, then the Cathedral will secure \$3.7 million for the Parish House/Diocesan Centre project. The Cathedral is required to place the funds received in a dedicated account for the project. They are also required by the City to provide for public accessibility to the St. James Cathedral grounds. In addition, Context Development is required to construct, at their sole expense, a publicly accessible open space along Lombard Street, the design requiring City approval as part of the site plan process. Streetscape improvements along the perimeter of the development site will also be secured in the agreement.

A Heritage Easement Agreement has been recommended by Preservation Services Staff in a separate report. The proposed Agreement recommends that the exterior of the Parish House be maintained and limited demolition of Diocesan Centre be permitted if the Church Street exterior is retained. The architectural design of any additions would require approval by Preservation Services staff to ensure their heritage compatibility.

#### Path

The site is not located in proximity to the Path System and cannot be connected to it.

#### Enwave

The applicant has been requested by staff to discuss the potential for district heating and cooling in respect to the proposal.

Conclusions:

The proposal described in this report resolves a longstanding, acrimonious land use and development rights dispute dating from the 19th century respecting St. James Cathedral. The proposal permits the appropriate redevelopment of a surface parking lot on the northwest corner of Church Street and Adelaide Street East. This proposal furthers the objectives of the Official Plan in respect of intensification, provides for needed public open space in the downtown, assists with heritage conservation, and provides for acceptable planning impacts. I am recommending approval of the required Official Plan and Zoning by-law amendments needed to facilitate this proposal.

Contact:

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Fax: 416-392-1330  
Lalexand@toronto.ca

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Ted Tyndorf  
Director, Community Planning, South District

List of Attachments:

Application Data Sheet

Attachment 1: Site Plan

Attachment 2: East Elevation

Attachment 3: Zoning

Attachment 4: Official Plan

Attachment 5: Agency Comments

Attachment 6: Site Specific Draft Official Plan Amendment

Attachment 7: Draft Official Plan Amendment to Section 5.15, former City of Toronto City  
Official Plan

Attachment 8: Draft Official Plan Amendment to Chapter 7, 191 new Official Plan

Attachment 9: Draft Zoning By-law Amendment

**APPLICATION DATA SHEET**

Site Plan Approval:	No	File Number:	<b>102018</b>
Rezoning:	Yes	Application Number:	<b>TE CMB 2002 0016</b>
O.P.A.:	Yes	Application Date:	08/23/2002
Municipal Address:	106 King St E 35 Lombard St 45 Lombard St 98 Church St 104 Church St 110 Church St	Revised Date:	04/23/2003

Project Description: Density transfer to permit 45 storey residential tower and related development on adjacent site

**Agent:**  
Context (St. James) Inc.  
229 Yonge Street

**Owner:**  
The Incorporated Synod Of  
The Diocese Of Toronto  
135 Adelaide Street East  
(416) 363-6021

**PLANNING CONTROLS (For verification refer to Chief Building Official)**

Official Plan Designation: High Density MCRA "A"; Site Specific Provision: No  
Medium Density MCRA

Zoning District: CR T4.0 C2.0 R4.0; CR T6.0 Historical Status: 106 King St. E. designated  
C4.5 R6.0

Height Limit (m): 46 Site Plan Control Area: Yes

**PROJECT INFORMATION**

Site Area: 2699 **Height:** Storeys: 45  
Frontage: Meters: 145  
Depth:

	<b>IndoorType</b>	<b>OutdoorType</b>
Ground Floor GFA:644	Parking Spaces: 242	0
Residential GFA: 27925	Loading Docks: 1 G	0
Non-Residential GFA: 300		
Total GFA: 28225		

**DWELLING**

**Tenure Type:** Condominium  
Rooms: 0  
Bachelor: 45  
1 Bedroom: 237  
2 Bedroom: 107  
3+ Bedroom: 0  
Total Units: 389

Total Proposed Density: 10.46

**FLOOR AREA BREAKDOWN**

**Above Grade**  
Residential GFA: 27925  
Retail GFA: 300  
Office GFA: 0  
Industrial GFA: 0  
Industrial/Other GFA: 0

**COMMENTS** Historical property, density transfers. 106 King St. E. is zoned CR T4.0 C3.0 R4.0 and has a height limit of 23m. The development site has 2 height limits, 30m and 46m. Application submitted pre STAR

Current Status:	Open	<u>Latest Event</u>	<u>Outcome</u>
		Revision	04/23/2003
		Recirculation	04/17/2003
		Suppl. Submission	04/03/2003
		Suppl. Submission	03/31/2003
		Suppl. Submission	12/13/2002
		Suppl. Submission	12/02/2002
		Suppl. Submission	08/30/2002
		Circulated	08/23/2002
		Received	08/23/2002

Data Valid: Apr 28, 2003      Planner: Alexander, Lance      Phone: (416) 392-7573  
Area: District - C      Planning Office: Toronto - South (TE)

## **Attachment 4 Agency Comments**

### **1. Urban Development Services, Building Division, May 28, 2003**

Our comments concerning this proposal are as follows:

Description: Construct 45 Storey Mixed use building with 5 levels of underground parking garage (364 Dwelling units & at grade retail stores)

Zoning Designation: CR T4.0 C2.0 R4.0/CR T6.0 C4.5 R6.0                      Map:                      51G 321

Applicable By-law(s): 438-86, as amended

Plans prepared by: Architects Alliance    Plans dated: April 2003

Residential GFA: 28225 m<sup>2</sup>

Non-Residential GFA: 195 m<sup>2</sup>

#### Zoning Review

The list below indicates where the proposal does not comply with the City's Zoning By-law 438-86, as amended, unless otherwise referenced.

1. The by-law requires a parking space to have minimum unobstructed dimensions of at least 5.9 metres in length by 2.6 metres in width. 45 of the proposed parking spaces will have dimensions of approximately 5.0 metres in length. (Section 2, definition of 'parking space'.)
2. The by-law requires a minimum of 22 visitors parking spaces to be provided. The number of proposed visitors parking spaces is 20. (Section 4(4)(b) and 4(5)(b))
3. The by-law permits a maximum height of a building of 30 metres. The proposed building will have a height of 148.7 metres. (Section 4(5)(b) )
4. The by-law requires 728 square metres of indoor residential amenity space with a kitchen and a washroom. The proposed indoor residential amenity space will be 327 square metres and will not have a kitchen and a washroom. (Section 4(12))
5. The by-law requires a building or structure to be set back 3.0 metres from the centre line of the public lane. The proposed building or structure is set back 2.8 metres from the centre line of the public lane. (Section 4(14)(a))
6. The by-law requires that the combined non-residential gross floor area and residential gross floor area be not more than 9,096 square metres. The proposed building has 28,420 square metres of combined non-residential gross floor area and residential gross floor area. (Section 8(3) PART I 1)
7. The by-law requires that the residential gross floor area be not more than 7,656 square metres. The proposed residential gross floor area of the building is 28,225 square metres. (Section 8(3) PART I 3(a))

8. The by-law requires the window of a dwelling unit to be set back at least 5.5 metres from a lot line that is not a street line or from a wall of a building. The windows of the proposed building are set back ( ) metres. (Section 8(3) PART II 1(a)(ii))
9. The by-law requires the building to be on one parcel of land together with parking and all other requirement. The proposed building will be located on a parcel of land that will be separated by a public lane.

#### Other Applicable Legislation and Required Approvals

1. The proposal requires Site Plan approval under Section 41 of the Planning Act.
2. The proposal requires conveyance of land for parks purposes, or payment in lieu thereof pursuant to Section 42 of the Planning Act.
3. The property is designated historical, and the proposal requires the approval of Heritage Preservation Services under the Ontario Heritage Act.
4. The issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code.
5. The proposal requires the approval of Works and Emergency Services regarding ramp approval and curb cuts.
6. All work within the City's road allowance will require a separate approval by Works and Emergency Services.
7. The proposal is subject to Development Charges pursuant to By-law 476-1999 as amended. For additional information please refer to the said by-law.
8. The proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School Board By-law 2001 No. 148. For additional information please refer to the said by-law.

#### **2. Works and Emergency Services, June 3, 2003**

This is in reference to the application by Context (St. James) Inc., on behalf of The Incorporated Synod of the Diocese of Toronto and St. James Cathedral, for the above-noted sites located on the northwest and southeast corners of Church Street and Adelaide Street East. The proposal is to amend the zoning by-law, including a density transfer from the St. James Cathedral site, to permit the construction of a mixed-use building, comprising ground floor retail space and 363 residential condominium units, at the northwest corner of Church Street and Adelaide Street East.

The following recommendations and comments are based on plans and drawings date stamped by Urban Development Services on April 17 and 23, 2003. The comments and conditions below have, for the most part, been restricted to rezoning issues only. However, some site plan issues, which will impact on the design of the project, have been included and the applicant should be advised accordingly.

Please advise me if any changes or modifications are required to the conditions identified in this memorandum.

## CONDITIONS

1. The owner be required to:

(a) Provide and maintain a minimum number of parking spaces on the site to serve the project, in accordance with the following ratios:

Bachelor Units	0.3 spaces per unit
1-bedroom Units	0.5 spaces per unit
2-bedroom Units	0.75 spaces per unit
3+ bedroom Units	1.2 spaces per unit
Visitors	0.06 spaces per unit

(b) Comply with the parking space dimensional requirements of the Zoning By-law, save and except, 45 spaces may have minimum lengths of 5.4 m;

(c) Provide and maintain 1 Type G loading space to serve this site with a generally level surface and access designed such that trucks can enter and exit the site in a forward motion;

(d) Apply for revised municipal numbering prior to filing an application for a building permit;

(e) Submit to the Commissioner of Works and Emergency Services approved plans of the development, with sufficient horizontal and vertical dimensions of the exterior walls of the proposed building for the purpose of preparing building envelope plans for site specific exemption by-laws. Such plans should be submitted at least 3 weeks prior to the introduction of a bill in Council;

(f) Submit to the Commissioner of Works and Emergency Services, if registered agreements are to be entered into, a Reference Plan of Survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands under application and any appurtenant rights-of-way for the preparation of legal descriptions. Such plans should be submitted at least 3 weeks prior to the introduction of a bill in Council;

(g) Provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;

(h) Submit to the Commissioner of Works and Emergency Services, prior to the introduction of a bill in Council, a noise impact statement in accordance with City Council's requirements, for review and acceptance;



- (i) Have a qualified architect/acoustical consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the noise impact statement accepted by the Commissioner of Works and Emergency Services;
- (j) Provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan accepted by the Commissioner of Works and Emergency Services;
- (k) Submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the introduction of bills in Council for the rezoning application, a site servicing review to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;
- (l) Pay for any improvements to the municipal infrastructure in connection with Recommendation No. 1(k) above, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Commissioner of Works and Emergency Services;
- (m) Provide, as part of the site plan application, fire access routes in accordance with the requirements of the Ontario Building Code;
- (n) Submit, prior to the issuance of a building permit, site servicing plans that include the siamese connections within 45 metres of a hydrant and locations of existing/proposed hydrants, a grading and drainage plan, and a stormwater management plan to the satisfaction of the Commissioner of Works and Emergency Services;

2. The owner be advised:

- (a) That the approval of this project in its present form is contingent upon City Council approval of the closure and sale, to the applicant, of the L-shaped public lane, and the City acquiring the new public lane;
- (b) That further comments will be provided as part of the site plan review process;  
and
- (c) Of the need to make separate applications to the Commissioner of Works and Emergency Services for permits to carry out and works involving the construction in, or occupancy of, the Lombard Street, Church Street, Adelaide Street East rights-of-way, or abutting public lane.

## ROADWAYS

Extending through the site is an L-shaped public lane, under the jurisdiction of the City of Toronto, which extends southerly from Lombard Street, then westerly, connecting to a north-south public lane that abuts the western limit of the subject site. It is proposed to incorporate all lands forming part of the L-shaped public lane, save and except the portion of land where the east-west portion of the lane intersects with the proposed new north-south public lane, into the development proposal. This new north-south lane would extend between Lombard Street and Adelaide Street East, at the east limit of Premises No. 60 Adelaide Street East (which is not part of the subject proposal) and would be constructed and conveyed, to the City, for public highway purposes. The applicant would retain the below-grade rights to parts of the lands beneath the new public lane. As a result, the approval of this development is contingent upon City Council's approval of the proposed closure and sale of the L-shaped public lane, to the applicant, which will be dealt with under a separate process.

## SIDEWALKS/PUBLIC BOULEVARDS/STREETSCAPING

The applicant should be advised that approval for any work to be carried out within the abutting public rights-of-way must be received by this Department. For further information, the applicant should contact the Right-of-Way Management Section, District 1, Construction Activities at (416) 392-7877.

## ENCROACHMENTS

The Site Plan illustrates two doors that when fully open, will extend within the limits of the new north-south public lane, which is not acceptable. The plans to be submitted with the Site Plan application must eliminate these encroachments.

## DRIVEWAY ACCESS AND SITE CIRCULATION

The plans submitted with the application do not provide a sufficient level of detail to adequately assess the proposed access arrangements.

With respect to the configuration of the ramp system (illustrated on the parking plans), the following comments are provided. Although the access ramp has been designed in accordance with the minimum dimensional requirements of the Zoning By-law, there is insufficient room for inbound vehicles to negotiate the first two turns in the ramp, without encroaching into the path of outbound vehicles. In this regard, the ramp system should be redesigned to provide a minimum inside and outside turning radius of 4.5 m and 11.3 m respectively, so that the first two turns in the ramp are negotiable for two-way traffic. In connection with the closing and conveyance of the east-west public lane to the applicant, the access ramp should be shifted further south. This would provide opportunity to improve the turning radii of the ramp system, provide additional length to the substandard parking spaces noted above, and would mitigate some of the operational conflicts within the underground parking garage, noted below.

Although the layout of the underground parking garage is satisfactory, there is a concern with the number of turning movement conflicts that will occur at the intersection of the north-south drive aisle with the southern east-west drive aisle, on each level of the underground parking garage. The layout of the underground parking garage should be redesigned to improve the sightlines and turning radii for motorists converging in this area.

## PARKING

A total of 304 parking spaces, located within a five-level underground parking garage, including 254 spaces for the exclusive use of residents, 20 spaces for the use of residential visitors, and 30 spaces for the use of the St. James Cathedral parishioners, are proposed to serve this project. This is less than the estimated parking demand, based in part on the surveyed parking demand for condominium developments for 328 parking spaces, including 306 spaces for the use of residents, and 22 spaces for the use of residential visitors.

In order to address the parking supply deficiency, the applicant has submitted a Parking Demand Study, dated April 29, 2003. Pre-sales figures for the subject project were utilized in order to determine the actual parking demand generated by the subject site. Based on this data, it was determined that parking space ratios of 0.3 spaces per bachelor unit, 0.5 spaces per 1 bedroom unit, 0.75 spaces per 2 bedroom unit, and 1.2 spaces for each 3+ bedroom unit, would be consistent with the actual parking demand reflected in the pre-sales figures. The use of the reduced parking rates was further supported in the Parking Demand Study through the

submission of sales figures for a nearby residential condominium project (261 Mutual Street, formerly known as 354 Jarvis Street), similar to the subject site, and recently approved by the City. The residential visitor parking demand generated by this project was not dealt with in the Study, and will therefore be subject to the requirements noted in the estimated parking demand.

Based on the above ratios, which are consistent with the Downtown Parking and Loading requirements of the Zoning By-law, a total of 248 parking spaces, including 226 spaces for the use of residents, and 22 spaces for the use of residential visitors would be required to serve this project. The provision of 274 parking spaces (304 spaces less 30 spaces for the use of the St. James Cathedral parishioners) would therefore be acceptable. In order to provide some flexibility with respect to the number and mix of residential units, it is recommended that the following minimum parking ratios be incorporated into the Zoning By-law:

Bachelor Units	0.3 spaces per unit
1-bedroom Units	0.5 spaces per unit
2-bedroom Units	0.75 spaces per unit
3+ bedroom Units	1.2 spaces per unit
Visitors	0.06 spaces per unit

With respect to the proposed retail uses, the provision of no parking spaces is consistent with the By-law requirement, as far as can be ascertained, for no retail parking spaces, and is therefore acceptable.

The parking supply includes a total of 45 substandard parking spaces with dimensions of 2.6 m in width by 5.416 m in length. Given that the length of these spaces is marginally less than the Zoning By-law requirement of 5.9 m, the substandard parking spaces are acceptable.

#### LOADING

The provision of 1 Type G loading space, situated at the rear of the property, satisfies the Zoning By-law requirement for a minimum of 1 Type G loading space and is therefore acceptable.

#### TRAFFIC ASSESSMENT

In support of the subject proposal a Transportation Impact Study, dated November, 2002, as well as a Traffic Impact Addendum, dated December, 2002, were submitted by Itrans, the applicant's transportation consultant. These reports were prepared in order to assess the impact of the site traffic generated by the proposal on the operations of the area road network. The information, methodologies, and assumptions contained in the studies that were used to forecast the trip generation, trip distribution, and driveway performance analyses are generally acceptable. This Department concurs with the Consultant's conclusion that the existing road infrastructure is sufficient to support the proposed development.

## SOLID WASTE AND RECYCLING

The City will provide the residential component of this project with the bulk lift method of refuse and recyclable materials collection in accordance with the Municipal Code, Chapter 309 (Solid Waste). This will require the provision of a Type G loading space, designed such that garbage trucks can enter and exit the site in a forward motion, and adequate storage and collection facilities. In this regard, it is noted that the definition of a Type G loading space requires that the first 2 metres of the loading space be paved in concrete, whereas, the plans show an exhaust grill in this location. Furthermore, a concrete storage pad will be required adjacent to the front of the loading space for the storage of container bins on collection day. This pad must be of sufficient size to allow for the efficient movement of bins to and from the front of the garbage truck. The plans show a garbage holding room in front of the loading space, without an opening directly to the loading space. The design of the collection facilities must be such that bins can be moved directly between the storage pad (or holding room) and the loading space, without using the public lane.

The size of the retail component has not been indicated and therefore, this Department is not able to determine if it is eligible for City collection or will require the services of a private collection firm. If the retail component is not eligible for City collection, the owner must provide and maintain separate storage facilities for the refuse and recycling material generated by it.

It is the policy of City Council to levy a service charge on all new developments, payment of which, is a condition for receiving City containerized garbage and recycling collection. The levy is currently \$34.50 per month, including taxes, multiplied by the number of garbage containers on site. The levy includes the provision and maintenance of City garbage and recycling containers. Should the owner choose to provide private garbage containers, the levy will still be charged and the containers must meet City specifications and be maintained privately at the expense of the building owner. Further information regarding the above can be obtained by contacting the Solid Waste Management Services Division at 338-0957.

## STORM DRAINAGE

It is the policy of City Council to require the infiltration of storm water run-off into the ground for all new buildings, whenever possible. Therefore, storm connections to the City sewer system will only be permitted if it can be demonstrated that infiltrating storm water into the ground is not feasible. Further information regarding storm drainage can be obtained by contacting Brian Lee at 416-397-0253.

## SANITARY DRAINAGE

The applicant is required to submit a site servicing review, which will estimate the proposed sanitary sewage generated by this development and determine, with any available City information, the adequacy of the existing infrastructure to serve the proposed development. The site servicing review will identify upgrades and infrastructure improvements where necessary.

## WATER SUPPLY

Similar to the sanitary drainage system, the site servicing review will determine if the existing municipal water supply system is adequate to serve this development, and will identify improvements where necessary.

## FIRE SERVICES

The site plan must address the following with respect to hydrant locations and Fire Access Route requirements of the Ontario Building Code.

- (i) Fire access routes located within 3 to 15 metres of every building face having access openings (unsprinklered buildings);
- (ii) Hydrant located no more than 45 metres from a fire department siamese connection.

For further information in this regard, please contact the Fire Prevention Division (telephone 338-9354).

## CONSTRUCTION PERMITS

The owner should be advised that approval for any work to be carried out within the public right-of-way must be received from this Department. If clarification is required on how these standards will apply to this site, the applicant can contact the Right-of-Way Management Section, District 1, Construction Activities, at 392-7877.

### **3. Economic Development, Culture, and Tourism, May 8, 2003**

Heritage Preservation Services (HPS) staff provides the following comments.

#### Background

This application includes two sites – the properties north-west of the intersection of Church Street and Adelaide Street West (98 Church Street) and south-east of the same intersection (106 King Street East). The two sites are included in this application as it is proposed that density rights be transferred from the south-east parcel to the north-west parcel.

The property at 106 King Street East (alias address of 65 Church Street) includes the heritage building known as the St. James' Parish House and Diocesan Centre. The Parish House was completed in 1910 in a Neo-Gothic style designed by the Toronto architects, Darling and Pearson, while the Diocesan Centre was designed by the Toronto architectural firm of Mathers and Haldenby and constructed in 1958. A masonry and cast iron fence designed in 1875 by Sir Casimir Gzowski marks the Church Street edge of the property. On November 6, 7 and 8, 2001 City Council designated the property under Part IV of the Ontario Heritage Act by By-law No. 1097-2001.

HPS requirements regarding the alterations proposed to 106 King Street East are set out in our report to the Toronto Preservation Board for its meeting to be held on May 15, 2003, which will be dealt by Community Council on June 10 and City Council on June 24 – 26, 2003.

### Proposal

The applicant, Context Development Inc., in plans prepared by Architects Alliance date stamped April 17, 2003 by Urban Development Services, proposes to construct a 45 storey building and a four storey building, together with outdoor amenity space and underground parking on the north-west site.

### Heritage Comments

The proposed development on the north-west site is not of concern to HPS except as noted below. The additional development permitted on 98 Church Street and the necessary transfer of density rights to permit that development should only occur once the heritage protection of the donating site (106 King Street East) is secured through a Heritage Easement Agreement. Furthermore, the development permitted in the Zoning By-law on the donating site must be reduced as a result of the transfer of density. Therefore, HPS has no objection to these amendments subject to the following conditions:

1. the owner of the property at 106 King Street East entering into and registering a Heritage Easement Agreement with the City prior to the introduction of Bills in Council for the property at 98 Church Street; and
2. the development density in the Zoning by-law for 106 King Street East be reduced because of the transfer of density rights to 98 Church Street.

**Attachment 6**  
**Site Specific Draft Official Plan Amendment**

1. Section 18 of the Official Plan for the former City of Toronto is amended by adding a new Section 18.\_\_\_\_ as follows:

“18.\_\_\_\_ Lands known as 33-45 Lombard Street, 98-110 Church Street and 106 King Street East

Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands described in Schedule "1" hereto to permit the erection and use of a building containing dwelling units and grade level office, retail and service shops, provided that:

- (i) the lot on which such building is erected and used comprises at least the lands described in Schedule "1" hereto;
- (ii) the combined *non-residential gross floor area* and *residential gross floor area* of the building does not exceed 28,225 square metres and the *non-residential gross floor area* does not exceed 600 square metres;
- (iii) the owner of the lands enters into an agreement with the City pursuant to section 37 of the *Planning Act*, registered against title, to provide for the following facilities, services and matters as set out below:
  - (a) a cash contribution of at least \$2.7 million to St. James Cathedral for revitalization of the Parish House and Diocesan Centre of St. James Cathedral is provided;
  - (b) a publicly accessible open space is provided on the lot by the owner; and
  - (c) public accessibility is secured to the open spaces on the lands referred to in (a) above.
- (iv) a Heritage Easement Agreement between the owner of 106 King Street East and the City of Toronto for the conservation of the Parish House and Diocesan Centre of St. James Cathedral is registered against title;
- (v) the residential gross floor area permitted on 106 King Street is reduced by 15,100 square metres to a permitted combined aggregate of non-residential gross floor area and residential gross floor area of 25,400 square metres, inclusive of the floor area of St. James Cathedral and the Parish House and Diocesan Centre of St. James Cathedral as existed in 2002.”



**Attachment 7**

**Draft Official Plan Amendment to Section 5.15, former City of City Official Plan**

2. Paragraph 2 of Subsection (b)(iv) of Section 5.15 of the Official Plan for the former City of Toronto is deleted and replaced with the following new paragraph 2:

"2. 1.0 times the area of the lot in High Density Mixed Commercial-Residential Areas A. Notwithstanding the limitation in this paragraph 2, the increase in permitted gross floor area on the receiving lot described in Schedule "1" hereto, may exceed 1.0 times the area of that receiving lot where the donor lot is 106 King Street East."

**Attachment 8**  
**Draft Official Plan Amendment to Chapter 7, 191 new Official Plan**

**Amendment No. 15 to the Official Plan**

The following Text constitutes Amendment No. 15 to the City of Toronto Official Plan.

The section headed 'Purpose and Location' is explanatory only and shall not constitute part of this amendment.

**PURPOSE AND LOCATION:**

The proposed amendment permits a density transfer from the St. James Cathedral site to a development site on the northwest corner of Church Street and Adelaide Street East. An amendment is required as Site and Area Specific Policy 191 in Chapter 7 which permits a density transfer equal to 1 times the area of the receiving lot. In this case 15,100 square metres of floor area is being transferred to the receiving lot, or 5.6 times its lot area.

**OFFICIAL PLAN AMENDMENT:**

1. Site and Area Specific Policy No. 191 in Chapter 7 is amended by deleting paragraph (b) and inserting therefor the following new paragraph (b):
  - 'b) The increase in permitted gross floor area on any single receiving lot will not exceed 1.0 times the area of the receiving lot, except for a density transfer from the heritage property at 106 King Street East to the receiving lot at (lands described in Schedule 1) which will not exceed 15,100 square metres.

**Attachment 9**  
**Draft Zoning By-law Amendment**

1. None of the provisions of Sections 4(4)(b), 4(5)(b), 4(12), 4(14)(a), 8(3) PART I 1, 8(3) PART I 3 (a), 8(3) PART II (a)(ii) and the definitions of *parking space* and *parking garage*, of By-law No. 438-86, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a building containing *dwelling units* and any use permitted in subparagraphs (b)(iv) and (b)(vi) of the chart in paragraph (f) of subsection 8(1) of the aforesaid by-law on the lands described in Schedule 1 to this by-law and hereafter referred to as the "lot", provided that:

- (1) the lot consists of at least the lands described in Schedule 1 hereto;
- (2) the *non-residential gross floor area* of the development does not exceed 600 square metres;
- (3) the combined aggregate of the *non-residential gross floor area* and *residential gross floor area* of the building does not exceed 28,225 square metres;
- (4) the building above *grade*, and including the mechanical penthouse, is wholly located within the solid dark lines shown on Map1 and is within the height limits shown therein;
- (5) at least 95 two bedroom dwelling units are provided and maintained;
- (6) one *Type G loading space* is provided and maintained on the lot;
- (7) at least 325 square metres of *indoor amenity space* and 325 square metres of *outdoor amenity space* is provided and maintained within the area shown on Map 1;
- (8) *parking spaces* for the dwelling units are provided and maintained on the lot to at least the minimum standards as set out below:

Bachelor Unit	0.3 parking spaces per unit
1 Bedroom Unit	0.5 parking spaces per unit
2 Bedroom Unit	0.75 parking spaces per unit
3+ Bedroom Unit	1.2 parking spaces per unit
Residential Visitors	0.006 parking spaces per unit

of which no more than 45 *parking spaces* shall be less than 5.0 metres in length;

- (9) nothing shall prevent the provision and maintenance of up to 50 *parking spaces* within a *parking garage* within the building for the use of parishioners, visitors and employees of St. James Cathedral, Parish House and Diocesan Centre, or the Anglican Church of Canada or an affiliated body thereof, and further nothing shall prevent the shared use of those parking spaces with the residential visitors to the building on the lot;
  - (10) the owner enters into an agreement with the City pursuant to Section 37 of the Planning Act, registered against title, to provide for the following facilities, service and matters as set out below:
    - (i) no later than the by-laws becoming final and binding, a cash contribution of at least \$2.7 million to St. James Cathedral for revitalization, conservation, restoration and improvement of the Parish House and Diocesan Centre, and associated landscape features, be secured, such monies to be provided to St. James Cathedral no later than coincident with issuance of a building permit for the modifications or additions to the Parish House and Diocesan Centre;
    - (ii) prior to the occupancy of any *residential gross floor area* or *non-residential gross floor area* within the lands shown on Map 1, the provision of a publicly accessible open space to be maintained by the owner; and
    - (iii) public accessibility to the open spaces on the lands referred to in paragraph (i) above are secured against the title of the property;
2. Notwithstanding the provisions of Section 8 of By-law 438-86, as amended, that regulate permitted floor area, the combined aggregate *residential gross floor area* and *non-residential gross floor area* permitted on the lot known municipally in 2002 as 106 King Street East is deemed to be reduced by 15,100 square metres and the remaining combined aggregate *residential gross floor area* and *non-residential gross floor area* permitted on the lot known municipally in 2002 as 106 King Street East, inclusive of any *residential gross floor area* or *non-residential gross floor area* of buildings existing on 106 King Street East in 2002, shall be 25,400 square metres.
3. Notwithstanding the provisions of Section 2 above and the provisions of Section 8 of By-law 438-86, as amended, that regulate permitted floor area on a lot, no further *residential gross floor area* or *non-residential gross floor area* beyond the *residential gross floor area* and *non-residential gross floor area* of the buildings existing on 106 King Street East in 2002, shall be erected or used on the property known municipally in 2002 as 106 King Street East, other than any renovations or additions to the Parish House and Diocesan Centre of St. James Cathedral, which renovations or additions are:
  - (i) located within the solid dark lines and heights shown on Map 2 of this By-law; and

- (ii) in accordance with the provisions of a Heritage Easement Agreement entered into between the owner and the City pursuant to the Ontario Heritage Act and registered on title.
- 4. For the purposes of this By-law, all terms appearing in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law No. 438-86, except as hereinafter provided.