

**89, 97 and 99 Church Street – Zoning Amendment
Request for Direction Report**

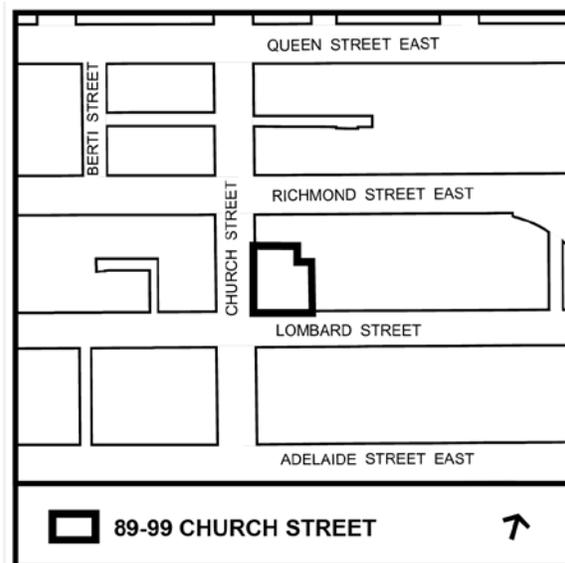
Date:	August 30, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	16-142844 STE 28 OZ

SUMMARY

This application proposes a 49-storey mixed-use building (162.45 metres to the top of the mechanical penthouse) containing a total of 468 residential units, 238 square metres of retail space at grade, 6-levels of underground parking with a total of 97 spaces at 89, 97 and 99 Church Street.

This report advises City Council that the applicant has appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) and seeks direction regarding opposing the application at the OMB hearing and resuming discussions with the applicant to resolve the issues identified in this report.

Planning staff oppose this application in its current form for reasons that include, in regard to the in-force policy framework, it does not conform with the Growth Plan 2017, it is not consistent with the Provincial Policy Statement, 2014, it does not conform to the policies of the Official Plan, it does not represent good planning and it is not in the public interest. Amongst other matters, the proposed development does not fit within its existing and planned context, it does not respect and reinforce the existing physical character of the area. The current proposal constitutes an over-development



of the site and does not conserve the historic designated St. James Cathedral, significantly impacting its setting, prominence and views. In addition, the proposed development does not maintain the intent of the Tall Building Design Guidelines or Downtown Tall Building Design Guidelines.

The proposed development is adjacent to and also negatively impacts the proposed St. Lawrence Neighbourhood Heritage Conservation District, which plan was enacted by City Council on December 9, 2015 and is currently under appeal to the Ontario Municipal Board.

The applicant appealed the Zoning By-law amendment application to the Ontario Municipal Board (OMB) on March 23, 2017 due to Council's failure to make a decision with respect to the application within the time prescribed by the Planning Act. The first pre-hearing conference was held by the OMB on August 16, 2017. The Board has scheduled a second pre-hearing conference for October 27, 2017 and has scheduled the hearing for 10 days from July 16-27, 2018. The OMB file number is PL170328.

Planning staff were in discussions with the applicant about revising the proposal further to the built form and technical review and comments from the public consultation prior to an appeal being made, in an effort to develop a proposal that is more appropriate to its context. As of the date of this report, no revisions have been submitted by the applicant.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with Planning staff and other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application for 89, 97 and 99 Church Street in its current form.
2. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant with the goal of developing a revised proposal that addresses the issues outlined in this report.
3. In the event that the OMB allows the appeal, in whole or in part, City Council direct the City Solicitor to request the OMB withhold its Order on the Zoning By-law Amendment until:
 - a) A draft Zoning By-law Amendment is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - b) The owner has entered into and registered an Agreement under Section 37 of the Planning Act with the City for the purpose of securing community benefits to the satisfaction of the City Solicitor in consultation with City Planning staff and the Ward Councillor, and including requiring conveyance

of the easement in 3(f) below including requirements for maintenance, insurance and indemnity at the owner's cost.

- c) The owner has submitted a revised Functional Engineering Report to the satisfaction of the Chief Engineering and Executive Director of Engineering and Construction Services. The report will determine whether the existing municipal water, sanitary and storm sewer systems can support the proposed development or whether upgrades are required.
- d) The owner has entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, according to the revised Functional Servicing Report submitted to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
- e) The owner has submitted a revised Hydrogeological Report to the satisfaction of the General Manager of Toronto Water.
- f) The owner has submitted revised drawings that show and annotate a 5.0 metres corner rounding at the Church Street and Lombard Street corner of the property that is required to be conveyed to the City as a surface easement to satisfy the Official Plan requirement for sidewalk/pedestrian clearway purposes, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
- g) The owner has submitted revised drawings that relocate and show that the structural column located at the south-west corner of the building will not encumber the surface easement described in 3 (f).

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There have been no recent development applications filed on the subject properties.

ISSUE BACKGROUND

Proposal

The application proposes a 49-storey (162.45 metres including mechanical penthouse, 152 metres excluding mechanical penthouse) mixed use building with a 5 to 7-storey base building or podium. The applicant proposes a total gross floor area of 28,821 square metres, including 28,583 square metres of residential gross floor area and 238 square metres of retail gross floor area resulting in a Floor Space Index (FSI) of 26.22 on a lot that is 0.11 hectares (0.27 acres) (see Attachment 1 for the Application Data Sheet).

The application is proposing a total of 468 residential units: 310 one bedroom (66%); 112 two-bedroom (24%); and 46 three-bedroom (10%). The applicant is currently proposing a purpose-built rental apartment building. The main residential lobby entrance to the proposed building is located along the Lombard Street frontage.

The proposed development's servicing, loading and parking garage functions are accessed from the southeast corner of the site and are contained and enclosed inside the building. A total of 97 residential vehicular parking spaces are proposed within the 6-level underground garage. No residential or commercial visitor parking spaces are proposed.

The proposed podium is built out to the northern, western and southern property lines with no setbacks. The tower portion of the proposed building is located along the eastern property line with no setbacks or stepbacks. Along Church Street, the podium has a height of 19.1 metres or approximately 5-storeys and generally aligns with the height of the existing adjacent buildings at 101-105 Church Street, including the heritage designated building at 103 Church Street, rising to 7-storeys (25.4 metres) towards Lombard Street and along the Lombard Street frontage generally aligning with the adjacent 10-storey building to the east at 76 Lombard Street. The proposed sidewalks widths along Church Street and along Lombard Street are respectively approximately 3.6 metres and 4.27 metres.

The tower portion of the building is generally square with a 'notch' cut out at the northeast corner and has a floor plate of approximately 589 square metres from levels 8 to 49. The tower has no setback and no stepback from the east property line. The tower has a 2.0 metres stepback from the podium along the northern property line and approximately a 3.0 metre stepback from the podium along the eastern and southern property lines. Private terraces and balconies intrude into the tower stepbacks. The tower has a setback of approximately 4.5 metres from each of the Church Street and Lombard Street property lines. The tower has a 2.0 metre setback from the northern property line and a 5.5 metre set back from the 'notch' at the northeast corner property lines. Private terraces and balconies intrude into the tower setbacks.

The proposal contains 1,365 square metres of indoor amenity space provided in spaces on floors 2, 3, 4, 5, 6, 7 and on the roof of the 49th floor. The proposal also contains 511 square metres of outdoor amenity space on floor 6 and on the tower rooftop.

A total of 471 bicycle parking spaces are provided within the proposed development and are located at-grade, the mezzanine level and 2nd floor.

As of the date of this report, no revisions to the original application have been submitted by the applicant.

See Attachments 2-11 for Site Plan, Tower Floor Plans, Roof Plan and Elevation Plans.

Site and Surrounding Area

The site is located on the northeast corner of Church Street and Lombard Street. The site is generally rectangular in shape except for a recessed 'notched' area approximately 10 metres by 9 metres at the northeast corner of the development site. The site is approximately 1,099 square metres in size with a frontage of 31.78 metres along Lombard Street and a 36.62 metres frontage along Church Street.

The site currently contains 2-storey non-residential buildings, which previously was occupied by the Fisherman's Wharf Lighthouse Restaurant, at 97 and 99 Church Street (approximately 196.2 and 96 square metres respectively) and a surface parking lot which occupies the majority of the site (89 Church Street).

North: Abutting the development site to the north, up to the corner of Church Street and Richmond Street East, are a series of older buildings at 101, 103, and 105 Church Street. 103 Church Street is designated under Part IV of the Ontario Heritage Act and subject to a Heritage Easement Agreement requiring Council approval for any change to this property. The site houses the 'Golden Thai' restaurant at-grade and a law firm occupies the upper floors.

Further north by two blocks is the Metropolitan United Church and its associated open space at the northwest corner of Church Street and Queen Street East. The historic church fronts on Queen Street East. A large open space forms a U-shape on the south, east and west sides of the property. The open space fronting onto Queen Street East is leased to the City for a nominal amount and maintained by the City's Parks and Recreation Division. The open space is designated as *Other Open Spaces* in the Official Plan.

South: Across the street to the south is a 6-storey residential condominium (55 Lombard Street). The site is located across the street from the north boundary of the St Lawrence Neighbourhood Heritage Conservation District (HCD) (currently under appeal) which runs along Lombard Street (between Church Street and Jarvis Street). Further south, and also within the St Lawrence Neighbourhood HCD is St. James Cathedral, a heritage designated property that has functioned as a place of worship and community gathering space since 1853. Further south is the St. Lawrence neighbourhood which is one of Toronto's oldest neighbourhoods, and contains within its boundaries built heritage resources, cultural heritage landscape and areas of potential archaeological resources that reflect the evolution of Toronto, from the founding of the Town of York to the contemporary city of today. The neighbourhood has contextual, social and community significance by virtue of amongst other matters, its numerous institutions and landmark buildings, including the St. Lawrence Market and Hall, St. James Cathedral and its numerous theatres.

On the southwest corner of Lombard Street and Church Street is the 4-storey podium of an existing 45-storey mixed-use building known as the Spire Condominium, with the tower portion located on Adelaide Street East. The

approved height and density was a result of a 2002 zoning density transfer agreement between the Rector and Churchwardens of St. James' Cathedral ("R&C"), the City and a developer from the Church lands to the Spire site.

East: Abutting the development site to the east is the Muriel Collins Housing Co-operative (MCC) which consists of one northern 8-storey building that fronts onto Richmond Street East (79 Richmond Street East) and a southern 10-storey building that fronts onto Lombard Street (76 Lombard Street), both generally built to the eastern and western property lines. There is a central interior courtyard that connects the two buildings containing both hard and soft landscaping and a heavily used rooftop amenity. The balconies for each building are located along the interior courtyard facades. Located on the first and second floors of the MCC complex is Pilot Place, a 24-hour high-support residence program that provides individualized care for adults with serious mental illness. The courtyard is divided to allow exclusive use of certain portions to Pilot Place residents and MCC residents. The MCC courtyard gardens have previously won The Co-operative Housing Federation of Toronto Garden of Distinction Award.

Further east of MCC is the Fred Victor Women's Hostel, two commercial buildings and one commercial/residential building at 67 Lombard, College of Make-Up Art & Design (CMU) formerly the Old Fire Hall and the Holiday Inn Express at Lombard Street at Jarvis Street.

West: To the immediate west of the development site, across Church Street, is an existing commercial parking lot and 3 & 4-storey buildings. Further west is an OMB-approved 45-storey mixed-use development at 20-26 Lombard Street.

Planning Act, Provincial Policy Statement and Provincial Plans

The Planning Act

The *Planning Act* guides development in the Province. Under the *Planning Act*, Section 2 sets out matters of Provincial interest that Council shall have regard to in making decisions under such Act, including among other matters, the conservation of features of significant architectural, cultural, historical, archaeological and scientific interest; and the promotion of built form that is: well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2017

The Provincial Policy Statement (2014) provides policy direction 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 and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;

- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Provincial Policy Statement (2014) provides direction on land use planning and development related to cultural heritage matters province wide:

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable infrastructure and public service facilities; and that intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3.

Policy 2.6.1 of the Provincial Policy Statement (PPS) states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. In addition, Policy 2.6.3 of the PPS states that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities , recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Conserving and promoting cultural heritage resources to support the social, economic, and cultural well-being of all communities;
- 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 for the Greater Golden Horseshoe (2017) provides clear direction on heritage matters stating that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. Among other things, the Growth Plan requires municipalities to work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) 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. All decisions by City Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan that is in effect on the date of the Council decision.

Staff reviewed the proposed development having regard to the relevant provincial interests under s.2 of the *Planning Act*, for consistency with the PPS, 2014 and for conformity with the Growth Plan for the Greater Golden Horseshoe, 2017.

Ontario Heritage Act

The *Ontario Heritage Act* provides a framework for municipalities to identify and address the conservation and protection of cultural heritage in Ontario.

The site is located beside 103 Church St., a property that is both designated under Part IV of the *Ontario Heritage Act* and protected by a Heritage Conservation Easement.

The site is also adjacent to the St. Lawrence Neighbourhood Heritage Conservation District enacted by Council in December 2015 and under appeal to the Ontario Municipal Board. The site interfaces with the northern boundary of the District which travels along a portion of Lombard Street between Church Street and Jarvis Street. The District features a number of important City landmark buildings which define the unique and special character of the St. Lawrence neighbourhood, including St. James Cathedral, also Designated under Part IV of the *Ontario Heritage Act*.

The Cathedral Church of St. James is alleged to be the home of the oldest congregation in the city and is the Episcopal seat of the Anglican Church of Canada's Diocese of Toronto. Built in 1853, the present building was constructed on the site of the first church in the Town of York to the design of architects F.W. Cumberland and Thomas Ridout. The Tower was completed in 1865 with other architectural elements and features added in 1874 by architect Henry Langley. With its tall steeple, the cathedral was considered to be one of the largest buildings constructed in the city at the time. As a significant example of the Gothic Revival style, the Cathedral with its articulated massing and prominent spire, roof, form, materials, location and siting distinguishes the building as an important downtown landmark that also has a civic stature well beyond its use as a place of worship. This is particularly evident from the views towards and of the Cathedral which reinforce the perception and understanding of its dominance in the landscape and role in defining the St. Lawrence Neighbourhood. As a gathering space, it has also played a significant role in shaping the City and in particular the downtown.

Official Plan

The City of Toronto's Official Plan contains a number of policies relevant to the proposed development, including the following:

Chapter 2 – Shaping the City

Section 2.2.1 Downtown: The Heart of Toronto

The proposed development is located within the *Downtown* as defined in Map 6 of the City of Toronto Official Plan. Section 2.2.1 outlines policies for development within the *Downtown*. The *Downtown* is anticipated to accommodate growth, both in residents and in jobs, however this growth will not be spread uniformly across the whole *Downtown*. This growth is intended to build and strengthen the *Downtown* as the premier employment centre in the GTA and provide a range of housing opportunities. Efforts are also to be made to maintain and improve the public realm in the *Downtown*.

Policy 2.2.1.5 states the following: "The architectural and cultural heritage of Downtown will be preserved by designating buildings, districts and open spaces with heritage significance and by working with owners to restore and maintain historic buildings."

Policy 2.2.1.6 directs that, "Design guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings."

Chapter 3 – Built Form

Section 3.1.1: The Public Realm

Public realm policies are intended to promote beautiful, comfortable, safe and accessible streets, parks, open spaces, and public buildings. Quality architectural, landscape, and urban design and construction are to be promoted in private developments.

The Official Plan recognizes how important good design is in creating a great city. Great cities are judged by the look and quality of their squares, parks, streets and public spaces and the buildings which frame and define them. Great cities not only have great buildings – but the buildings work together to create great streets, plazas, parks and public places. Great cities do not happen by accident – they are designed and orchestrated so that individual private and public developments work together to create cohesive blocks, neighbourhoods and districts.

On April 4, 2013, as part of the Official Plan 5 year review process, Council adopted Official Plan Amendment 199 (OPA 199). OPA 199 introduced new Heritage and Public Realm (view) policies into the Official Plan.

The new policies brought into effect by OPA 199 include Policy 3.1.1 (9.) and Policy 3.1.1. (10.) related to provisions for The Public Realm. These policies establish view protection policies from the public realm to prominent buildings. Included in the view protection policies are policies to protect the views to the St. James Cathedral spire which are identified on Maps 7a and 7b and described in Schedule 4. In Section 3.1.1 of the Plan, a "sidebar" states that:

“Maps 7a and 7b identify a selection of important views across the City, however this selection of views is not exhaustive. These maps are living documents which may be added to or modified from time-to-time, through an Official Plan Amendment.”

Section 3.1.3: Built Form – Tall Buildings

The proposed development constitutes a Tall Building. The Official Plan indicates that Tall Buildings are desirable in the right places, however they are not appropriate everywhere. Most of the proposed intensification is anticipated to be achieved with street-oriented, grade-related, or mid-rise building types. Tall building proposals will have to address key urban design considerations, including: the built form principles of the Official Plan; demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site related to the existing and/or planned context; taking into the account

the relationship of the topography and other tall buildings; and providing high quality, comfortable and usable publically accessible open space areas.

Section 3.1.5: Heritage Conservation

The City of Toronto's Official Plan contains a number of policies related to the conservation and protection of cultural heritage.

The non-policy textual commentary in section 3.1.5 of the Official Plan includes the following:

"Cultural Heritage is an important component of sustainable development and place making. The preservation of our cultural heritage is essential to the character of this urban and liveable city that can contribute to other social cultural, economic and environmental goals of the City. As a result, heritage conservation is integrated within the policies in many other sections of this Official Plan. The heritage policies of this Plan not only promote the preservation of important heritage buildings and structures but also the public views of them for the enjoyment of Torontonians. Schedule 4 describes the significance of each of the views of important heritage properties shown on Maps 7A and 7B." "As Toronto continues to grow and intensify this growth must recognize and be balanced with the ongoing conservation of our significant heritage properties, views, natural heritage system, and landscapes."

- Policy 3.1.5 (4.) states that Properties on the Heritage Register (listed and designated under the Ontario Heritage Act) will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada (adopted by Toronto City Council in 2008 as the official framework for planning, stewardship and conservation of heritage resources within the City of Toronto).
- Policy 3.1.5 (5.) requires that any proposed development adjacent to designated heritage properties will ensure that the integrity of the heritage property's cultural heritage value and attributes is retained and is to the satisfaction of the City.
- 3.1.5 (26.) identifies that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impacts with respect to the heritage property.
- Definitions for a number of terms used in section 3.1.5 were added to the Official Plan, including the term 'adjacent'.

In addressing Heritage Conservation Districts, the policies of the Official Plan include that:

- 3.1.5 (30.) Potential Heritage Conservation Districts will be identified and evaluated to determine their significance and cultural heritage values, in a Heritage Conservation District study. Heritage Conservation Districts that have been evaluated to be significant for their cultural heritage value will be designated and conserved.
- 3.1.5 (32.) Impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts heritage values, attributes, and character are conserved.
- 3.1.5. (33.) Heritage Conservation districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans.

Chapter 4 - Land Use Designation

Section 4.5 Mixed Use Areas

The site of the proposed development is designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are intended to include a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces in single use or mixed use buildings. The property is surrounded by properties also designated Mixed Use Areas.

Developments in *Mixed Use Areas* are intended to create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependence and meets the needs of the local community. New buildings are to be located and massed to provide a stepping down in heights between areas of different development intensity and scale. New buildings are to be massed and located to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open space. New developments are to provide attractive and safe pedestrian environments and take advantage of nearby transit services. Development is intended to provide good site access and circulation and an adequate supply of parking for both residents and visitors. Development in *Mixed Use Areas* is also intended to have access to schools, parks, community centres, libraries, and child care. Service areas, ramps, and garbage storage in developments are to be located and screened to minimize the impact on adjacent streets and residents. Indoor and outdoor recreation space for building residents is also to be provided in every significant multi-unit residential building.

This proposal must also conform with other relevant policies of the Official Plan. The City of Toronto's Official Plan is available on the City's website at: http://www.toronto.ca/planning/official_plan/introduction.htm

Staff reviewed the proposed development for conformity with the Official Plan.

Tall Building and Downtown Tall Buildings Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

The subject site is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). The Downtown Tall Building: Vision and Supplementary Design Guidelines include a vision statement for downtown tall buildings; mapping which identifies the location, heights and building typologies along "High Streets"; and a number of Supplementary Design Guidelines establishing a framework to regulate their height, form and contextual relationship to their surroundings.

The Guidelines implement the Official Plan Policies regarding fit and transition in scale; sunlight and sky view; the pedestrian realm and street animation, including publicly accessibly open space; servicing, access and parking; base building height and scale and separation distances between buildings. Guidelines indicate that the height of base building should match the existing streetwall context, a minimum tower separation of 25 metres should be achieved, with each adjacent site responsible for providing a 12.5 metre setback, and the placement of the tower on the base should achieve appropriate tower setbacks.

The Guidelines include the following statement: The City of Toronto values its heritage properties and requires that they be protected and that new development conserve the integrity of their cultural heritage value, attributes, and character, consistent with accepted principles of good heritage conservation (see Appendix A: Heritage Conservation Principles). Not every property is suitable for tall building development as a result of constraints imposed by its size or by the fact that such development may be incompatible with conserving heritage properties on or adjacent to a development site or within a Heritage Conservation District.

Section 1.6 Heritage Properties and Heritage Conservation Districts states: Locate and design tall buildings to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties and Heritage Conservation Districts (HCDs). Subsection d. states: Tall buildings will not visually impede the settings of properties on the heritage register. The Rationale for this section includes the following statement:

"There may be instances where conservation principles outweigh the goals of intensification and redevelopment, and may limit the construction of tall buildings or require additional "breathing space" to preserve the integrity of an HCD, heritage property, or special attributes. In locations where tall buildings are considered appropriate, heritage properties should be referenced to inform the scale and

contextual treatment of the new development. If well designed and appropriately sited, tall buildings can make a positive contribution to an historical setting."

The Downtown Tall Buildings: Vision and Supplementary Design Guidelines also contain Map 2 – Downtown Vision Height Map, which shows specific height ranges along each of the High Streets. Church St is identified as a High Street and Lombard Street is identified as a Secondary High Street on this site. The Guidelines explain a number of mitigating factors, such as views of prominent and heritage properties, structure and landscapes take precedence over heights assigned to High Streets and Secondary Streets. Further to this, the Guidelines are explicit that it should not be assumed that every site located along a High Street will be able to accommodate the upper height limit stated as part of any height range, particularly as height and performance standards are intended to work together in determining whether a tall building development application will be able to successfully meet the overall cumulative intention of this Guideline and perform to the highest architectural and built form design standards. As well, the stated height ranges along the High Streets and Secondary High Streets have been based on built form considerations only and are not currently intended to replace as-of-right height limits zoning for the Downtown.

Under Section 3.3 Supplementary Design Guideline #3, three prominent Downtown buildings are identified: (1) Queens Park, (2) Old City Hall and (3) Toronto City Hall. The Guidelines provide clear direction concerning the location and design of tall buildings to not interrupt views or appear behind the building silhouettes respectively.

Moreover, Section 3.3. Design Guideline #3 identifies that there are other prominent views in the Downtown such as Osgoode Hall, the St. James Cathedral Spire, Knox College and the Rogers Centre that should also be afforded protection.

Section 3.4 Supplementary Design Guidelines #4 sets out parameters for Heritage Properties and Heritage Conservation Districts respecting the location and design of tall buildings. Applicable guidelines address the location and design of tall buildings.

Locate and design tall building to:

- Respect and complement the scale, character, form and setting of on-site and adjacent heritage properties;
- Respect the character and values of downtown area Heritage Conservation Districts;

Furthermore, the Supplementary Guideline identifies that Heritage Conservation Districts are special areas dense with heritage properties and a unique historic character. The character and values of HCDs need to be respected to ensure that given District is not diminished by incremental or sweeping change.

Supplementary Guidelines #6 also makes reference to the St. Lawrence Area Heritage Conservation District (Study Area). The District Plan for the St. Lawrence Area has since been developed and was enacted by Council in 2015 (under appeal).

In general, municipal councils shall not pass by-laws that are contrary to the objectives set out in an HCD Plan and in the event of a conflict between an HCD Plan and a municipal by-law that affects an HCD, the HCD Plan prevails to the extent of the conflict but in other regards the by-law remains in full force. In the event of any conflict between the city-wide and Supplementary Downtown Tall Building Design Guidelines and an approved HCD Plan, the HCD Plan policies and guidelines will prevail. The Supplementary Guidelines also identifies that there a number of HCD areas (underway) which may in the future result in further tall building design guidelines requirements.

King-Parliament Secondary Plan

The site is located one block to the west outside the boundaries of the King-Parliament Secondary Plan. Section 4 of the Secondary Plan provides policies regarding Heritage and Community Improvement. Policy 4.1 provides that heritage buildings are essential to the area and that the City will seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more appropriate legal agreements. Policy 4.4 provides that new buildings should be compatible with the heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

St. Lawrence Neighbourhood Community Improvement Plan (CIP)

The site is located one block to the north outside the boundaries of the St. Lawrence Neighbourhood Community Improvement Plan. The St. Lawrence Neighbourhood Community Improvement Plan was enacted in 2008 and provides a Public Realm Strategy for the southwest quadrant of the St. Lawrence Neighbourhood for the area bounded by Yonge Street to the west, King Street East and Adelaide Street East to the north, Jarvis Street to the east, and the Gardiner Expressway to the south. The Community Improvement Plan is intended to complement other planning initiatives in the St. Lawrence Neighbourhood by creating a strategic framework for the improvement of public lands in the area.

The St. Lawrence Neighbourhood Community Improvement Plan is available on the City's website at: <http://www.toronto.ca/legdocs/bylaws/2008/law0085.pdf>

St. Lawrence Neighbourhood Focused Area Urban Design Guidelines

The site is also located one block to the north outside the boundaries of the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines. The Guidelines outline the diversity of the various precincts within the area and create a template for sensitive development that is responsive to the unique historic character of the focused area of the St. Lawrence Neighbourhood. The goal of the Guidelines is to improve the quality of the environment of the Focused Area for the St. Lawrence Market and to ensure that the elements that contribute to the special character of the diverse parts of the area are

maintained and enhanced. The Guidelines identify existing landmark buildings and call for the reinforcement and protection of key view corridors.

The St. Lawrence Neighbourhood Focused Area Urban Design Guidelines (2005) provides design guidance for a number of built form parameters within the St. Lawrence Neighborhood Focused Area, including Street Wall Terminus Treatments. Section 4.2.1 of the Guidelines identify that View terminus(s) provide an opportunity for visual interest and can act as orienting devices. Moreover, that view terminus locations should not be considered in and of themselves to be a justification for a tall building.

These Guidelines also identify that sky views are an important component of a visual terminus and that the most notable examples of view terminus in the study areas is the view from Front Street towards the St. James Cathedral.

The St. Lawrence Neighbourhood Focused Area Urban Design Guidelines are available on the City's website at:
https://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/designreviewpanel_stlawrence.pdf

Emerging Policy

St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan (under appeal)

The site is located across the street from the northern boundary of the St. Lawrence Neighbourhood HCD and is considered "adjacent" to the HCD (see Attachment 13).

At its meeting of December 9 and 10, 2015, Toronto City Council adopted staff recommendations to designate the St. Lawrence Neighbourhood HCD under Part V of the Ontario Heritage Act, and enacted By-law 1328-2015, which designates the St. Lawrence Neighbourhood Heritage Conservation District under Part V of the Ontario Heritage Act.

Following the completion of the HCD Study and approval by Toronto City Council, the HCD Plan was completed in 2015, but has been appealed to the Ontario Municipal Board. The HCD Plan builds upon research contained within the study which helped to inform the identification of Character Sub-Areas, District Building Typologies, and contributing and non-contributing properties.

The St. Lawrence neighbourhood is one of Toronto's oldest neighbourhoods and contains within its boundaries, built, landscape and potential archaeological resources that reflect the evolution of Toronto, from the founding of the Town of York to the contemporary city of today. Centered on the iconic St. Lawrence Market, the neighbourhood is defined by historic landmark buildings, such as St. James Cathedral and the Flatiron Building, as well as numerous educational and theatrical institutions that helped to revitalize the area in the latter half of the 20th century.

The overall objective of the HCD Plan is to protect and conserve the heritage value of the St. Lawrence neighbourhood. Grounded in an understanding of the district's historic, social and cultural value as well as its physical character, the HCD Plan seeks to guide change within the neighbourhood while maintaining its heritage attributes. The policies and guidelines contained within the HCD Plan have been formulated to assist property owners in ensuring that proposed alterations conform to the district objectives and respect the overall neighbourhood context.

The HCD Plan should assist the City of Toronto and property owners in managing change over time within the St. Lawrence neighbourhood, while ensuring that the heritage features valued within the District are conserved.

On a broader scale the District serves as an identifiable City landmark. The "Old Town" contains numerous institutions that continue to attract visitors including St. James Cathedral, a historic religious anchor located within the District. The Cathedral is regarded as a highly recognized landmark due to its siting and exceptional architectural attributes. As a typology, it should be noted that the Heritage Conservation District Plan provides special policies that have been developed to reflect the architectural characteristics of these contributing properties.

The St. Lawrence Heritage Conservation District Plan identifies that views of prominent buildings, structures, landscapes and natural features are an important part of the form and image of the District and express the area's historical and social value as the birthplace of the Town of York. It also states that "Views of listed and designated heritage properties can support the prominence and surroundings of these sites and raise awareness of them. Views of listed or designated heritage properties may also support or relate to the site's *cultural heritage values* as documented in a designation by-law, Heritage Conservation District Plan or view study. In the St. Lawrence Neighbourhood HCD, views of prominent Landmark Buildings and parks express the area's historical and social value as the birthplace of the Town of York. Representative views of prominent buildings, structures, landscapes and natural features are identified on Maps 27 and 28."

Policy 8.12.1 of the Heritage Conservation District plan identifies views from the public realm that should be conserved and not obstructed, stating that the introduction of new development in the St. Lawrence Neighbourhood HCD should be compatible with these views.

- 8.12.1 (a.) Identifies that views of prominent buildings, structures, landscapes and natural features in the St. Lawrence Neighbourhood HCD express the area's historical and social value as the birth of the Town of York. Among others, representative views of Landmark Buildings in the St. Lawrence Neighbourhood HCD include views northeast of St. James Cathedral's spire from the southwest and northwest corners of King Street East and Church Street and views north from the north side of Front Street East through the pedestrian pathway and Sculpture Garden.

- HCD Policy 8.12.1 (b) also states that views from the public realm to prominent buildings including St. James Cathedral should be maintained and conserved through a number of means by:
 - Designing new construction and undertaking alterations to existing buildings to respect these visual relationships, and which might include matching established proportions and densities, avoiding introduction of features that will negatively alter or obscure historic visual relationships; or establishing new views to Landmark Buildings.
 - Planning public art installations to avoid negative impacts or obstruction of Landmark Buildings, heritage attributes, or historically-established focal points terminating designed or evolved views.
 - Planning and undertaking utility and public works improvements to avoid obstruction or negative alteration to views of Landmark Buildings, properties, or groupings of properties.

Further to the above, Attachments 14 and 15 contain Maps 27 and 28 of the District Plan which identify views from the public realm that should be conserved and should not be obstructed. The introduction of new development in the St. Lawrence Neighbourhood HCD should be undertaken to be compatible with these views. Views identified in the St. Lawrence Neighbourhood HCD Plan, and as shown on Map 28 should be added to the Official Plan through an official plan amendment. Map 28 specifically identifies one viewpoint location being described as *"View north to St. James Cathedral spire silhouette against sky"*.

The St. Lawrence Neighbourhood Heritage Conservation District Plan is available on the City's website at: <http://www.toronto.ca/legdocs/mmis/2015/pb/bgrd/backgroundfile-84994.pdf>

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

City Planning staff recently reported to the Toronto and East York Community Council at its meeting of June 13, 2017 on proposed amendments to the Official Plan respecting views of three landmark designated heritage properties, City Hall, Old City Hall and St. James Cathedral to expressly add reference to amongst other matters in regard to the cathedral, the silhouette view of the whole of the Cathedral including the roofline, spire and clock tower from the northwest and southwest corners of King Street and Church Street; and the view of the Cathedral spire and clock tower from Front Street at the pedestrian walkway across from Farquhar's Lane between Church and Market Street.

These views have long been considered important views, including in recent years the special care that was taken when the buildings on Front Street adjacent to the pedestrian walkway were developed to ensure that an unobstructed framed view of the Cathedral was conserved.

At the current time, the sky view around the spire and clock tower is largely intact from Front Street. As both of these silhouette views are currently unobstructed and are part of the setting of this landmark designated property, Planning staff are of the opinion it is important that silhouette view protection also be expressly included for St. James Cathedral in the Official Plan as a view of city-wide significance.

Community Council directed staff to schedule a community consultation meeting on the draft Official Plan Amendment.

The draft Official Plan Amendment seeking to further protect heritage views St. James Cathedral, as appended in the abovementioned Preliminary Report, is attached to this report as Attachment 16. Maps showing the potential properties that might be affected by this amendment are included as part of the amendment.

The St Lawrence Neighbourhood HCD (under appeal) at Policy 8.12.1 states the views set out in that section should be conserved, should not be obstructed and should be added to the Official Plan by an Official Plan Amendment. The referenced views include protection of the silhouette view of St. James Cathedral spire against sky. As well, the sidebar text in Section 3.1.1 of the Official Plan clearly states that the Official Plan maps identifying important views across the City are not exhaustive and are living documents that will be changed or modified. Also, Section 1.6 of the Tall Building Guidelines states: Locate and design tall buildings to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties and Heritage Conservation Districts (HCDs). Subsection d. states: Tall buildings will not visually impede the settings of properties on the heritage register. Section 3.3 of the Downtown Tall Buildings Guidelines which contains guidelines for Prominent Sites and Views from the Public Realm states that St. James Cathedral spire is a "prominent view that should also be afforded protection" so that no new buildings or other associated structure obstruct the view to the building or rise above its silhouette.

Surrounding planning framework documents and comments from residents indicate that St. James Cathedral is an important, prominent and essential part of the community; one to be conserved and protected.

TOcore - Planning Downtown

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The Downtown Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building vision and policies of Toronto's Official Plan. A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles and the policy directions that informed the development of the proposed Downtown Plan. The proposed Downtown Plan will be presented at the Planning and Growth Management Committee meeting on September 7, 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). 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. The intent is that these policies would ensure that future growth positively contributes to the liveability, sustainability and health of Toronto's Downtown. More specifically, policies establish the reasoning for tower setbacks and recognize that not all sites can accommodate tall buildings and address base building heights. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metre in height.

The TOcore website is www.toronto.ca/tocore.

Zoning

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is currently under appeal at the Ontario Municipal Board. Therefore, both Zoning By-law 569-2013 and former City of Toronto General Zoning By-law 438-86 currently apply to the proposed development site.

Under the City of Toronto By-law 438-86, the property is zoned CR T4.0 C2.0 R4.0 with a maximum permitted height of 30 metre and a maximum total density of 4.0 times the lot area. This zoning permits a wide range of commercial and residential uses.

Under City of Toronto By-law 569-2013, the property is zoned CR 4.0 (c2.0; r4.0) SS1 (x2254) and is subject to a height limit of 18 metres and a maximum total density of 3.0 times the lot area. This zoning permits a wide range of commercial uses and residential building types. The CR exception 2254 consists of both permissive and restrictive exceptions including promoting retail along Church Street and restricting commercial parking garages (see Attachment 17).

Site Plan Control

The proposed development is subject to site plan control. An application for Site Plan Approval has been submitted but is not part of the appeal to the Ontario Municipal Board.

Reasons for Application

The proposed building heights (including the mechanical penthouse) of 163 metres, as identified by Toronto Building staff, exceeds the maximum height of 30 metres (or 35 metres to the top of the mechanical penthouse) permitted in the zoning by-law (438-86) by 128 metres (and by 145 metres under by-law 569-2013).

Additional areas of non-compliance with the zoning by-law include but are not limited to:

- The total permitted maximum floor space index for residential uses on the lot is 4.0 or 4,396 square metres (the proposed floor space index for residential uses is 26.01 or 28,583 square metres);
- The total permitted maximum floor space index for all uses on the lot is 4.0 or 4, 396 square metres (the proposed total permitted maximum floor space index for all uses on the lot is 26.22 times the lot area or 28,821 square metres);
- The minimum number of residential parking spaces is 260 and an additional 46 for residential visitors for a total requirement of 306 spaces (the proposed number of residential parking spaces is 97 including 0 visitor spaces);
- The required minimum number of loading spaces for the dwelling units is one Type G and one Type C (only one Type G space is proposed); and
- The requirement for 936 square metres of outdoor amenity space (the proposed outdoor residential amenity space is 511 square metres);

Community Consultation

A community consultation meeting was held on September 20, 2016 at the Ontario Heritage Trust at 8 Adelaide St E and approximately seventy-five residents attended. In order to obtain more comprehensive and detailed input and feedback from residents, a roundtable discussion format was used rather than town hall format. The roundtable format focused the feedback into categories based on elements of the proposal including site context and organization, built form, and the pedestrian realm. Materials such as architectural plans, Tall Building Guidelines excerpts and a discussion and response sheet were provided on each table. This resulted in a written record of feedback in the participants own words. A summary of the feedback has been provided in Attachment 18.

Residents sat at seven tables and were given between 15 and 20 minutes to discuss and write down responses to the following three questions:

- Are there elements of this proposal that you like? What are they?

- Are there elements of this proposal that you do not like? What are they?
- Do you believe this building can make a positive contribution to your community? If not, what specific changes would you like to see that you believe would improve its impact

In general, most tables said that they liked that the parking lot was being redeveloped and the proposed retail at grade. Other tables also mentioned that the architecture of the proposed base building.

In terms of the site and area context, comments about what residents did not like about the proposal included:

- Proposed tower does not fit into the neighbourhood;
- Not in context with Lombard streetscape from Jarvis to Church St.;
- Lack of transition to surrounding neighbourhood;
- Reduction of sunlight and airflow for adjacent neighbours to the west at Muriel Collins Co-Op building, especially into the interior gardens;
- Location of loading and parking entrance will result in noise and congestion; and,
- Impacts St. James Cathedral clock tower sightline from the south.

In terms of the built form, comments about what residents did not like about the proposal included:

- Tower height is too tall; does not reflect similar proposals along Church St;
- Proposal is too dense;
- Insufficient tower setback for a potential future proposal on adjacent property to the east;
- Insufficient tower setback from edge of base along Lombard St.;
- No space provided for amenities for dogs or children in proposed building;
- Tower has too great of a shadow impact on neighbourhood, especially on the adjacent property to east; and.
- Tower would create a negative wind effect which is cumulative from other buildings.

In terms of the pedestrian realm, comments about what residents did not like about the proposal included:

- Frequent use of sidewalk by children on bikes/scooters
- Proposed sidewalks are too narrow;
- No POPS or green space proposed at grade

Other comments about what residents did not like about the proposal included:

- Security, safety and health issues due to shadowing of court yard and balconies and the proximity of driveway access for residents of the adjacent Muriel Co-op including children, and residents recovering from violence and mental illness;
- Shadowing of Metropolitan United front lawn; and
- Does not fit with heritage buildings.

Residents did not feel that this proposal would contribute positively to their neighbourhood except for the proposed ground floor retail. Residents identified appropriate tower heights for this site in the range of 15 to 25 storeys, citing these heights as ones that would provide transition into their neighbourhood from taller buildings to the east. Residents also are of the opinion that a significant tower setback was necessary to mitigate the impact of the proposal on the adjacent co-op building and courtyard.

These comments have been considered in Planning staff's recommendation to oppose the application at the Ontario Municipal Board. The applicant has not formally submitted any changes to the proposal since the application was filed on April 19, 2016 and no further public consultation has been scheduled.

COMMENTS

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. No revised submissions have been made since the application was filed on April 19, 2016. Therefore all comments are based on the initial application submission. Responses received have been used to assist in evaluating the application and to arrive at the conclusion that the proposed development cannot be supported in its current form.

Planning Act, Provincial Policy Statement and Provincial Plans

Staff are of the opinion that the proposed zoning by-law amendments and development application do not have regard to relevant matters of provincial interest in section 2 (d) and (r) of the *Planning Act*, are not consistent with the Provincial Policy Statement (2014) and conflict and do not conform with the Growth Plan for the Greater Golden Horseshoe (2017).

The proposed development does not have regard to relevant matters of provincial interest in section 2 (d) and (r) of the *Planning Act* as it does not represent good design, fails to encourage a sense of place, and does not provide for public spaces that are of high quality, safe, accessible, attractive and vibrant. Also, it fails to conserve features of significant architectural, cultural, and historical interest.

A Heritage Impact Assessment (HIA) prepared by ERA Architects Inc. and dated April 11, 2016, was submitted in support of the application. City Planning staff have reviewed this report and provided comments dated June 6, 2016. As no revised proposal was submitted, issued identified have not been addressed.

Notwithstanding comments provided to the applicant, staff have determined that while the proposal through its base building treatment does not directly or materially impact the adjacent designated property at 103 Church Street adjacent to the site, the tower component of the development would have significant negative visual impact on the St. James Cathedral, diminishing its landmark quality and heritage attributes and its broader associations with the adjacent St. Lawrence Neighbourhood Heritage Conservation District (under appeal) in which the Cathedral forms a part of.

St. James Cathedral is regarded as a highly identifiable landmark in the Downtown on account of its siting and exceptional architectural attributes and disposition in the local community. Views of St. James Cathedral and spire from the public realm, among other buildings in the neighbourhood, are an important part of the character of the area and form an image of the St. Lawrence Neighbourhood Heritage Conservation District and express the area's historical and social value as the birthplace of the Town of York. The Heritage Conservation District Plan for the St. Lawrence Neighbourhood (under appeal) identifies views from the public realm that should be conserved and not obstructed. The District Plan asserts that the introduction of new development in the St. Lawrence Neighbourhood HCD should be compatible with these views.

When evaluated against the policy framework (under appeal) for the HCD, Staff are of the opinion that the proposed development is not compatible with these view objectives. Also, that the design of the new development does not conform to the intent of the District Plan respecting broader visual relationships, the matching of established proportions and densities and the introduction of built-form elements that could otherwise detract or obscure the special context of the St. Lawrence Neighbourhood.

The view condition today shows that the skyview around the spire and clocktower can be seen largely intact from Front Street without any interruption looking north. Staff are of the opinion this view will be significantly compromised by the tower height associated with the proposed development (see Attachment 19). The new tower will interrupt the view of the sky and will crowd and compete visually with the Cathedral's spire. Moreover, the proposed development will diminish the values that contributes to the understanding of the unique place which the Cathedral occupies within the St. Lawrence Neighbourhood HCD (under appeal) and the downtown as a whole. The view protection of the silhouette through the emerging policy framework is critical to the perception and understanding of the Cathedral's status as an important public and ecclesiastical landmark in the downtown and City as a whole.

The proposed development is not consistent with the Provincial Policy Statement, 2014 (PPS) including inconsistency with policies 1.1.3.3, 2.6.1 and 2.6.3. The level of intensification proposed in the development application does not take into account the existing building stock including the heritage designated St James Cathedral, or the historical significance of the adjacent proposed HCD and therefore Planning staff are of the opinion that this location cannot accommodate and is inappropriate for this scale of redevelopment and intensification. The proposal does not conserve the heritage designated St. James Cathedral and negatively impacts the prominence, setting and views

of this significant built heritage resource and landscape. The proposal is adjacent to the proposed St. Lawrence Neighbourhood Heritage Conservation District and has not demonstrated that the heritage attributes of St James Cathedral will be conserved.

The proposed development conflicts and does not conform with the policies of the Growth Plan for the Greater Golden Horseshoe (2017) including 2.2.2.4 (b) as the proposal does not provide the appropriate scale and transition to the adjacent properties because it is significantly larger than the surrounding buildings and provides a significantly reduced setback than recommended by the applicable guidelines. Also the proposal conflicts and does not conform with policies 1.2.1 and 4.2.7.1 of the Growth Plan (2017) as it diminishes the prominence of a designated heritage building, St. James Cathedral by negatively impacting its setting and fails to conserve this significant designated heritage resource as well as the culture heritage landscapes in the area including those from and within the proposed St. Lawrence Neighbourhood Heritage Conservation District.

Policy 4.7 of the PPS (2014) indicates that the Official Plan is the most important vehicle for implementing the PPS. Further, policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context.

The Official Plan, the Tall Buildings Design Guidelines and Downtown Tall Building Guidelines, and applicable Zoning By-law provide direction on the appropriate scale, massing height and separation distances between buildings for this site. As the proposed development has not addressed the policy direction in the Official Plan and its supporting documents, it is not consistent with the PPS (2014).

Emerging Official Plan policies, such as OPA 352 also provide direction on and an indication of the important metrics that the City believes to be essential for appropriate built form and good planning. This development application is also not consistent with or maintain the intent of these emerging policies and is not consistent with the PPS (2014) in that regard.

Although intensification in the Downtown is encouraged, the proposal in its current form does not comply with Official Plan policies related to matters such as: built form, transition, scale, compatibility, neighbourhood fit and heritage conservation. The scale of development is not appropriate at this location considering the area context and does not achieve an appropriate transition of built form to adjacent properties. The proposal does not conserve a significant heritage resource. As the proposal does not appropriately implement the Official Plan policies, it is therefore inconsistent with the PPS.

Official Plan

Land Use

The proposed development is located in the Downtown Area of the Official Plan and is in an appropriate location for development. The proposed retail and residential uses are permitted in this area of the Downtown, and provide a mix of uses which are encouraged in *Mixed Use Areas*. The proposed land use is appropriate however the proposed built form does not locate and mass the new building to provide a transition between areas of different intensity and scale through means such as providing appropriate setbacks and a stepping down of heights as per Policy 4.5.2(c). The proposed development also does not provide an adequate supply of parking for residents and visitors or provide an adequate amount of outdoor recreation space for building residents. Therefore aspects of the proposal are not adhering to the development criteria for *Mixed Use Areas* as per the Official Plan.

Built Form: Tall buildings

The City's Official Plan polices regarding built form require that new development "fit harmoniously into its existing and/or planned context", (Section 3.1.2.3). The Official Plan also states that tall buildings proposals should demonstrate how the building and site design relate to the existing and or planned context (policy 3.1.3.2 c). The tall building proposed does not fit into its local and planned context on its block or local neighbourhood. The proposed development fails to conform with these policies in the Official Plan. Emerging policies, such as OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 (under appeal), also provide direction on and indication of the important metrics that the City believes to be essential for appropriate built form and good planning.

Tower Height & Massing

The proposed tower height is 49-storeys or 152.45 metres (162.45 metres including mechanical penthouse). The proposed height exceeds the height range as identified by Downtown Vision Height Map by 14-29-storeys or 45.45-90.45 metres. The tower height and massing is inappropriate and unsupportable by Planning staff for reasons including the following:

- In terms of the existing context, a review of the applicant's submitted Planning Rationale Report and assessment of tower heights in the area (from the edge of the Financial District, south of Queen Street East and north of The Esplanade) shows tower heights at 57-58 storeys transitioning down east to the St. Lawrence Neighbourhood area to tower heights ranging from 16-45 storeys and again down to 15-24 storeys. The proposed tower height of 49-storeys is inconsistent with this established pattern, does not fit into the existing context and thus its design is contrary to the tall building policies of the Official Plan.
- In a review of the applicable Urban Guidelines, specifically the Downtown Tall Buildings Vision and Supplementary Design

Guidelines and Downtown Vision Height Map, the proposed development site falls within an area where heights are envisioned to be between 20 and 35-storeys or 62-107 metres in a tower-base form. Section 1.3 of these Guidelines outlines three mitigating factors that take precedence over heights assigned to High Streets (Church Street) and Secondary Streets (Lombard Street) and continues to explain how the presence of these overrides the ability to locate a tall building on a particular site if it is deemed to negatively impact **heritage properties** located on or adjacent to the development sight; **sunlight on parks and open spaces**; and **views of prominent and heritage properties, structures and landscapes**. The proposed tower height of 49-storeys is 14-storeys above the afforded height as per the Downtown Vision Height Map and therefore is significantly beyond the height what the City has envisioned and planned for this site.

- Staff are of the opinion that the proposal contradicts the Downtown Tall Building Guidelines concerning the location and design of tall buildings that interrupt views or that appear behind building silhouettes respectively. Also, the height of the tower associated with the development does not respect nor complement the scale, character, and form of St. James Cathedral including the attributes belonging to the collection of buildings and open spaces that ultimately define the unique and special character of the St. Lawrence Neighbourhood Heritage Conservation District whose heritage values should be protected and maintained (Official Plan Policy 2.2.1.6). For these reasons as well and other reasons discussed herein, the proposal does not maintain the intent of the City-Wide Tall Building Guidelines.
- Given the significant negative impact of the tower height and massing to the view of St. James Cathedral against the sky, the site is unable to achieve the higher range of height afforded to the site by the Downtown Tall Buildings Vision and Supplementary Design Guidelines and Downtown Vision Height Map.
- It significantly shadows the open space in front of the Metropolitan United Church at Church Street and Queen Street East in the morning (see discussion in Sun/Shadow section below). Planning staff also have concerns about the impact of the proposed height and massing on the adjacent outdoor courtyard of the Muriel Collins Co-op (MCC). There would be a shadow impact above the as-of-right shadows, and a reduction in the amount of light for residents of the MCC.
- The proposal does not conform to the City of Toronto's Official Plan heritage policies concerning requirements for conservation of properties that are on the Heritage Register including the policy provisions related to new construction, the mitigation of visual and

physical impacts and ensuring the integrity of heritage properties and heritage conservation districts such as the St. Lawrence Neighbourhood HCD (under appeal) are not compromised. The 49-storey proposed tower negatively impacts the views of St James Cathedral and well as the overall heritage landscape of the St Lawrence HCD. The sheer height and scale of the tower portion of the development in the background of the St James Cathedral will have a compromising effect on this view even though this development does not place any form of obstruction within the view towards St. James Cathedral originating from Front Street looking northward. The St. Lawrence Neighbourhood HCD District Plan (under appeal) includes additional identified views of prominent buildings, structures, and landscapes that express the areas' historical and social value, and that should be conserved including the views of St James Cathedral's spire, against the sky, looking north from the north side of Front Street through the pedestrian pathway and Sculpture Garden policy 8.12.1 a). The proposed development would not conserve this additional view of St James Cathedral. Planning staff are of the opinion that this additional view of St James Cathedral should be conserved and have recently sent a reported to the Toronto and East York Community Council at its meeting of June 13, 2017 on proposed amendments to the Official Plan respecting the conservation of the views of this landmark designated heritage property.

These exacerbating factors take precedence over the proposed height and demonstrate that a significant height reduction is required in order to alleviate the considerable impact of these factors. Planning staff have determined through an analysis of the building massing against the silhouette of St James Cathedral that the proposed tower height of 49-storeys or 162.45 metres, including the mechanical penthouse, would need to be reduced by approximately 20-storeys or 61.0 metres for a total maximum height of approximately 29-storeys or 101.45 metres in order for the proposed building to avoid obstruction of the silhouette view.

In addition, based on the review of the applicable policies, guidelines and emerging built form policies, as well as an examination of the local context and character, including the height pattern of surrounding tall buildings, as well as previous approvals, planning staff are of the opinion that a tower height between 20 and 25-storeys may be appropriate on this site provided the associated massing of the building was not visible, i.e. did not rise above or crowd, or otherwise impact the St. James Cathedral silhouette against the sky, and appropriate tower separation of 12.5 metres from the eastern lot line and other setbacks (as per the Guidelines) are achieved.

While in initial comments to the applicant, staff identified that a tower height above 25-storeys would be appropriate, this was prior to staff's study of the impacts on St. James Cathedral and other impacts discussed in this report.

Tower Separation and Setbacks

The Official Plan states that tall buildings should limit local impacts and be designed so that the tower portion of the tall building has a size and shape with appropriate dimensions for the site, and be located and oriented on the site and in relationship to other buildings, in a manner that satisfies the provisions of Plan (policy 3.1.3.1 & 3.1.3.2). The proposed tower is setback 2.0 metres from the northern lot line, 4.5 metres from the southern lot line, 4.7 metres from the western lot line, and has no setback from the eastern lot line which abuts the adjacent Muriel Collin's Co-Op.

The proposed tower separation and setbacks are inappropriate and unsupportable by Planning staff for the following of reasons:

- The separation distance of the tower from the north lot line at 2.0 metres is well below the minimum recommended facing distance of 12.5 metres as per the City's Tall Building Guidelines and Council adopted Zoning By-law 1105-2016 (under appeal). Also it does not conform to Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). While Planning staff have assessed that the adjacent northern property cannot accommodate a tall building, the existing buildings are heritage buildings and require an appropriate setback. As well, the as-of-right permitted height for the adjacent property is 30 metres. Planning staff are of the opinion that the tower setback should be a minimum of 5.5 metres from the northern lot line.
- The separation distance of the tower from the eastern lot line at 0.0 metres provides no setback between the tower portion of the 49-storey proposal and the adjacent property and is well below the minimum recommended facing distance of 12.5 metres as per the City's Tall Building Guidelines, Council adopted Zoning By-law 1106-2016 and 1107-2016 (under appeal) and Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (under appeal). A tower separation distance from the eastern lot line of 12.5 metres should be clearly understood as a minimum standard to limit the impacts of loss of access to sunlight, views and privacy by the adjacent property. Given that there are no mitigating circumstances, the tower setback is required to be increased to 12.5 metres. If the 12.5 metres tower setback from the eastern property line cannot be achieved, it is likely an indication that the site is being overdeveloped as it cannot adequately accommodate a tall building.
- While there are no indications that the adjacent property at 76 and 79 Lombard Street also known as the Muriel Collins Co-op (MCC), is set to redevelop in the near future, it is possible in the future for the site to redevelop with a tall building or to add height to the existing

buildings. Given this future development potential, a tower setback of 12.5 metres should be achieved on the 89-99 Church Street site in order not to restrict the MCC property from developing in the future as a tall building.

- Tower placement is further addressed in section 3.2.2 of the Tall Building Design Guidelines, which states that towers are to be placed "away from streets, parks, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm." Comments received from residents at the community consultation meeting identified that the placement of the tower would significantly impact the amount of light and sky view of the adjacent Muriel Collins Co-op residents who have windows and private balconies facing into the internal outdoor courtyard which is used as a shared amenity space at grade. Residents assert that this courtyard is an important open space for the residents of the Muriel Collins Co-op and Pilot Place and the light that enters this space and sky view from this space is essential to their quality of life. A site visit conducted by staff confirmed this important amenity. A 12.5 metres tower setback from the eastern property line as well as revised massing and tower placement would allow more light into the courtyard and provide more skyview to Muriel Collin's residents whose balconies line the courtyard.

The building proposed for the site does not comply with or meet the intent of the Tall Building Guidelines. Staff recommend that a reduction in tower height, revision to the tower placement and massing, and increased tower setback from the northern and eastern lot line be made so that the proposal better fits into the neighbourhood and to mitigate the impact to adjacent properties.

Surrounding Planning Framework

The subject site is one block north of the boundaries for St. Lawrence Neighbourhood Community Improvement Plan and the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines, and located one block west outside the boundary of the King-Parliament Secondary Plan. While the proposed development site is not subject to the policies and guidelines in the abovementioned documents, the adjacency of the development site to the boundaries of these plans and area warrant their consideration in evaluating aspects of this proposal.

The abovementioned documents have been applied and their intent considered in the review of past development proposals in the neighbourhood (where applicable) and have helped guide development in a targeted, desirable manner forming the local context and character. They are instructive in terms of evaluating how the proposal relates to its existing and planned context. Equally as important, they help identify those elements and aspects of the neighbourhood that are special and of importance to residents such as

treasured and valued heritage assets, views and character. As well, they provide strategic frameworks, themes and community project ideas for the improvement of the local public realm.

These documents have assisted planning staff in concluding that the proposed development in its current form, does not fit into the local context and character of the neighbourhood. As well, the compromised impact on the prominence and setting of St James Cathedral would detract and fail to meet the intent of the local objectives detailed in these documents.

Sun /Shadow

The Tall Building Design Guidelines provide direction for addressing shadow impact on neighbouring properties and streets. Under Section 1.4, tall buildings should be located and designed "to protect access to sunlight and sky view within the surrounding context of streets, parks public and private open space, and other shadow sensitive areas".

Based on the applicant's submitted sun/shadow studies, the proposal would introduce additional incremental shadows on the open space in front of the Metropolitan United Church at Church Street and Queen Street East generally between 10:18 am and 11:18 am during the fall equinox (September 21st) The applicant did not submit shadow/sun studies showing impact during the spring equinox (March 21) which Planning has requested.

The open space in front of the Metropolitan United Church fronting onto Queen Street East is leased to the City for a nominal amount and maintained by the City's Parks and Recreation Division. The open space is designated as *Other Open Spaces* in the Official Plan. The City has an interest in this space and staff are of the opinion that it looks and functions as a public park, is maintained by Parks staff, and is utilized by members of the community as such. Planning staff have concerns about the shadow impact to this open space in front of the Metropolitan United Church at Church Street and Queen Street East, and are of the opinion that there should be no new net shadow on this park resulting from the proposed development and that a reduction in height is required.

Wind

Based on the applicants Pedestrian Wind Study, the proposed two amenity terraces, located on Level 6 and the rooftop (atop Level 49), show wind levels in the summer that are above wind comfort levels for those types of areas.

In order to mitigate uncomfortable wind conditions, trellises, planters, and/or wind screens along the perimeter of the Level 6 amenity terrace are required to shelter the terrace from the prevailing northwesterly winds.

In order to mitigate uncomfortable wind conditions on the rooftop terrace, where there is a pool, the consultant recommends tall wind screens (minimum 2.5m in height) around the perimeter of the terrace.

Parking, Traffic Impact and Conveyances

Parking Supply

The proposed parking supply consists of 97 spaces, with 97 spaces for the condominium residents, zero residential visitor parking spaces, and zero commercial/retail parking spaces. The parking would be provided in a six level underground parking garage.

The parking requirements for the site are governed by the Zoning By-law 596-2013 (Policy Area PA-1) and the number of spaces required by the By-law are 290 residents spaces, 46 visitor spaces and zero retail spaces.

Transportation Services staff have reviewed the Parking Justification Analysis and determined that seven (7) visitor parking spaces and 90 residential parking spaces are required to accommodate the proposed development. This would result in a residential parking supply rate of 0.21 spaces for each residential dwelling unit and a minimum of seven parking spaces allocated for residential visitors. The visitor parking spaces are required to be physically separated from the resident portions of the parking supply and clearly marked.

Traffic Impact

Transportation Services staff have reviewed the Urban Transportations Considerations Report submitted by the applicant and have determined that the level of estimated trip general resulting from this proposal will have minimal traffic impacts at the intersection

Conveyances

Given the narrow width of the public boulevard at the corner of Church Street and Lombard Street intersection, the applicant is required to convey a 5.0 metre corner rounding at the Church Street and Lombard Street intersection corner of the property as a surface easement to satisfy the Official Plan requirement for additional width for sidewalk/pedestrian clearway purposes.

Servicing

Engineering and Construction Services staff require that a revised Functional Servicing Report and a revised Hydrogeology Study Report be provided in order to address the following matters:

- Updating report based on a proposed six level underground parking structure;
- Rationale on building structure (building a completely water-tight below-grade vs. a private water drainage system)
- Confirmation of how groundwater is being addressed if a private water drainage system is used; and
- What the impacts will be as a result of the new flows into the City's sewage system.

Development Engineering staff have stated that the above noted information needs to be provided and reviewed before the approval of a site specific Zoning By-law to allow for

the redevelopment of the site. It is premature to rezone the lands without this information and without securing any necessary improvements or upgrades that may be required to be provided by the owner and the timing of such improvements or upgrades needed by the development.

Bicycle Parking

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. The application proposes that a total of 471 bicycle parking spaces would be provided. While the proposed bicycle parking supply is acceptable, additional information is required regarding access to bicycle parking (it appears that no spaces are provided at-grade).

Parkland

As outlined in the June 8th 2016 memorandum from Parks, Forestry and Recreation staff provided to the applicant, this site has been identified to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 109m² is not of a suitable size to develop a programmable park within the existing context of this development site.

Streetscape

Given the recent development approvals increasing the neighbourhood population, as well as the proximity to both the Financial District and St Lawrence Market, the pedestrian population in this area will continue to increase. Setbacks at grade should allow for a minimum 6.0 metre sidewalk including a 2.1 metre wide pedestrian clearway. Where the minimum pedestrian clearway cannot be provided on public property, an easement to the City at nominal cost for use by the general public, and including provision for maintenance, indemnity and insurance by the owner, may need to be secured on private lands. The current proposal does not provide for these standards to be met on Church Street or Lombard Street.

Provision of Family Sized Units

The applicant is proposing to supply 46 three-bedroom units equalling 10 percent of the total unit count. A minimum ten percent of all units as three-bedroom or greater to broaden the range of housing is recommended. The proposed ratio meets this objective.

In order to support the livability and viability of larger units, at least 50% of the 46 proposed three-bedroom units should be built with all bedrooms having a window on an exterior wall. As well, to support households with children that may occupy the larger units, the applicant should consider relocating some of the three-bedroom units currently proposed on floors 9 to 49 to the lower floors, close to the amenity spaces.

Amenity Space

Policy 3.1.2.6 of the Official Plan requires that every significant multi-unit residential development provide indoor and outdoor amenity space for residents and that each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces. The Zoning By-law requires a minimum of two square metres of indoor and two square metres of outdoor amenity space per unit.

The proposed indoor amenity space is 1,365 square metres which achieved the By-law requirements. A total of 511 square metres of outdoor amenity space is proposed, where 936 square metres is required. While staff are willing to consider amenity space provision at less than 2.0 square metres per unit given the oversupply of indoor amenity space, strong consideration should be given on enhancing the outdoor amenity spaces to make them more functional for future residents and alleviating pressure on community facilities by designing spaces for children (i.e. play structures or areas) and dog (i.e. dog grooming and relief area).

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

Section 37

Section 37 of the Planning Act allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the required s. 42 Planning Act parkland dedication, public art; streetscape improvements on the public boulevard not abutting the site; Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland). No discussions were advanced as the project review had not resulted in an agreement on the proposal.

Planning staff recommend that the City Solicitor be directed to request the Ontario Municipal Board, in the event it determined to allow the appeals in whole or in part, to withhold any order that may approve the development until such time as the City and the owner have presented draft by-laws to the Board in a form acceptable to the Chief

Planner and the City Solicitor, in consultation with Toronto Building, including providing for the appropriate Section 37 benefits to be determined and incorporated into any zoning by-law amendment and a satisfactory Section 37 agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Chief Planner, City Planning Division and the City Solicitor.

CONCLUSION

Staff have reviewed the application submitted by the applicant for 89, 97 and 99 Church Street on April 19, 2016 and determined that the proposal does not have regard to relevant matters of provincial interest set forth in section 2 of the Planning Act, and is not consistent with the policies of the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe. The proposal does not conform with the Official Plan or with the intent of Council approved guidelines such as the Tall Building Design Guidelines. The proposal is also contrary to emerging policies and new thinking in built form policies and significantly impacts and fails to conserve a valued heritage asset and City landmark.

It is the opinion of Planning staff that the proposed development application constitutes overdevelopment of the site, is not good planning, and is not in the public interest and it is recommended that the City Solicitor together with City Planning and other appropriate staff be directed to attend at the Ontario Municipal Board hearing in opposition to the appeal.

CONTACT

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Fax No. 416-392-1330
E-mail: smaphan@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

- Attachment 1: Application Data Sheet
- Attachment 2: Site Plan
- Attachment 3: Level 8 Tower Floor Plan
- Attachment 4: Typical Tower Plan Levels 9-49
- Attachment 5: Roof Plan
- Attachment 6: West Elevation
- Attachment 7: South Elevation
- Attachment 8: East Elevation
- Attachment 9: North Elevation
- Attachment 10: West Podium Elevation
- Attachment 11: South Podium Elevation
- Attachment 12: Official Plan, Map 7B – Identified Views from the Public Realm:
Downtown and Central Waterfront
- Attachment 13: St. Lawrence Neighbourhood Heritage Conservation District Plan, Map
4 – HCD boundary (with subject site identified)
- Attachment 14: St. Lawrence Neighbourhood Heritage Conservation District Plan, Map
27 – Views identified in the Official Plan Amendment 199
- Attachment 15: St. Lawrence Neighbourhood Heritage Conservation District Plan, Map
28 – Views identified in the St. Lawrence Neighbourhood Heritage
Conservation District Plan
- Attachment 16: Draft Official Plan Amendment for St. James Cathedral Heritage View
- Attachment 17: Zoning
- Attachment 18: Community Consultation Feedback Summary
- Attachment 19: Model of the proposed development's impact on the view looking north
of St James Cathedral from the north side of Front Street down the
pedestrian pathway

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	16 142844 STE 28 OZ
Details	Rezoning, Standard	Application Date:	April 19, 2016
Municipal Address:	89-99 CHURCH ST		
Location Description:	CON 9A LOTS 11 & 12 LOT A **GRID S2807		
Project Description:	Site-specific Rezoning Application to allow a 49-storey mixed-use building (plus mechanical penthouse) including approximately 28,583 m ² (307,664 ft ²) of total gross floor area (with ground floor commercial) with 468 residential units. Six (6) levels of underground parking (total of 97 parking spaces) are proposed.		

Applicant:	Agent:	Architect:	Owner:
Hunter & Associates Ltd		architectsAlliance	Lo Presti Holdings Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 4.0(c2.0; r4.0) SS1 (x2254)	Historical Status:	no
Height Limit (m):	30 m	Site Plan Control Area:	yes

PROJECT INFORMATION

Site Area (sq. m):	1099	Height:	Storeys:	49	
Frontage (m):	68.7		Metres:	152	
Depth (m):	31.8				
Total Ground Floor Area (sq. m):	1069				Total
Total Residential GFA (sq. m):	28583		Parking Spaces:	97	
Total Non-Residential GFA (sq. m):	238		Loading Docks	1	
Total GFA (sq. m):	28821				
Lot Coverage Ratio (%):	97				
Floor Space Index:	26.22				

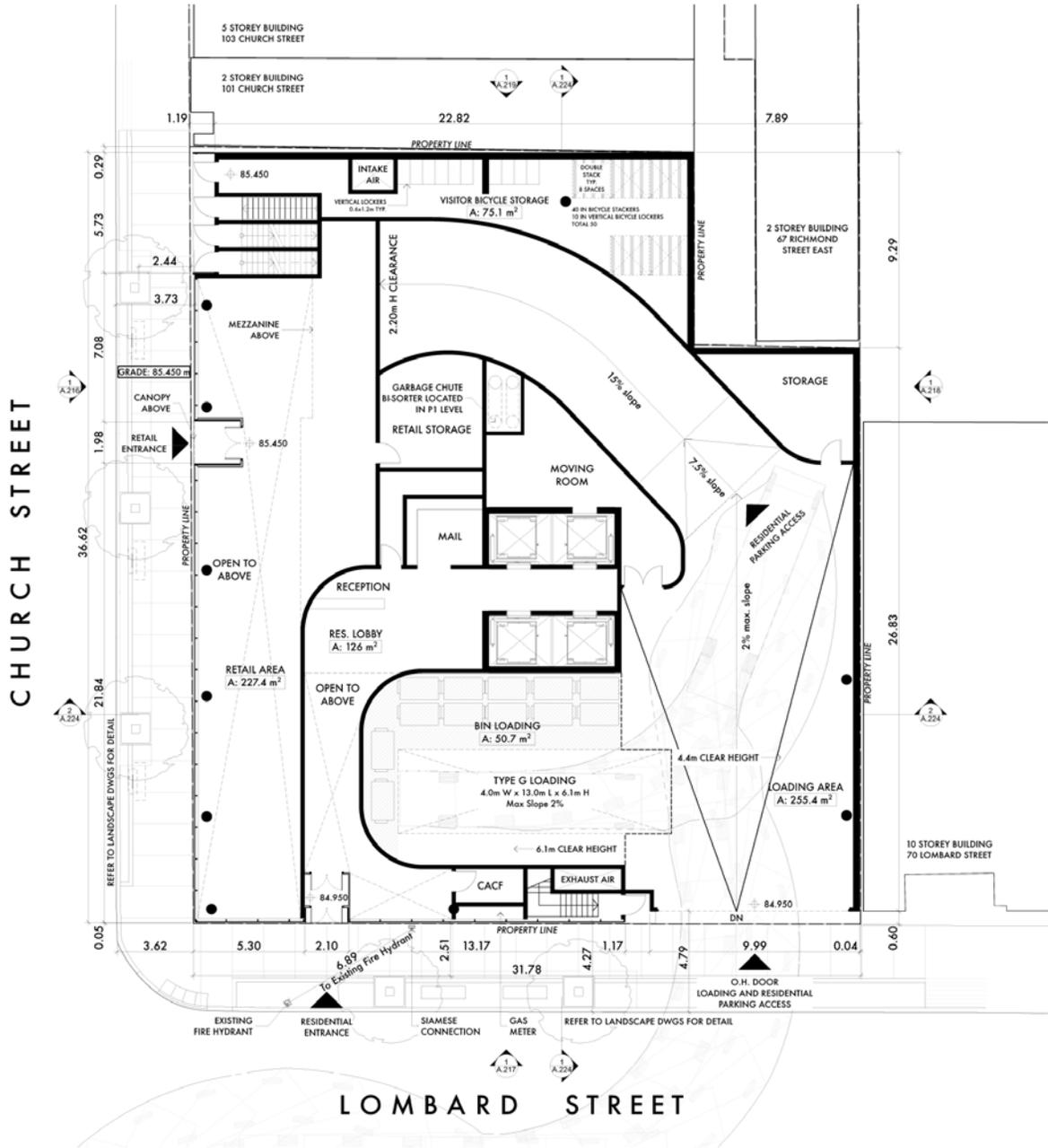
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Rental			
Rooms:	0	Residential GFA (sq. m):	28583	0
Bachelor:	0	Retail GFA (sq. m):	238	0
1 Bedroom:	310	Office GFA (sq. m):	0	0
2 Bedroom:	112	Industrial GFA (sq. m):	0	0
3 + Bedroom:	46	Institutional/Other GFA (sq. m):	0	0
Total Units:	468			

CONTACT: PLANNER NAME: Sipo Maphangoh, Senior Planner
TELEPHONE: 416-338-2478

Attachment 2: Site Plan



Site Plan

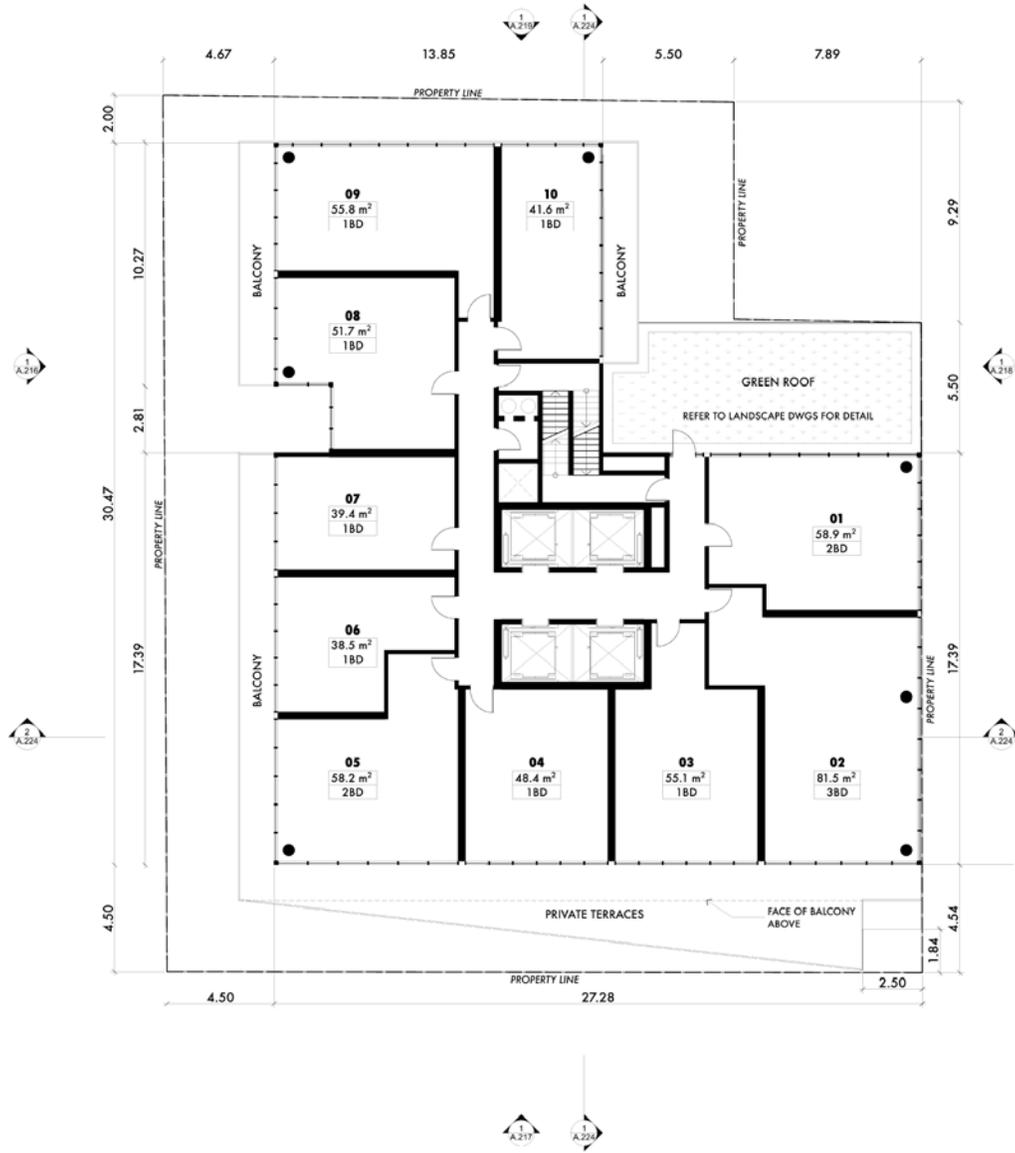
Applicant's Submitted Drawing

Not to Scale 07/18/2017

89,97 & 99 Church Street

OMB File # PL 170328
File # 16 142844 STE 28 0Z

Attachment 3: Level 8 Tower Floor Plan



Level 8 Tower Floor Plan

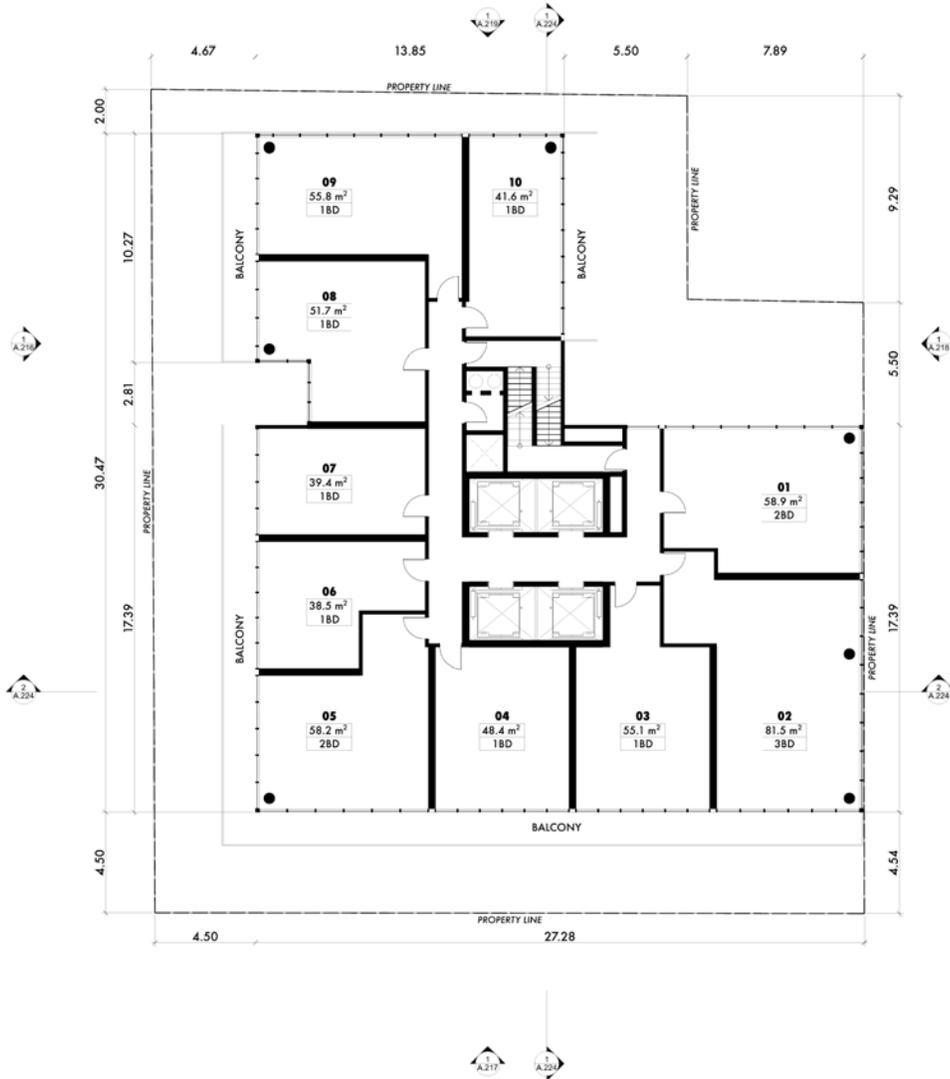
89,97 & 99 Church Street

Applicant's Submitted Drawing

Not to Scale
07/18/2017

OMB File # PL 170328
File # 16 142844 STE 28 0Z

Attachment 4: Typical Tower Plan Levels 9-49



Typical Tower Plan Levels 9-49

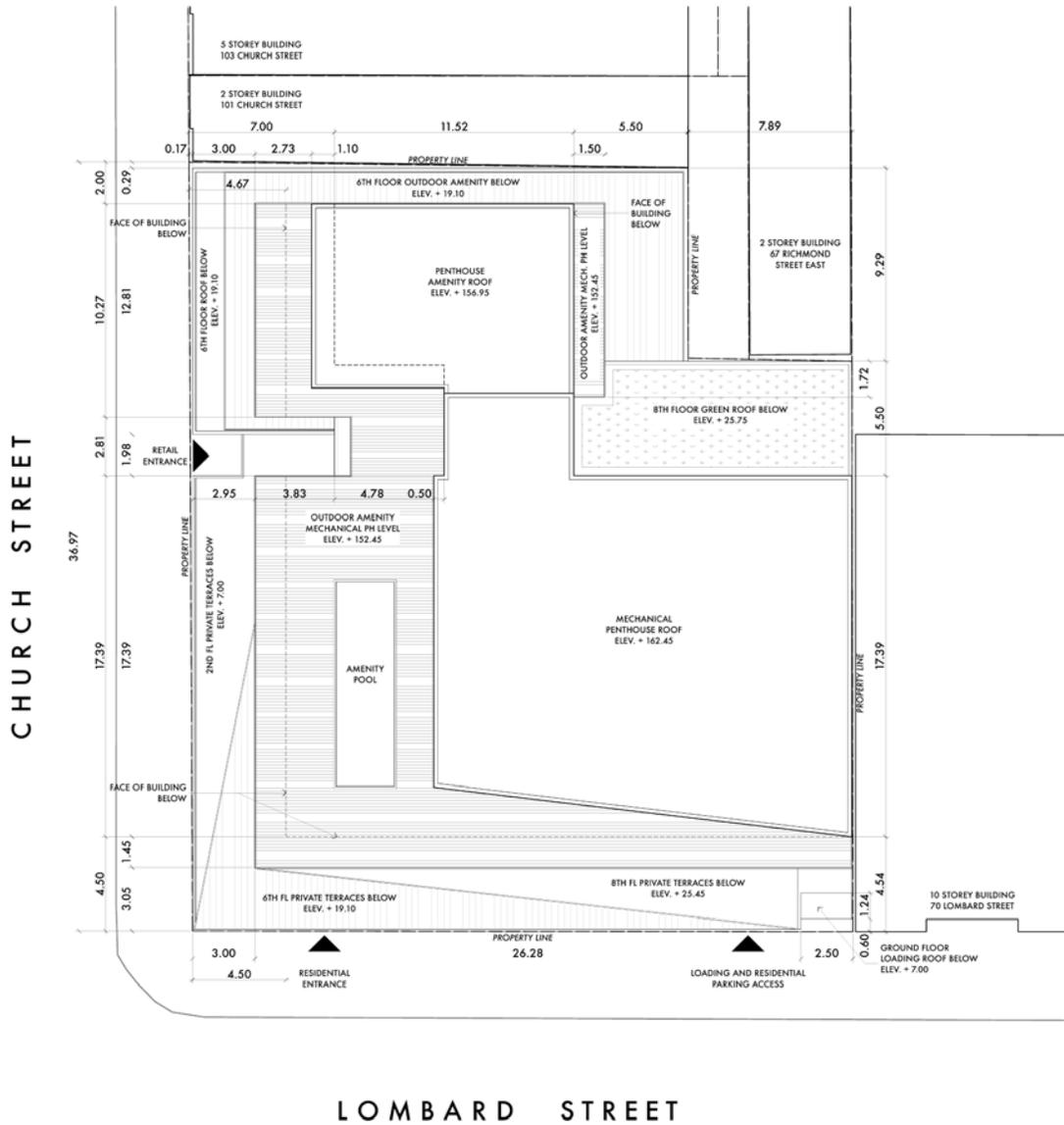
89,97 & 99 Church Street

Applicant's Submitted Drawing

Not to Scale
07/18/2017

OMB File # PL 170328
File # 16 142844 STE 28 0Z

Attachment 5: Roof Plan



Roof Plan

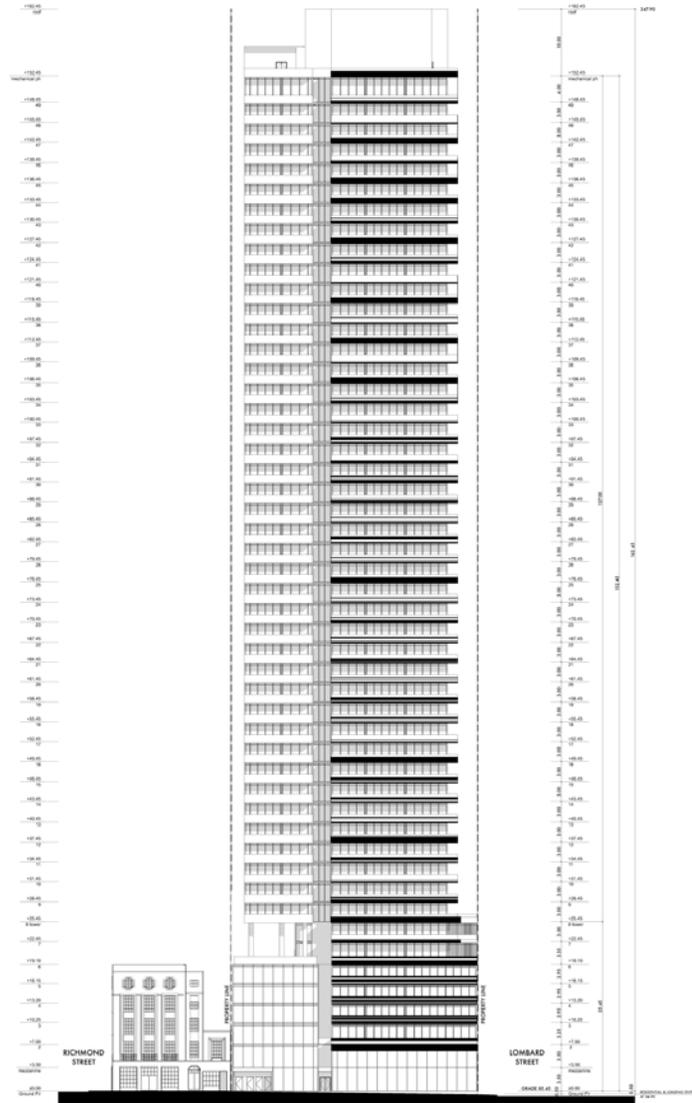
89,97 & 99 Church Street

Applicant's Submitted Drawing

Not to Scale
07/18/2017

OMB File # PL 170328
File # 16 142844 STE 28 0Z

Attachment 6: West Elevation



West Elevation

Elevations

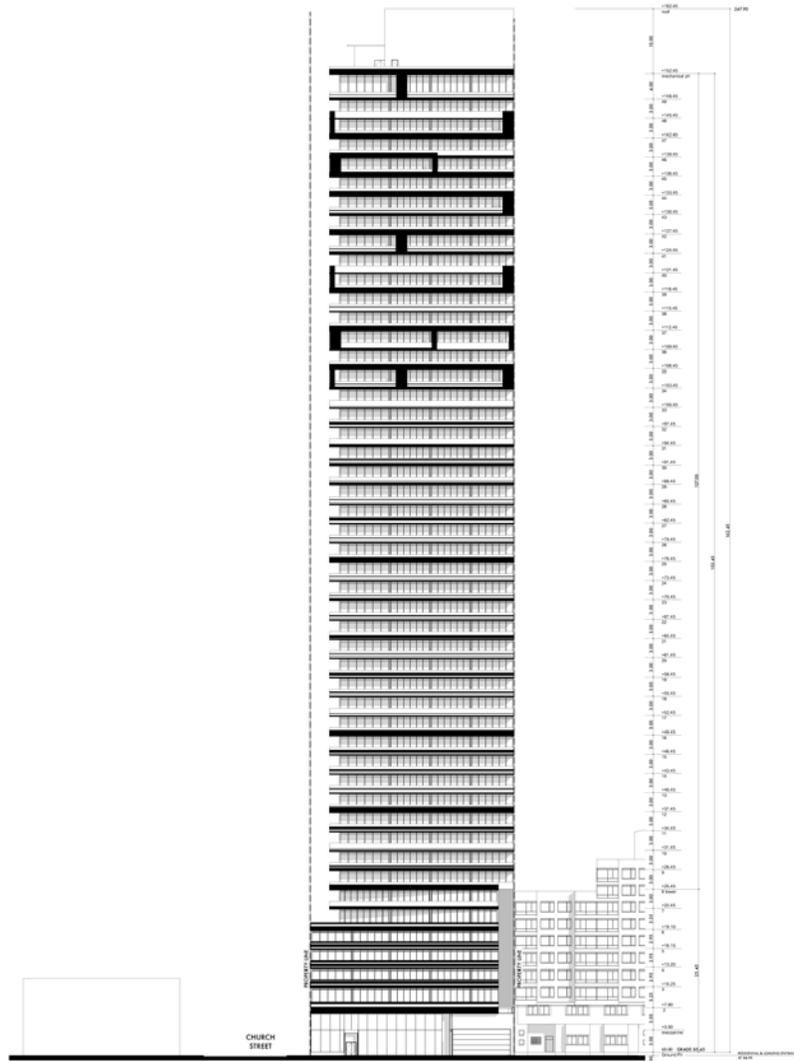
Applicant's Submitted Drawing

Not to Scale
07/18/2017

89,97 & 99 Church Street

OMB File # PL 170328
File # 16 142844 STE 28 0Z

Attachment 7: South Elevation



South Elevation

Elevations

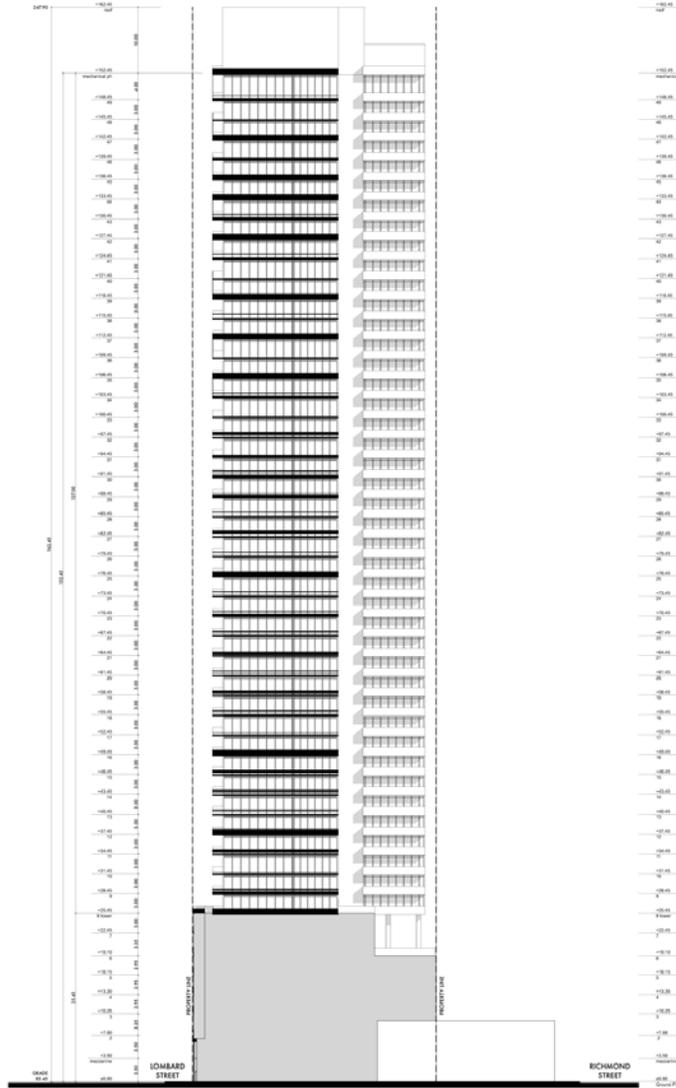
Applicant's Submitted Drawing

Not to Scale
07/18/2017

89,97 & 99 Church Street

OMB File # PL 170328
File # 16 142844 STE 28 0Z

Attachment 8: East Elevation



East Elevation

Elevations

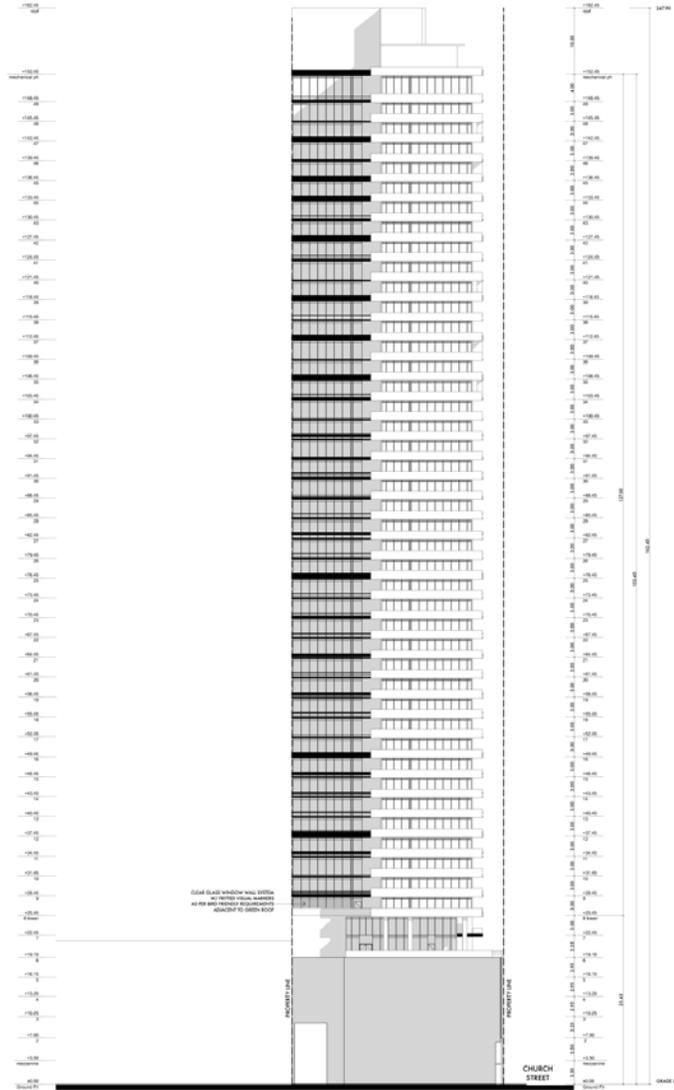
Applicant's Submitted Drawing

Not to Scale
07/18/2017

89,97 & 99 Church Street

OMB File # PL 170328
File # 16 142844 STE 28 0Z

Attachment 9: North Elevation



North Elevation

Elevations

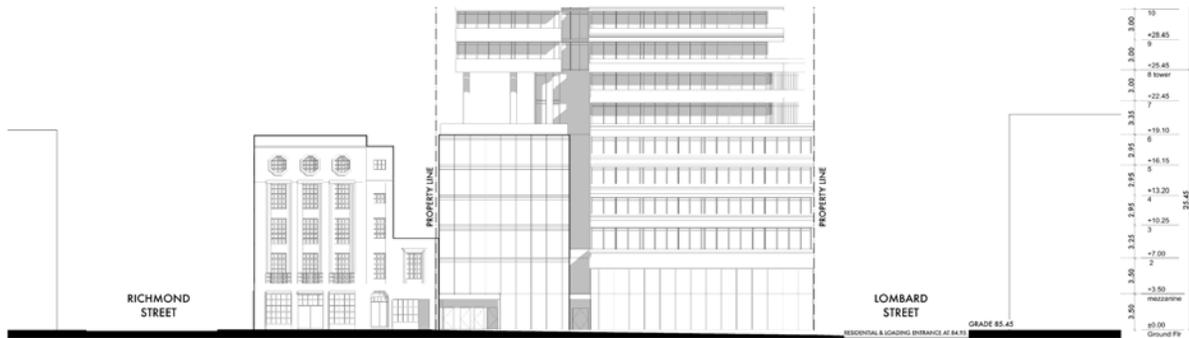
Applicant's Submitted Drawing

Not to Scale
07/18/2017

89,97 & 99 Church Street

OMB File # PL 170328
File # 16 142844 STE 28 0Z

Attachment 10: West Podium Elevation



West Podium Elevation

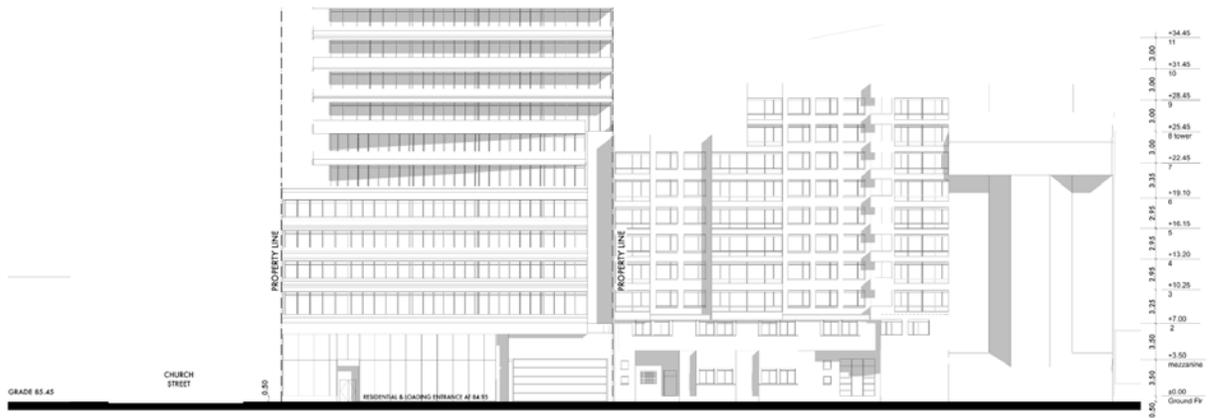
Applicant's Submitted Drawing

Not to Scale
07/18/2017

89,97 & 99 Church Street

OMB File # PL 170328
File # 16 142844 STE 28 0Z

Attachment 11: South Podium Elevation



South Podium Elevation

Applicant's Submitted Drawing

Not to Scale
07/18/2017

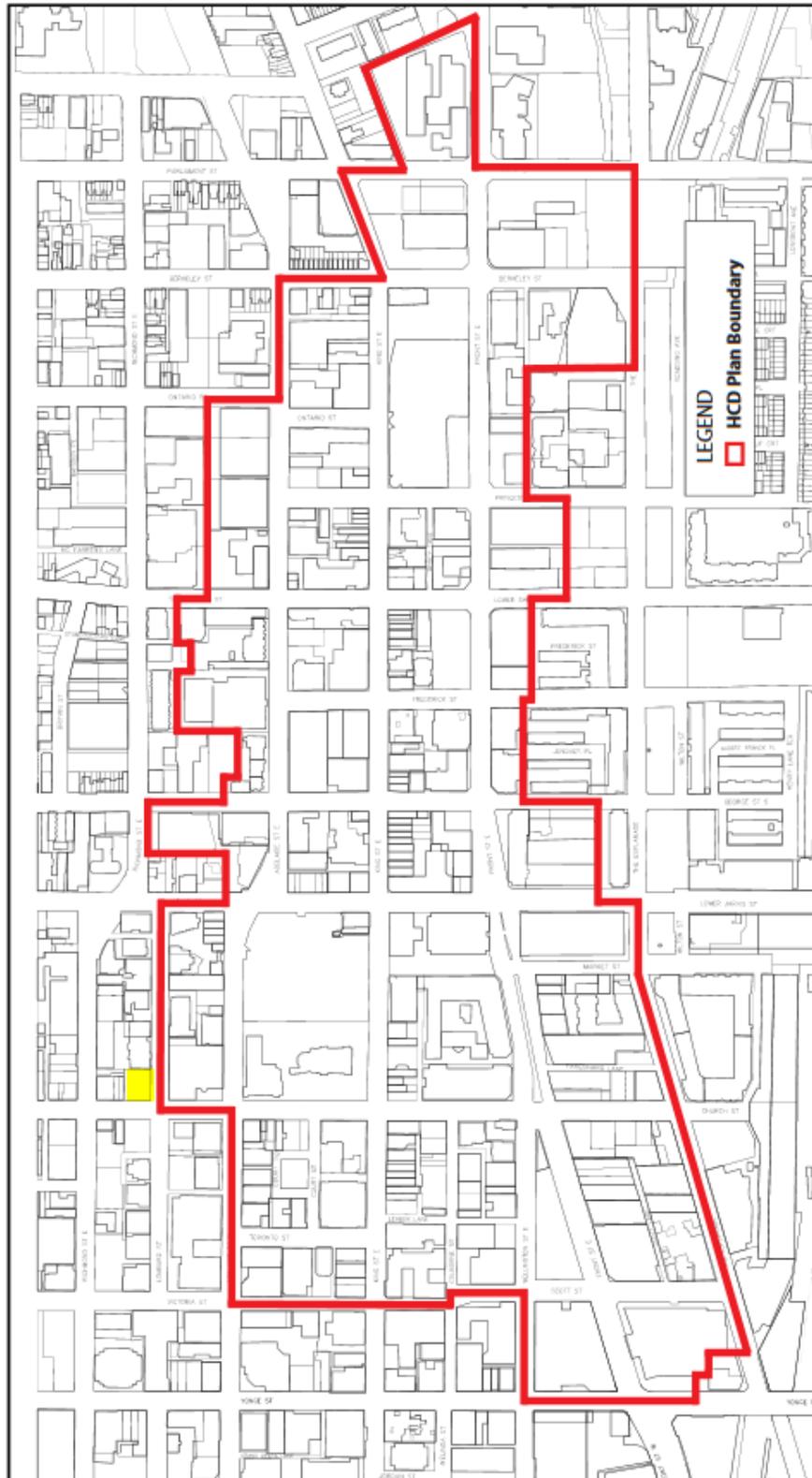
89,97 & 99 Church Street

OMB File # PL 170328
File # 16 142844 STE 28 OZ

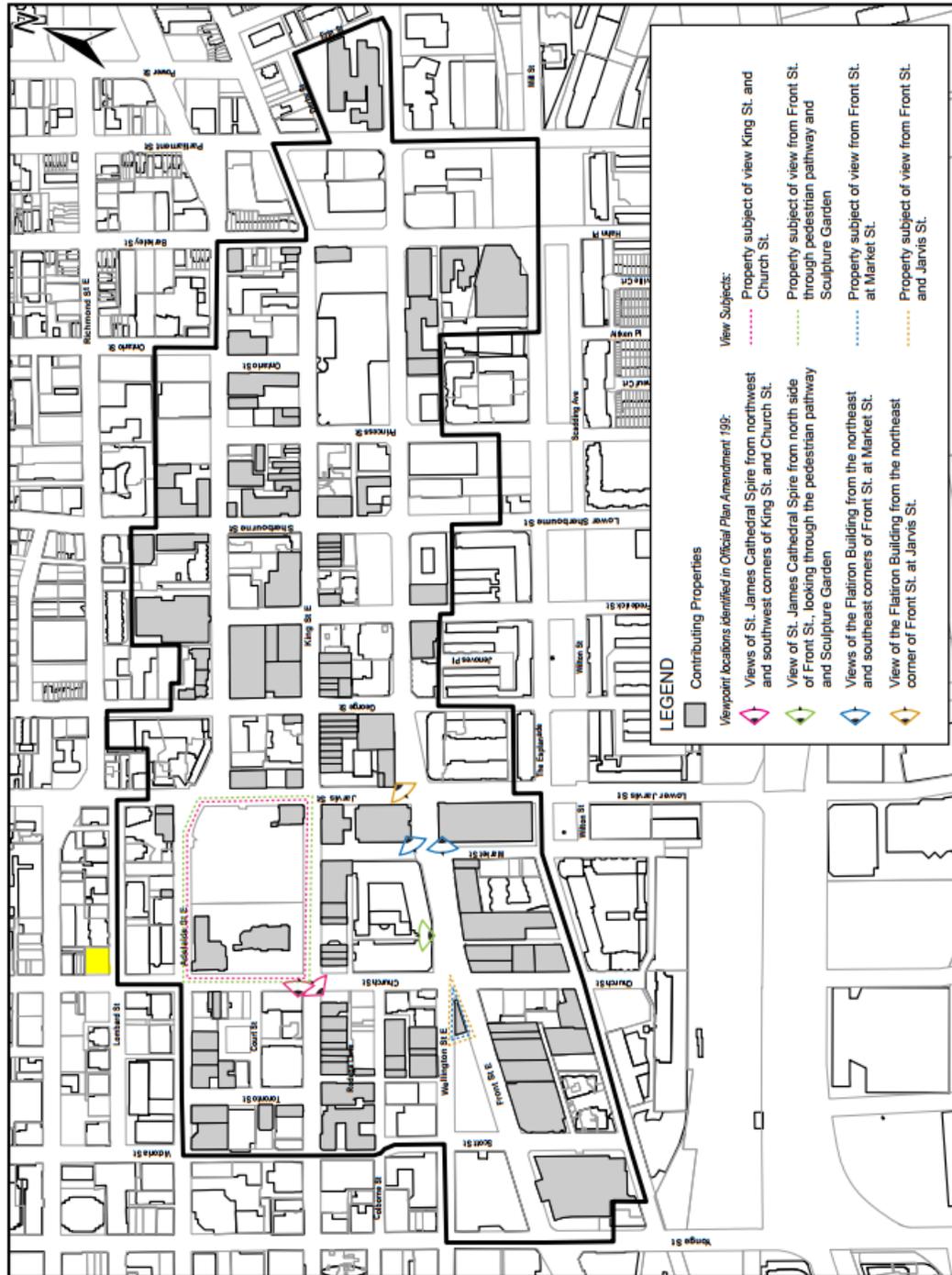
Attachment 12: Official Plan, Map 7B – Identified Views from the Public Realm: Downtown and Central Waterfront



**Attachment 13: St. Lawrence Neighbourhood Heritage Conservation District Plan,
Map 4 – HCD boundary (with subject site highlighted)**

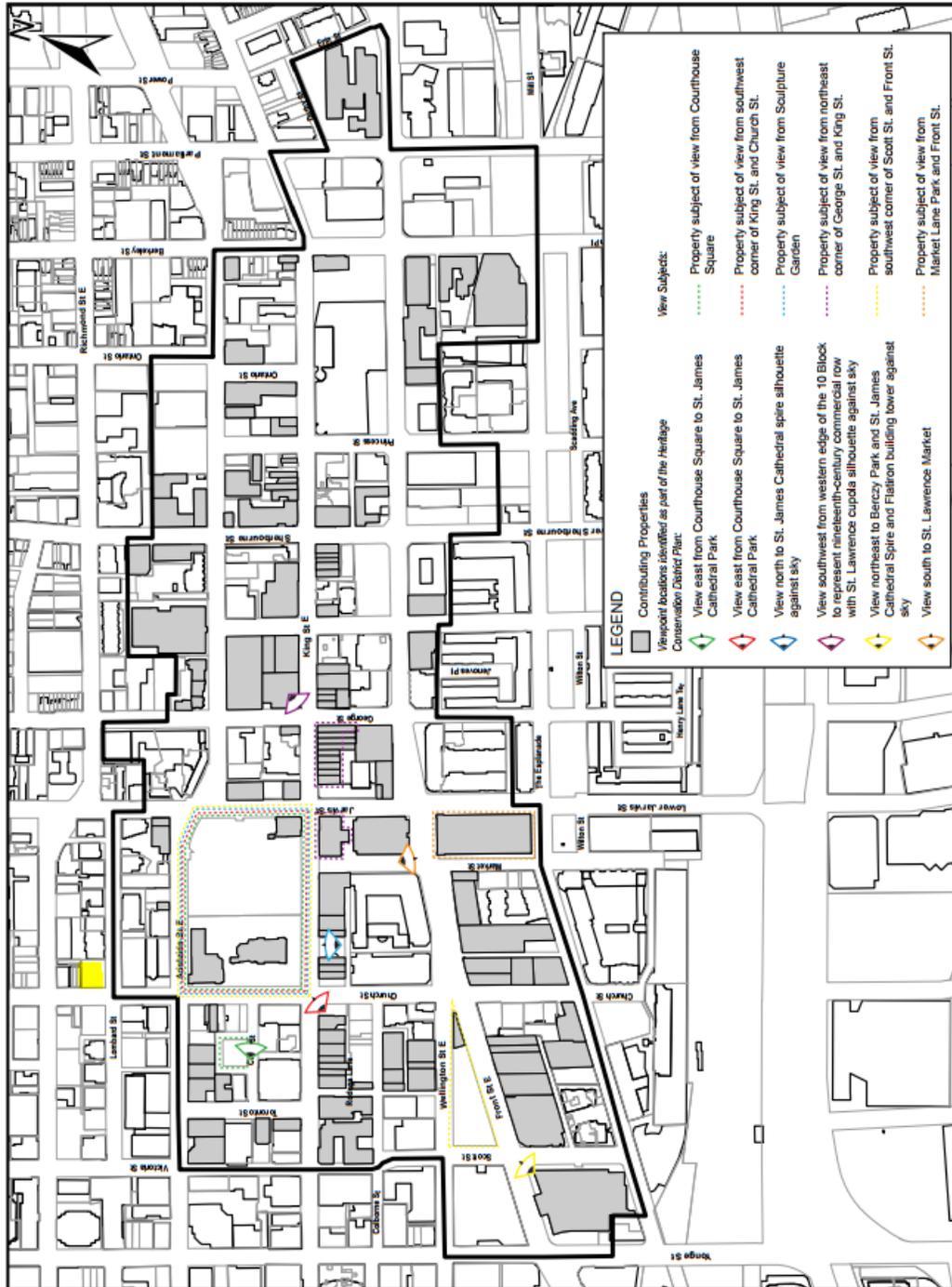


**Attachment 14: St. Lawrence Neighbourhood Heritage Conservation District Plan,
Map 27– Views identified in Official Plan Amendment 199 (with subject site highlighted)**



Map 27: Views identified in Official Plan Amendment 199

Attachment 15: Map 28 – Views identified in the St. Lawrence Neighbourhood Heritage Conservation District Plan (with subject site highlighted)



Map 28: Views identified in the St. Lawrence Neighbourhood Heritage Conservation District Plan

Attachment 16: Draft Official Plan Amendment for St. James Cathedral Heritage View

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO
Bill No. ~
BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the protection of views of
St. James Cathedral**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 386 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

(Corporate Seal)

ULLI S. WATKISS,
City Clerk

AMENDMENT NO. 386 TO THE OFFICIAL PLAN

Enhancement of the View Protection Policies of St. James Cathedral

The Official Plan of the City of Toronto is amended as follows:

1. On Map 7A and 7B of the Official Plan replace the wording:

“St. James Cathedral Spire^(H) King St E at Church St and Front St E (north side) across from Farquhars Lane”

with the wording:

“St. James Cathedral^(H) King St E at Church St and Front St E (north side) at all points traversing across the pedestrian pathway across from Farquhars Lane”

2. On Schedule 4 of the Official Plan replace the wording:

“A11.St. James Cathedral Spire [H]

The spire of St. James Cathedral can be viewed from the following locations:

- i. The southwest and northwest corners of King Street East at Church Street.
- ii. Between Church Street and Market Street (across from Farquhars Lane), on the north side of Front Street East, looking north through the pedestrian pathway and Sculpture Garden.”

with the wording:

“A11.St. James Cathedral [H]

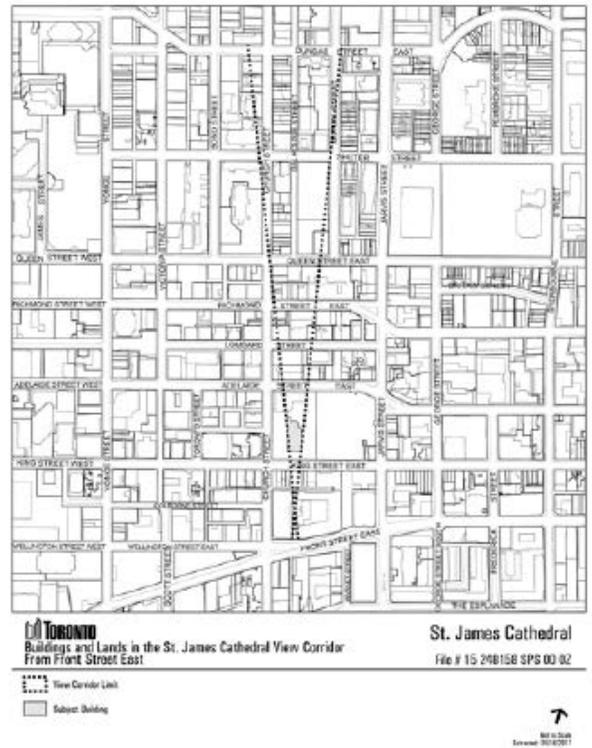
This view has been described in a comprehensive study and is the subject of a site and area specific policy of the Official Plan. It is not described in this schedule.”

3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 539 for the lands north and east of St. James Cathedral as shown on the attached maps as follows:

539. Lands to the North, South and East of St. James Cathedral:

No structure shall be permitted to be erected:

- (a) within the area shown on Map 1: that can be seen above any part of the silhouette of the features against the sky in their entirety or intruding into the skyview as shown on Figure 1 of the St. James Cathedral when viewed, by eyes at a height of 1.75 m above grade, from the eastern and western edges of the sidewalks on the southwest and northwest corners of King Street East at Church Street; and/or,
 - (b) within the area shown on Map 2: that can be seen above any part of the silhouette of the features against the sky in their entirety or intruding into the skyview as shown on Figures 2 and 3 of the St. James Cathedral (spire and clock tower) when viewed, by eyes at a height of 1.75 m above grade, from the locations between Church Street and Market Street (across from Farquhars Lane), on the north side of Front Street East, while looking north and traversing across the pedestrian pathway across from Farquhars Lane.
 - (c) notwithstanding the above, properties with as-of-right zoning which currently do not meet the criteria of (a) and (b) may be considered to meet the general intent and purpose of (a) and (b) above, with respect to minor variances under the Planning Act provided that the variance(s) does not result in further intrusions into the St. James Cathedral views.
4. Add a new Policy 3.1.5.46 of the Official Plan as follows and renumber the subsequent policies accordingly:
- “46. The St. James Cathedral is a historic site of exceptional importance and prominence. Protection of views to and past the Cathedral will be set out in an area specific policy of this Plan.”



Map 1. Potential Properties Affected From Church and King Streets

Map 2. Potential Properties Affected From Front Street

Figure 1-3 Sky View to be protected around the St. James Cathedral Silhouette



Figure 1: From King Street

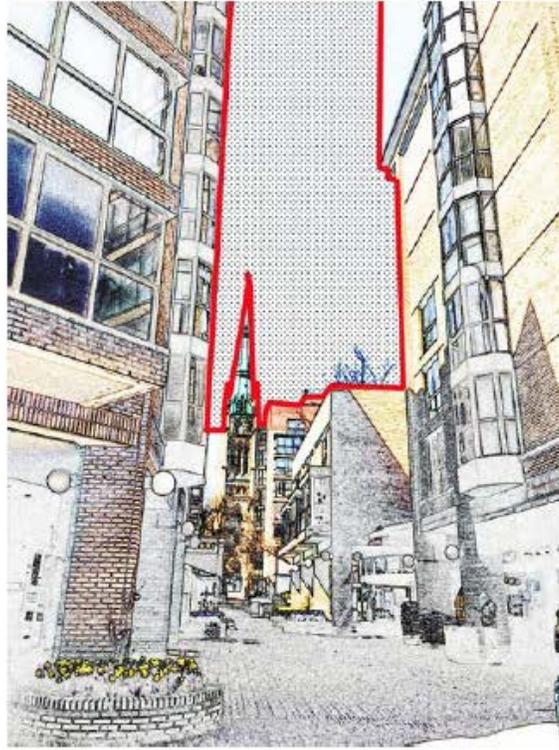


Figure 2: From Front Street

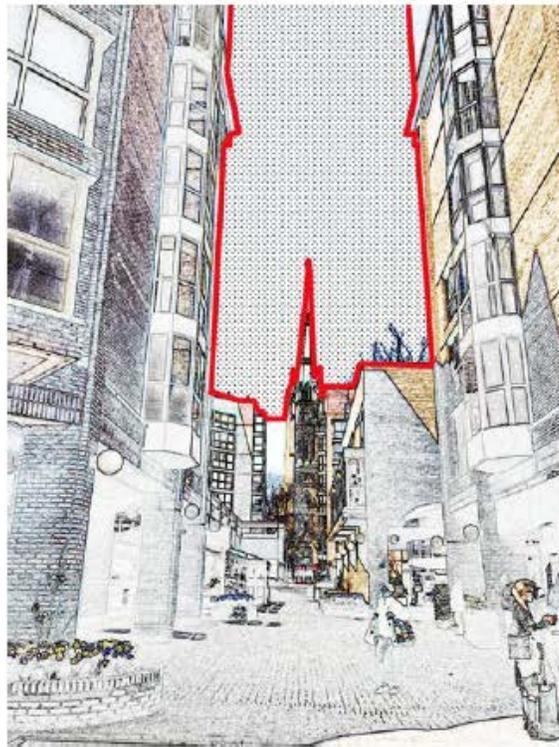


Figure 3: From Front Street

Attachment 18: Community Consultation Feedback Summary

89 Church St Community Consultation - Sept 20 1026			
		Table One	
Site Context & Organization		Built Form	Pedestrian Realm Other Comments
<p>1. Are there elements of this proposal that you like? What are they?</p>	<p>-High ceiling retail at-grade</p>	<p>-Variation in podium design -‘89 Church’ in writing perpendicular on tower</p>	<p>n/a</p>
<p>2. Are there elements of this proposal that you don't like? What are they?</p>	<p>-No visitor parking? Would rather substitute resident spaces for 15-20 visitors -Shadowing on Metropolitan United Church & disenchanting groups that frequent that space Bay Street height and density proposed, should be aligned with 30-storey proposals north on Church (Alter, 365 Church, etc)</p>	<p>-Tower separation distance unaccounted for development of future co-op building. If you are "planning" then this should be permitted (12.5 m separation distance) -Tower is a bit tall, does not reflect similar proposals along Church -More variation and interest in tower would help improve skyline</p>	<p>n/a</p>
<p>3. Do you believe this building can make a positive contribution to your community? If not, what specific changes would you like to see that you believe would improve its impact?</p>			<p>n/a</p>

89 Church St Community Consultation - Sept 20 1026

Table Two

	Site Context & Organization	Built Form	Pedestrian Realm	Other Comments
1. Are there elements of this proposal that you like? What are they?	<ul style="list-style-type: none"> -modernise the use of the parking lot -not in context with neighbourhood 	n/a	n/a	
2. Are there elements of this proposal that you don't like? What are they?	<ul style="list-style-type: none"> -Does not fit into context of neighbourhood -There is no transition to neighbourhood -Steals our sunlight and air -Does not fit with heritage buildings. Only anomaly is the Spire (history to development)* -Does not contribute to heritage character of Gold Thai building and other buildings on Lombard *Spire cannot be used as a precedent (re: special circumstances) 	<ul style="list-style-type: none"> -Too tall -Too dense - cuts off co-op building courtyard -No space for amenities for animals (dogs), children -No senior space -No green space in an area -Lacking parkettes etc. -Wind problems -Zoned 4x - this is 26x - should be no more than 10x -Not enough setback of tower from edge of base along Lombard 	<ul style="list-style-type: none"> -Theft of skyview from all directions -no POPS at street level -vastly inadequate setback -shadow -inadequate setback -Could do POPS instead of retail -Blocks air and space from Muriel Collins co-op - mentally ill people and children 	<ul style="list-style-type: none"> -Basically doesn't add value or benefit to our immediate neighbourhood, nor to King Street
3. Do you believe this building can make a positive contribution to your community? If not, what specific changes would you like to see that you believe would improve its impact?	<ul style="list-style-type: none"> -in current form - no -less density and height to 20 stories or less, with substantial setback along Lombard from podium -put POPS at street level; retail on second -Podium on Lombard at 5 storeys -Materiality - less glazing (sic), more brick/stone facing -provide green community space for (?) Muriel Collins co-op and other buildings and for neighbours to meet 			

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Table Three

	Site Context & Organization	Built Form	Pedestrian Realm	Other Comments
1. Are there elements of this proposal that you like? What are they?	n/a	n/a	n/a	n/a
2. Are there elements of this proposal that you don't like? What are they?	-consider making the podium brick instead of glass	n/a	n/a	n/a
3. Do you believe this building can make a positive contribution to your community? If not, what specific changes would you like to see that you believe would improve its impact?	<p>Positive: Retail component</p> <p>Negative:</p> <ol style="list-style-type: none"> 1) Height 2) # of units for management 3) Population (?) 4) Limited green space -> exercise 5) Influx of pets -> restrict animals 6) Security Monitoring 7) Mitigating subletting (sic) 			

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Table Four

	Site Context & Organization	Built Form	Pedestrian Realm	Other Comments
1. Are there elements of this proposal that you like? What are they?	<ul style="list-style-type: none"> -Like the podium and additional retail units -Nice looking building 	<ul style="list-style-type: none"> -Like design of podium -Do not like height 	Nothing	<ul style="list-style-type: none"> -Nice looking streetscape -We like that there are only 97 parking spots for cars and over 400 bicycle spots. This will discourage car usage - a good thing for downtown
2. Are there elements of this proposal that you don't like? What are they?	<p>The height of the building will have a negative impact on airflow, and daylight for residents of the Muriel Collins-op Gardens. For 55 Lombard it will disrupt the view of the city to the north. It will make the Lombard street scape darker and have negative impact on the daylight in the units on north side of 55 Lombard St.</p>	<p>Building is too tall for the neighbourhood</p>	<p>Wider sidewalks are needed for the increased pedestrian traffic</p>	<p>We are concerned that the City will not upgrade local infrastructure (e.g. sewage, water pipes, electrical needs) to increase the capacity to (sic)</p>
3. Do you believe this building can make a positive contribution to your community? If not, what specific changes would you like to see that you believe would improve its impact?	<ul style="list-style-type: none"> -There is concern that construction has the potential to damage adjacent structures -There should be a separation between the proposed building and the next building on Lombard St -Corner of Church and Lombard will need traffic lights with this increased population -Current local TTC is maxed out and will need to be considered with increased density 			

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Table Five

	Site Context & Organization	Built Form	Pedestrian Realm	Other Comments
1. Are there elements of this proposal that you like? What are they?	<ul style="list-style-type: none"> -Retail on Church -Replacement of parking lot 	n/a	n/a	What will happen to make Lombard streetscape similar to Market Lane IF THIS BUILDING IS ADDED?
2. Are there elements of this proposal that you don't like? What are they?	<ul style="list-style-type: none"> -Noise & congestion from loading/parking entrance -Noise from density -Not at all in context with the Lombard St streetscape from Jarvis to Church -Sidewalks are too narrow 	<ul style="list-style-type: none"> -Too tall Shadows cast over large area -M.C. Co-op will be completely engulfed in shadow -Sets further precedent for more tall buildings to be proposed for remaining lot -Wind effect - cumulative from other tall buildings in area 	n/a	n/a
3. Do you believe this building can make a positive contribution to your community? If not, what specific changes would you like to see that you believe would improve its impact?	<ul style="list-style-type: none"> -Fewer stories/lower density would lessen the impact on traffic and noise -This is the oldest part of the city and when we add more tall buildings we destroy the reason why people visit and live our neighbourhood, and make the area the same as the rest of downtown. the heritage of our neighbourhood is eroded everytime a development like This goes forward. 			

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Table Six				
	Site Context & Organization	Built Form	Pedestrian Realm	Other Comments
1. Are there elements of this proposal that you like? What are they?	n/a	n/a	n/a	n/a
2. Are there elements of this proposal that you don't like? What are they?	<p>-Does not fit context of midrise street. 15 max</p> <p>-While attempting to bring in sight line of 1 heritage building it blocks views of 2 churches and gets in the way of the St James tower sightline from the south.</p> <p>One of the most photographed views.</p> <p>-There is no transition in an area where everything is < 15</p> <p>As a safe place for women who have experienced violence and need added security, creating a closed area beside the co-op where people must walk past can create a security issue</p> <p>Psychiatric and schizophrenic patients/residents need light, space, and gardens. This height of building is a threat to their wellbeing as it threatens height, space, and gardens</p>	<p>-Height is obscene. To have asked for this height is to look for a fight on the topic</p> <p>- Wind velocity. Spire causes people to be knocked over.</p> <p>What if one of the cilo kids get blown out.</p> <p>-Blind corner at Lombard Church will lead to accidents at the tight corners on the other 2 sides already contribute to</p> <p>-Too close to co-op, creates hidden areas w/o windows</p>	<p>-Trucks (retail deliveries) & (sic) traffic on a congested street</p> <p>-Church sidewalk is already too narrow to be a walking street</p> <p>-Massive wind effect as well</p> <p>-Co-op kids are often using bikes and scooters etc. come to and from from schools and all retail mintce (sic) traffic (trucks) will enter right beside to co-op</p>	<p>-The heritage area is set (?) it should be through Richmond, not Lombard. There are a half dozen heritage buildings out of leg (sic) this</p> <p>-This is an insult to the old town Toronto space and this street in particular</p> <p>-We can't open the door to this scale of development or there will be additional "exceptions" as happened with the Spire. No other building along Church south will reach this height. So there can be no "Transition" east or north/south</p> <p>-Church is an unofficial corridor to Old Town</p>
3. Do you believe this building can make a positive contribution to your community? If not, what specific changes would you like to see that you believe would improve its impact?	<p>-Not at all.</p> <p>-It is FAR too big. It NEEDS to be kept in scale with the surrounding buildings. If it is not profitable to build residential at the same height as existing buildings, then it should not be residential.</p> <p>-Retail that sits empty will never add to the area. The small size of retail is restrictive and the suggested "typical" use of retail doesn't seem viable in our community. They don't last</p> <p>-It NEEDS to blend in, it NEEDS to actually be a transition. If the area is to stay the same and stiebem, how can anything over 15 floors ever transition or belong? It can't</p> <p>-The setback needs to be considered. It is home to many types of people who deserve consideration. To about the building as suggested is to show complete disregard.</p>			

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Table Seven

	Site Context & Organization	Built Form	Pedestrian Realm	Other Comments
1. Are there elements of this proposal that you like? What are they?	<p>It's retail which is great - it should stay</p>	<p>-Podium context deals well with the Golden Thai building -Materiality and colour should reflect the local buildings -Too tall a building on too small a site -Asking for 49 storeys is disrespectful of the neighbourhood</p>	<p>-Sidewalks enlarged. Beautiful bump-outs on the corners -Open up the first floor to be accessible as a POPS! -Need bicycle parking for the public -Car entrance is in the right place</p>	<p>-3-5 years of construction impacts -Dust -Noise Food/sidewalk closures</p>
2. Are there elements of this proposal that you don't like? What are they?	<p>-Shadows on the coop affects green roof on Muriel Coop -Need public parking -Need a traffic light -> no traffic control at new dev't. -Worry of gentrification and a 'luxury' building pushing low income residents that are established here</p>	<p>-It's too tall - 25 storeys -Need low income units -> affordable housing</p>	<p>-Not enough green space -Not enough place for pet owners -Main floor is closed off</p>	<p>n/a</p>
3. Do you believe this building can make a positive contribution to your community? If not, what specific changes would you like to see that you believe would improve its impact?	<p>Yes but... -Shadows from the development will greatly affect all residents and buildings in the immediate area - that reduces quality of life -Rental units are needed and very welcome in the downtown area -Street closures will have a negative impact on Church and Lombard - fewer lanes and loss of sidewalk for years -Muriel Collins Coop feels structurally deficient - the construction on this development could make things worse -We'd like to see the height around 25 storeys -Try and save the first five floors for seniors -Ground floor amenities are important -Could have an open space at ground level</p>			

Attachment 19: Model of the proposed development's impact on the view looking north of St James Cathedral from the north side of Front Street down the pedestrian pathway

