



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

572 Church Street – Official Plan Amendment and Zoning By-law Amendment Applications – Request for Directions

Date: July 17, 2018

To: City Council

From: City Solicitor

Wards: Ward 27 – Toronto Centre-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The applicant appealed its Zoning By-law Amendment and Official Plan Amendment applications to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (the "Tribunal"), on November 23, 2017 and February 2, 2018. Notwithstanding recent amendments to the *Planning Act* and their proclamation on April 3, 2018, the newly formed Local Planning Appeal Tribunal will maintain jurisdiction over the appeals according to the rules of the former Ontario Municipal Board.

Further direction from City Council is required on this matter which has been appealed to the Tribunal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the Report (July 17, 2018) from the City Solicitor.

2. City Council authorise the public release of the confidential recommendations in Confidential Attachment 1 and Appendix "A" and Appendix "B" to the Report (July 17, 2018) from the City Solicitor.

3. City Council direct that the balance of Confidential Attachment 1 to the Report (July 17, 2018) from the City Solicitor remain confidential as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations.

DECISION HISTORY

A Preliminary Report from the Director, Community Planning, Toronto and East York District, dated October 27, 2017 was considered by Toronto and East York Community Council on November 14, 2017. Community Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.37>

COMMENTS

The Site and Surrounding Area

The subject site, municipally known as 572 Church Street, is located north of Wellesley Street East, on the west side of Church Street, in the Church-Wellesley Village neighbourhood.

The site is rectangular in shape and has a total area of 1,117.7 square metres with frontage along Church Street of 23.5 metres and a depth of 48.7 metres. It is currently occupied by a 1-storey flat roof commercial building which is occupied by the Beer Store and associated surface parking.

The surrounding uses are as follows:

North

To the immediate north of the site is a 2-storey commercial building at the corner of Church Street and Dundonald Street known as Progress Place (576 Church Street) and a 5-storey apartment building along Dundonald Street known as Dundonald Arms Apartments (49 Dundonald Street). Further north on the west side of Church Street is a

row of converted residential buildings containing a mix of restaurant, retail and residential uses. On the east side of Church, there is an existing 4-storey commercial building at 557 Church Street.

South

To the south of the site is a narrow property at 570 Church Street that is currently vacant. Further south, along Church Street are 2 to 3 storey retail/commercial and service buildings and a city-owned lane.

East

To the east of the site is, a 3-storey Part IV designated heritage property which is occupied by the 519 Church Street community hub and Barbara Hall Park (formerly known as Cawthra Square Park). To the south of Barbara Hall Park, at the northeast corner of Church Street and Wellesley, is a two 3-storey heritage property listed in the City's Heritage Register containing retail uses at grade at 68-78 Wellesley Street East. Further east along Wellesley Street are residential apartment buildings ranging in heights from 3 storeys to 28 storeys at the corner of Wellesley Street and Jarvis Street.

West

To the west of the site is a 17-storey residential apartment building known as The Alexandra (41 Dundonald Street). South of The Alexandra is the Part IV heritage designated property at 56 Wellesley Street East known as Paul Kane House and the designation includes the Parkette. Further west is an approved, not yet built 37-storey mixed use building fronting Wellesley Street with a 10 unit row of townhouses at 46 Wellesley Street East.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement 2014 ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The Official Plan

The Official Plan designates the subject site as Mixed Use Areas and locates it within the Downtown and Central Waterfront, as shown on Map 2, the Urban Structure map of the Official Plan. The Mixed Use Areas designation provides for a broad range of commercial, residential and institutional uses, in single or mixed-use buildings, as well as parks and open spaces and utilities.

Development in Mixed Use Areas is subject to a number of development criteria including: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Built Form policies in the Official Plan (3.1.2) indicate that developers and architects have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Site and Area Specific Policy 382

At its meeting of October 8-9, 2013, City Council adopted Official Plan Amendment 183 ("OPA 183") also known as the North Downtown Yonge Area Specific Policy 382 ("SASP 382"). Council also approved the North Downtown Yonge Urban Design Guidelines for the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street. The Applicant did not appeal OPA 183 and the site is subject to the policies therein that are in force and effect.

The property is located within the Church Street Village Character Area of SASP 382 which runs north-south along Church Street from Charles Street East at the north and Alexander Street at the south. The policies identify that the Church Street Village Character Area should be regarded as a stable area that should experience limited growth, both along Church Street and in the residential areas abutting and surrounding it. Development and redevelopment should reinforce the core village area as a low to mid-rise pedestrian oriented mainstreet with street related retail uses and narrow retail frontages subject to angular plane provisions for portions of this Character Area. The 519 Church Street community hub and the surrounding park should be protected from new net shadow impacts of development and redevelopment.

The Official Plan is available online at <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The site is zoned CR T3.0 C2.0 R3.0 in Zoning By-law 438-86, which permits a mix of commercial and residential uses. The maximum permitted height is 18 metres with a base height at the lot line being 16 metres and a 44 degree angular plane applied from both Church Street and Wellesley Street East frontages (Section 12(2)260). The maximum permitted density is 3 times the lot area. Non-residential gross floor area may not exceed 1.7 times the lot area, but may be exceeded by 0.3 times provided it is used for the purpose of street-related retail and service uses (Section 12(2)131). Other site specific permissions and exceptions from Section 12(2)132 and 12(2)259 also apply.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. Planning Act applications submitted after May 9, 2013, are subject to the new Zoning By-law. The site is zoned CR 3.0 (c1.7 r3.0) SS1 (x2545) in Zoning By-law 569-2013 (refer to Attachment 12 – Zoning Map). The CR zone permits a range of uses similar to the former designation under Zoning By-law 438-86. The (x2545) provision indicates site specific permissions and exceptions that are carried over from Zoning By-law 438-86.

City of Toronto Zoning By-law No. 569-2013, as amended is available online at: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>.

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Report from the City Solicitor

Confidential Appendix "A" – Confidential Information

Confidential Appendix "B" – Confidential Information (on file with the City Clerk for the purpose of the July 23, 24, and 25, 2018 City Council Meeting).