

## **139-149 Church Street Zoning Amendment Application – Request for Interim Directions Report**

Date: January 22, 2019

To: Toronto and East York Community Council

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

Wards: Ward 13 - Toronto - Centre

**Planning Application Number: 18 174573 STE 27 OZ**

### **SUMMARY**

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This Report responds to an application where staff are currently not in a position to provide a Final Report to Council, but which could be appealed to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

The report sets out outstanding issues related to the application and makes an initial determination as to whether or not the application is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

This application proposes to amend the Zoning By-law to permit a 49 storey residential tower with commercial uses at grade and 414 dwelling units with a total gross floor area of 30,800 square metres at 139-149 Church Street. The proposed building would have a height of 156.25 metres including the mechanical penthouse. The proposal includes four levels of underground parking.

The proposed development in its present form is not consistent with the Provincial Policy Statement (2014), does not conform to the Growth Plan for the Greater Golden Horseshoe (2017) and does not conform to the City's Official Plan. In particular the proposed built form does not have appropriate regard to the development policies, standards and guidelines established by the City to ensure that a proposal fits within its existing planned and built form context, provides for an appropriate transition and minimizes impacts on heritage and park resources.

The major issues to be resolved, as outlined in this report, include: tower height, tower setbacks, shadow impacts, need to determine if there are any on-site heritage resources, heritage adjacency issues and impacts to St. James view corridor. Additional issues include the lack of indoor amenity space and wind impacts on the pedestrian realm.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct City Staff to continue to review the application and resolve any outstanding issues detailed in this report.
2. City Council direct the City Solicitor and appropriate City Staff to attend and oppose the application in its current form, should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of Council's failure to make a decision on the application within the statutory timeframe of the Planning Act.
3. Notice of Public meeting be given according to the regulations under the Planning Act.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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A pre-application consultation meeting was held on March 26, 2018 with the applicant to discuss potential issues. Key issues identified at that time were: impact to St. James view corridor, helicopter flight path, potential for the existence of on-site heritage resources, shadowing on nearby parks, Church Street being a retail priority street and eliminating any second driveways.

## **ISSUE BACKGROUND**

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### **Proposal**

The applicant is proposing a 49-storey (150.25 m excluding mechanical penthouse or 156.25 m including mechanical penthouse) tower which would contain 414 dwelling units and 480 m<sup>2</sup> of commercial space. The development would be in a tower with podium form. The tower would be 28-stories on the northern portion of the site and 49-stories on the southern portion of the site with the tower maintaining a 3 m stepback from both the Dalhousie Street and Church Street podium facades. The podium would range in height from 4 to 6-storeys and would be built to the lot line. Projecting balconies are proposed along all four sides of the tower. The proposed gross floor area would be 30,800 m<sup>2</sup> which equates to a Floor Space Index of 23.6 times the area of the lot under Zoning By-law 569-2013.

The ground floor would include the residential lobby as well as a loading/vehicular access area fronting Dalhousie Street and commercial space fronting Church Street. Amenity space would be located on the 3rd and 7th storeys. Bicycle parking would be

located on the ground floor and the 2nd storey. Vehicular parking would be below grade.

Other details of the proposal are shown in Table 1 below and in Attachment 1 and 6-9:

Table 1 – Summary of Application

Category	Proposed
Tower setbacks to property line	
West	3 m
East	3 m
North	1.5 m (floor 9-28), 7 m (floor 29-49)
South	10 m
Tower separation distances (setbacks)	
Mid-point of Church Street (west)	13 m
Tower at 88 Queen (east)	17 m
Tower known as Jazz (north)	39 m (floor 9-28)
Tower proposed at 60-64 Queen (south)	27.7 m
Base (podium) setback at grade to property line	
West	0.0 m
East	1.0 m
North	0.0 m
South	0.0 m
Pedestrian realm setback (building face to curb)	
- Church Street	4.0 m
- Dalhousie Street	3.1 m
Tower floorplate GFA (approximate)	
- Floor 9-28	743 m <sup>2</sup>
- Floor 29-49	426 m <sup>2</sup>
Ground floor height	4.5 m
Vehicular parking	
Visitor	17
Resident	98
Bicycle parking	
Visitor	41
Resident	373
Loading spaces	
Type C	1
Type G	1
Amenity space	
Indoor	424 m <sup>2</sup>
Outdoor	336 m <sup>2</sup>
Unit Mix	
One bedroom	212
Two bedroom	160
Three + bedroom	42
Total	414

## **Site and Surrounding Area**

The site is a mid-block lot with 38 m of frontage on both Church and Dalhousie Streets. The lot area is 1305 m<sup>2</sup>. On-site there are 2 and 3-storey commercial buildings built to the lot lines.

The surrounding uses are as follows:

North: A mix of 2 to 3 storey predominantly commercial buildings and to the north of that the 28-storey "Jazz" predominantly residential building (65 Shuter) with its associated podium ranging from 3 to 7-storeys.

South: A mix of 1 to 3 storey predominantly commercial buildings which are the subject of a Zoning amendment application to permit a 54-storey residential tower with commercial uses at grade (60 Queen Street East, File 18 111294 STE 27 OZ).

West: Church Street and on the west side of Church Street the Metropolitan United Church which includes a public park (which is designated as *Other Open Space Areas* in the Official Plan).

East: Dalhousie Street and on the east side of Dalhousie Street a commercial parking lot which is approved through a zoning amendment for three mixed use towers of 27, 28 and 49-storeys (88 Queen Street East).

## **Section 2 of the Planning Act**

The Planning Act governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. In particular, section 2 of the Planning Act requires that municipalities, when carrying out their responsibility under this Act regard shall be had to matters of provincial interest including:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development; and
- (r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the Planning Act, are particularly relevant to this proposal. The proposal, in its current form, does not have regard to relevant matters of provincial interest under the Planning Act.

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

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

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient 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, including conserving heritage resources.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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;
- 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
- Conserve and promote cultural heritage resources to support the social, economic and cultural well-being of all communities, including First Nation and Metis Communities.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this Report.

### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan, and the not in full force and effect Official Plan Amendment 352 and Official Plan Amendment 406 as follows:

## **Chapter 2 – Shaping the City**

### **Policy 2.2.1 Downtown: The Heart of Toronto**

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. The Official Plan states that: "while we anticipate and want Downtown to accommodate growth, this growth will not be spread uniformly across the whole of Downtown."

Policy 2.2.1.3 c) and d) refers to the quality of the Downtown will be improved by enhancing existing parks and strengthening the range and quality of the social, health and community services located Downtown.

Policy 2.2.1.4 states that a full range of housing opportunities will be encouraged through residential intensification in the *Mixed Use Areas* of Downtown.

### **Chapter 3 – Building a Successful City**

#### **Policy 3.1.1 The Public Realm**

Policy 3.1.1 provides direction to the importance of the public realm including streets, sidewalks, boulevards, open space areas, parks, and public buildings.

Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by: a) providing well designed and co-ordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements; and b) locating and designing utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural pedestrian and visual environment and enable the planting and growth of trees to maturity.

Policy 3.1.1.9 speaks to views from the public realm to prominent buildings, structures, landscapes and natural features are an important part of the form and image of the City. Public works and private development will maintain, frame and, where possible through project design, create views from the public realm to important natural and human-made features as identified on Maps 7a and 7b. Similarly, Policy 3.1.1.10 states that views from the public realm to prominent, buildings, structures, landscapes and natural features identified on Maps 7a and 7b are important and are described in Schedule 4.

#### **Policy 3.1.2 Built Form**

Policy 3.1.2.1 states new development will be located and organized to fit within its existing and/or planned context.

Policy 3.1.2.2 requires new development to locate and organize vehicle parking and vehicular access, service areas and utilities to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

Policy 3.1.2.3 requires new development to be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks open spaces and properties by: massing new buildings to frame adjacent streets and open spaces that respects the street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets,

properties and open spaces; and minimizing any additional shadowing on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view.

Policy 3.1.2.5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

### **Policy 3.1.3 Built Form – Tall Buildings**

Policy 3.1.3 states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right-of-way. Further, tall buildings should be designed to consist of three parts, carefully integrated into a single whole to include a base building, middle (tower portion) and top.

Policy 3.1.3.2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

### **Policy 3.1.5 Heritage Conservation**

Policy 3.1.5 provides policy direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties.

Policy 3.1.5.2 states that properties of potential cultural heritage value or interest will be identified and evaluated.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Policy 3.1.5.5 requires proposed alterations or development on or adjacent to a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. The United Metropolitan Church is a designated heritage property that is across the street from the proposed development and would be considered an adjacent property.

Policy 3.1.5.6 encourages the adaptive re-use of properties on the Heritage Register.

Policy 3.1.5.26 requires new construction on, or adjacent to a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate the visual and physical impact on it.



Policy 3.1.5.27 states where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings is desirable and encouraged. The retention of facades alone is discouraged.

Policy 3.1.5.44 speaks to the protection of views to heritage properties. St. James Cathedral is a designated property that has been identified on Map 7B and Schedule 4 for view protection.

### **Policy 3.2.1 Housing**

Policy 3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents.

### **Policy 3.2.3 Parks and Open Spaces**

Policy 3.2.3 refers to the system of parks and open spaces. Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, will be minimized as necessary to preserve their utility. The adjacent lands on the west side of Church Street, the open space at United Metropolitan Church, are a City Park. Additionally, on the east side of the subject lands a new public park has been approved on the adjacent 88 Queen and 30-50 Mutual Street property.

## **Chapter 4 – Land Use Designations**

### **Policy 4.5 Mixed Use Areas**

The subject lands are designated *Mixed Use Areas* on Map 18 of the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings (refer to Attachment 3).

Policy 4.5.2 c) states development within *Mixed Use Areas* will locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights.

Policy 4.5.2 e) states development will 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 spaces.

Policy 4.5.2 i) refers to development that will provide an adequate supply of parking for residents and visitors and in 4.5.2 j) locate and screen service areas, ramps, and garbage storage to minimize the impact.

Policy 4.5.2 k) also refers to development that will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

### **Policy 4.8 Institutional Areas**

Policy 4.8.4 states that buildings will be sited and massed to protect the continued use of flight paths to hospital heliports. The applicable helicopter flight path being St. Michael's Hospital.

## **Chapter 5 – Implementation**

### **Policy 5.1.1 Height and/or Density Incentives**

This policy refers to Section 37 of the Planning Act and establishes the provisions under which Section 37 may be used.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making and in Policy 5.6.1.1 that policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

### **Official Plan Amendment 352 – Downtown Tall Building Setback Area**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (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. 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 metres in height.

### **Official Plan Amendment 406 – Downtown Plan**

City Council adopted the Downtown Plan Official Plan Amendment (OPA 406), as amended, at its meeting of May 22-24, 2018. The Council decision is available here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Further, City Council authorized the City Planning Division to seek provincial approval of the OPA under Section 26 of the Planning Act, and enacted By-law 1111-2018 on July 27, 2018. The By-law is available here:

<https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>

OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

On August 2, 2018, the City Clerk issued the Notice of Adoption for OPA 406. Ministry of Municipal Affairs and Housing (MMAH) confirmed that the City's application is complete and now has 210 days from the date of receipt (August 9, 2018) to issue a decision. Council has directed Staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain livability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe (2017). City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan (2017) and has regard to matters of provincial interest under Section 2 of the Planning Act.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

Map 41-3 of the new Downtown Plan designates this site as *Mixed-Use Area 2 – Intermediate* (as per Council amendment to the plan). Development in *Mixed Use Areas 2* will include building typologies that respond to their site context including low-rise, mid-rise and some tall buildings. The scale and massing of buildings will respect and reinforce the existing and planned context.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The outcome of staff analysis and review of relevant Official Plan policies, Official Plan Amendment 352 and Official Plan Amendment 406 are summarized in the Comments section of the Report.

### **Draft Official Plan Amendment XX - to Further Protect Heritage Views of City Hall, Old City Hall and St. James Cathedral**

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, St. James Cathedral being one of those properties. The existing protected view is looking north to the spire of St. James Cathedral.

On July 23, 2018 City Council adopted a report with draft Official Plan amendments which, among other things, clarifies the extent of the St. James view corridor, where the views are to be taken from and the area that is to be protected. This would include the silhouette view of the cathedral. Specific revisions would be made to Maps 7a and 7b and Schedule 4 and a site and area specific policy be included insofar as how to apply the policies to the views for St. James Cathedral. Council directed that the proposed policies be used to inform the evaluation of current and future development applications in the surrounding area.

A public consultation meeting was held December 13, 2018 with an anticipated final report expected during the first quarter of 2019. As per Council direction, the development proposal has been reviewed within the context of the existing and proposed view corridors.

The status report can be found here:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

## **Zoning**

The site is subject to City-wide Zoning By-laws 438-86 and 569-2013. The site is zoned CR T3.0 C2.0 R3.0 under By-law 438-86. Under By-law 569-2013 the site is zoned CR 3.0 (c2.0; r3.0) SS1 (x2165). Both By-laws permit a variety of commercial and residential uses with a maximum density of 3.0 and a maximum building height of 18 metres (refer to Attachment 4)

By-law 438-86 also includes a number of Restrictive Exceptions which were carried through into By-law 569-2013. Key provisions include: prohibition of commercial parking garage or private commercial garage, required street related retail uses and angular plane provisions.

## **Airport Zoning Regulation - St. Michael's Hospital Helicopter Flight Path**

City Council at its meeting of December 5, 2017 adopted an airport zoning regulation for the hospital helicopter flight paths, By-law 1432-2017, which is in full force and effect. In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4, any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities has to be below or outside the protected flight path. The development site is within the St. Michael's Hospital flight path.

The by-law can be found here: <https://www.toronto.ca/legdocs/bylaws/2017/law1432.pdf>

## **Design Guidelines**

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Downtown Tall Buildings: Vision and Supplementary Design Guidelines and the Growing Up Draft Urban Design guidelines.

As an implementation tool of the Official Plan policies, and in particular the built form policies of the official plan, in accordance with section 5.3.2 and policy 5.3.2.1 the proposed development is also assessed against the guidelines. While not policy, the guidelines provide more detailed guidance and precision about implementation that cannot be captured in the Plan itself and on the other, the ability to respond to changing circumstances and priorities over time.

## **Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the 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 guidelines including sections on context, fit and transition in scale, sunlight and sky view, views from the public realm, heritage properties and heritage conservation

districts, floor plate size and tower placement, separation distance, and site servicing and access and sustainable design. The Tall Building Design Guidelines can be found here: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

### **Downtown Tall Buildings: Vision and Supplementary Design Guidelines**

This project 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). This guideline details where tall buildings should be located, how high they should be and the built form typology they should reflect within the Downtown. This document also includes supplementary guidelines concerning fit and transition, sunlight and sky view, views from the public realm and heritage issues.

Map 1 of the Downtown Tall Building Guidelines do not identify this portion of Church Street as appropriate for Tall Buildings. Dalhousie Street is identified as a Secondary High Street with heights anticipated to be generally one-third lower than the High Streets they run parallel to. The closest parallel High Street is Jarvis Street (identified heights of 15 to 25 stories) and Yonge Street (no identified heights on this portion of Yonge). The guidelines also identify Church Street as being a Retail Priority Street.

The Downtown Tall Buildings: Vision and Supplementary Design Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/tall-buildings/>

### **Growing Up Draft Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the Growing Up Guidelines in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Growing Up Draft Urban Design Guidelines will be considered in the review of this proposal. The guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

### **Site Plan Control**

The subject site and proposed development are subject to Site Plan Control. An application has not yet been submitted.

### **Reasons for Application**

The proposal requires an amendment to the Zoning By-law for an increase in density and height along with changes required to a number of other performance standards. Additional areas of non-compliance may be identified through the circulation and review process.

## Application Submission

The following reports/studies were submitted with the application:

- Planning and Urban Design Rationale including Community Services Study
- Architectural plans including shadow studies
- Public Consultation Strategy
- Rental Housing Demolition and Conversion Declaration
- Toronto Green Standard Checklist
- Pedestrian Level Wind Study
- Heritage Impact Assessment
- Phase 1 Environmental Site Assessment
- Preliminary Geohydrology Assessment
- Functional Servicing Report
- Geotechnical Report
- Transportation Impact Study
- Assessment of Construction Vibration
- Draft amending 438-86 and 569-2013 By-law
- Building Mass Model

These reports/studies can be viewed through the Application Information Centre (AIC) here: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

A Notification of Incomplete Application was issued with the outstanding items being a Noise Impact Study and an Arborist Report and/or Arborist Report for Development Applications form. The applicant subsequently submitted the requested documents and the application was deemed complete as of July 26, 2018.

## Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## Community Consultation

City Planning staff held a community consultation meeting on June 19, 2018 at the Bond Place Hotel at 65 Dundas Street East. Approximately 17 members of the public attended, along with the Ward Councillor and City staff. Key issues identified at the meeting and the staff response are summarized below.

Community Comment	Staff Response
the proposal had double the number of parking spaces compared to proposed development at 60 Queen	Transportation Services accepted proposed resident parking numbers but require justification for the proposed visitor parking rates

Community Comment	Staff Response
community was not adequately notified of the meeting	expanded notification of the meeting was given in the standard format
request for clarification as to the north and south tower setbacks	clarification was provided
proposal would prejudice potential development on adjacent sites	impacts on adjacent properties forms part of the analysis of this report
enquiry as to how the loading would work	clarification was provided

## COMMENTS

### Provincial Policy Statement

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan. The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

The key PPS policies applicable to this development include:

- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations for intensification and redevelopment and that intensification and redevelopment shall be directed in accordance with policies of Section 2 and 3 of the PPS,
- Policy 1.1.3.4 which refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety,
- Policy 1.4.3 which references an appropriate range and mix of housing types and densities,
- Policy 1.7.1 d) which encourages a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources,
- Policy 2.6.1 which states that significant built heritage resources shall be conserved, and
- Policy 2.6.3 which prohibits 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 proposed development represents intensification in an identified designated Growth Area, being the Downtown as identified in the City of Toronto Official Plan. The inconsistency with the PPS relates to the scale, intensity and form of development being proposed.

The PPS references development standards, appropriate mix of housing as well as conservation of heritage resources. Policy 4.7 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key. The official plan shall set out land use designations and policies and shall direct development to suitable areas.

The analysis of the proposed built form in the context of the aforementioned Official Plan policies, as assessed later in this report, indicates that the proposed tower height is excessive given the context and transition issues, tower setbacks do not adhere to appropriate development standards and appropriate housing unit sizes have not been proposed. As such, in the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, are not consistent with the Provincial Policy Statement (2014).

It is noted that a comprehensive analysis of the proposed development has not been completed and/or concluded with respect to shadowing issues, tower height and the helicopter flight path, identification of on-site heritage resources, heritage adjacency impacts and heritage view corridor impacts. Therefore, the reasons for the proposed development and zoning by-law amendment not being consistent with the PPS may change as this analysis is concluded. However, based on staff's current review of the proposal, the proposal is not consistent with the Provincial Policy Statement.

### **Growth Plan for the Greater Golden Horseshoe (2017)**

The key Growth Plan policies applicable to this development are:

- Policy 1.2.1 which refers to the achievement of complete communities, the efficient use of land, a range and mix of housing options to serve all sizes, incomes and ages of households and conservation of cultural heritage resources,
- Policy 2.2.1.4 c) refers to the provision of a diverse range and mix of housing options to accommodate the needs of all household sizes and incomes,
- Policy 2.2.1.4 e) which ensures the development of high quality compact built form, an attractive and vibrant public realm,
- Policy 2.2.2.4 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas,
- Policy 2.2.6.3 which refers to multi-unit residential developments to accommodate a mix of unit sizes, and
- Policy 4.2.7.1 which states Cultural heritage resources will be conserved, particularly in strategic growth areas.

In implementing these policies, Growth Plan Policy 5.2.5.6 states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. As such, the City's Official Plan and design guidelines have a particular relevance for assessing the Growth Plan.

The development site is located in an Urban Growth Centre as identified by the Province and as planned for in the City's Official Plan. Urban Growth Centres are the



only Strategic Growth Areas for the City of Toronto currently implemented and identified for the City of Toronto. Therefore, the proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report. It should be noted that some form of intensification on the subject site is appropriate, however, the form, scale and massing of the proposal is not appropriate as it does not conform to the policies and guidelines that are used to assess conformity with relevant provisions of the Growth Plan.

The policies of the Growth Plan with regard to how land is developed, how resources are managed and protected, and how public dollars are invested are based on the Guiding Principles found in Section 1.2.1. These Guiding Principles support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households, and planning for more resilient, low-carbon communities. Further, the guiding principles direct that in reading the policies of the Growth Plan it should be based on providing for different approaches to manage growth that recognize the diversity of communities in the GGH. Further, the Growth Plan, similar to the PPS, seeks to conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Metis communities.

Further, Policies 2.2.1.4 a), (b), (c) and (e) of the Growth Plan speak to supporting the achievement of complete communities. For example, Policy 2.2.1.4 e) speaks to ensuring the development of a high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards. Public realm includes spaces to which the public has access, such as streets, parks, and sidewalks.

In the opinion of City Planning, the proposed development and Zoning By-law Amendments, in its current form, do not conform to the Growth Plan for the Greater Golden Horseshoe (2017). More specifically, as described later in this report, the proposal does not satisfy housing unit sizes in order to achieve a range of housing options and does not provide community space in accordance with the achievement of complete communities. Additionally the proposed tower is of an excessive height without appropriate tower setbacks and consequently does not provide for an appropriate type and scale of development. While the proposal, in its current form, does not conserve heritage resources, all issues with respect to cultural heritage resources still need to be fully assessed.

The linkage between the proposed built form, Official Plan policies and relevant guidelines to the PPS and Growth Plan is further examined below.

### **Conformity with Growth Targets and Density Targets**

The most recent official plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the

province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

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

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

Table 1: Downtown Toronto Urban Growth Centre

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

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

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

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2017). In addition, there would remain an additional ten years for additional approved development to occur.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown Urban Growth Centre. The density target is to be measured across the whole of the Downtown Urban Growth Centre (Policy 5.2.5.4 of Growth Plan).

## **City of Toronto Official Plan**

### **Land Use**

The site is designated *Mixed Use Areas* in the City of Toronto Official Plan. Policy 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The text of Section 4.5 of the Official Plan clarifies that not all *Mixed Use Areas* will experience the same scale or intensity of development.

In OPA 406, the Downtown Secondary Plan which is not in full force and effect, the site is designated Mixed Use Areas 2 – Intermediate. Policy 6.25 and 6.26 states that development within this designation would include building typologies that respond to their site context including low-rise, mid-rise and some tall buildings and that the scale and massing will respect and reinforce the existing and planned context.

Although the proposed retail and residential land use would conform with the *Mixed Use Areas* policy for permitted land uses, the proposed development must be in a form that responds to the existing and planned context, provides for an appropriate transition and minimizes impacts. While City Planning staff agree that some level of development on this site is appropriate in accordance with the *Mixed Use Areas* designation, not all Mixed Use Areas will experience the same scale or intensity of development.

### **Tower Height**

This application has been reviewed against the Official Plan and approved, but not in full force and effect, Official Plan Amendments including OPA 352 and OPA 406. The proposal has also been reviewed through the relevant design guidelines set to implement the Official Plan as described in the Issue Background Section of the Report.

Tower height and massing has been assessed in terms of context and transition, shadowing, helicopter flight paths and heritage view corridor impacts (which is reviewed in the Heritage section of this report). The applicant is proposing a tower height with a 28 and 49-storey element.

### **Tower Height - Context and Transition**

Context and transition are two key elements that are used to assess built form and, in this case, tower height. Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Tall Building Policy 3.1.3.2 c) states that tall buildings will demonstrate how they will relate to the existing and/or planned context and Mixed Use Policy 4.5.2 c) references a transition between areas of different intensity and scale.

OPA 352 Policy B i), which is not in full force and effect, refers to tall buildings fitting in with the existing and/or planned context. OPA 406 Policy 3.3 states new buildings will fit within their existing and planned context and provide transition between differing scales of development and in Policy 6.26 scale and massing will respect and reinforce the existing and planned context including prevailing heights. OPA 406 Policy 9.25 also refers to how development will demonstrate transition in scale.

These policies are further informed by Tall Building Design Guidelines. Guideline 1.1 refers to context and defines a 250 m and 500 m radius for that context. Guideline 1.3 refers to tall buildings fitting within the existing or planned context and an appropriate transition in scale to lower scaled buildings, parks and open space. The Downtown Tall Building Guideline Map 1 and Map 2 identifies the Church street frontage as not appropriate for a tall building and identifies the Dalhousie street frontage as a Secondary High Street with anticipated heights of 10 to 17 stories (based on the one-third lower provision of Guideline 1.2 when applied to the 15 to 25 stories assigned to Jarvis Street).

The context within the 250 m radius identified by the guidelines features a number of mid-rise and tall buildings with significant variations in height. Within a one or two block context (which approximates a 250 radius) at the high end, there are approved heights of 52-storeys (215 Church Street), 60-storeys (197 Yonge Street), 46-storeys (25 Richmond Street) and 50-storeys (175 Dundas Street). However, the predominant height for approved developments within this context is significantly lower with 27 to 35-stories being more typical for the multiple developments approved along Mutual, Shuter, Church and Dalhousie Streets.

Adjacent to the site, the existing or planned context features the lower scaled Metropolitan United Church with approved heights for an approximate 38-storey tower to be located on the northern part of the church property (west), 28-storey Jazz tower at 65 Shuter (north), 27 storey tower at 88 Queen (east) and a proposed 54 storey tower at 60 Queen with existing heights of 3-stories (south).

Given the need to provide for an appropriate transition particularly to the lower scaled Metropolitan United Church and its adjacent parkland, an appropriate height more in line with the typical 27 to 35 storey range is more appropriate. A height in this range would provide a clear transition from the 49-storey tower approved on the south side of 88 Queen to the east with the lower scaled Metropolitan United Church as well as be more in conformity with the 27 to 35-storey context more typical of the area and with the adjacent developments to the north and east.

### **Tower Height - Shadowing**

There are multiple Official Plan policies that refer to shadowing. For this application the key shadows are those impacting parks and open spaces and those impacting Heritage properties, which is discussed under the Heritage section of this report.

Official Plan Built Form Policy 3.1.2.3 e) refers to limiting shadowing on neighbouring streets, properties and open spaces and in f) minimizing additional shadowing on neighbouring parks to preserve their utility in addition to the *Parks and Open Space* Policy 3.2.3.3 which references minimizing additional shadows on parks and open

spaces to preserve their utility. For the *Mixed Uses Areas* designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces.

OPA 406 in Policy 9.18 and 9.19, which is not in full force and effect, states development will minimize shadows to preserve the utility of parks and open space and will not cast net new shadows on parks and open spaces as measured from March 21 to September 21 from 10:18-4:18 pm. Although not subject to Official Plan Amendment 82 (OPA 82), OPA 82 in Policy 3.5 states that there shall be no net new shadows permitted on Moss Park measured on March 21 and September 21 from 10:00 am to 6:00 pm.

These policies are expanded on by Tall Building Guideline 1.3 (a) which refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties and by Guideline 1.4 (a) and (b) which seeks to minimize any additional shadowing of Parks.

Downtown Tall Building Design Guideline 3.2 states that tall buildings should not cast new shadows on Signature Parks (Moss Park being a Signature Park) from 10:00 to 4:00 pm on September 21st. The same Guideline refers to not casting new net shadows on other parks between 12 Noon and 2:00 pm on September 21. Guideline 1.3 further states that sunlight on parks and open spaces is one of the mitigating factors that take precedence over assigned heights.

The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development. The submitted shadow studies show no shadowing of Arena Gardens on Mutual Street (designated Other Open Space Areas), however the proposed tower would shadow:

- Metropolitan United Church Grounds (designated *Other Open Space Areas*) at 9:18 and 10:18 (March/September 21) and 9:18 to 11:18 (June 21).
- Moss Park (designated *Parks*) between 5:18 and 6:18 March/September 21.
- Unnamed park at 88 Queen Street East and 30-50 Mutual Street (recently approved but not presently designated) between 2:18 and 3:18 pm on March 21 and September 21 and at 2:18 pm on June 21.

The submitted shadow studies do not show the as of right shadows that would be generated from the 88 Queen development and the 114 & 120 Church Street applications. In order for the City to determine to what extent if any the application conforms with the policies and guidelines, further shadow analysis has been requested to reflect the as-of-right shadows. This shadow analysis would help inform the staff analysis of an appropriate height, and through tower sculpting and tower setbacks, an appropriate massing.

### **Tower Height - Helicopter Flight Paths**

As with Official Plan Policy 4.8.4 and the Airport Zoning Regulation (By-law 1432-2017), the approved but not in force and effect Downtown Secondary Plan Policy 9.32 also requires new buildings to be sited and massed to protect the helicopter flight paths. Any

development including all temporary and permanent structures would have to be below or outside the protected flight path.

The proposed building is located both below and adjacent to the helicopter flight path. The applicant's intention is that the portion of the tower within the flight path would be at a height below the flight path while the portion of the tower adjacent to the flight path would be at a higher height. Consequently the tower has been designed with both a 28 and 49-storey element with the 28-storey element below the flight path and the 49-storey element adjacent to the flight path. The application did not include any information concerning cranes and projections.

The application has been circulated to both St Michael's Hospital and Toronto Buildings for an assessment as to whether the proposal conforms to the flight path. To date comments have not been received and as such it is not possible to conclude if the proposal conforms to the St. Michael's Hospital helicopter flight path or not.

### **Tower Separation Distances and Tower Setbacks**

The achievement of appropriate tower separation distances is necessary to provide for adequate light, privacy and skyviews for both residents and pedestrians. Official Plan Built Form Policy 3.1.2.3 d) and 3.1.2.4 state that new development will limit its impact by providing for adequate light and privacy and ensuring adequate access to sky view. Policy 4.5.2 e) refers to maintain sunlight for pedestrians on adjacent streets.

OPA 352 and its implementing by-laws provide policy and zoning standards for tall buildings to provide a minimum 12.5 metre tower setback. Policy B i) refers to tall buildings providing setbacks so that the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities. Policy B ii d) and e) further references access to natural light, a reasonable level of privacy and views between towers.

OPA 406 Policy 9.14 and 9.15, which is not in full force and effect, refers to tower floorplates designed to reduce impacts on neighbouring properties and stepping back building mass to allow daylight and sunlight to penetrate to the street. Policy 9.27.3 refers to built form adjacencies of tall to tall buildings through the application of separation distances and tower orientation.

Tall Building Design Guideline 3.2.1 addresses floor plate size and shape while 3.2.3 identifies tower separation distances of 12.5 m to lot line or mid-point of the right-of-way (25 m between towers).

The applicant is proposing tower separation distances of 13 m (west to midpoint of Church street right-of-way), approximately 17 m (east to tower at 88 Queen), 39 m (north tower known as Jazz at 65 Shuter Street) and 27.7 m (south to proposed tower at 60 Queen). The actual tower setbacks to the property line are 3 m (west), 3 m (east), 1.5 m (north) and 10 m (south).

With the exception of the east tower setback, the proposed setbacks would adhere to the guidelines, however, they do not do so within the 139-149 Church street site. The project relies on exporting its tower separation requirements to adjacent landowners in

order to achieve these separations. Staff have requested the applicant provide clear plans that illustrate the east tower setback to adjacent approved developments at 88 Queen and the existing 65 Shuter street tower to the north. Staff does not support the proposed setbacks as currently proposed.

### **Podium Height and Setbacks**

The podium, or base building, is what is typically experienced by pedestrians in the street. The proposed development is in a podium/tower form with the tower element stepped back from the podium edge. Official Plan Tall Building Policy 3.1.3.1 a) refers to base buildings which provide support at an appropriate scale for adjacent street, parks and open spaces and integrate with adjacent building. Additionally, Built Form Policy 3.1.2.3 a), b) and c) speak to scale at grade.

OPA 406 in Policy 9.8.1, which is not in full force and effect, states that base buildings will be designed to respect the scale and proportion of adjacent streets, parks and open spaces; 9.8.2 base buildings will fit harmoniously within the existing and planned context of neighbouring street wall heights and in 9.10 base building will provide a transition in scale down to adjacent lower-scaled planned context.

Tall Building Design Guideline 1.3 refers to an appropriate transition in scale down to lower-scale buildings, parks and open space. Guideline 3.1.1 provides greater clarity by referring to the base building (podium) height being consistent with the existing street wall context and refers to podium (base) building heights being a maximum of 80% of the width of the adjacent right-of-way.

The proposed podium ranges from 4-stories (14 m) fronting Church Street to 6-stories (21 m) fronting Dalhousie Street with a 3 m stepback to the tower face. The width of the adjacent Church Street right-of-way is 20 m and the adjacent Dalhousie right-of-way is 12 m. This implies a maximum podium height of 16 m on Church and 9.6 m on Dalhousie based on the 80% of right-of-way provision from the guidelines.

An appropriate podium height is also informed by the height of adjacent developments. Adjacent buildings or podium elements along Church Street range in height from 2 to 3 stories and along Dalhousie Street from 1 to 7-stories. It is noted that there is a proposed development at 60-64 Queen Street with a proposed 3-storey podium on Church and 6-storey podium on Dalhousie. On the east side of Dalhousie Street the approved podium height at 88 Queen Street East is 7-storeys.

The proposed podium heights are within the range of acceptable heights as informed by either the planned context and/or the 80% right-of-way provision. However, there is a need to re-examine the podium height at the north-east corner fronting Dalhousie street to ensure the podium is compatible and complementary to the adjacent 7–storey podium to the north which has inset balconies adjacent to this site.

### **Amenity Space**

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Official Plan Policy 4.5.2 k) states that in Mixed-Use Areas

development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. OPA 406 Policy 9.33 to 9.38, which is not in full force and effect, refers to the provision of indoor and outdoor amenity space as well as references to the design and form of that amenity space. These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 m<sup>2</sup> of indoor and 2.0 m<sup>2</sup> of outdoor amenity space for each unit, and Zoning By-law 569-2013 which requires a minimum of 4.0 m<sup>2</sup> of amenity space for each unit (of which at least 2m<sup>2</sup> shall be indoor).

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 424 m<sup>2</sup> (1.0 m<sup>2</sup> per dwelling unit) of indoor and 336 m<sup>2</sup> (0.8 m<sup>2</sup> per dwelling unit) of outdoor space proposed for a total of 760 m<sup>2</sup> (1.8 m<sup>2</sup> per dwelling unit). The amenity space has been designed so that the indoor space is adjacent to the outdoor space.

The proposed amenity space provision is inadequate.

### **Housing**

Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. In the Downtown section of the Official Plan, Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities.

Policy 11.1 of OPA 406 which is not in full force and effect, directs development containing more than 80 units to include: a minimum 15% of the total number of units as 2-bedrooms with an area of 87 m<sup>2</sup> per unit; a minimum 10% of the units as 3 bedrooms with a minimum 100 m<sup>2</sup> per unit and an additional 15% of the units will be 2 and/or 3 bedroom units. Further, the Growing-Up Guidelines also provide direction on a similar mixture of residential unit types and unit sizes for multi-unit development.

The applicant is proposing 212 (51%) one-bedroom, 160 (39%) two-bedroom and 42 (10%) three bed-room units. Staff are of the opinion that the proposed unit mix supports the unit mix objectives reflected in the guidelines and policies.

The proposed two-bedroom units range in size from 63 to 76 m<sup>2</sup> while the three-bedroom units range in size from 82 to 83 m<sup>2</sup>. These sizes do not adequately support the unit size objectives of the Growing Up guidelines or OPA 406, the Downtown Secondary Plan, and as such are not appropriate. Modifications to the proposed unit sizes is required.

### **Traffic Impact, Access, Parking and Loading**

A Transportation Impact Study was submitted with the application and has been reviewed by staff. Vehicular access and egress to the site would be from Dalhousie Street with vehicles entering and leaving in a forward motion. The proposed development would provide vehicular parking and loading in a four-level underground parking garage with loading at-grade within the building podium. The proposal includes 115 parking spaces (17 visitor and 98 resident), 414 bicycle parking spaces and 2 loading spaces comprising 1 Type C and 1 Type G space.



Transportation Services staff have reviewed the proposal and commented that they concur with the applicant's conclusion that the proposal will have minimal traffic impact on the surrounding network. Transportation Services also commented that they accept the proposed resident parking supply but require further but not the proposed visitor parking provision. The proposed loading supply is also acceptable however the turning moving diagram of trucks adjacent to Dalhousie Street sidewalk is not acceptable and must be revised.

### **Pedestrian Realm**

For development in the Downtown, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians.

OPA 406, which is not in full force and effect, Policy 9.5 refers to a minimum setback of 6 m curb to building face and in Policy 9.6 the potential to reduce this standard if there is on-site heritage resource. Tall Building Design Guideline 4.2 also recommends a minimum 6 metres wide sidewalk zone.

The applicant is proposing a 4.0 m setback on Church Street and 3.1 m on Dalhousie Street which is less than the 6 m. To date, Heritage Preservation Services has not provided a comment as to whether there are any on-site heritage resources. Typically a 6m pedestrian realm would be required for pedestrian access and sufficient space for tree plantings, however, in this case Planning is willing to consider a reduced pedestrian realm only if on site buildings are determined to have heritage value and are being preserved in situ.

With respect to wind impacts on the pedestrian realm, Official Plan Policy 4.5.2 e and Tall Building Guideline 4.3 refer to comfortable wind conditions and the protection of the pedestrian realm from wind impacts. The applicant's wind study shows minimal negative impacts within the right-of-way for the stated purpose. However, the wind study should be updated to reflect the proposed 60-64 Queen Street East application and address how any impacts in winter can be ameliorated.

### **Site Servicing**

The applicant submitted a Functional Servicing Report, Preliminary Geohydrology Assessment and Geotechnical Report. Engineering and Construction Services has reviewed the reports and advises that the Functional Servicing Report needs revisions to address servicing issues. Additionally, the applicant is required to comply with the Sewer Use By-law and obtain all approvals/permits from Toronto Water for any proposed temporary or permanent discharging of groundwater into municipal sewer systems and watercourses.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official

Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities which support active lifestyles, host spaces for social events and organization, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

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

Parks, Forestry and Recreation staff also commented that if this development site were to acquire additional lands to the south then the Unit reserves the right to modify their comments and potentially request an on-site parkland dedication where such dedication would result in a functional park.

## **Heritage**

Heritage issues include: on-site resources, adjacency issues and view corridor impacts.

PPS Policy 1.7.1 refers to heritage resources while Policy 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. The PPS defines “significant”, “built heritage resources”, “cultural heritage landscapes” and “conserved”, that help Planning Authorities understand the policies and how to implement them. Policy 2.6.3 directs 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. In terms of the Growth Plan, Policy 1.2.1 refers to conserving cultural heritage resources while Policy 4.2.7.1 also refers to the conservation of cultural heritage resources.

The relevant Official Plan Policies, which are referenced in the Issue Background section of this report, are: 3.1.5.2 referring to identification of properties of potential heritage value; 3.1.5.4 which references conserve and maintain consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada; 3.1.5.5 referring to development on or adjacent to heritage resources will ensure the integrity of the properties attributes will be retained; 3.1.5.6 which encourages the adaptive re-use

of heritage properties; 3.1.5.26 which references development adjacent to a heritage property; 3.1.5.27 referring to conservation of whole or substantial portions of buildings and 3.1.5.44 referring to view protection. Of note is draft Official Plan Amendment XX to Further Protect Heritage View of City Hall, Old City Hall and St. James Cathedral which would amend the provisions of 3.1.5.44 to provide greater clarity concerning the protection of St. James Cathedral view corridor, the details being described in the background section of this report.

Tall Building Design Guideline 1.5 b) references when a tall building will frame an important view from the public realm to ensure that the view is maintained and where possible enhanced. In the case of identified heritage views, to locate and design tall buildings to preserve these views unobstructed. Guideline 1.6 asks that tall buildings be located and designed to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties.

The Downtown Tall Buildings: Vision and Supplementary Design Guideline 1.3 further identifies negative impacts on heritage properties and views of heritage properties as mitigating factors that take precedence over heights and that these factors can override the ability to locate a tall building. Guideline 3.4 mimics the Tall Building Design Guideline by asking that tall buildings be located and designed to respect and complement the scale, character, form and setting on on-site and adjacent heritage properties.

### **Heritage On-Site Resources**

There are three potential heritage properties on site, 139-141 Church Street, 145 Church Street and 147-149 Church Street. The applicant submitted a Heritage Impact Assessment (HIA) which recognizes that the City's Heritage Register is not exhaustive and properties may be added as they become identified through development applications. At present, none of these properties are listed or designated. While not determinative of the final analysis of Heritage Preservation Services or the relevant criteria under the Regulation under the Ontario Heritage Act that may be identified by the City, a heritage property need only meet one criteria to satisfy designation under the Ontario Heritage Act. The Applicant's HIA identifies the following:

139-141 Church Street meets two criteria under the Regulations (1 i) and 2i)), as well as expressed through the HIA, the property partially meets the criteria for 2 ii) for historical and associative value; 3 i) and ii) for contextual value.

145 Church Street meets one criteria under the Regulations (2 i), as well as expressed through the HIA, the property partially meets the criteria for 2 ii) for historical value or associative value; 3 i) and ii) for contextual value.

147-149 Church Street meets one criteria under the Regulations (1 i), as well as expressed through the HIA, the property partially meets the criteria for 3 i) and ii) for contextual value.

Should the properties become listed and/or designated a further review would be required on ensuring the protection of the identified heritage attributes of the properties

to ensure appropriate conservation of these heritage resources. Heritage Preservation Services are evaluating the cultural heritage value of the existing building but to date has not concluded their evaluation or made any recommendation to Toronto Preservation Board. Heritage Preservation Services do anticipate that they will advise retention in situ and/or incorporation of some or all of the extant structures into the base building composition should any of the properties be identified as being a Heritage resource.

### **Heritage Adjacency**

The Metropolitan United Church, the adjacent heritage property on the west side of Church Street, is designated under Part IV of the Ontario Heritage Act (refer to Attachment 2). The HIA, filed by the applicants, indicates that the proposal will shadow the grounds as well as the east stained glass windows which are identified heritage attributes. The HIA recognizes that there will be an impact but provides no support or opinion on how that attribute will be conserved.

Heritage Preservation Services has reviewed the HIA and submitted shadow studies and commented that further detailed shadow studies are required in order to assess the impacts on the east facing stained glass windows and more specifically the impact at critical assembly hours. Further analysis is required to understand the heritage impacts on the protected heritage attributes of the Metropolitan United Church.

### **Heritage View Corridor Impacts**

St. James Cathedral is designated under Part IV of the Ontario Heritage Act. Views to St. James Cathedral are presently protected through the Official Plan as part of Official Plan Amendment No. 199. As previously mentioned, these protected views are subject to a draft Official Plan amendment which would provide further clarity of the protected view.

The applicants provided a view corridor analysis and stated their intention was to hide their proposed development within the building silhouette which would be formed by the proposed adjacent development at 60-64 Queen Street East so there would be no impact on the view corridor. The proposed development at 60-64 Queen is not approved and as such is not part of the existing or planned context.

This analysis relies on outdated information which needs to be updated to include the proposed July 2018 view corridor as well as the latest approved building envelopes within the vicinity of the view corridor. More specifically, the proposed developments at 89, 97 and 99 Church Street, for which a settlement was adopted by City Council and subsequently approved by the Local Planning Appeal Tribunal pending a final order (PL170328), needs to be incorporated into the view corridor analysis.

Further modelling and analysis is required before a final decision can be made on the impacts to the view corridor.

### **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of

programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

OPA 406, Downtown Secondary Plan Policy 10.3 and 10.9, approved but not in full force and effect, requires the provision of community space and non-profit child care where it can be accommodated on-site. This could be secured though and as part of a Section 37 Agreement.

The applicants submitted a Community Services Study as part of their Planning Rationale. Staff have reviewed the report and commented on the need for flexible, multi-purpose community space and licensed, non-profit child care spaces to be co-located as part of a public facility and/or integrated within mixed use buildings.

The application does not propose any community space nor any non-profit child care spaces. These spaces should be provided off-site through a Section 37 contribution and/or on-site to be secured through a Section 37 Agreement.

### **Section 37**

The proposal at its current height, massing and density will be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. Should this proposal be approved in some form by the LPAT, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan in effect as well as adopted and/or emerging policy as well as applicable guidelines. Staff are of the opinion that the proposal in its current form is not consistent with the PPS (2014) and does not conform with the Growth Plan (2017). Further, the proposal does not conform to the City's Official Plan in effect, as well as those policies not in full force and effect and the relevant guidelines, particularly as it relates to tower height, tower setbacks, shadow impacts, conservation of on-site heritage resources, heritage adjacency issues and impacts to St. James view corridor. Additional issues include the lack of indoor amenity space and wind impacts on the pedestrian realm.

Staff recommend that City Council direct City Staff to continue to negotiate with the applicant to try to resolve the outstanding issues detailed in this report. City Council

direct the City Solicitor, and appropriate City Staff, to attend and oppose the application in its current form should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of Council's failure to make a decision on the application within the statutory timeframe.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

- Attachment 5: Site Plan
- Attachment 6: North and South Elevations
- Attachment 7: East Elevation
- Attachment 8: West Elevation

**Attachment 1: Application Data Sheet**

Municipal Address: 139 CHURCH ST Date Received: June 8, 2018

Application Number: 18 174573 STE 27 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposed mixed-use tall building that incorporates a podium varying from 2 to 6-storeys in height, and a 49 storey tower with a height of 156.25 metres, inclusive of the mechanical penthouse. The building will contain a total gross floor area of 30,800 square metres, comprised of 30,320 square metres of residential gross floor area and 480 square metres of nonresidential gross floor area.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC.		Graziani + Corazza	PEM (CHURCH) LIMITED PARTNERSHIP

**EXISTING PLANNING CONTROLS**

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: CR T3.5 C2.0 R2.0

Heritage Designation:

Height Limit (m): 18.0 m

Site Plan Control Area: Y

**PROJECT INFORMATION**

Site Area (sq m): 1,305 Frontage (m): 38 Depth (m): 34

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,305		1,305	1,305
Residential GFA (sq m):			30,320	30,320
Non-Residential GFA (sq m):			480	480
Total GFA (sq m):			30,800	30,800
Height - Storeys:	3		49	49
Height - Metres:	10 (aprox)		156	156

Lot Coverage Ratio (%)	100%	Floor Space Index:	23.6
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	30,320	

Retail GFA: 480  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			414	414
Other:				
<b>Total Units:</b>			<b>414</b>	<b>414</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:			212	160	42
<b>Total Units:</b>			<b>212</b>	<b>160</b>	<b>42</b>

**Parking and Loading**

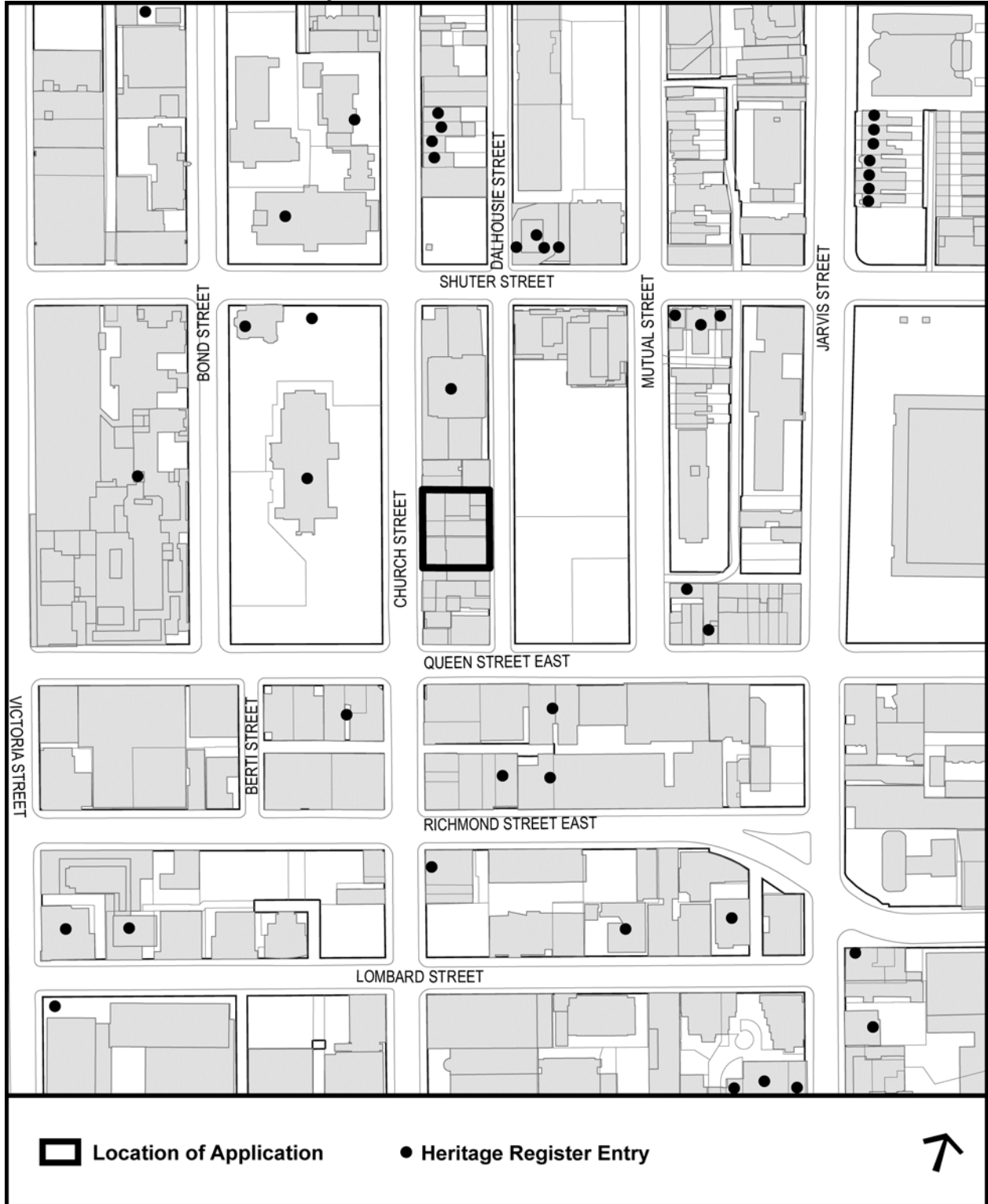
Parking Spaces: 115      Bicycle Parking Spaces: 414      Loading Docks: 2

**CONTACT:**

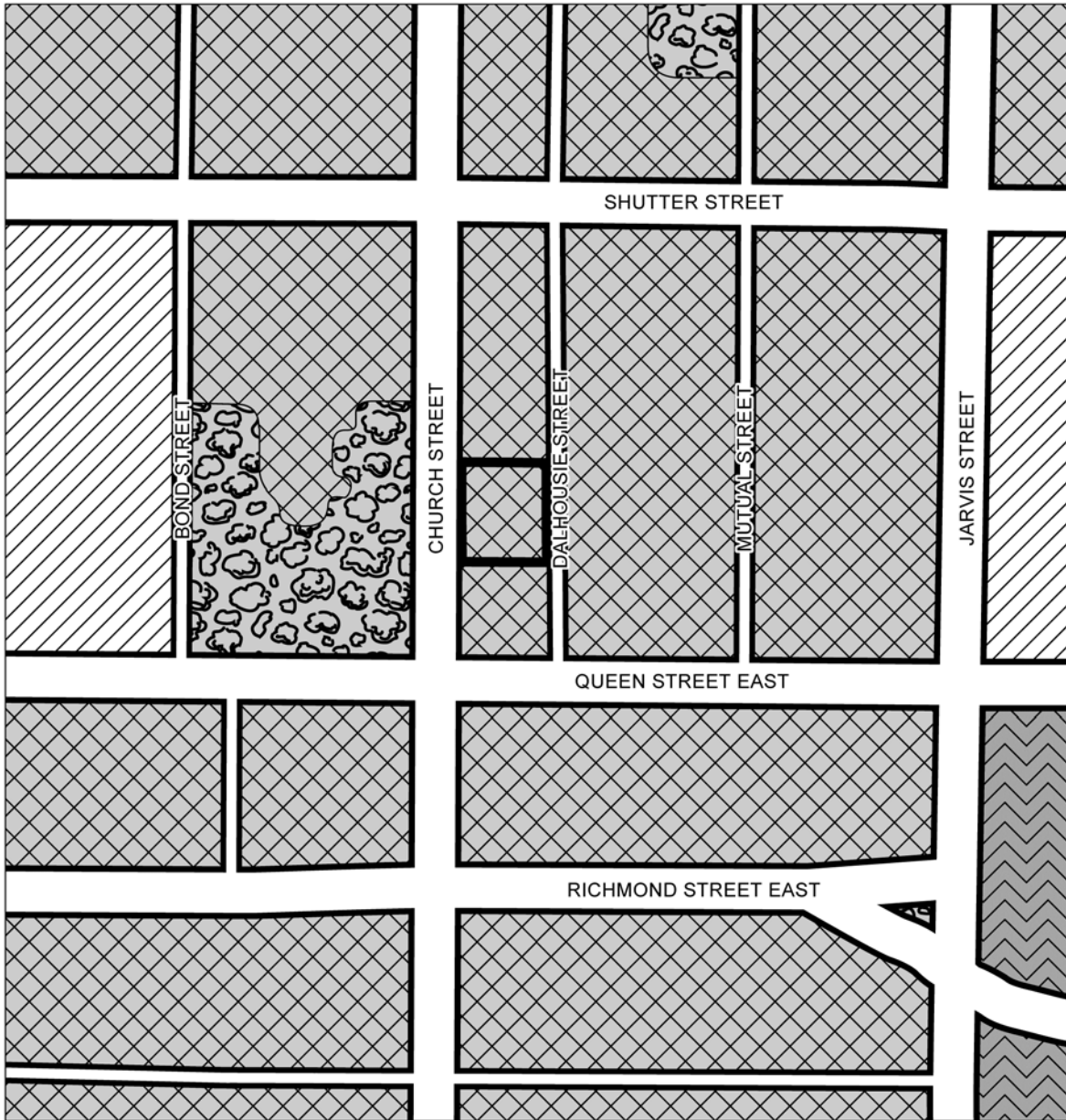
Derek Waltho, Senior Planner  
 416-392-0412  
 Derek.Waltho@toronto.ca



## Attachment 2: Location Map



### Attachment 3: Official Plan Land Use Map



**TORONTO**  
**Official Plan Land Use Map**

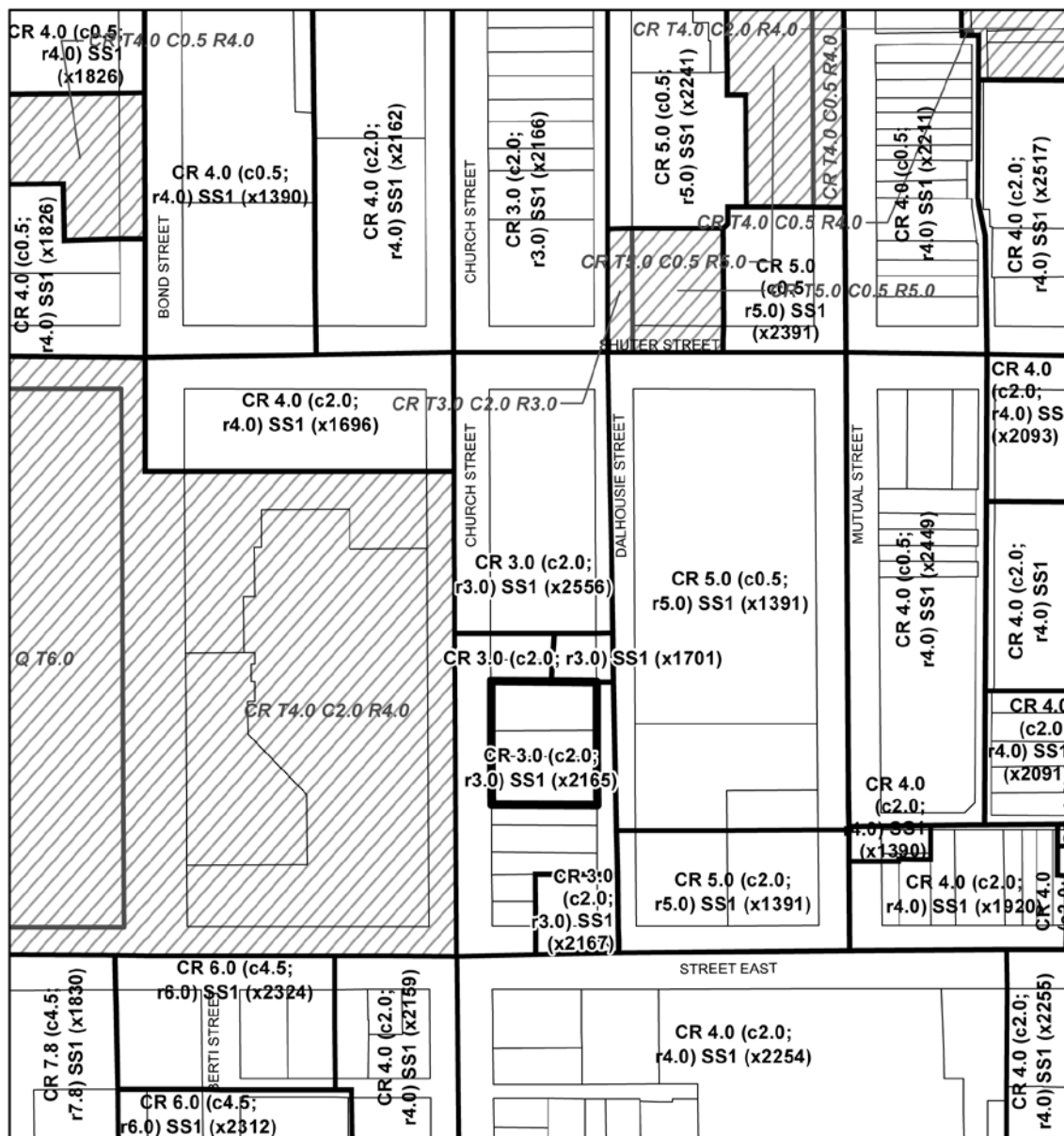
**139-149 Church Street**

File # 18 174573 STE 13 0Z

- |   |  |   |
|---|--|---|
|  Location of Application |  Parks & Open Space Areas |  Institutional Areas |
|  Mixed Use Areas         |  Natural Areas            |  Regeneration Areas  |
|   |  Other Open Space Areas   |   |

↑  
 Not to Scale  
 01/04/2018

# Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

139-149 Chur

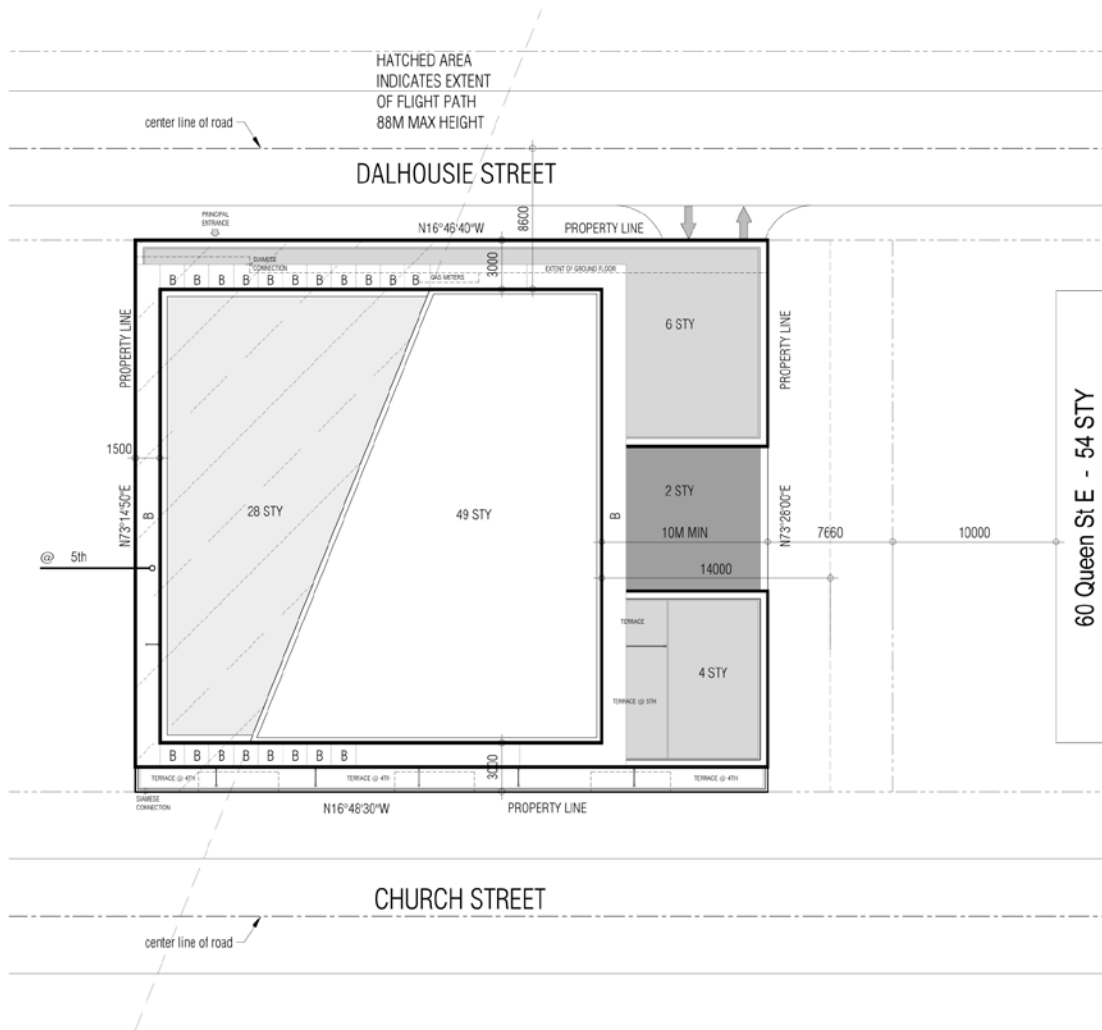
File # 18 174573

Location of Application  
CR Commercial Residential

See Former City of Toronto By-Law No. 438-86  
CR Mixed-Use District  
Q Mixed-Use District

↑  
Not to:  
Extracted: 07/04/13

# Attachment 5: Site Plan



## Site Plan

139-149 Church Street

Applicant's Submitted Drawing

Not to Scale 

File # 18 174573 STE 27 0Z

**Attachment 6: North and South Elevations**



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**North Elevation and South Elevation**

**139-149 Church Street**

Applicant's Submitted Drawing

Not to Scale  
07/04/2018

File # 18 174573 STE 27 0Z

**Attachment 7: East Elevation**



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**East Elevation**

**139-149 Church Street**

Applicant's Submitted Drawing

Not to Scale  
07/04/2018

File # 18 174573 STE 27 0Z

**Attachment 8: West Elevation**



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**West Elevation**

**139-149 Church Street**

Applicant's Submitted Drawing

Not to Scale  
07/04/2018

File # 18 174573 STE 27 0Z