

191-201 Church Street – Zoning Amendment Application – Final Report

Date: December 19, 2019

To: City Council

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

Ward 13 - Toronto Centre

Planning Application Number: *19 114180 STE 13 OZ*

SUMMARY

This application proposes to amend the Zoning By-law to permit a 39-storey mixed use development with 482 dwelling units with a total gross floor area of 28,000 square metres at 191-201 Church Street. The proposed building would have a height of 128.5 metres including the mechanical penthouse. The proposal includes four levels of underground parking. The proposal also entails the designation of 4 properties under Part IV, Section 29 of the Ontario Heritage Act.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and conforms to the City's Official Plan

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposed development is in keeping with the intent of the Toronto Official Plan, particularly as it relates to intensification in the Downtown, which is a designated growth area, in the form of a mixed use development that conforms with the relevant Tall Building guidelines. Staff worked with the applicant and the community to address and resolve various massing issues including appropriate setbacks and heritage conservation matters. The provision of affordable housing and/or community service and facilities space through a Section 37 contribution and a range of dwelling unit types will help address housing and community issues. Staff recommend that Council support approval of the application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 191-201 Church Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 a to this report.

2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 191-201 Church Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 b to this report.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

4. Before introducing the necessary Bills to Council for enactment, City Council direct that the owner be required to enter into an Agreement pursuant to Section 37 of the Planning Act, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, with such Agreement to be registered on title to the lands at 191-201 Church Street in a manner satisfactory to the City Solicitor.

5. The community benefits recommended to be secured in the Section 37 Agreement are a financial contribution in the amount of \$ 5,500,000.00 payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date of payment; the funds shall be directed as follows:

i. affordable housing, including Toronto Community Housing Corporation within the Ward, in consultation with the local Councillor; and

ii. community service and facilities space within the Ward, in consultation with the local Councillor.

6. The following matters are also recommended to be secured in the Section 37 Agreement as matters required to support the development of the site:

i. prior to the issuance of the first building permit on the site, the owner shall provide confirmation from both the Hospital for Sick Children and St. Michael's Hospital, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected flight path to the satisfaction Chief Building Official and Executive Director, Toronto Building; and

ii. that the owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.

7. In the event the cash contribution referred to in Recommendation 5 has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendments coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City

Planning, in consultation with the Ward Councillor, provided that the purposes is identified in the Toronto Official Plan and will benefit the local community.

8. Before introducing the necessary Bills to City Council for enactment, City Council require that the owner shall enter into a Limiting Distance Agreement between the landowners of 191-201 Church Street, 86 Dalhousie Street and the City, to be registered on title to the 86 Dalhousie Street property, that would prevent the erection of a building above existing height permissions, for the entirety of the 86 Dalhousie Street lot, to the satisfaction of the Chief Planner, and Executive Director, City Planning and the City Solicitor.

9. Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, the Chief Building Official, in consultation with the Ward Councillor, in consultation with the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The current application was submitted on February 11, 2019 and deemed complete. The application when submitted proposed a 37-storey (121.25 metres including the mechanical penthouse) residential building containing 31,200 square metres of gross floor area. A total of 478 residential units were proposed including 2 grade related live-work units. The proposed tower floor plate would be approximately 899 m² with a 4m Church Street setback, 3 m Dalhousie Street setback and 2.8 m south setback from the property line.

A Preliminary Report on the application(s) was adopted by Toronto and East York Community Council on April 24, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. Key issues identified at that time were:

- the appropriate building height, massing, tower floor plate and tower setbacks;
- the appropriate podium height and setbacks from on-site heritage resources;
- light, view and privacy impacts to nearby properties and public realm;
- the shadowing impacts on Arena Gardens;
- the conservation of heritage resources and impacts to the view corridor;
- the appropriate ground floor uses along Church Street;
- the provision of adequate amenity space and dwelling unit mix;
- impacts to on-site rental housing;
- the number and access to bicycle parking spaces; and
- the conformity with the helicopter flight paths.

The Preliminary Report can be viewed here:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-131632.pdf>

Community consultation is summarized in the Comments section of this Report. Concerns have ranged from massing issues and tower setbacks to shadowing and traffic impacts.

PROPOSAL

The applicant's revised proposal consists of a 39-storey (123.5 m excluding mechanical; 128.5 m including mechanical) mixed-use development which would contain 482 dwelling units. The development would be massed in a tower podium form. The lower levels of the tower, floors 10-18, would step back 4.5 m from the Church Street podium edge and 5.8 m from the Dalhousie Street podium edge. The upper levels of the tower, floors 19 to 39, would maintain the 4.5 m Church Street stepback but would cantilever on the Dalhousie frontage resulting in a 3.1 m stepback from the podium edge. The podium measures 3 storeys in height and incorporates the existing heritage facades on Church Street which would be preserved. There are no projecting balconies proposed. The proposed gross floor area would be 28,000 m² which equates to a Floor Space Index of 18.1 times the area of the lot under Zoning By-law 569-2013.

The ground floor Church Street frontage would include commercial uses and visitor bicycle parking. The ground floor Dalhousie Street frontage would include the lobby as well as an internal loading/vehicular access area. Amenity space would be located on floors 3 and 4. Bicycle parking, with direct access to an elevator, would be located on floor 2 and below grade with visitor bike parking at grade. Vehicular parking would be below grade.

Other details of the proposal are shown in Table 1 below and in Attachment 1 and 6-11:

Table 1 – Summary of Application

| Category | Proposed |
|--|----------|
| Tower setbacks | |
| West to midpoint of Church Street | 14.5 m |
| East (floor 4-18) to midpoint Dalhousie | 12.5 m |
| East (floor 19-39) to midpoint Dalhousie | 9.8 m |

| | |
|--|--------------------|
| North to tower at 215-229 Church | 30.5 m |
| South to tower at 60 Shuter | 25 m |
| Base setback at grade to property line | |
| West (Church) | 1.5 m |
| East (Dalhousie) | 2.0 m |
| Pedestrian realm (building face to curb) | |
| West (Church) | 4.5 m |
| East (Dalhousie) | 5 m |
| Tower floorplate | |
| Floors 10-18 | 748 m ² |
| Floors 19-39 | 829 m ² |
| Ground floor height | 4.25 m |
| Vehicular parking | |
| Resident | 75 |
| Visitor | 4 |
| Bicycle parking | |
| Visitor | 48 |
| Resident | 434 |
| Loading spaces | |
| Type G | 1 |
| Amenity space | |
| Indoor | 964 m ² |
| Outdoor | 964 m ² |
| Unit Mix | |
| Studio | 141 (29%) |
| One bedroom | 201 (42%) |
| Two bedroom | 91 (19%) |
| Three + bedroom | 49 (10%) |
| Total | 482 |

Site and Surrounding Area

The site is a mid-block development site with 46 m of frontage on each of Church and Dalhousie Streets. The site area is 1543 m². On-site there are existing 2 and 3-storey commercial buildings with 3 residential units, one of which is owner occupied. The properties at 191, 193, 195 and 197 Church Street are listed heritage properties. Refer to Attachment 2.

The surrounding uses are as follows:

- North: 3-storey commercial building and north of that, 52-storey under construction mixed-use building (Social condos).
- South: Under construction 29-storey mixed-use building (Fleur condos)
- West: St. Michael's Cathedral and associated complex including the Bishops Palace which is a listed heritage building.
- East: 16-storey Margaret Laurence Housing Co-Op and 12-storey Boot condos.

Reasons for Application

The proposal requires an amendment to Zoning By-laws 438-86 and 569-2013 for properties at 193-201 Church Street to vary performance standards, including: an increase in overall density; increase in building height; angular plane provisions; reduction of minimum tall building setbacks; reduction in amenity space provisions; and reduced parking standards, among others.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted with the application:

- Complete Community Assessment
- Tree Inventory & Preservation Report
- Draft 438-86 and 569-2013 Zoning By-law amendments
- Energy Strategy Report
- Preliminary Geotechnical Investigation
- Heritage Impact Assessment
- Preliminary Hydrogeological Investigation
- Housing Issues report
- Noise & Vibration Impact Study
- Qualitative Pedestrian Level Wind Assessment
- Planning & Urban Design Rationale
- Public Consultation Strategy Report
- Functional Servicing Report
- Stormwater Management Report
- Shadow Study
- Toronto Green Standards Checklist
- Traffic Impact Study

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

Agency Circulation Outcomes

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.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting

held by the Toronto East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

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

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

The Provincial Policy Statement (2014)

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.

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

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

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

Provincial Plans

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

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) 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 (2019) 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.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and Official Plan Amendments 352 (implementing By-laws 1106-2016 and 1107-2016) and 406 as follows:

The City of Toronto Official Plan can be found here:

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

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. Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. 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 3.1.2 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.

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. Portions of the development site are listed as heritage properties.

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.

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 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, St. James Cathedral being one of those properties.

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. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

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.

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 paths are the Sick Children's Hospital helicopter flight path and the St. Mike's Hospital helicopter flight path.

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.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Official Plan Amendment 406 - The Downtown Plan

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council May 22, 2018 and Approved by the Ministry June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. This application was deemed complete prior to June 5, 2019 and as such the plan does not currently apply to this application. However, the policies in the plan are informative as to the future direction.

The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The Downtown Plan can be found here:

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

Official Plan Amendment 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. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies to and beyond St. James Cathedral.

The draft Amendment can be found here

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

The outcome of staff analysis and review of relevant Official Plan policies and designations and Secondary plans noted above are summarized in the Comments section of the Report.

Zoning

The site is zoned C2.0 R 3.0 under Zoning By-law 438-86. Under Zoning By-law 569-2013, the site is zoned CR 3.0 (c2.0; r3.0) SS1 (x2166). Both By-laws refer to a maximum height of 18 metres. (Refer to Attachment 4)

By-law 569-2013 requires a minimum 5.5 m side yard setback (if there are windows) or 0 m setback (if there are no windows). Additionally, at least 75% of the main wall facing a front lot line must be at or between the front lot line and a maximum of 3 metres from the front lot line.

The site is subject to certain permission and exception provisions, including: the prohibition of commercial parking garages or private commercial garages and angular plane provisions.

Airport Zoning Regulation - The Hospital For Sick Children and 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 as authorized by an agreement between the City of Toronto and Federal Ministry of Transportation under the Aeronautics Act . In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4 and OPA 406 Policy 9.29 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 next to both the Hospital for Sick Children's flight path and St. Michael's Hospital helicopter 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.

City-Wide Tall Building Design Guidelines

City Council in 2013 adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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 link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

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. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. Map 1 from the Downtown Tall Building Guidelines does not identify Church Street as a High Street but does identify Dalhousie Street as a Secondary High Street with unassigned heights.

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

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.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). 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 of the policies of the Plans.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) which refers to healthy communities accommodating an appropriate range and mix of residential (including affordable housing),
- 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 references an appropriate range and mix of housing types and densities and in a) establishing minimum targets for affordable to low and moderate income households and in e) establishing development standards for residential intensification,
- Policy 1.7.1 d) refers to well designed built form and cultural planning and conserving features that help define character including built heritage resources and cultural heritage landscapes,
- Policy 2.6.1 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 PPS references development standards, appropriate range and 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 proposed development represents an appropriate level of intensification for a settlement area, within the Downtown where the City has directed growth. Further, the site can accommodate the level of intensification in accordance with section 2, in particular conservation of heritage resources on the site and providing an appropriately massed and scaled built form.

As further discussed below, the consistency with the PPS relates to the provision of healthy communities through the mix of commercial and residential uses including the provision of a range of housing sizes. Additionally, the proposed massing incorporates appropriate development standards as well as conserving heritage resources as described and assessed later in this report. As such, in the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, is consistent with the Provincial Policy Statement (2014).

Growth Plan

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 a) refers to complete communities that feature a diverse mix of land uses including residential and employment uses,
- Policy 2.2.1.4 c) refers to the achievement of complete communities that provide 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 provide for a more compact built form and a vibrant public realm,
- Policy 2.2.2.3 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas and 2.2.2.3 f) which refers to implementation through official plan policies and designations and other supporting documents,
- Policy 2.2.4.2 which refers to maximizing the number of potential transit users that are within walking distance of major transit stations.
- Policy 2.2.6.3 which refers to multi-unit residential developments to accommodate a mix of unit sizes to accommodate a diverse range of household sizes and incomes, and
- Policy 4.2.7.1 which states Cultural heritage resources will be conserved.

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 Growth Plan conformity.

As with the PPS, the development site is located in an Urban Growth Centre which is directed for intensification. While growth is not uniform across the Urban Growth Centre, the policies of the Official Plan contemplate appropriately massed and scaled built form, that conserves heritage resources, protects for public health and safety (through the avoidance of the helicopter flight paths) and provides for intensification, on this site, is appropriate.

As further discussed below, the application proposes a mix of uses including commercial and residential uses that has been designed to maximize density while providing for an appropriate type and scale of development. Additionally, the podium and tower setbacks and setbacks provides for an appropriate transition and conserve

cultural resources. In the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, therefore conforms to the Growth Plan (2019).

The review of the proposed built form in relation to applicable Official Plan policies and relevant guidelines and their link in assessing PPS consistency and Growth Plan conformity 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 ppl/jobs per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

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

Table 1: Downtown Toronto Urban Growth Centre

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

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

In the Downtown Toronto Urban Growth Centre area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet built (see Profile

Toronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2019). 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).

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 (not applicable for this proposal) the site is designated *Mixed Use Areas 2 – Intermediate*. Policy 6.25 and 6.26 states that building typologies will respond to their site context and that scale and massing will be compatible with the existing and planned context.

The proposed land use is both residential and commercial which conforms with the in-force *Mixed Use Area* policy for permitted land uses. Although the proposed land use would be permitted, the built form must respond to the planned and built form context and minimize impacts. The built form is reviewed and assessed in the following sections.

Built Form

The proposed built form has been reviewed against the Official Plan, OPA 352 (under appeal), OPA 406, the draft view corridor OPA as well as relevant design guidelines described in the Issue Background Section of the Report.

The proposed development has been assessed in terms of context and separation distances, floorplate and placement, height and issues related to shadowing, view corridor and the helicopter flight path. The podium is separately assessed in terms of form and conservation of heritage resources, including ensuring there are no negative impacts on adjacent heritage resources.

Tall Buildings - Context and Separation

The planned and built form context as it relates to tall building separation distances is one of the key considerations when assessing appropriate built form. The general intent is that sufficient separation distances be achieved to ensure light, view and privacy impacts are appropriately addressed for both residents within a building and for pedestrians on the street.

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. Policy 3.1.2.3 d) refers to limiting impacts by providing for adequate light and privacy while 3.1.2.4 refers to adequate access to skyview. 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.

OPA 352, Council approved but not in full force and effect, Policy B i) refers to tall buildings to provide setbacks from lot lines so that individual tall buildings and the cumulative effect of multiple tall buildings within a block fit in with the existing and/or planned context. Policy B ii d), e) and f) further reference access to natural light, a reasonable level of privacy for occupants, pedestrian level and occupant views between towers.

OPA 406 Policy 3.3 states new buildings will fit within their existing and planned context and provide compatibility between differing scales of development. Policy 9.25.3 refers to built form adjacencies from tall to tall buildings through the application of separation distances and tower orientation.

Tall Building Design 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. Guideline 3.2.3 further identifies minimum tower separation distances of 25 m between towers which can be achieved by 12.5 m setbacks to the mid-point of the right-of-way.

The existing and planned context features a mix of built forms including multiple tall buildings and a range of heights. In the immediate vicinity of the site there are tall buildings under construction to the north and south (on the same block) and existing tall buildings immediately to the east with heights ranging from 12-stories to 52-stories. The applicant has demonstrated how their tall building would fit within this context while achieving appropriate setbacks.

| | Tall Building Setbacks to adjacent tall buildings or mid-point of right-of-way |
|-------|--|
| North | 30.5 m setback to under construction 52-storey tall building. Additionally, a Limiting Distance Agreement is proposed to be secured at 86 Dalhousie Street |
| South | 25 m to under construction 29-storey tall building at 60 Shuter Street |
| East | 20.7 m setback to existing tall building at both 75 Dalhousie and 81 Dalhousie with no projecting balconies on either building (floor 4-18) |
| West | 14.5 m setback to mid-point of Church Street right-of-way |

To the north, the applicants also control 86 Dalhousie Street. The applicants have provided a letter of commitment that they will register a restrictive covenant on this property, in a form satisfactory to the City Solicitor, to restrict development opportunities on 86 Dalhousie to the as-of-right zoning permissions, being a maximum 18 m height. This restrictive covenant would be in the form of a limiting distance agreement which the City has previously required on other development sites in order to protect light, view and privacy issues in addition to restricting further development opportunities on sites near or adjacent to tall building development sites. Staff recommend that a limiting distance agreement be registered at 86 Dalhousie Street, to the satisfaction of the City Solicitor, prior to the Bills being submitted to City Council.

To the east, the setbacks to the midpoint of the Dalhousie Street right-of-way are 12.5 m (floors 4-18) and 9.8 m (floors 19-39). The east setback has been premised on achieving the required tall building setback where the adjacent tall building facades directly face each other. As the adjacent tall buildings are lower in height, at the 19th floor the proposed tall building would cantilever 2.7 m eastwards where there is no facing adjacent tall building (due to the lower building height of the adjacent east towers).

The proposed 39-storey tall building fits within the planned and existing built form context and achieves appropriate tall building separation distances and as such is an appropriate built form which conforms to the Official Plan and relevant guidelines.

Tall Building - Floor Plate and Tower Placement

The achievement of appropriate massing is related to the previously assessed separation distances and light, view and privacy issues. In this section of the report the analysis of massing involves an assessment of floor plates, setbacks and stepbacks which is more nuanced to the on-site and adjacent impacts.

Official Plan Built Form Policy 3.1.2.3 c) states that new development will limit its impact on neighbouring properties by creating appropriate transitions in scale to neighbouring buildings and in 3.1.2.3 d) providing adequate light and privacy. *Mixed Use Areas* Policy 4.5.2 c) references appropriate setbacks and/or stepping down of heights between areas of different intensity and scale.

OPA 352, Council adopted but is not in full force and effect, Policy B) i) states that development will provide setbacks from the lot line. Policy B) iv) further states that as building heights increase, greater lot line setbacks may be required.

OPA 406 Policy 9.13 to 9.15 refers to tall building floorplates designed to adequately limit shadow impacts on the public realm and neighbouring properties and maintain adequate skyview from the public realm. Step backs and/or limiting building floorplates allow daylight and sunlight to penetrate the street and lower building levels. Generally, floorplates would be a maximum of 750 square metres although increases may be appropriate where impacts are addressed. Additionally, policies 9.22 to 9.27 refer to transition in scale through the use of setbacks, step-backs and tower orientation among other means.

Tall Building Guideline 1.3 refers to an appropriate transition in scale to lower scaled buildings and in Guideline 3.2.2 to placing towers away from neighbouring properties. Guideline 3.2.1 limits tower floor plates to 750 square metres including all built areas within the building but excluding balconies. Guideline 3.2.2 refers to minimum tower stepbacks of 3m which is illustrated in Guideline 3.2.3.

The tower component of the development has a floor plate of 748 m² (floors 10-18) and 829 m² (floors 19-39) with no projecting balconies. The lower floors would stepback 5 m from the Church street podium edge and 5.8 m from the Dalhousie Street podium edge. Floors 19-39 would cantilever eastwards but would still maintain a 3.1 m stepback from the east podium edge.

The initial application included a 10-storey element on the south side of the proposed development. This element has been eliminated in order to reduce the floor plate size, increase separation distances to the south and to improve light and views that would be experienced from Dalhousie Street. The application now proposes a 12.5 m separation distance from the south façade of the proposed tower to the south property line.

The proposed massing is in general conformity with the Tall Building Guidelines in that it achieves a 3 m stepback on both Church and Dalhousie Streets and it adheres to the 750 m² tower floor plate at its lower levels. The upper levels are larger at 829 m² which is acceptable in this context. The proposed massing conforms to the Official Plan policies and meets the intent of Official Plan Amendment 352 and the guidelines. Staff support the proposed tower massing, setbacks and stepbacks.

Tall Building - Height and Shadowing

There are multiple Official Plan policies that refer to shadowing. 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. 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 9.17 states development will adequately limit shadows on sidewalks, parks, open spaces and institutional open spaces as necessary to preserve their utility.

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 which refers to protecting access to sunlight and sky view within the surrounding context of streets, parks, open space and other shadow sensitive areas.

Downtown Tall Building Design Guideline 3.2 states that tall buildings should not cast new shadows on non signature parks (Arena Gardens on Mutual Street being a non-signature park) from 12:00 noon to 2:00 pm on September 21st.

The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development. The submitted shadow studies show the proposed tower would shadow:

- Arena Gardens, (designated *Other Open Space Areas*) from 3:18 to 4:18 (June 21).
- Ryerson Quad (designated *Institutional Areas*) at 10:18 (December 21).

The proposed shadowing is relatively minor and limited in the number of hours that it impacts Arena Gardens, and in the case of the Ryerson Quad it is a marginal shadow. The shadowing conforms to the guidelines and would not significantly affect the utility of Arena Gardens. The proposed shadowing is acceptable in this instance and context.

Tall Building - Height and View Corridor

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. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies to and beyond St. James Cathedral. The draft Amendment can be found here

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

Heritage Preservation Services have reviewed the proposal and determined that based on the provided renderings the proposed tall building would not have a significant impact on the view corridor.

Tall Building - Height and Helicopter Flight Paths

Official Plan Policy 4.8.4, Airport Zoning Regulation (By-law 1432-2017) and OPA 406 Policy 9.29 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 next to the Hospital for Sick Children's helicopter flight path and adjacent to the St. Michael's Hospital helicopter flight path.

The application has been circulated to both hospitals and Toronto Buildings for an assessment as to whether the proposal conforms to the flight paths. The Hospital for Sick Children has confirmed that they have no concerns subject to the plans not deviating from the present proposal. As of the date of drafting of this report, St. Michael's Hospital has not provided any comment, however Buildings have confirmed that for zoning amendment purposes, the proposed height and projections are satisfactory.

It is recommended that, as a legal convenience, a provision be included in a Section 37 Agreement that prior to the issuance of the first building permit on the site, the owner shall provide confirmation from both the Hospital for Sick Children and St. Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures, are below or outside the protected flight path.

Podium Form

The podium, or base building, is what is typically experienced by pedestrians. Official Plan Tall Building Policy 3.1.3.1 a) refers to base buildings at an appropriate scale for adjacent streets and to integrate them with adjacent buildings.

OPA 406 in Policy 9.8.1 states that base buildings will be designed to relate to the scale and proportion of adjacent streets; in Policy 9.8.2 that base buildings will fit compatibly within the existing and planned context of neighbouring streetwall heights and in Policy 9.9 that development will provide a transition from the base building to relate to adjacent properties with a lower scaled planned context.

Tall Building Design Guideline 3.1.1 refers to the base building height being consistent with the existing street wall context and refers to base building heights being a maximum of 80% of the width of the adjacent right-of-way. Guideline 3.2.2 states that base buildings to be the primary defining element for the site and adjacent public realm with towers setback 3 metres from the base building along all street frontages. Guideline 4.3 refers to the pedestrian level wind effects and the need to setback towers to reduce undesirable downward wind flows.

The proposed development is in a podium/tower form with both the west and east tower facades stepped back from the podium edge, as previously described. The proposed podium is 3-stories (10.95 m in height). The width of the adjacent Church Street right-of-way is 20 m and the adjacent Dalhousie Street right-of-way is 12 m. This implies a maximum podium height of 16 m on Church Street and 9.6 m on Dalhousie Street 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. The development at 215-229 Church Street has a 4-storey podium with a 2 and 3-storey (10.3 m in height) element as it transitions towards the south. The development at 60 Shuter Street has a clearly defined 3-storey podium on Church Street and a podium (or more accurately a massing) which is 10-stories in height on Dalhousie Street.

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. The form, setback and massing of the proposed podium was also assessed by Heritage Preservation Services.

Heritage Impacts

Official Plan Policy 3.1.5.2 states that properties of potential cultural heritage value or interest will be identified and evaluated while Policy 3.1.5.26 states that construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property.

This development site includes the row houses at 191, 193, 195 and 197 Church Street which were placed on the City of Toronto Heritage Register on June 20, 1973. Of these buildings, 195 Church was reconstructed in 1981-1983 following a fire. The project is also adjacent to 200 Church Street, listed in the Heritage Register, which is on the opposite side of the street on the grounds of St. Michael's Cathedral.

The applicant submitted a Heritage Impact Assessment. Heritage staff reviewed this report in conjunction with the proposed built form and subsequently reported to Toronto Preservation Board on January 27, 2020, that Toronto City Council designate the properties at 191, 193, 195 and 197 Church Street under Part IV, Section 29 of the Ontario Heritage Act. Additionally, the report recommends approval of the proposed alterations to the heritage properties and a requirement to enter into a Heritage Easement Agreement and provide a detailed Conservation Plan.

The report can be viewed here:

<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&decisionBodyId=1899#Meeting-2019.PB12>

Housing - Unit Mix and Unit Sizes

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe clearly acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs of a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, 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. A full range of housing includes affordable rental housing and shared and/or congregate-living housing. Downtown Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities.

OPA 406 Policy 11.1 states that to achieve a balanced mix of unit types and mixes, developments containing more than 80 units will include:

- a minimum 15% of the total number of units as 2-bedrooms;
- a minimum 10% of the units as 3 bedrooms; and
- an additional 15% of the units will be 2 and/or 3 bedroom units or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures.

The Growing-Up Guidelines provide similar direction on the recommended mixture of residential unit types and unit sizes for multi-unit developments.

The applicant is proposing 141 (29%) bachelor units, 201 (42%) one-bedroom, 91 (19%) two-bedroom and 49 (10%) three bedroom units. Additionally, the applicant has provided plans that show that adjacent one-bedroom units, through the use of adaptable design measures, can be converted to three bedroom units. Staff are of the opinion that the proposed unit mix supports the unit mix objectives of the Growing Up Guidelines, and applicable Official Plan and Growth Plan policies in order to accommodate, within new developments, a broad range of households including families with children.

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 9.30 to 9.36 refers to the encouragement of amenity space to be designed in an appropriate form. OPA 406 Policy 9.36 also encourages the provision of pet amenity areas. These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 m² of indoor and 2.0 m² of outdoor amenity space for each unit, and Zoning By-law 569-2013 which requires a minimum of 4.0 m² of amenity space for each unit (of which at least 2m² shall be indoor).

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 964 m² (2 m² per dwelling unit) of indoor and 964 m² (2 m² per dwelling unit) of outdoor amenity space totaling 1,928 m² (4 m² per dwelling unit). The amenity space has been designed so that the indoor space is adjacent to the outdoor space. Additionally, the application proposes a pet amenity area to be located on the fourth floor.

The proposed outdoor and indoor amenity space is appropriate and is in keeping with the standards of the Zoning By-law which requires 4.0m² per residential unit.

Traffic Impact, Access, Parking and Loading

A Transportation Impact Study and Addendum 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.

Transportation Services staff have reviewed the proposal and commented that any outstanding issues can be addressed as part of a subsequent Site Plan application.

The proposal includes 75 parking spaces, 4 visitor parking spaces, 482 bicycle parking spaces and 1 Type G loading space. The proposed parking and loading provision is also acceptable and has been incorporated into the implementing draft by-law.

Site Servicing

The applicant submitted a Functional Servicing Report, Preliminary Hydrogeological Assessment and Preliminary Geotechnical Investigation. Engineering and Construction Services has reviewed the reports and advises that there are no issues related to the zoning component of this application. They do however indicate that any additional servicing issues can be addressed as part of a subsequent Site Plan application.

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.

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 non-residential component of this proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% parkland dedication.

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.

Public 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 Policy 9.1.2 refers to development being encouraged to contribute to liveability by improving the public realm. Additionally, Policy 9.5 refers to a 6 m curb to building face easement as a community benefit and in Policy 9.6 the potential to reduce this easement given the historic character of street-oriented buildings, on site heritage resources or the prevailing pattern of buildings with lesser setbacks. Tall Building Design Guideline 4.2 also recommends a minimum 6 metres wide sidewalk zone.

The applicant is proposing a 4.5 m public realm setback from building face to curb on Church Street and 5 m on Dalhousie Street. Although these setbacks do not meet the recommended 6 m, it is in accordance with the existing built form. More specifically, on Church Street the 4.5 m setback is the existing setback of the on-site heritage buildings which are being retained in-situ. On Dalhousie Street, the 5 m matches the setback of the 215-229 Church and 60 Shuter adjacent developments and their Dalhousie Street pedestrian realms.

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. Policy 9.1.2 of OPA 406 refers to development contributing to liveability by reasonably limiting uncomfortable wind conditions. The applicant has provided a qualitative wind study which concludes that wind impacts are expected to be suitable at all grade-level pedestrian sensitive locations for their anticipated use. However, for portions of the outdoor amenity area, mitigation in the form of wind screens may be required. This determination and any required mitigation would be addressed and secured through the Site Plan application process.

Urban Forestry

A Tree Inventory and Preservation Plan Report was submitted by the applicant. The report indicates there is one tree which is regulated by the street tree by-law and one tree regulated by the private tree by-law which will be removed. Urban Forestry has commented that a total of 4 replacement trees are required. Urban Forestry has determined that the applicant would be required to provide a cash-in-lieu payment for 4 trees for a total of \$2,492.21.

Urban Forestry does not object in principle to the Zoning By-law amendment subject to, as part of a subsequent Site Plan application, that they require detailed landscape plans, a composite utility plan and landscape details including cross sections to be provided.

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. 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.

Official Plan Policy 3.2.2.7 refers to the inclusions of community services facilities being encouraged in all significant private sector developments. OPA 406 Policy 10.2 states that development will be encouraged to contribute to the delivery of community facilities as a community benefit and in Policy 10.3.1 that they be located in highly visible locations.

The applicants submitted a Community Services & Facilities Study as part of their Planning Rationale. Staff have reviewed the report and noted the need for a range of community facilities in the area. Although this application does not propose any on-site community facilities, it does include Section 37 recommendations concerning benefits to be secured for the benefit of the community.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

Should this application proceed to approval in some form, it is standard to secure community benefits in a section 37 agreement that is then registered on title. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

A payment to the City in the amount of \$5.5 million based on the application's height and density (indexed to reflect increases in the Construction Price Index between the date of the Council approval and the delivery of such payment), for improvements in the ward for one or more of the following:

- i. affordable housing, including Toronto Community Housing and/or
- ii. community service and facilities space,

provided that in the event the cash contribution referred to in this section has not been used for the intended purposes within three years of the By-law coming into full force and effect, the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the site.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. Prior to the issuance of the first building permit on the site, the owner shall provide confirmation from both Sick Children's and St. Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path to the satisfaction of Toronto Buildings.

2. Owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.

Community Consultation

A community consultation meeting was held on May 3, 2019 which was attended by approximately 23 members of the public. At the meeting City staff and the applicant's team gave presentations concerning the existing planning framework and the proposed development. Following the presentations, City staff led a town hall format question and answer period. Specific comments related to the zoning amendment component of the application were:

- Enquiry as to whether there would be shadowing on the adjacent church
- How the proposed 7% affordable housing would work
- Concern with traffic impacts and enquiry concerning potential traffic calming measures on Dalhousie
- Comment that the façade on Dalhousie has some merit, but on Church does not
- Concern with light/shadow impacts on existing Dalhousie street apartments

Concerns related to massing have been addressed through substantive massing changes. Key changes include: an increased tower setback on Dalhousie Street particularly to the lower levels which directly face the towers on the east side of Dalhousie; lowering of the podium element to allow light into Dalhousie Street; and, elimination of any shadowing on the adjacent church. Traffic impacts have been addressed to the satisfaction of Transportation Services. The proposed on-site affordable housing has been re-structured as an off-site affordable housing contribution through Section 37.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal is

consistent with the PPS (2014) and conforms with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to intensification in the Downtown, which is a designated growth area, in the form of a mixed use development that conforms with the relevant Tall Building guidelines. Staff worked with the applicant and the community to address and resolve various massing issues including appropriate setbacks and the protection of heritage resources. The provision of affordable housing and/or community service and facilities space through a Section 37 contribution and a provision of a range of dwelling unit types will help address housing and community issues. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto 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
Attachment 5 a,b: Draft Zoning By-law Amendments

Applicant Submitted Drawings

Attachment 6: Site Plan
Attachment 7: 3D Model of Proposal in Context
Attachment 8: North Elevation
Attachment 9: South Elevation
Attachment 10: West Elevation
Attachment 11: East Elevation

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 191-201 CHURCH Date Received: February 11, 2019

Application Number: 19 114180 STE 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment to facilitate redevelopment of the site with a 39-storey building consisting of 482 dwelling units. It is proposed that seven percent of the buildings floor area will be allocated to affordable units.

| | | | |
|-------------------|-------|-----------|--------------------------|
| Applicant | Agent | Architect | Owner |
| MITCH GASCOYNE | | IBI Group | CLIFFORD PAUL JOHNSON |

EXISTING PLANNING CONTROLS

| | | | |
|----------------------------|----------------------------------|--------------------------|---|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | |
| Zoning: | CR 3.0(c2.0; r3.0) SS1(x2166) | Heritage Designation: | Y |
| Height Limit (m): | 18 | Site Plan Control Area: | Y |

PROJECT INFORMATION

Site Area (sq m): 1,543 Frontage (m): 46 Depth (m): 34

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|----------|----------|----------|--------|
| Ground Floor Area (sq m): | 950 | | 1,370 | 1,370 |
| Residential GFA (sq m): | | | 26,411 | 26,411 |
| Non-Residential GFA (sq m): | 2,970 | | 1,589 | 1,589 |
| Total GFA (sq m): | 2,970 | | 28,000 | 28,000 |
| Height - Storeys: | 3 | | 39 | 39 |
| Height - Metres: | 12 | | 123 | 123 |

| | | | |
|------------------------|-------|--------------------|-------|
| Lot Coverage Ratio (%) | 88.79 | Floor Space Index: | 18.15 |
|------------------------|-------|--------------------|-------|

| | | |
|--------------------------|--------------------|--------------------|
| Floor Area Breakdown | Above Grade (sq m) | Below Grade (sq m) |
| Residential GFA: | 26,411 | |
| Retail GFA: | 1,589 | |
| Office GFA: | | |
| Industrial GFA: | | |
| Institutional/Other GFA: | | |

| | | | | |
|--------------------------------|----------|----------|----------|-------|
| Residential Units by Tenure | Existing | Retained | Proposed | Total |
| Rental: | 2 | | | |
| Freehold: | | | | |
| Condominium: | | | 482 | 482 |
| Other: | | | | |
| Total Units: | 2 | | 482 | 482 |

Total Residential Units by Size

| | | | | | |
|--------------|-------|----------|-----------|-----------|------------|
| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
| Retained: | | | | | |
| Proposed: | | 141 | 201 | 91 | 49 |
| Total Units: | | 141 | 201 | 91 | 49 |

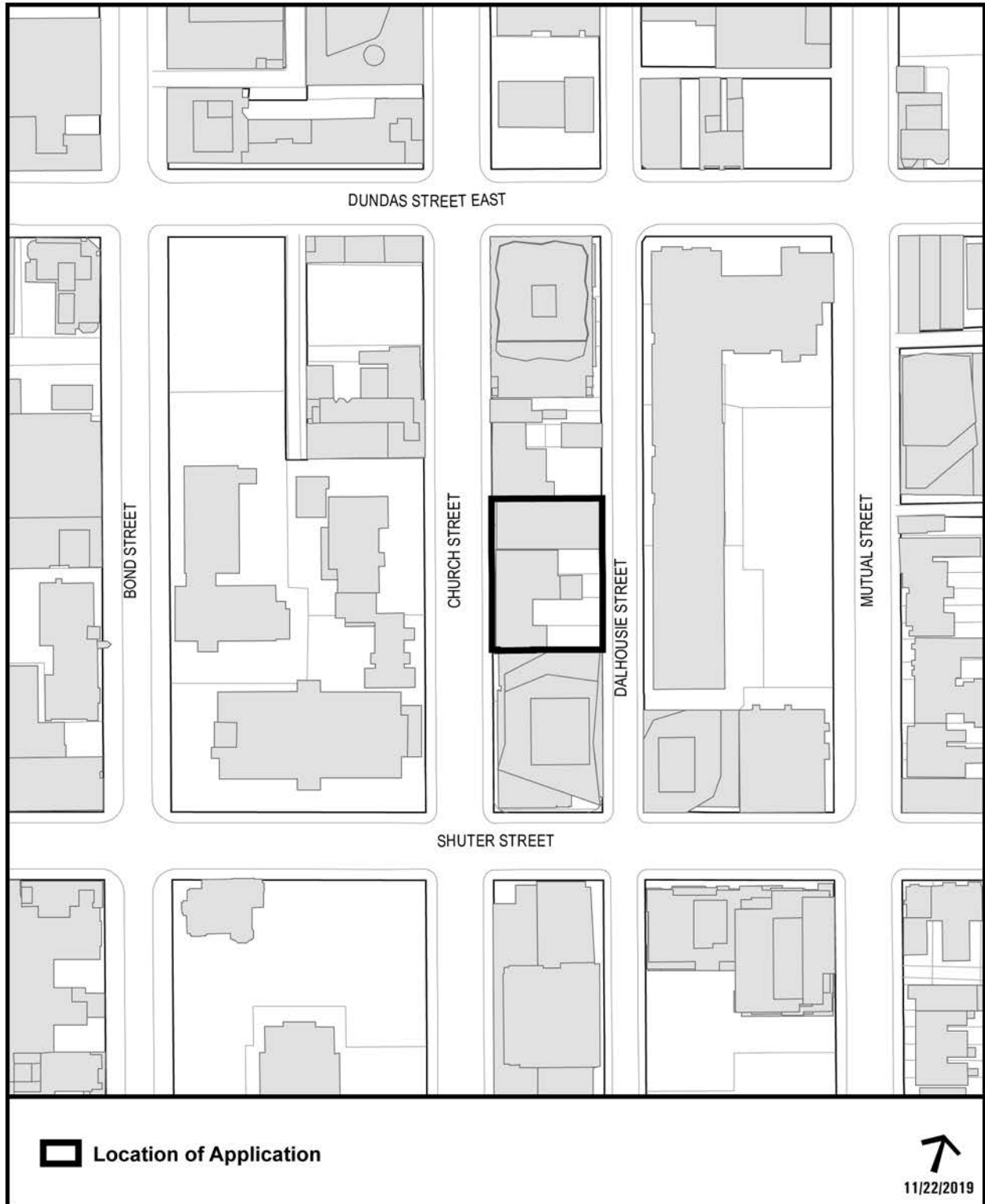
Parking and Loading

| | | | | | |
|--------------------|----|-------------------------|-----|----------------|---|
| Parking Spaces: | 79 | Bicycle Parking Spaces: | 482 | Loading Docks: | 1 |
|--------------------|----|-------------------------|-----|----------------|---|

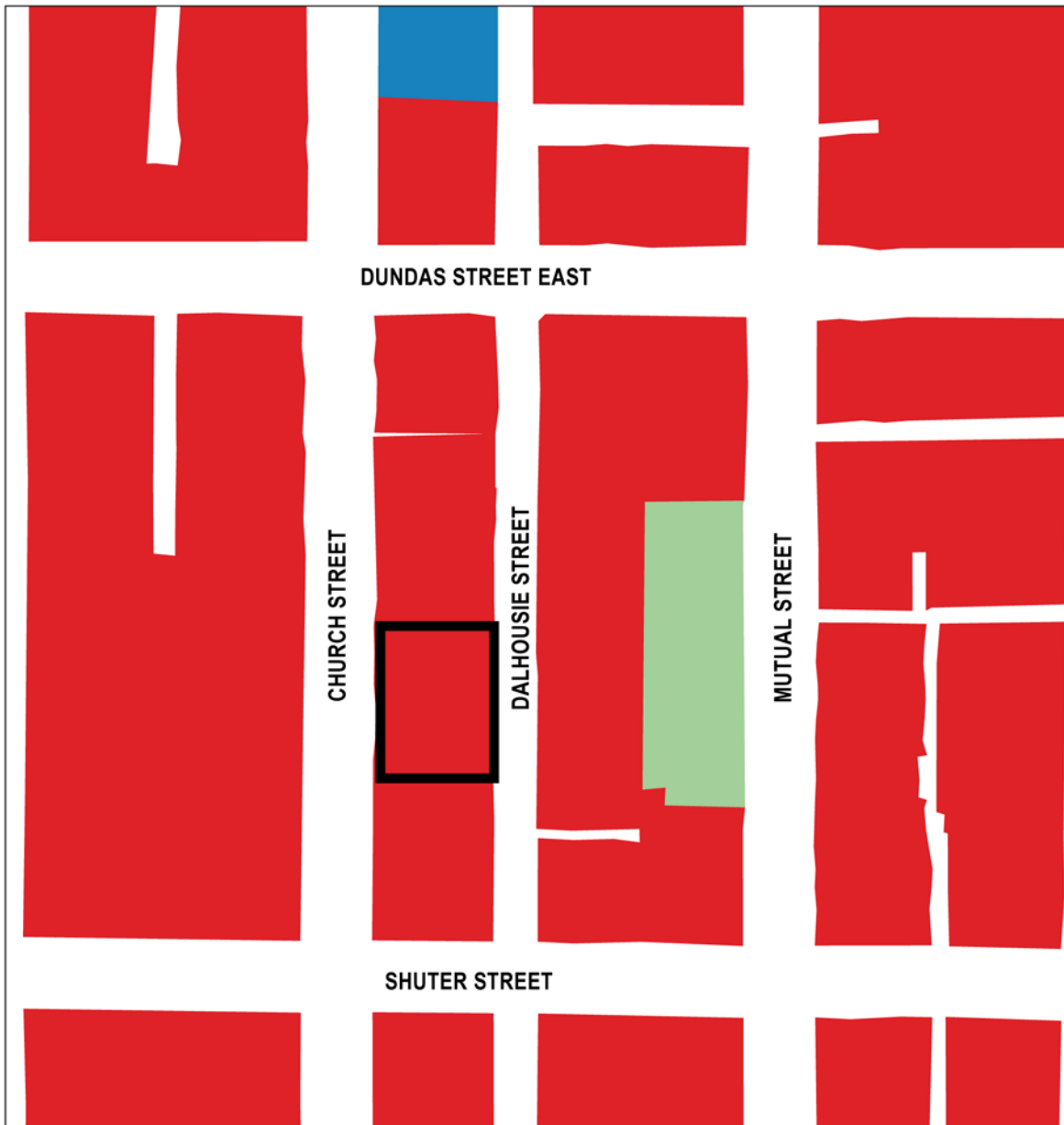
CONTACT:

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

Attachment 2: Location Map









Attachment 3: Official Plan Land Use Map



191-201 Church Street

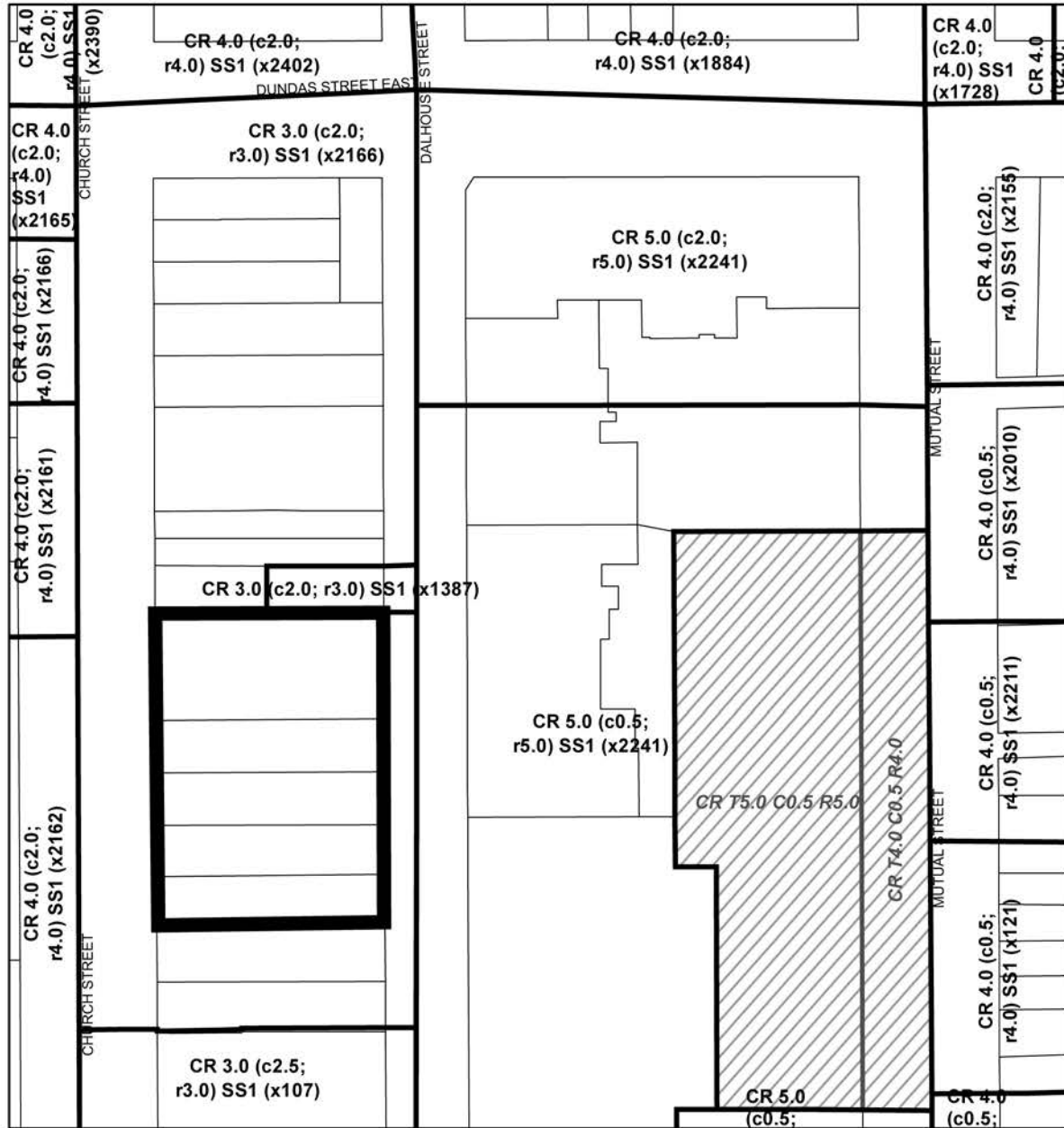
Official Plan Land Use Map #18

File # 19 114180 STE 13 0Z

- | | | |
|--|--|---|
|  Location of Application |  Parks & Open Space Areas |  Institutional Areas |
|  Neighbourhoods |  Other Open Space Areas | |
|  Apartment Neighbourhoods | | |
|  Mixed Use Areas | | |

↑
Not to Scale
11/22/2019

Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013

191-201 Church Street

File # 19 114180 STE 13 0Z

 Location of Application
CR Commercial Residential

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


Not to Scale
Extracted: 11/22/2019

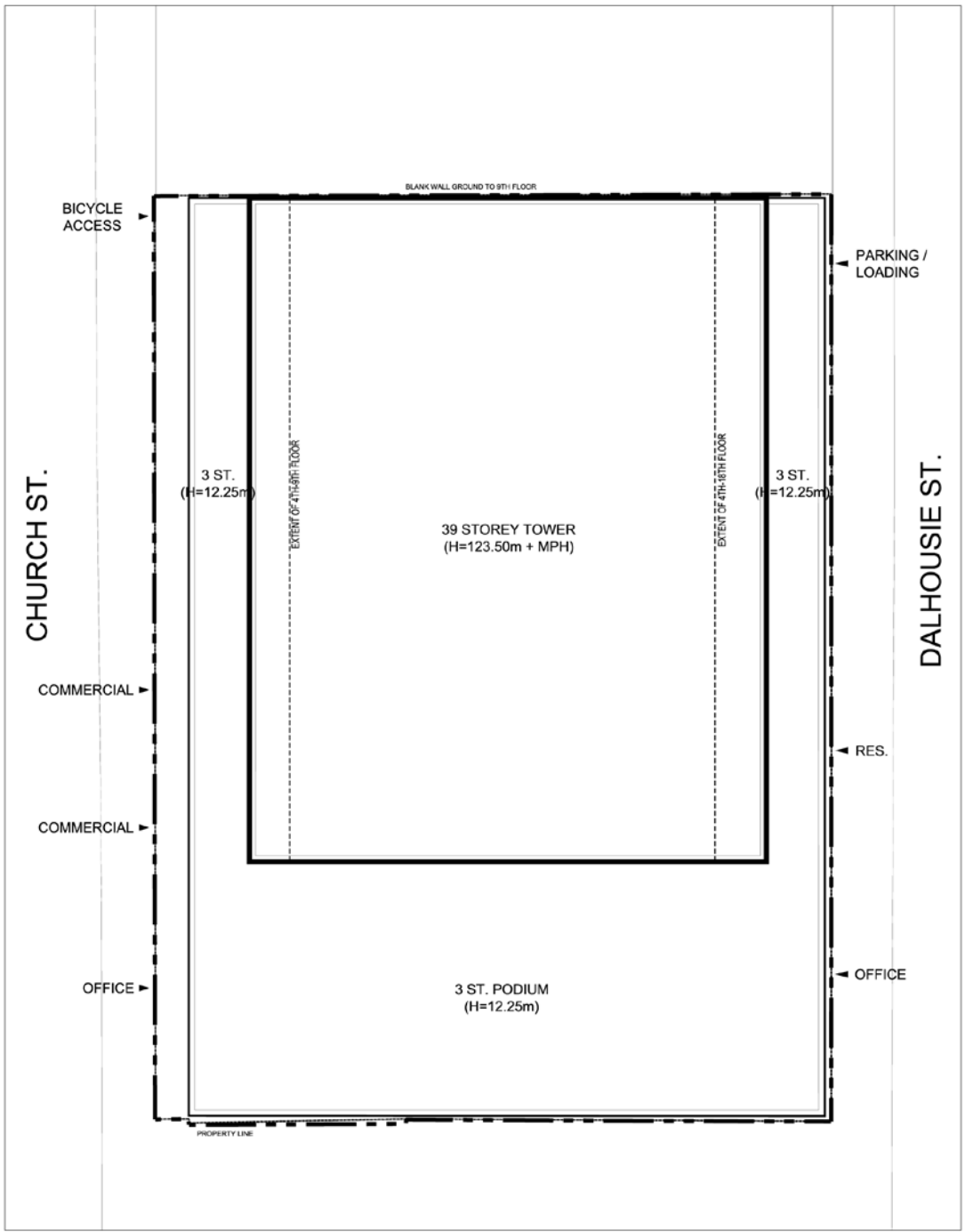
Attachment 5a: Draft Zoning By-law Amendment 438-86

To be provided prior to February 5, 2020 Toronto East York Community Council.

Attachment 5b: Draft Zoning By-law Amendment 569-2013

To be provided prior to February 5, 2020 Toronto East York Community Council.

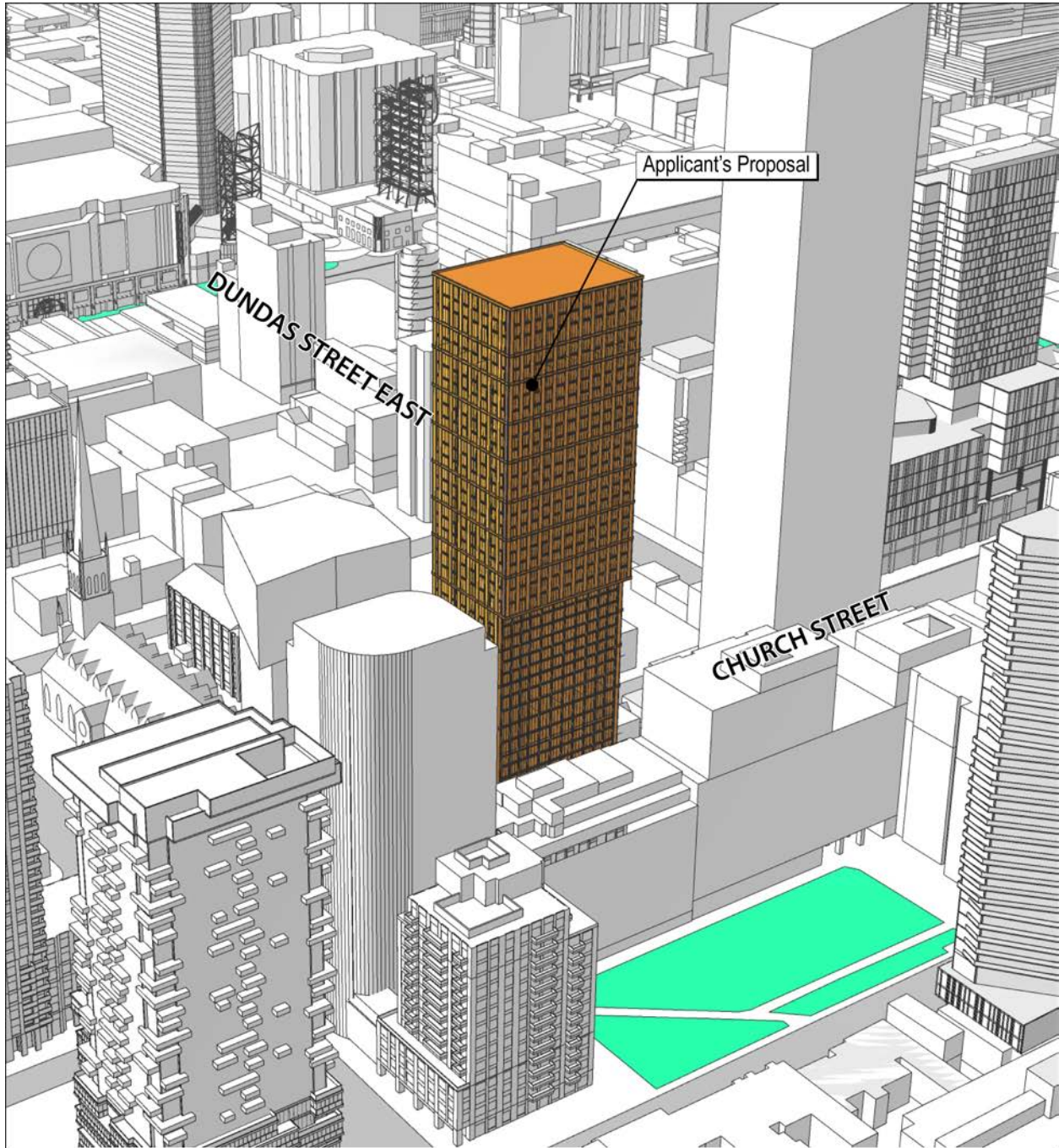
Attachment 6: Site Plan



Site Plan



Attachment 7: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northwest



11/26/2019



View of Applicant's Proposal Looking Southeast

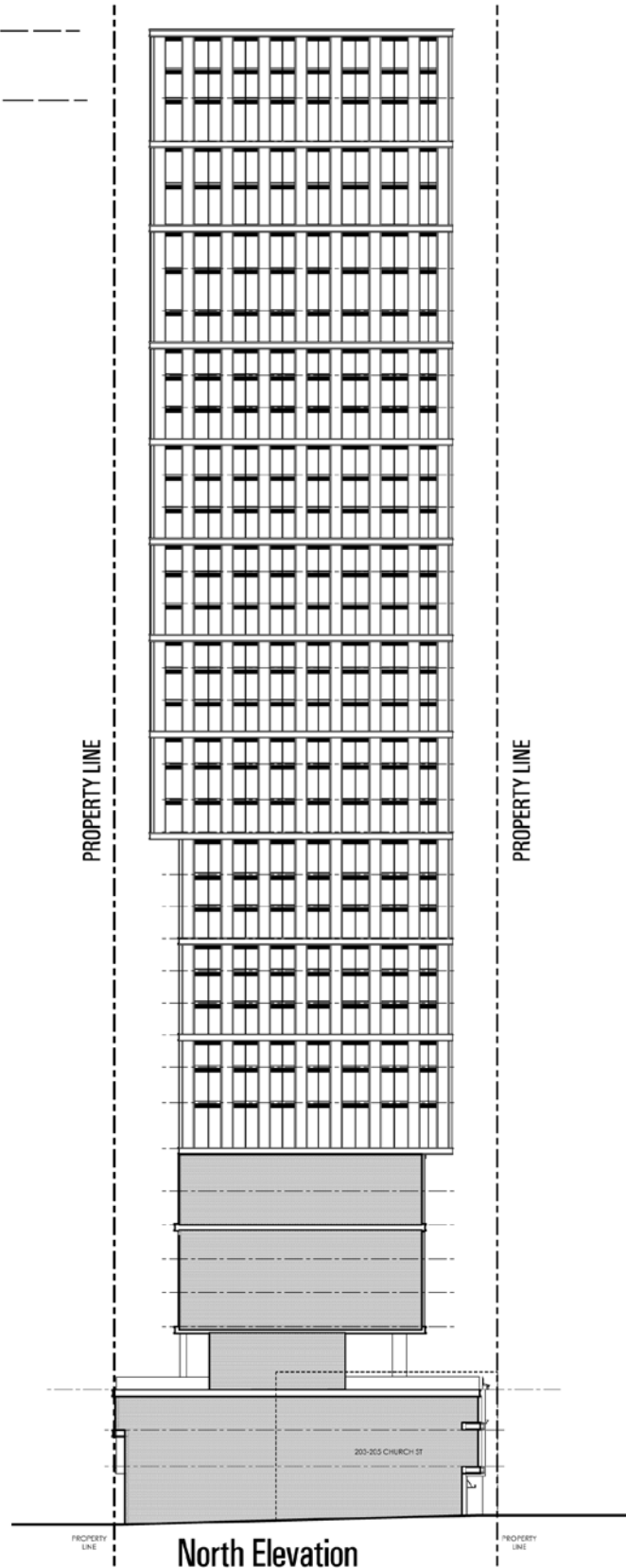


11/26/2019

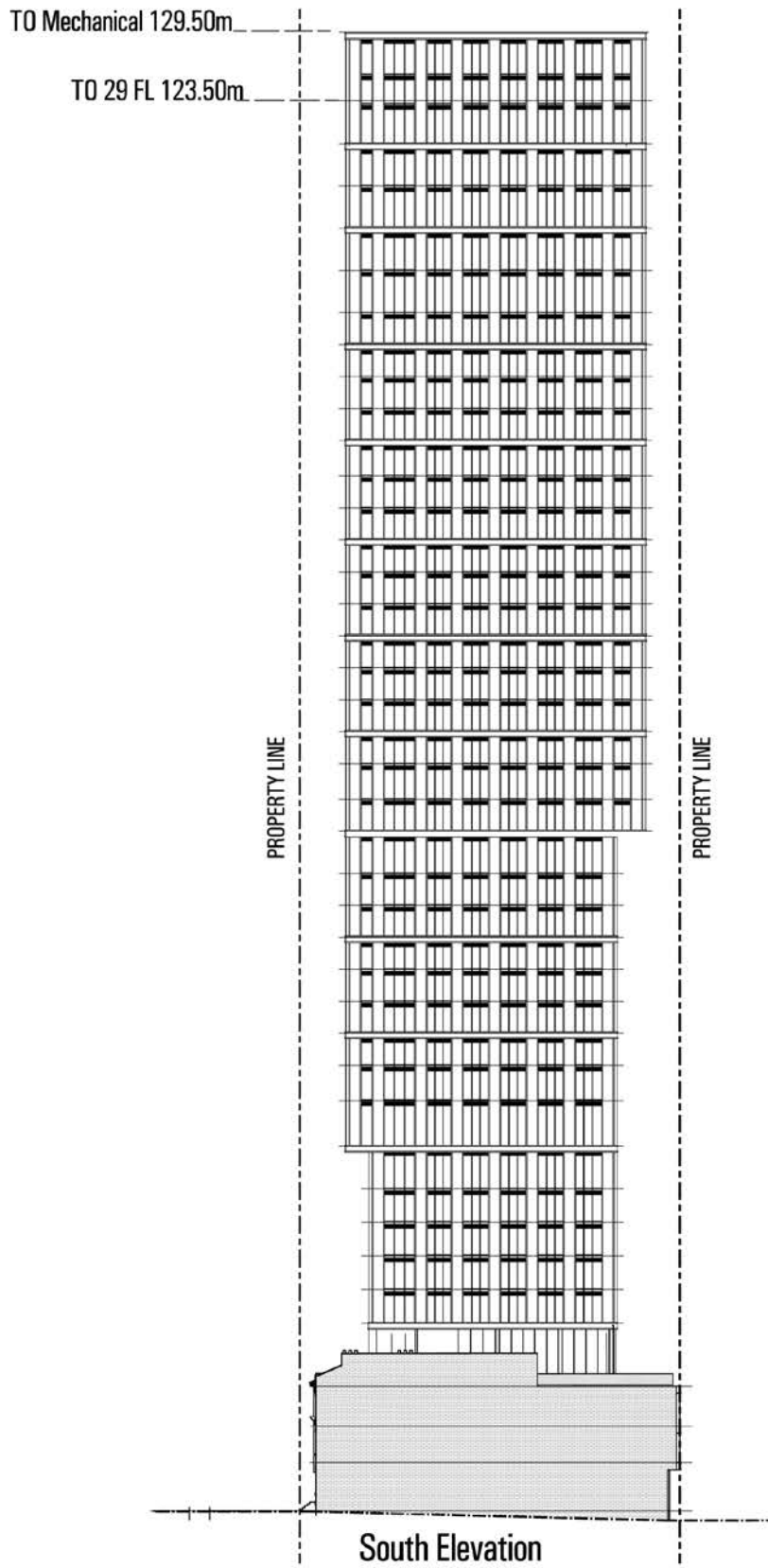
Attachment 8: North Elevation

TO Mechanical 129.50m _____

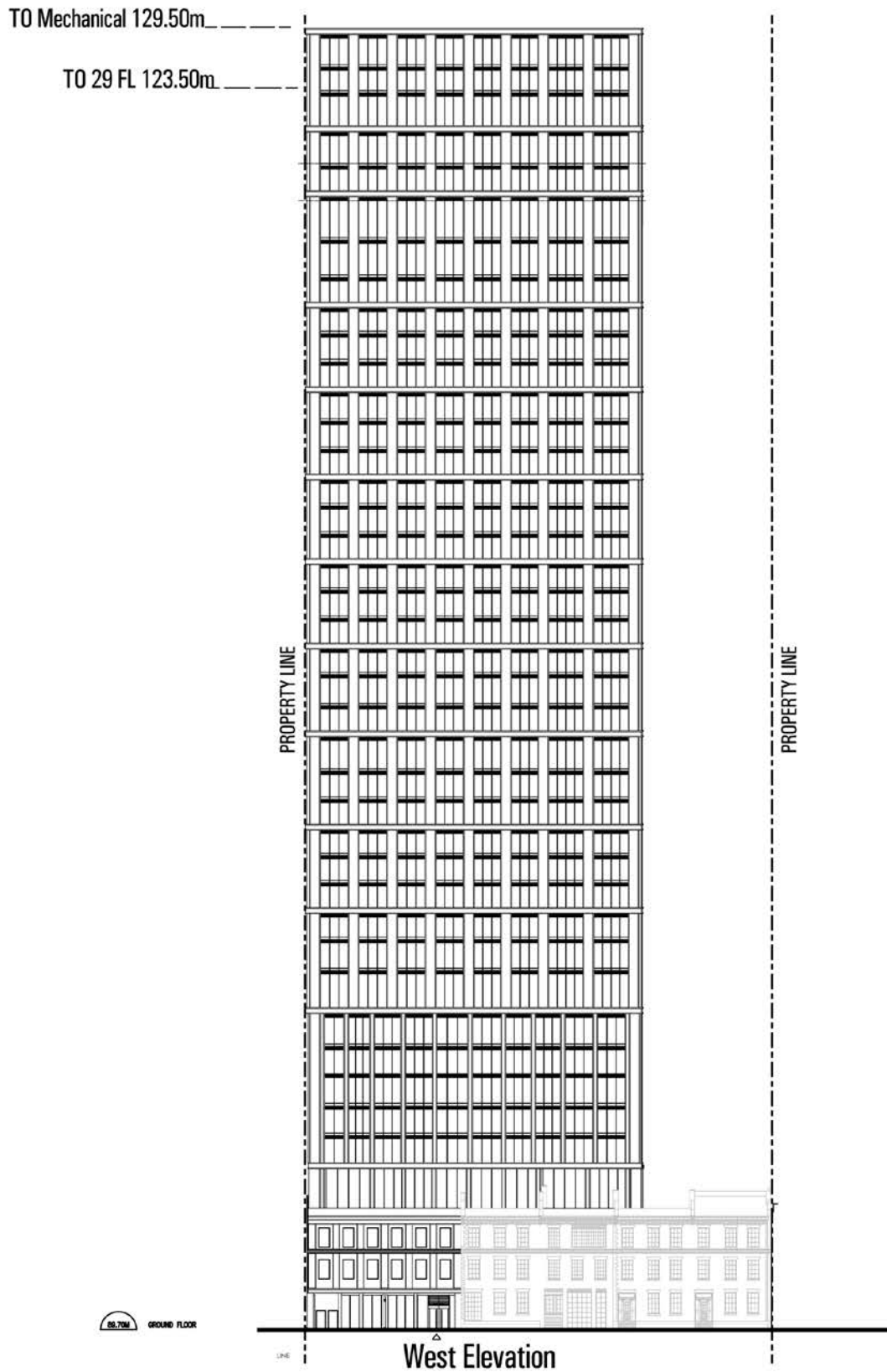
TO 29 FL 123.50m _____



Attachment 9: South Elevation



Attachment 10: West Elevation



Attachment 11: East Elevation

TO Mechanical 129.50m
TO 29 FL 123.50m

