

## **244 - 260 Church Street, Zoning Amendment Application – Preliminary Report**

Date: June 24, 2020

To: Toronto and East York Community Council

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

Wards: Ward 13 - Toronto Centre

**Planning Application Number:** *20 124315 STE 13 OZ*

**Notice of Complete Application Issued:** May 4, 2020

**Current Use(s) on Site:** A three-storey commercial building on the north and south sides of the development site and commercial parking lot on the mid portions of the site

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application for a 54-storey mixed use building located at 244-260 Church Street. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 244-260 Church Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

### **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## ISSUE BACKGROUND

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### Application Description

This application proposes to amend zoning by-law for the property at 244-260 Church Street to permit a 54-storey residential building with commercial units at grade and the retention, in-situ, of the existing 3-storey Nishnawbe Homes aboriginal men's supportive housing facility. A portion of the proposed tower would cantilever over the northern side of the 3-storey Nishnawbe Home.

The proposed 54-storey (167.85 metres including the mechanical penthouse) development would contain a total of 42,968 square metres of gross floor area including both the existing Nishnawbe Homes building and the tower addition. The proposed tower addition would be 41,138 square metres and include 648 residential units. The application proposes: 194 bachelor units (29.9%), 292 one-bedroom units (45%), 97 two-bedroom units (15%), and 65 three-bedroom units (10%). The applicant is also proposing 1,546 square metres of indoor and 1,046 square metres of outdoor amenity space. The floor space index (FSI) for the development would be 22.4 times the area of the lot (By-law 569-2013).

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 and 2 of this report for a three dimensional representation of the project in context, Attachment 3 and 4 for Location Map and Site Plan as well as Attachment 6 for the Application Data Sheet.

### Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### 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 Greater Golden Horseshoe 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 MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan.

Major Transit Station Area boundaries will not be delineated until such time as the City initiates and completes an MCR in conformity with the Growth Plan 2019.

### **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

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

The current application is located on lands shown as Downtown and Central Waterfront on Map 2 of the Official Plan and *Mixed Use Areas* on Map 18 as shown on Attachment 5.

### **The Downtown Plan**

City Council adopted OPA 406 on July 27, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area. On August 9, 2018 the City's application under Section 26 of the Planning Act was sent to the Minister of Municipal Affairs and Housing (MMAH) for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019.

This site is located on Map 41-3 of the Downtown Plan and is designated Mixed Use Areas 1 - Growth. This designation includes areas with the greatest heights, the highest intensity of development and largest proportion of non-residential uses.

### **Helicopter Flight Path**

The proposal is within the Obstacle Limitation Surface for the Sick Children's Hospital (Sick Kids) and within 100 m of the Obstacle Limitation Surface for St. Michael's Hospital, as identified in City By-law 1432-2017. The proposal is currently under review by City staff and hospital representatives.

### **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>

## **Zoning By-laws**

The site is zoned CR T4 C2.0 R4.0 under Zoning By-law 438-86 with a maximum height of 30 metres. The site has three different zoning designations under By-law 569-2013. The three portion are zoned CR 4.0 (c2.0; r4.0) SS1 but with different exceptions, being (x2165), (x2166) and (x2161).

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

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Design Guidelines**

The following design guideline(s) will be used in the evaluation of this application:

- City-wide Tall Building Design Guidelines
- Downtown Tall Buildings Vision and Supplementary Design Guidelines; and
- Growing up Design Guidelines
- Pet Friendly Design Guideline
- Retail Design Manual

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## COMMENTS

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### Reasons for the Application

The proposal requires an amendment to the Zoning By-law 438-86 and 569-2013 for the properties at 244-260 Church Street to permit the proposed density, height and parking requirements, among others.

### ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

#### Provincial Policies and Plans Consistency/Conformity

Staff will evaluate these planning applications to determine their consistency with the PPS (2020) and conformity with the Growth Plan (2019). Given the explicit link between Provincial Policy and the Official Plan, consistency with the PPS and conformity with the Growth Plan will largely be determined by conformity with the Official Plan.

#### Official Plan Conformity

Staff will continue to evaluate this planning application to determine the application's conformity to the Official Plan including the recently approved Downtown Plan, OPA352, OPA 406 and protection of the hospital helicopter flight paths.

#### Built Form, Planned and Built Context

Staff will continue to assess the suitability of the proposed height, massing, and other built form issues based on Section 2 d), j), p) and r) of the Planning Act; the PPS 2020, the Growth Plan (2019), the City's Official Plan policies and the City's Tall Building Design Guidelines and the Downtown Tall Building Design Guidelines.

Staff will continue to assess:

- the appropriate mix of land-uses including the potential for the inclusion of on-site day care and/or affordable housing as part of a complete community;
- the appropriate building height, massing and tower setbacks and in particular tower floor plate size and tower setbacks from the podium edge;
- the potential to preserve the entirety of the building at 260 Church Street;
- shadowing and wind impacts on nearby parks including Arena Gardens, Ryerson Community Park (Devonian Square), the public realm and private outdoor amenity space; and
- the appropriate programming, location and provision of outdoor amenity space; and

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted a Tree Inventory and Preservation Plan Report which outlines that there are 3 trees on and within 6 metres of the site, one of which will be required to be removed. The application has been circulated to Urban Forestry for review and comment.

## **Housing**

A Housing Issues Report is required for Official Plan Amendments / Zoning By-law Amendments and Plans of Condominium for applications that seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominiums or that propose residential development in excess of five hectares. A Housing Issues Report has been submitted for review by staff.

The development site includes a three-storey Nishnawabe Homes aboriginal men's supportive housing facility and four additional rental units on the remainder of the site. The development proposal would retain the existing Nishnawabe Homes facility in its current form and location with no interruption of occupancy, however, the four additional rental units would be demolished. The applicant is required to provide additional information confirming an acceptable tenant assistance plan which would be secured should the development application be approved.

The proposed unit mix of 15% two-bedroom units and 10% three-bedroom units does not adequately support the unit mix objectives of the Downtown Secondary Plan. Additionally the unit sizes and layouts need to be reviewed in the context of the Growing Up Design Guidelines.

## **Heritage Impact & Conservation**

The existing building on the north-east corner of the site, 260 Church Street, has been identified as potentially having heritage attributes. A Heritage Impact Assessment was submitted and is currently under review by City staff.

## **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. 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.

A CS&F Study and a Complete Community Assessment were submitted with the application and are currently under review by City staff.

### **Infrastructure/Service Capacity**

Staff is reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro) to accommodate the proposed development. The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Hydrogeological Investigation; Geotechnical Investigation; and Traffic Impact Study.

Staff will continue to assess:

- the servicing report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- the transportation report submitted by the applicant, to evaluate the effects of the development on the transportation system including impacts to parking, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. The Application is being reviewed by staff for compliance with Tier 1 performance standards. Staff will encourage the applicant to pursue Tier 2 performance measures.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.



Further discussion with the Ward Councillor, City staff, residents and the applicant will be required to determine the extent and nature of the Section 37 community benefits should the proposal proceed to approval in some form.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

### **City of Toronto Drawings**

Attachment 1: 3D Model of Proposal in Context - Looking Southeast

Attachment 2: 3D Model of Proposal in Context - Looking Northwest

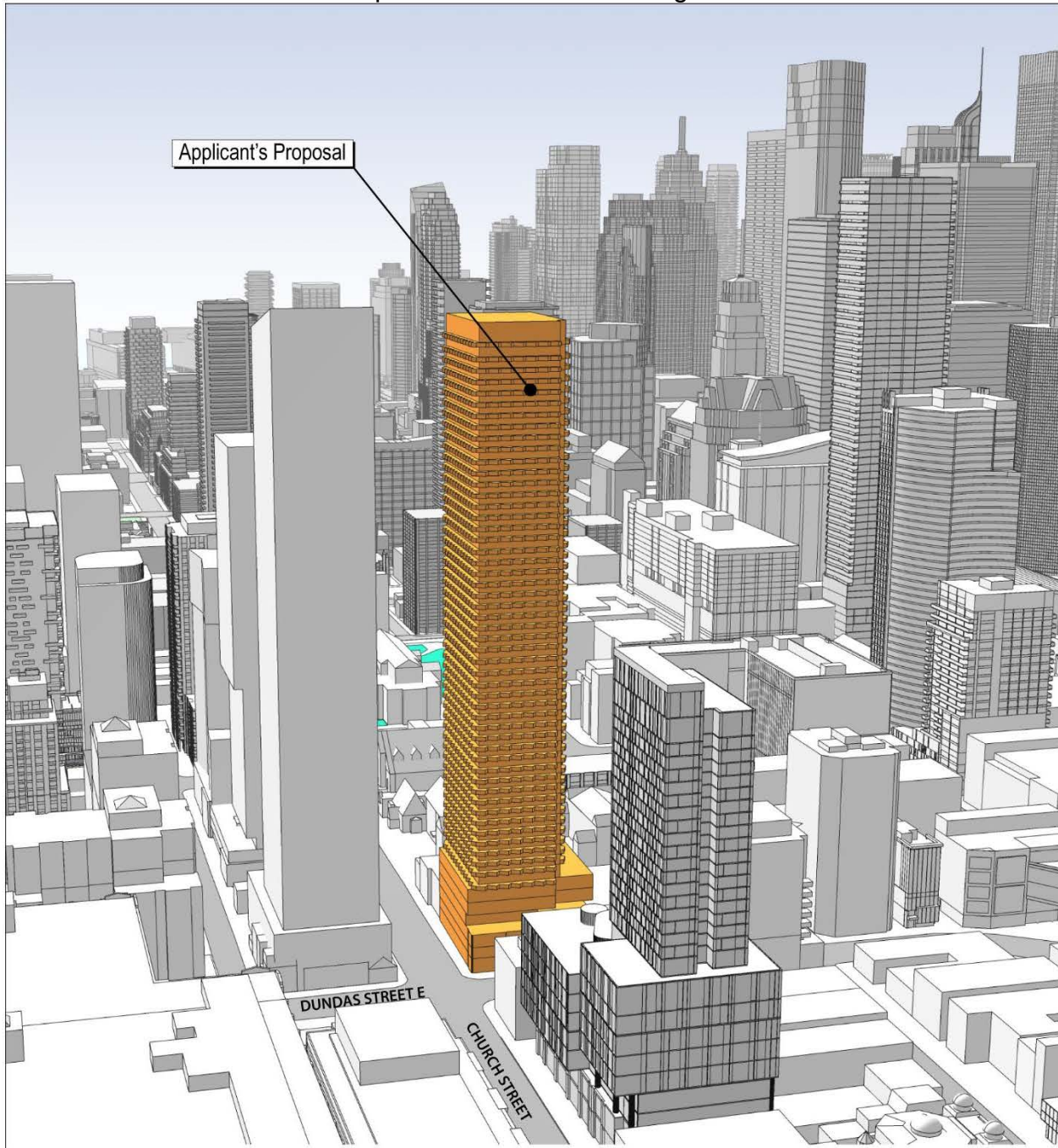
Attachment 3: Location Map

Attachment 4: Site Plan

Attachment 5: Official Plan Map

Attachment 6: Application Data Sheet

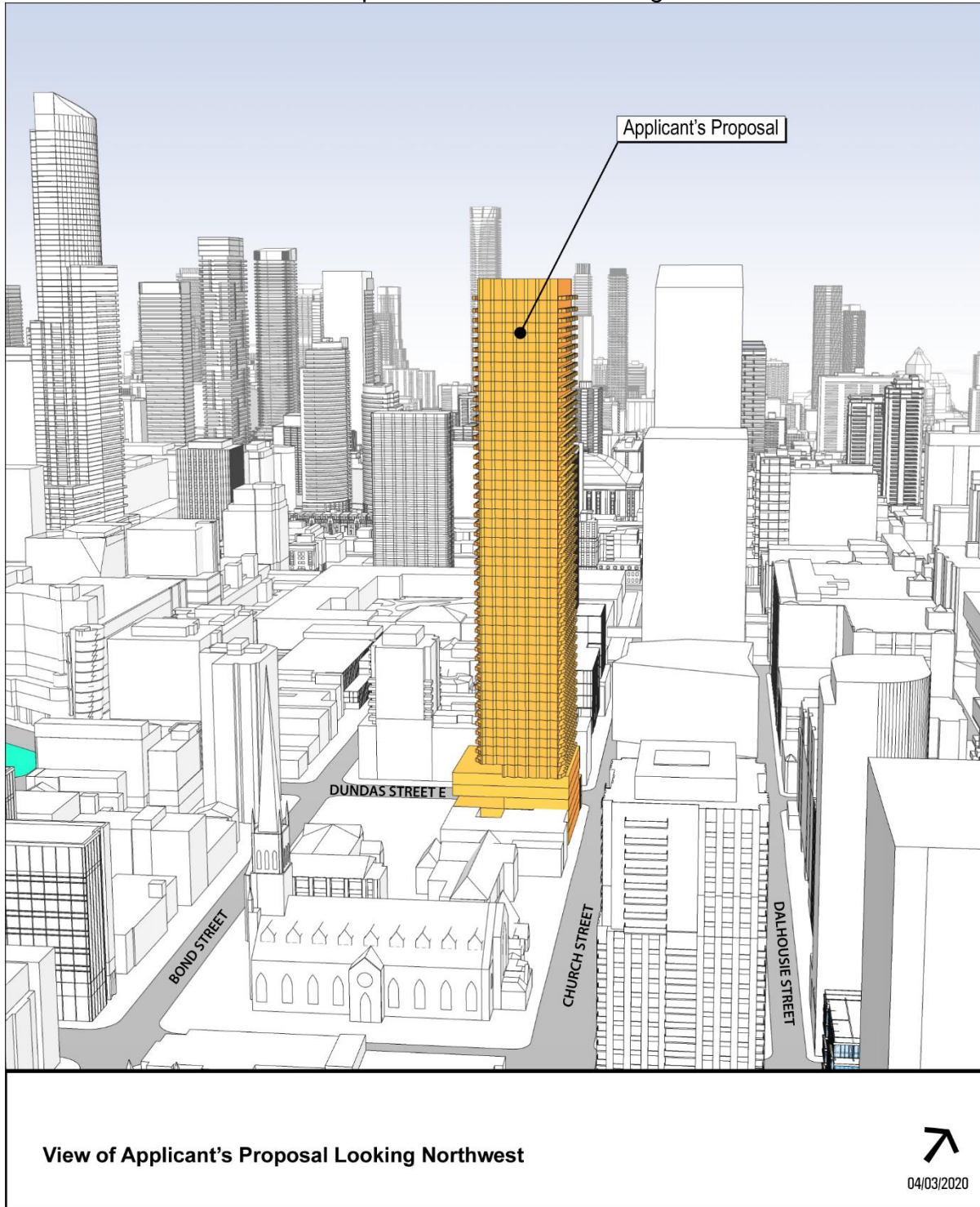
Attachment 1: 3D Model of Proposal in Context - Looking Southwest



View of Applicant's Proposal Looking Southwest



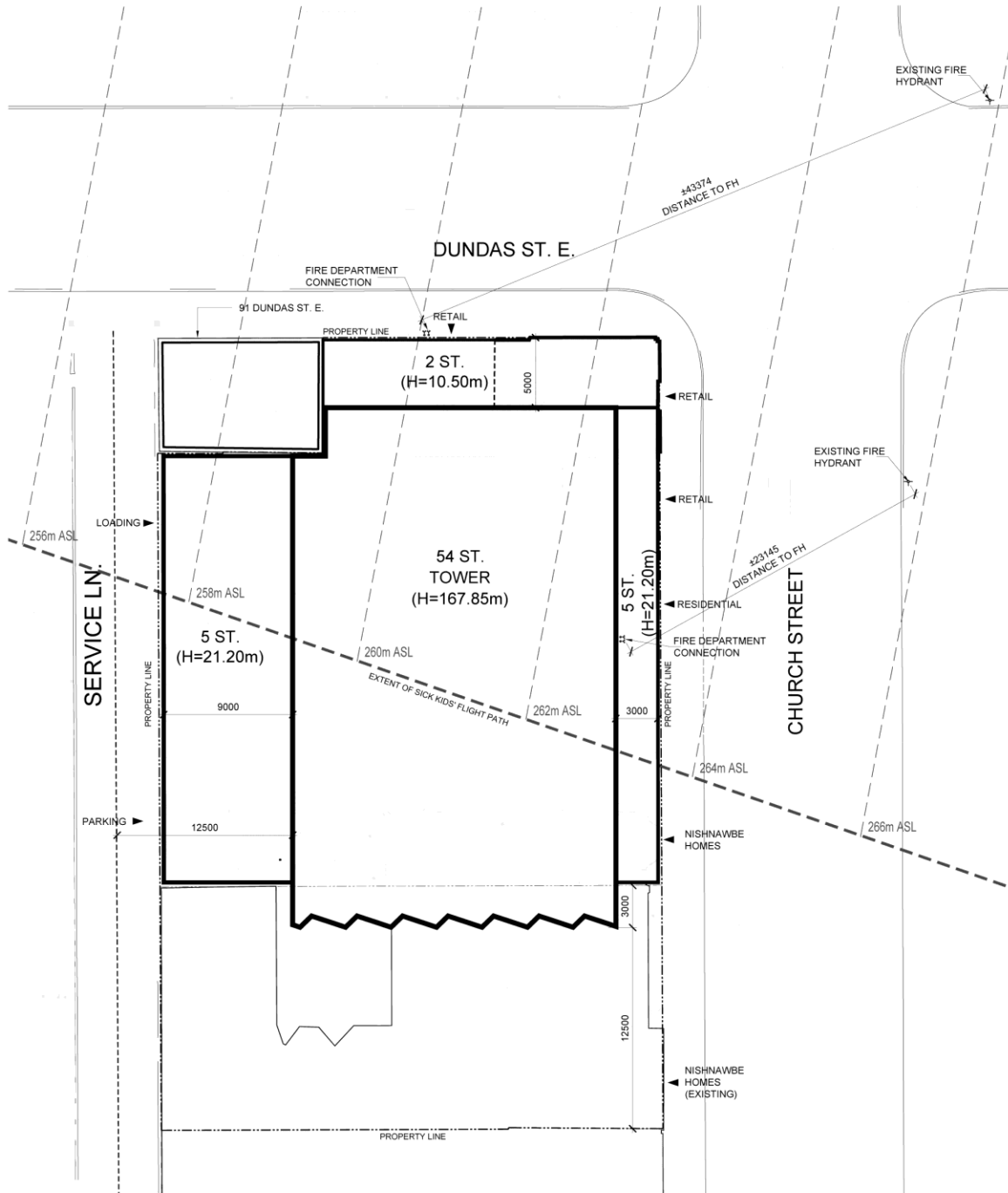
Attachment 2: 3D Model of Proposal in Context - Looking Northwest



Attachment 3: Location Map



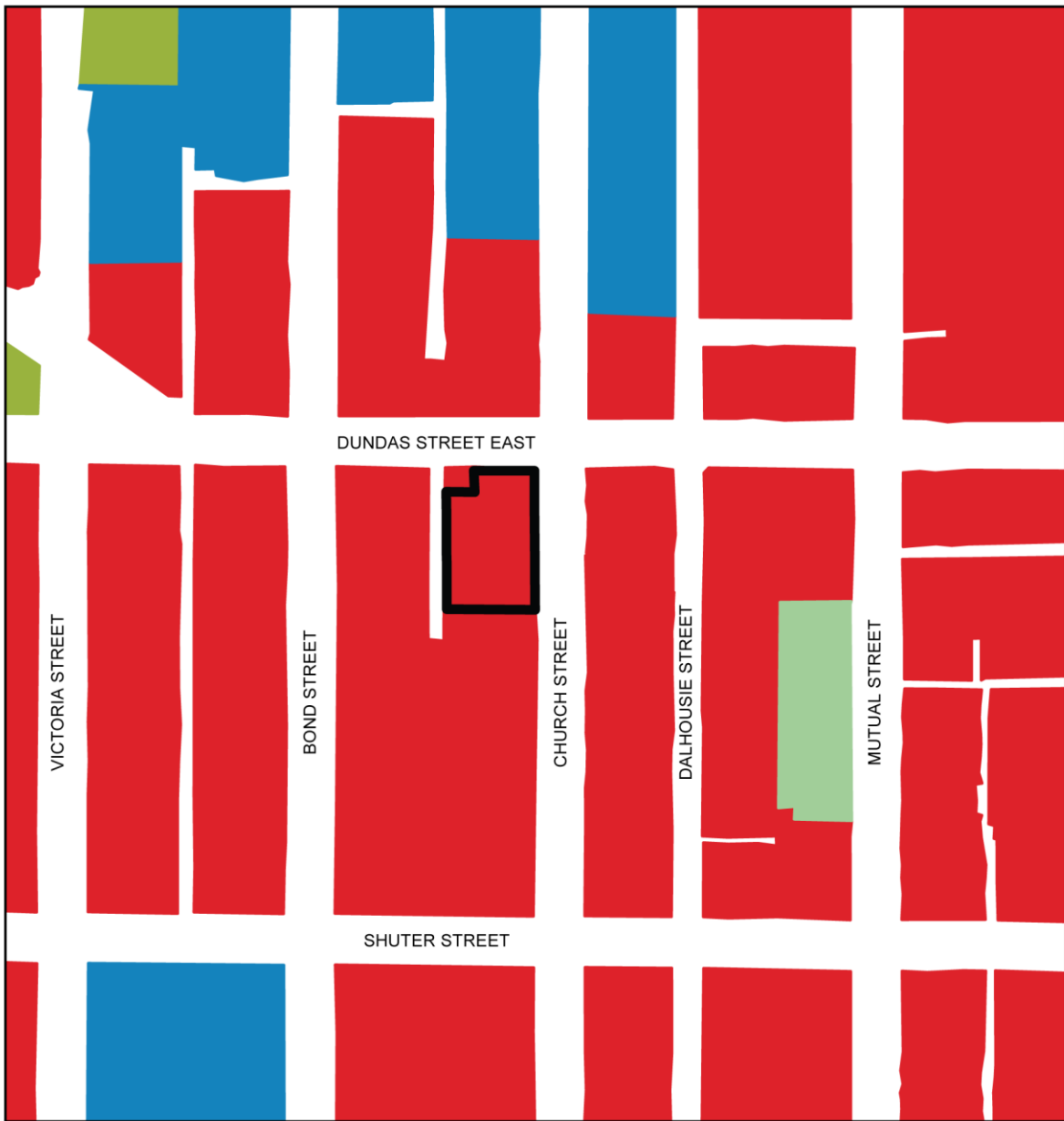
Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Map



244-260 Church Street

Official Plan Land Use Map #18

File # 20 124315 STE 13 OZ

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

↑  
Not to Scale  
03/16/2020

Attachment 6: Application Data Sheet

**APPLICATION DATA SHEET**

**Municipal Address:** 244 CHURCH ST      **Date Received:** March 10, 2020  
**Application** 20 124315 STE 13 OZ  
**Application Type:** OPA / Rezoning, Rezoning  
**Project Description:** 54-storey, 648 dwelling units, building with retail space at grade

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
250 CHURCH LIMITED PARTNERSHIP		IBI Group	VIKESH SHARMA

**EXISTING PLANNING CONTROLS**

Official Plan Designation: Mixed Use Areas      Site Specific Provision:  
Zoning: CR 4.0 (c2.0; r4.0) SS1      Heritage Designation:  
(x2161)  
Height Limit (m): 30      Site Plan Control Area: Y

**PROJECT INFORMATION**

Site Area (sq m): 1,920      Frontage (m): 56      Depth (m): 36

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	902	640	905	1,545
Residential GFA (sq m):	1,830	1,830	40,898	42,728
Non-Residential GFA (sq m):	470		240	240
Total GFA (sq m):	2,300	1,830	41,138	42,968
Height - Storeys:	3	3	54	54
Height - Metres:	11	11	162	162

Lot Coverage Ratio (%) 80.47 Floor Space Index: 22.4

**Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)**

Residential GFA: 42,968  
 Retail GFA: 240  
 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:	16	16		16
Freehold:				
Condominium:			648	648
Other:				
<b>Total Units:</b>	<b>16</b>	<b>16</b>	<b>648</b>	<b>664</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:		16			
Proposed:		194	292	97	65
<b>Total Units:</b>		<b>210</b>	<b>292</b>	<b>97</b>	<b>65</b>

**Parking and Loading**

Parking Spaces: 69 Bicycle Parking Spaces: 648 Loading Docks: 1

**CONTACT:**

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