

# 241 Church Street – Zoning Amendment Application – Preliminary Report

Date: January 29, 2021

To: Toronto and East York Community Council

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

Ward 13: Toronto Centre

**Planning Application Number:** 20 230569 STE 13 OZ

**Notice of Complete Application Issued:** December 18, 2020

**Anticipated City Council Meeting Date:** May 5/6, 2021

**Current Use(s) on Site:** A one-storey gas station with associated kiosk

## SUMMARY

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This report provides information and identifies a preliminary set of issues regarding the application for a 53-storey mixed use building located at 241 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 241 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 City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **DECISION HISTORY**

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Pre-application meetings were held with the applicants on March 17, 2020 and October 2, 2020. During these meetings City Planning identified a number of preliminary issues including: tower setbacks and heights, pedestrian realm, amenity space, site access, and heritage adjacency issues including the St. James view corridor.

## **ISSUE BACKGROUND**

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### **Application Description**

This application proposes to amend the zoning by-law for the property at 241 Church Street to permit a 53-storey mixed-use development with commercial uses at grade and residential units above.

The proposed 53-storey (163.55 metres including the mechanical penthouse) development would contain a total of 297.5 square metres of ground floor commercial space and 34,005 square metres of residential gross floor area, 34,302 square metres in total. The development would include 521 residential units. The application proposes: 96 studio units (18.4%), 200 one-bedroom units (38.4%), 171 two-bedroom units (32.8%), and 54 three-bedroom units (10.4%). The applicant is also proposing 1,132.5 square metres of indoor and 565.4 square metres of outdoor amenity space. The floor space index (FSI) for the development would be 25.5 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 to 6 for elevations, Attachment 7 and 8 for Location Map and Site Plan as well as Attachment 10 for the Application Data Sheet.

### **Provincial Policy Statement and Provincial Plans**

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 (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### **Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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, and better connected 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 (2020), 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 (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) 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 2020.

## **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 2 - Intermediate. This designation will form an intermediate transitional scale between the taller buildings in Mixed Use Areas 1 and the predominantly mid-rise character in Mixed Use Areas 3. Development will include building typologies that respond to their site context including mid-rise and some tall buildings. Scale and massing will be compatible with the existing and planned context of the neighbourhood including prevailing heights, massing, scale, density and building type. Development will be encouraged to provide for a diverse range of uses.

## **Official Plan Amendment 479 and 480 – Public Realm and Built Form Official Plan Policies**

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

## **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 T4.0 C2.0 R4.0 under Zoning By-law 438-86 with a maximum height of 30 metres. The site is zoned CR 4.0 (c2.0; r4.0) SS1 (x2402) with a maximum height of 30 metres under Zoning By-law 569-2013.

The site is subject to certain permissions, exceptions and site specific provisions, including a prohibition of commercial parking garages or private commercial garages. Additionally, By-law 97-0220 applies to the site, this by-law permits a gas bar and associated retail store on the site.

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/>

### **Helicopter Flight Path**

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

The by-law can be found here:

<https://www.toronto.ca/legdocs/bylaws/2017/law1432.pdf>

### **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 241 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 (2020). 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 (OPA 406), OPA 479, OPA 480 and OPA 352.

### **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 (2020), the City's Official Plan policies including Official Plan Amendment 406 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 an on-site community facility and/or on-site affordable housing as part of a complete community;

- the appropriate building height, massing, tower setbacks particularly on Dalhousie Street and tower setbacks from the podium edge;
- the appropriate unit mix and size in conformity with OPA 406, the Downtown Secondary Plan, and the Growing up Design Guidelines;
- shadowing and wind impacts on nearby parks including Ryerson Community Park (Devonian Square), Ryerson Quad, the public realm including the pedestrianized portions of Gould Street, and private outdoor amenity space on nearby developments;
- the appropriate podium setback (public realm) particularly on Dalhousie Street;
- the appropriate programming and provision of outdoor amenity space, and
- confirmation that the proposed driveway location adequately provides for sufficient sight lines to address safety issues;

### **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 an Arborist Report which states that there are no City owned trees located within 6.0 m of the subject site and no private trees on site. The application has been circulated to Urban Forestry for review and comment.

### **Heritage Impact & Conservation**

The subject site is within the proposed St James View corridor, the proposed development has been designed to not be visible within this view corridor. 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. The draft Amendment can be found here

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

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 was submitted with the application and is 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 Report, Stormwater management report; Hydrogeological Report; Geotechnical Study; Environmental Site Assessment and Urban Transportation Report.

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 or higher as part of the further review of this proposal.

### **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 Southwest  
Attachment 2: 3D Model of Proposal in Context - Looking Northwest  
Attachment 3: North Elevation  
Attachment 4: South Elevation  
Attachment 5: West Elevation  
Attachment 6: East Elevation  
Attachment 7: Location Map  
Attachment 8: Site Plan  
Attachment 9: Official Plan Map  
Attachment 10: Application Data Sheet

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



**View of Applicant's Proposal Looking Southwest**



01/13/2021



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

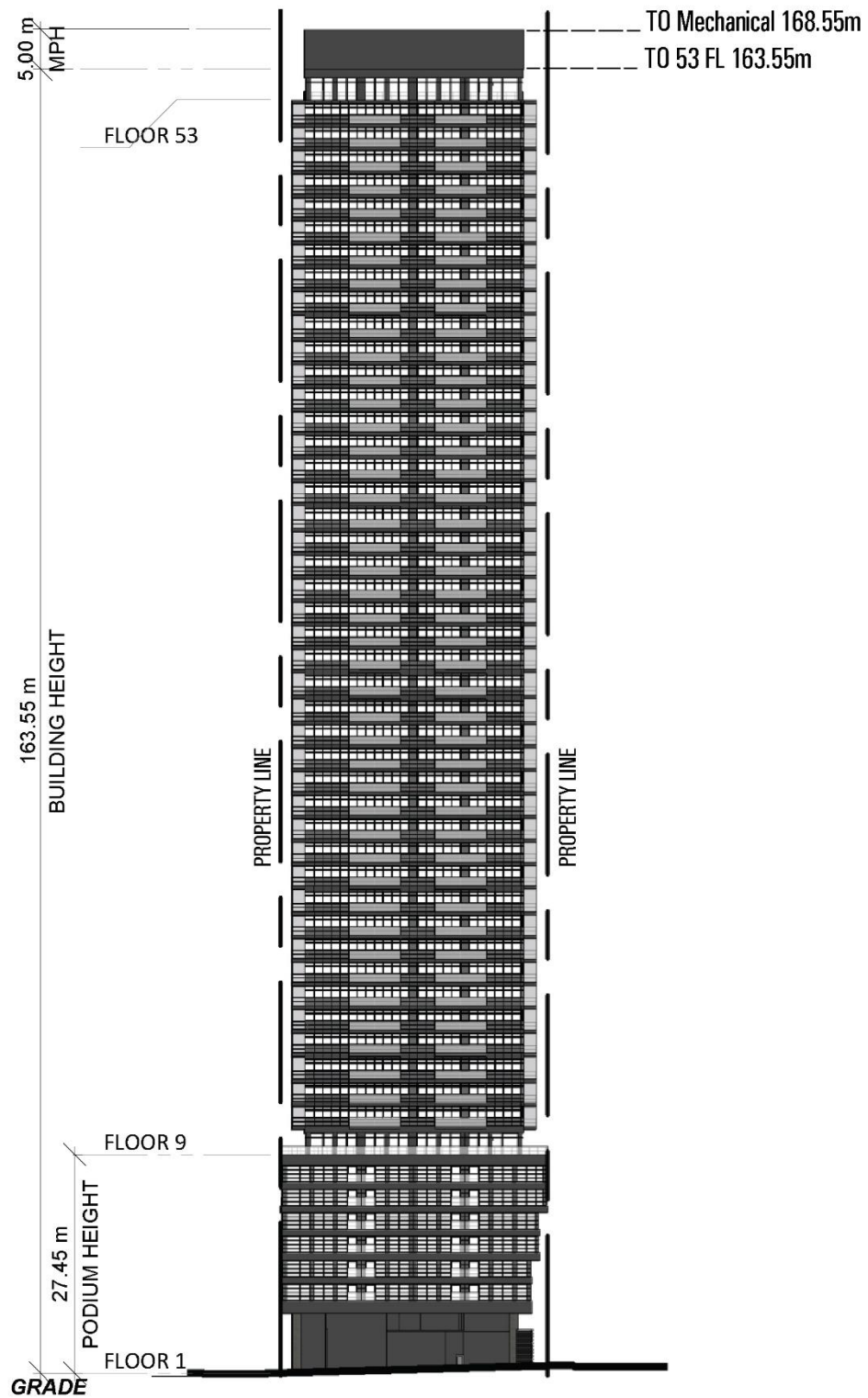


**View of Applicant's Proposal Looking Northeast**



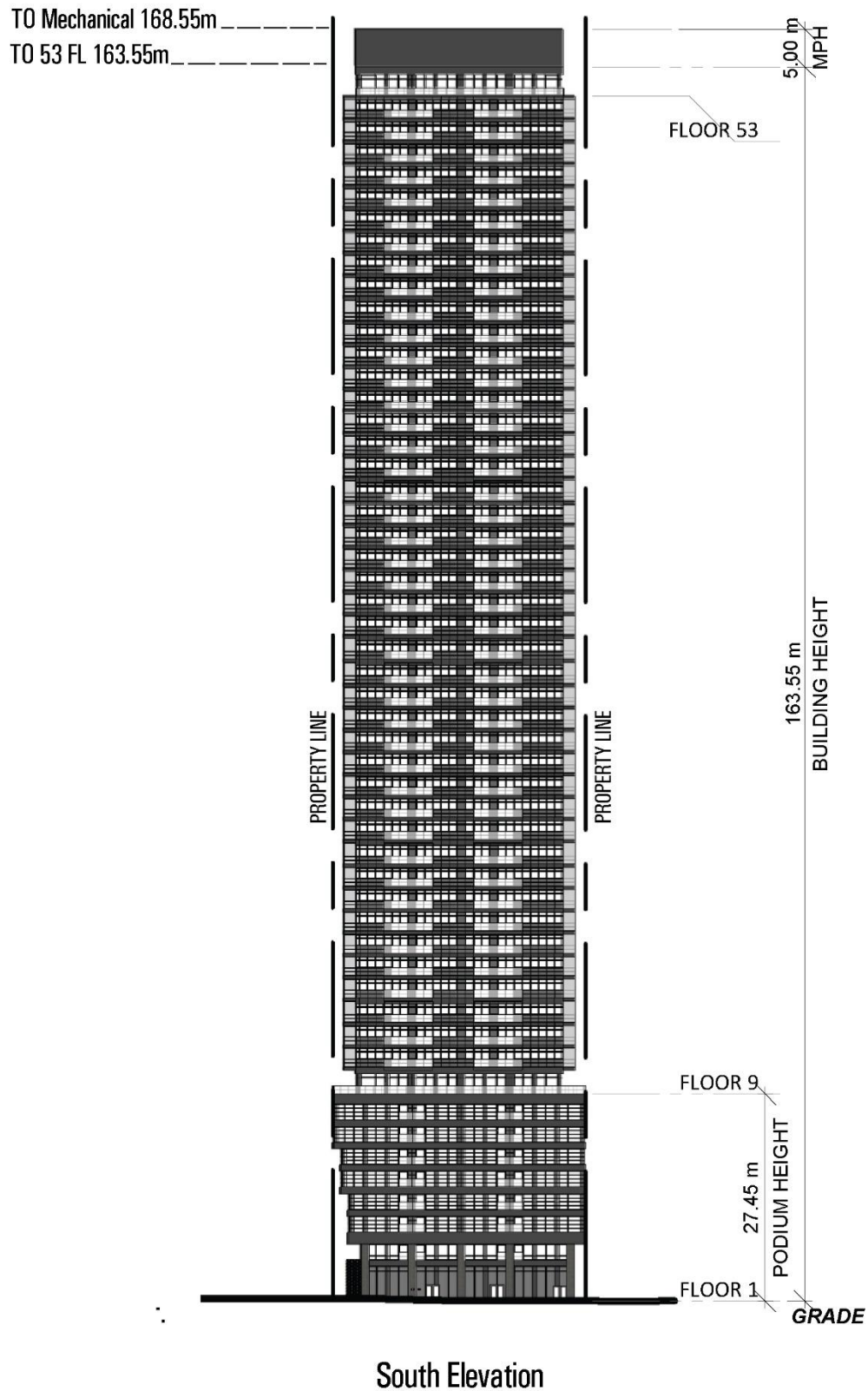
01/13/2021

### Attachment 3: North Elevation



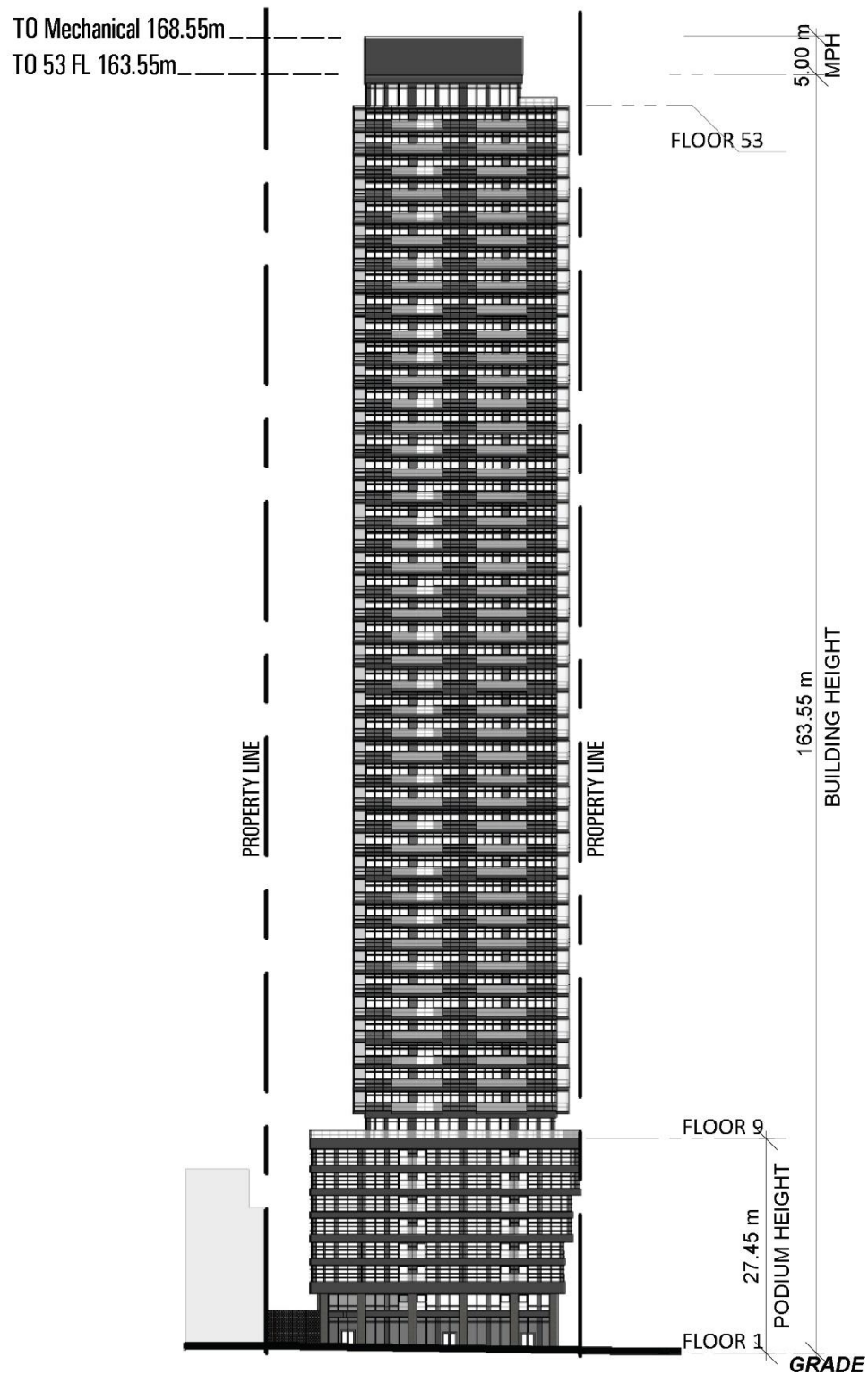
North Elevation

# Attachment 4: South Elevation



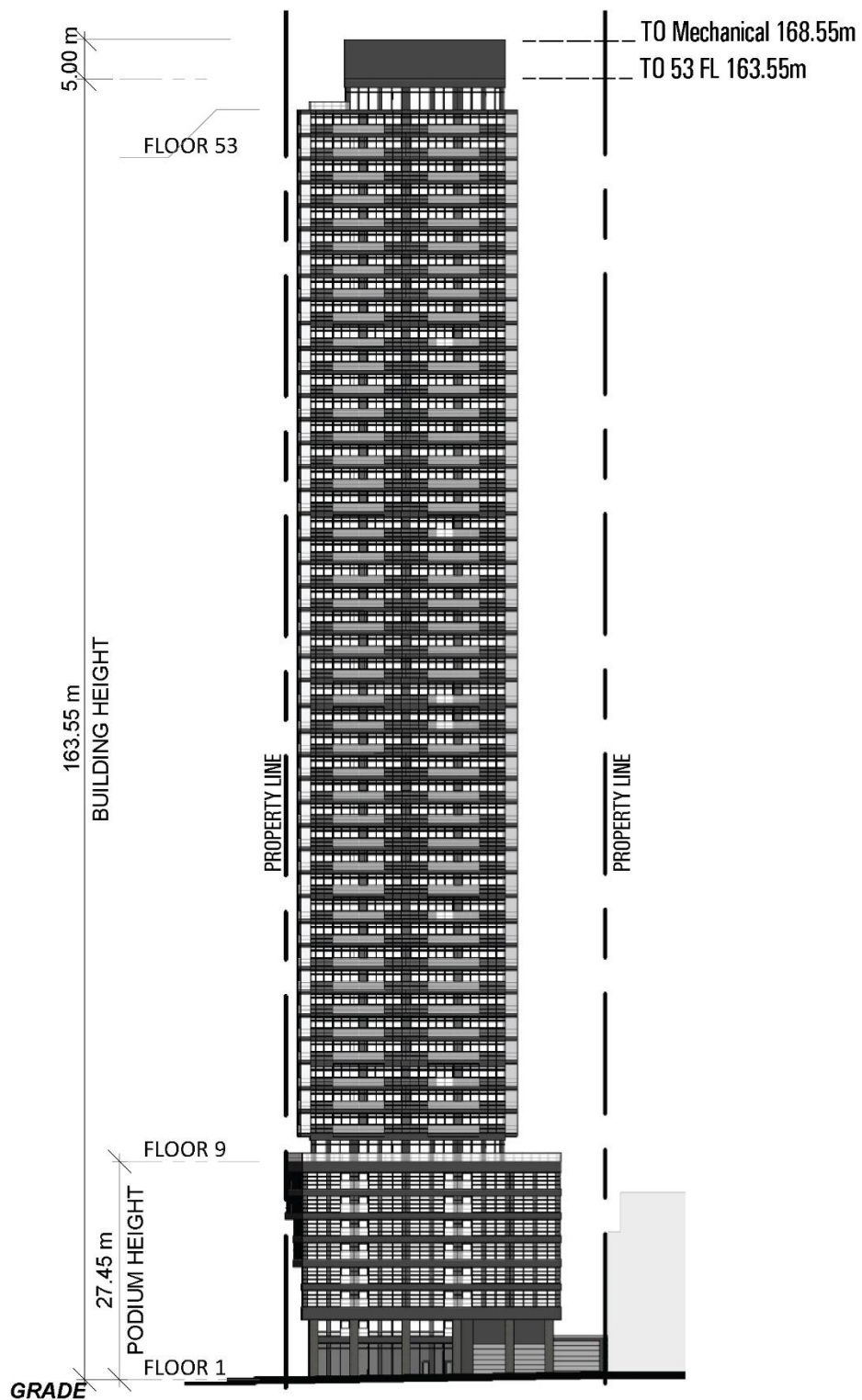


## Attachment 5: West Elevation



West Elevation

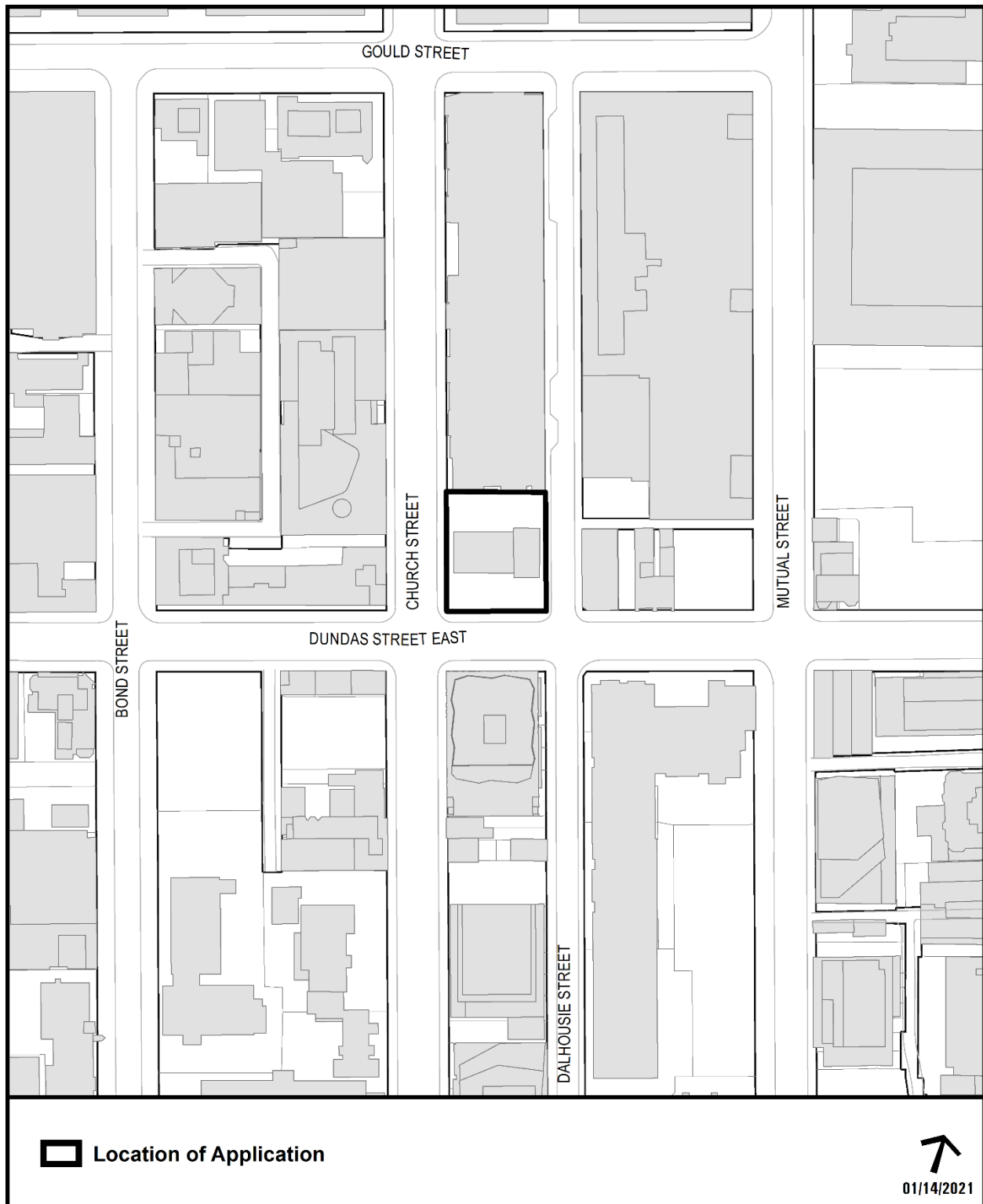
## Attachment 6: East Elevation



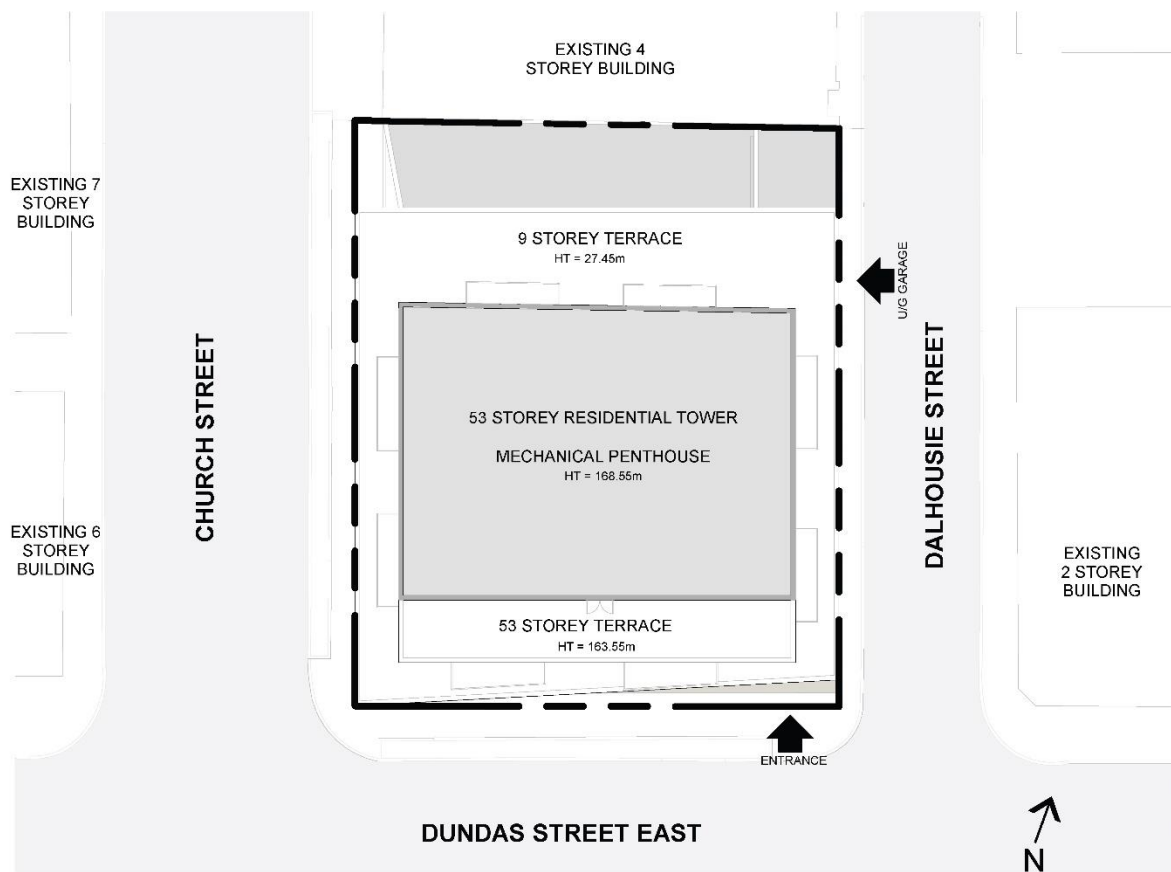
East Elevation



## Attachment 7: Location Map



## Attachment 8: Site Plan



Site Plan  
241 Church Street



## Attachment 9: Official Plan Map



241 Church Street

### Official Plan Land Use Map #18

File # 20 230569 STE 13 0Z



↑  
Not to Scale  
01/14/2021

## Attachment10: Application Data Sheet

Municipal Address: 241 CHURCH ST Date Received: December 18, 2020

Application Number: 20 230569 STE 13 OZ

Application Type: Rezoning

Project Description: Proposal for a 45-storey residential tower above an 8-storey mixed-use podium comprised of 297.5 square metres of non-residential gross floor area and 34,004.7 square metres of residential gross floor area. a total of 521 condominium units are proposed.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC		Turner Fleischer	GRAYWOOD CD GP INC

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP 517

Zoning: CR 4.0 (c2.0; r4.0) SS1 (x2402) Heritage Designation:

Height Limit (m): 30 Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 1,346 Frontage (m): 33 Depth (m): 40

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	133		434	434
Residential GFA (sq m):			33,914	33,914
Non-Residential GFA (sq m):	133		298	298
Total GFA (sq m):	133		34,212	34,212
Height - Storeys:	1		53	53
Height - Metres:	6		164	164

Lot Coverage Ratio (%) 32.24 Floor Space Index: 25.41

**Floor Area Breakdown**

	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	33,914	
Retail GFA:	298	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

**Residential Units by Tenure**

	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			521	521
Other:				
Total Units:			521	521

**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		96	200	171	54
Total Units:		96	200	171	54

**Parking and Loading**

Parking Spaces:	63	Bicycle Parking Spaces:	530	Loading Docks:	2
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**CONTACT:**

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