

244-260 Church Street – Zoning Amendment – Final Report

Date: March 26, 2021

To: Toronto and East York Community Council

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

Wards 13 - Toronto Centre

Planning Application Number: 20 124315 STE 13 OZ

SUMMARY

This application proposes to amend the Zoning By-law to permit a 52 storey mixed use development including at grade commercial uses and 615 dwelling units above with a total gross floor area of 38,365 square metres at 244-260 Church. The proposed building would have a height of 166.1 metres including the mechanical penthouse. The proposal includes commercial units at grade and the retention, in-situ, of the existing 3-storey Nishnawbe Homes Inc. aboriginal supportive housing facility (244 Church Street). A portion of the proposed tower would cantilever over the northern side of the 244 Church property while the remaining portions of the Nishnawbe building will be restricted to an 11 metre height limit in order to secure adequate tower separation to the south.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and conforms to the City's Official Plan.

This report reviews and recommends approval of the Zoning By-law Amendment application. The proposed development conforms with 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 maintains the intent of the the 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 on-site Indigenous non-profit affordable housing, and a range of dwelling unit types and sizes 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 438-86₂ for the lands at 244-260 Church Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.5 to the report dated March 26, 2021 from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 244-260 Church Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report dated March 26, 2021 from the Director, Community Planning, Toronto and East York District.
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 contemplated in recommendations 1 and 2 to City Council for enactment, City Council require the owner to:
 - a) 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 securing the matters identified in Recommendations 5 to 9 at the owner's expense, with such Agreement(s) to be registered on title to the lands at 244-260 Church Street in a manner satisfactory to the City Solicitor;
 - b) Enter into a Heritage Easement Agreement with the City for the property at 260 Church Street in accordance with the plans and drawings dated December 4, 2020, prepared by the IBI Group Architects and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared by Goldsmith Borgal & Company Ltd. Architects, dated December 20, 2020 and in accordance with the Conservation Plan required in Recommendation 6.b.2, to the satisfaction of the Senior Manager, Heritage Planning including registration of such agreement to the satisfaction of the City Solicitor;
 - c) Provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 260 Church Street prepared by Goldsmith Borgal & Company Ltd. Architects, dated December 20, 2020, to the satisfaction of the Senior Manager, Heritage Planning;
5. That prior to site plan approval for the proposed Zoning By-law Amendment by City Council for the property located at 260 Church Street the owner shall:

- a) Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 6.b.2 to the satisfaction of the Senior Manager, Heritage Planning.
- b) Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
- c) Provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Planning.
- d) Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning

6. That prior to the issuance of any permit for all or any part of the property at 260 Church Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

- a) Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 6.b.2, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning.
- b) Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan, Lighting Plan, Interpretation Plan and Landscape Plan.
- c) Provide full documentation of the existing heritage property, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning.

7. That prior to the release of the Letter of Credit required in Recommendation 6.b, the owner shall:

- a) Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the

Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning.

- b) Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

8. City Council direct that the owner be required to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following community benefits at the owner's expense, as follows:

- a) a cash contribution of six million three hundred thousand dollars (\$ 6.3 million) dollars to be allocated toward:
 - i. \$2,000,000.00 to new and existing capital improvements for City owned affordable housing in Ward 13;
 - ii. \$2,000,000.00 to new and existing capital improvements in City owned community, cultural, and recreational centres in Ward 13;
 - iii. \$2,000,000.00 to establishing a new non-profit City owned childcare centre in Ward 13; and
 - iv. \$300,000.00 to local area streetscape and park improvements in the Ward, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- b) the cash contribution referred to in Recommendation 8(a) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;
- c) in the event the cash contribution referred to in Recommendations 8(a) above has not been used for the determined purpose within three years of the amending Zoning By-law 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 the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands

9. City Council also direct that the following be secured in the Section 37 Agreement as a legal convenience to secure matters required to support the development:

- a) an acceptable tenant relocation and assistance plan shall be developed and implemented to mitigate hardship for existing tenants of the existing five (5) rental dwelling units proposed to be demolished. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division,

- b) as part of a site plan application for the lands, the owner shall, at the owner's sole expense:
- i. submit a revised Functional Servicing Report including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Review, including Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - ii. secure the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services should it be determined that improvements or upgrades and/or new infrastructure are required to support the development satisfactory to the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor; and
 - iii. make satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;
- c) as part of a site plan application for the lands, the owner shall, at its sole expense, submit an updated wind study and implement any wind mitigation measures required as identified, satisfactory to the Chief Planner and Executive Director, City Planning;
- d) as part of a site plan application for the lands, the owner shall, at its sole expense, submit detailed landscape plans, sections, and details with sufficient information to assure Urban Forestry that the required City tree plantings and associated soil volumes and soil infrastructure is feasible
- e) prior to final Site Plan Approval for any part of the site, the Owner shall submit a construction management plan for the development with the general matters included in the Section 37 Agreement, including but not limited to, 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, coordination with adjacent on-going development construction, 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;

- f) the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

FINANCIAL IMPACT

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

A pre-application meeting was held February 26, 2020. The current application was submitted on March 10, 2020 and after additional documentation was submitted, was deemed complete as of May 4, 2020.

A Preliminary Report on the application was adopted by Toronto and East York Community Council on July 16, 2020 authorizing staff to conduct a community consultation meeting with an expanded notification area. Key issues identified at that time were: the appropriate mix of land-uses including the potential for the inclusion of on-site day care and/or affordable housing; appropriate building height, massing and tower setbacks and in particular tower floor plate size and tower stepbacks; the potential to preserve the entirety of 260 Church Street; shadowing and wind impacts; and the public realm and private outdoor amenity space.

The Preliminary Report can be viewed here:

<https://www.toronto.ca/legdocs/mmis/2020/te/bgrd/backgroundfile-148411.pdf>

Community consultation is summarized in the Comments section of the Report.

PROPOSAL

The application, when originally submitted, proposed a 54-storey mixed-use building containing 42,968 square metres of gross floor area. A total of 664 residential units were proposed. The proposed tower floor plate would be approximately 835 m² with a 3 metre Church Street setback and 5 metre Dundas Street setback.

The applicant's revised proposal consists of a 52-storey (159.1 m excluding mechanical penthouse or 166.1 m including mechanical penthouse) mixed-use development including retail uses at grade and 615 dwelling units above. The development would be in a tower with podium form with a 777 m² tower floor plate. The podium would incorporate and preserve the former Sterling Bank of Canada building (260 Church Street) located at the north-east corner of the site as well as the retention, in-situ, of the existing 3-storey Nishnawbe Homes Inc. aboriginal supportive housing facility located on the south portion of the site. A portion of the proposed tower would cantilever over the northern side of the 3-storey Nishnawbe Home. The podium would range from 3 to 8 stories in height with setbacks at the north-west corner adjacent to 91 Dundas Street. There are no projecting balconies proposed. The proposed gross floor area would be 38,365 square metres which equates to an approximate Floor Space Index of 20.8 under Zoning By-law 569-2013.

Ground floor space would include retail space fronting both Dundas and Church Streets, the residential lobby fronting Church Street and vehicular access from the rear laneway. The second level would include new units and associated amenity space specifically for the Nishnawbe Home Inc. Amenity space for the residential units not associated with the Nishnawbe Home would be located on floors 3, 4, 8 and 9. Bicycle parking would be located on mezzanine level. Vehicular parking would be below grade.

Other details of the proposal are shown in Table 1 below and in Attachment 2 and 7-12:

Table 1 – Summary of Application

| Category | Proposed |
|--|--|
| Tower setbacks | |
| North to midpoint of Dundas right-of-way | 14.8 m |
| South to property line | 14 m |
| West to midpoint of public lane | 11 m |
| East to midpoint of Church right-of-way | 15.8 m |
| Public realm (building face to curb) | |
| Church Street | 6 m for area of new construction 3 m for existing heritage building |
| Dundas Street | 3.6 m for existing heritage building |
| Tower floorplate GCA (approximate) | 777 m ² |
| Vehicular parking | |
| Visitor / Commercial | 12 |
| Resident | 62 |
| Bicycle parking | |

| | |
|--------------------------|-----------|
| Visitor | 62 |
| Resident | 553 |
| Loading spaces Type G | 1 |
| Amenity space | |
| Indoor | 1,230 m2 |
| Outdoor | 738 m2 |
| Unit Mix | |
| Studio | 82 (13%) |
| One bedroom | 369 (60%) |
| Two bedroom | 102 (17%) |
| Three + bedroom | 62 (10%) |
| Total | 615 |

Site and Surrounding Area

The site is a rectangular corner lot with 24.5 m of frontage on Dundas Street East and 56 m frontage on Church Street. The lot area is 1,920 m2. The existing use is a three storey commercial building on the north side of the site, a three storey residential building on the south side of the site and a commercial parking lot on the mid portions of the site. Refer to Attachment 2.

The surrounding uses are as follows:

North: A mix of building typologies ranging from 2 to 3 storey predominantly commercial buildings to a 16-storey mixed-use building with 5-storey podium fronting the north side of Dundas opposite the site. Further north is the Ryerson University campus.

South: Immediately adjacent to the site is a 3-storey mixed use building and further south is the St. Michael's Cathedral, Choir School and associated buildings.

West: Immediately adjacent to the site is 91 Dundas, a 2-storey commercial building with as-of-right height permissions of 30 m, and a public laneway. Further west is a commercial parking lot.

East: Church Street and on the east side of Church Street a 52-storey mixed-use development under construction.

Reasons for Application

The proposal requires an amendment to the Zoning By-law for an increase in density and height along with changes required to setbacks, angular plane requirements, parking and amenity space provisions.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Architectural Plans
- Planning Rationale including Community Services & Facilities Study
- Toronto Green Standard Checklist
- Servicing Report
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Heritage Impact Statement
- Environmental Impact Assessment - Phase 1
- Geotechnical Study
- Housing Issues Report
- Hydrogeological Report
- Stormwater Management Report
- Transportation Impact Study
- Public Consultation Strategy
- Arborist Report
- Draft amending 438-86 and 569-2013 By-law
- Energy Efficiency Report
- Building Mass Model
- Noise Impact Study
- Vibration 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

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the resolution of planning conflicts involving public and private interests; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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.

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.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;

- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the 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).

Planning for Major Transit Station Areas

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 (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate specific MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

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. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

The City of Toronto Official Plan can be found here:

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

On September 21, 2020 the Minister 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 Amendments can be found at:

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

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

Chapter 2 – Shaping the City

Policy 2.2.1 Downtown: The Heart of Toronto

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. 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 a) 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

On September 11, 2020, the Minister of Municipal Housing and Affairs approved amendments to the City's Official Plan with respect to the Public Realm (OPA 479) and Built Form (OPA 480) policies of the Plan. These policies are in force and in effect.

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 3.1.2 states that the public realm will provide the organizing framework and setting for development and foster complete, well-connected walkable communities and employment areas.

Policy 3.1.2 Built Form

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

Policy 3.1.2.4 requires new development to locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties.

Policy 3.1.2.5 requires development be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm.

Policy 3.1.2.6 requires new development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

Policy 3.1.3 Built Form – Building Types

Policy 3.1.3.1 states a mix of building types is encouraged on sites that can accommodate more than one building.

Policy 3.1.3.2 states that townhouse and low-rise apartment buildings are generally no taller than four storeys in height.

Policy 3.1.3.4 Mid-rise buildings will be designed to a) have heights generally no greater than the width of the right-of-way that it fronts onto.

Policy 3.1.3.7 tall buildings are generally greater in height than the width of the adjacent right-of-way.

Policy 3.1.3.9 the base portion of tall buildings should a) respect and reinforce good street proportion and pedestrian scale and b) be lined with active, grade-related uses.

Policy 3.1.3.10 the tower portion of a tall building should be designed to a) reduce the physical and visual impacts of the tower onto the public realm; b) limit shadow impacts on the public realm and surrounding properties; c) maximize access to sunlight and open views of the sky from the public realm; d) limit and mitigate pedestrian level wind impacts; and e) provide access to daylight and protect privacy in interior spaces within the tower.

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 subject site are identified as a potential heritage property.

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 path is both the St. Michael's Hospital and the Sick Children'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 which gives municipalities the authority to pass zoning by-laws involving increases in the height and/or density of development in return for the provision by the owner of community benefits. Section 5.1.1 of the Official Plan includes policies dealing with the use of Section 37. The policies state that Section 37 community benefits are capital facilities and/or financial contributions toward specific capital facilities and include amongst other matters, the provision of affordable housing.

Policy 5.6 Interpretation

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 on 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 Secondary 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 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/>

Airport Zoning Regulation - 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 Minister of Transport under the Aeronautics Act. In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4 and Downtown 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 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

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.

The following design guidelines have been reviewed in the evaluation of this application:

- City-Wide Tall Building Design Guidelines, Downtown Tall Buildings: Vision and Supplementary Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities Guidelines
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings
- Retail Design Manual

The City's Design Guidelines can be found at

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

City-Wide Tall Building Design Guidelines

City Council has 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/bqrd/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 in Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings.

Map 2 and Map 4 from the Downtown Tall Building Guidelines identify both Dundas and Church Streets as a Priority Retail Streets and appropriate development heights of 62 m to 107 m (20 to 35 storeys).

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 Urban Design Guidelines

On July 28, 2020, City Council adopted the updated Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines ("Growing Up Guidelines"). The update was based on the continued review and assessment from the draft guidelines adopted by Council in July 2017. The objective of the Growing Up 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 Design Guidelines was considered in the review of this revised 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/>

Retail Design Manual

The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. This Manual is a collection of best practices and is intended to provide guidance

on developing successful ground floor retail spaces to achieve good city building and economic objectives, and contributes to an animated and inviting public realm. City Council adopted the Retail Design Manual on October 27, 2020.

The Guidelines can be found here:

<https://www.toronto.ca/wp-content/uploads/2020/01/960d-Toronto-Retail-Design-Manual-December-2019.pdf>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The Guidelines can be found here:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

Site Plan Control

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

Community Consultation

A community consultation meeting was held on October 29, 2020 as a Webex event which was attended by approximately 23 members of the public. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Specific comments related to the zoning amendment component of the development were:

Built Form:

- What are shadow impacts on sidewalks and parks
- Dundas Public realm: Existing congestion on Dundas and need to improve that. Given limitations caused by retention of heritage façade on Dundas maybe relocate bus shelter and existing trees, provide canopy for weather protection.
- What improvements will be provided on Church/Dundas public realm, which trees will be protected/planted
- Impacts to 91 Dundas East with existing height permissions of 30 m

Land Use

- With the increase in population what new parks, schools, libraries and community facilities will be provided

Transportation

- South bound traffic impacts, where will drop offs occur given existing congestion

Units

- How many indigenous/affordable housing units will be provided
- What are the unit sizes

Other

- Have Section 37 negotiations started

Concerns related to shadowing and public realm are specifically discussed and addressed in the Tower - Height and Shadowing and Public Realm sections of this report. Specific landscaping details and canopy treatments will be addressed as part of a subsequent Site Plan application. The impact to 91 Dundas has been addressed through podium setbacks adjacent to the laneway and 91 Dundas and design changes to eliminate any facing windows. Traffic impacts have been addressed to the satisfaction of Transportation Services. The mix of dwelling units meets the recommended mix from the Downtown Plan. The proposed expansion of the existing Nishnawabe facility by adding 16 new units for aboriginal supportive housing as well as providing a Section 37 contribution, in part, for affordable housing which helps provide for housing needs.

COMMENTS

Planning Act

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

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;

(j) the adequate provision of a full range of housing, including affordable housing;

(p) the appropriate location of growth and development; and

(r) the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the Planning Act, are particularly relevant to this proposal.

The proposed development has regard to the relevant matters of provincial interest. These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2020).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). 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.

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate affordable and market-based range and mix of residential uses,
- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development accommodating a significant supply and range of housing options through intensification and redevelopment,
- Policy 1.1.3.4 which refers to appropriate development standards should be promoted which 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 options and densities and in a) establishing minimum targets for affordable to low and moderate income households and in f) establishing development standards for residential intensification,
- Policy 1.7.1 e) which refers to encouraging a sense of place by promoting well designed built form and cultural planning and by conserving features that help define character including built heritage resources 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 4.6 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 the site in a settlement area, within the Downtown where the City has directed growth. Further, the site can accommodate the level of intensification proposed 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 expansion of the existing Nishnawabe facility by adding 16 new units for aboriginal supportive housing. Additionally, the proposed massing incorporates appropriate development standards and conserves heritage matters 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 (2020).

Growth Plan

The application has been reviewed against the Growth Plan in its entirety. 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, improve the integration of land use planning with planning in public service facilities and conservation of cultural heritage resources,
- Policy 2.2.1.4 a) refers to the achievement of complete communities that feature a diverse mix of land uses including residential and employment uses and convenient access to local stores and public service facilities and in c) a range and mix of housing options to accommodate the needs of all household sizes,
- Policy 2.2.1.4 e) which provides 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 refers to maximizing the number of potential transit users that are within walking distance of major transit station areas,
- Policy 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes, 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 direct 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 Downtown Urban Growth Centre, the policies of the Official Plan contemplate appropriately massed and scaled built form, that development conserves heritage resources, protects for public health and safety (through the avoidance of the helicopter flight path) and provides for intensification, on this site, is appropriate.

As further discussed below, the application proposes a mix of uses including expanding the existing Nishnawabe facility by adding 16 new units for aboriginal supportive housing that has been designed to maximize density while providing for an appropriate type and scale of development. The proposal is in the form of a complete community which is in a compact form and represents an appropriate type and scale of development. Additionally, the tower setbacks ensures the conservation of 260 Church Street as an on-site heritage resource thereby providing for the conservation of cultural resources. In the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, conforms to the Growth Plan (2020).

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 (2020). 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 (Downtown Plan) the site is designated Mixed Use Areas 1 – Growth. 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 mixed use featuring residential and retail uses including on-site affordable housing which conforms with the in-force Mixed Use Area policy for permitted land uses. The mix of uses represents a form of complete community with the inclusion of on-site affordable housing. 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, including OPA 82 shadow policies, OPA 406 and OPA 352 (under Appeal) as well as relevant design guidelines described in the Issue Background Section of the Report.

The proposed tower has been assessed in terms of the context and tower separation distances, tower massing and setbacks, tower massing 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.

Tower - Context and Tower Separation

The planned and built form context as it relates to tower 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 3.1.2.5 require that new development be located and organized to fit within the existing and planned context. Policy 3.1.2.3 states that development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls. Tall Building Policy 3.1.3.11 d) states that the tower portion of a tall building should be designed by providing appropriate separation distances from side and rear lot lines as well as other towers.

OPA 352, Council approved but not in full force and effect, Policy B i) refers to tall buildings to provide setbacks from the 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 towers and a range of tower heights. Across the street from the site there is a 16-storey tower on the north side of Dundas Street and an under construction 52-storey tower on the east side of Church Street. Almost opposite the site, there is the recently approved 39-storey tower at 191-201 Church Street by the same developer.

Within a couple of blocks radius (250 metres identified by the Downtown Tall Buildings Guidelines for assessing height) tower heights range significantly. Heights for recently approved towers in conformity with the helicopter flight path bylaw and within this 250 m radius include: 52-stories (215 Church), 60-stories (197 Yonge), 57-stories (60 Queen East), 39-stories (191-201 Church).

Within this context, the application proposes the following tower separation distances.

| | Setbacks to adjacent towers or mid-point of right-of-way |
|-------|--|
| North | 14.8 m to mid-point of Dundas Street |
| South | 14 m to south lot line |
| East | 15.8 m setback to midpoint of Church Street |
| West | 11 m setback to mid-point of City laneway |

On the north-west side of the site, 91 Dundas has an existing as-of-right height permission of 30 m but is limited in its ability to achieve this height by both an FSI of 4.0 and a site which is too small (8.5 m x 11 m) to realistically be developed as a tower. The applicants are proposing podium setbacks at the lower levels and spandrel glass and no windows and no balconies facing 91 Dundas to its as-of-right height permissions to address adjacency issues. Refer to Attachment 13.

The tower setbacks to the north, south and east conform to the recommended 12.5 m setback. To the west, the setback to the midpoint of the laneway has been reduced to 11 m from the recommended 12.5 m and reviewed against the criteria in OPA 352 to permit such reductions.

The proposed 52-storey tower fits within the planned and existing built form context and achieves appropriate tower separation distances and as such is an appropriate built form which conforms to the Official Plan and relevant guidelines.

Tower Floor Plate and Tower Placement

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

Official Plan Built Form Policy 3.1.2.6 states that development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned context. Policy 3.1.3.11 refers to stepping back the tower from the base building, limiting and shaping the size of tower floorplates. 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 approved but not in full force and effect, Policy B) i) states that development will provide setbacks from the lot line.

Downtown Plan 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 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 proposed development is massed in a podium tower form consisting of a tower with podium that varies in height from 3 storeys fronting Dundas Street, 5 storeys fronting Church Street and 9 storeys at the rear facing the laneway (total 52-storey building). The existing 3-storey Nishnawbe residence which forms part of this development will be retained in situ and not altered. The tower component of the development has a floor

plate of 777 m² with no projecting balconies. The lower floors of the tower stepback 3 m from the Church street podium edge and 5 m from the Dundas Street podium edge.

The proposed tower massing and stepbacks is in response to the preservation of both the existing Sterling Bank of Canada building (260 Church Street) and the existing Nishnawbe residence in situ while providing a 6 m public realm with a 3 metre stepback for the remainder of the Church Street frontage. The resultant tower floor plate and tower stepbacks conform to the guidelines. The resultant tower tower floor plate and stepbacks conform to the intent of he guidelines.

Tower - Height and Shadowing

Official Plan Built Form Policy 3.1.2.5 refers to the need to ensure access to direct sunlight and daylight on the public realm and in 3.1.3.10 b) and c) the need to limit shadow impacts on the public realm and surrounding properties and maximize access to sunlight and open views of the sky from the public realm. For the Mixed Uses Areas designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces.

Shadow protection policies from OPA 82, Policy 3.5, states that there shall be no net new shadows permitted on Moss Park measured on March 21 and September 21 from 10:00 am to 6:00 pm and in Policy 3.6, on the playground of Ecole Gabriele Roy from September 21 to June 21 from 10:00 am to 4:00 pm.

Downtown Policy 9.17 and 9.18 states that 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 Signature Parks (Moss Park being a Signature Park) from 10:00 to 4:00 pm on September 21st and on non signature parks from 12:00 noon to 2:00 pm on September 21st. Non-signature parks within the area include the approved park but not built park at 88 Queen Street, Arena Gardens and Metropolitan United Church grounds with the parkland on the south side of the Church (some City documents show portions of the east side of the church, presently a parking lot approved for development, as being parkland).

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

- Ryerson Community Park also known as Devonian Square (designated Parks) marginally at 10:33 March 21; marginally at 10:18 September 21
- Yonge Dundas Square (designated Parks) 9:18-9:33 June 21;
- Gould Street (pedestrianized portions) 10:18-10:33 March 21; 10:03-10:18 September 21

The proposed shadowing would not impact Moss Park or Ecole Gabriele Roy playground at the shadow protected times identified by OPA 82. Within the protected times identified for non-signature parks by the guidelines, the impact is limited to less than an hour of shadowing within a corner of Ryerson Community Park and no shadowing within the protected times for Yonge Dundas Square. The impacts to the pedestrianized portions of Gould Street is limited to approximately 15 minutes at March and September 21 on a small portion of the street.

With the exception of less than one hour of shadowing on Ryerson Community Park, the shadowing conforms to the Downtown Tall Buildings Guidelines. The proposed shadowing is acceptable in this instance and context.

Tower - Massing 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/bqrd/backgroundfile-118130.pdf>

Heritage Planning have reviewed the proposal and determined that the proposed tower does not impact the existing or proposed St James Cathedral view corridors.

Tower - Height and Helicopter Flight Paths

Official Plan Policy 4.8.4, Airport Zoning Regulation (By-law 1432-2017) and Downtown 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 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. The application has been circulated to both hospitals and Toronto Buildings for an assessment as to whether the proposal and its implementing by-laws conform to the flight path. Sick Children's Hospital, through their solicitor, has confirmed the proposal

would not intrude into the flight path. In order to provide a further level of security, an additional provision has been included in the draft by-laws which requires adherence to the flight path By-law.

At the building permit stage of the application there will be a subsequent review by Toronto Buildings which includes crane swing impacts.

Podium Form (Base Building)

The podium, or base building, is what is typically experienced by pedestrians. Official Plan Tall Building Policy 3.1.3.9 states that base buildings should respect and reinforce good street proportion and pedestrian scale and be lined with active, grade-related uses.

Downtown Policy 9.8.1 states that base buildings will be designed to relate to the scale and proportion of adjacent streets; Policy 9.8.2 states that base buildings will fit compatibly within the existing and planned context of neighbouring streetwall heights and Policy 9.9 states 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 should 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 stepback towers to reduce undesirable downward wind flows.

The proposed development is in a podium/tower form with a distinct podium that varies in height from 3 storeys fronting most of Dundas Street and 5 storeys fronting Church Street while preserving both the existing 3 storey heritage building and the existing Nishnawabe residence and the 9 storeys fronting the lane. Above that, and stepped back 5 m from the heritage facade, is the tower component of the development.

The width of the adjacent Church Street and Dundas Street right-of-ways is 20 m. This implies a maximum podium height of 16 m on Church Street and 16 m on Dundas 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 91 Dundas Street (to the west) is 2-storeys. On the south side of the site fronting Church Street the adjacent building has a height ranging from 2 to 3-stories. The development to the north on Dundas has an existing podium height of 5 storeys. On the east side of Church Street opposite the site, the under construction development at 215 Church Street will have a final podium height of 4-storeys.

The proposed podium preserves heritage resources in situ and provides additional stepbacks to further preserve the 3 dimensional aspects of the heritage building.

Heights are within the range of acceptable heights. The appropriateness of the proposed setbacks and podium expression was also reviewed by Heritage staff and is reviewed in the following Heritage section of this report.

Heritage

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.

Downtown Policy 9.10 refers to development on sites that include or are adjacent to heritage properties will include base buildings that are compatible with the streetwall; height, articulation, proportion and alignment thereof.

Tall Building Design Guideline 1.6 refers to locating and designing tall buildings to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties. The Downtown Tall Buildings: Vision and Supplementary Design Guideline 3.4 refers to locating and designing tall buildings to respect and complement the scale, character, form and setting on on-site and adjacent heritage properties.

This development site includes Sterling Bank of Canada building (260 Church Street) which is subject to a forthcoming recommendation to designate under Part IV, section 29 of the Ontario Heritage Act.

The applicant submitted a Heritage Impact Assessment. Heritage staff reviewed this report in conjunction with the proposed built form and have submitted a report to the Toronto Preservation Board for March 24, 2021 to recommend that Toronto City Council designate the property at 260 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:

<https://www.toronto.ca/legdocs/mmis/2021/pb/bgrd/backgroundfile-164869.pdf>

Public Realm

For development in the Downtown, Official Plan Policy 2.2.1.11 refers to street improvements enhancing the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.6 which refer, among other things, to a Complete Streets approach and in Policy 3.1.1.13 that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages.

Downtown 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 metre wide sidewalk zone.

The applicant is proposing a minimum of 3 m pedestrian realm setback (building face to curb) on Church Street and 3.6 m on Dundas Street which reflects the retention of the in situ heritage building at the corner of Church and Dundas street. The pedestrian realm is increased to 6 m for the remaining portions of the Church Street frontage, which is in line with the recommended 6 m provision from the guidelines.

Wind Impacts

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 the Downtown Plan refers to development contributing to liveability by reasonably limiting uncomfortable wind conditions. The applicant has provided a Pedestrian Level Wind Study which concludes that all grade-level pedestrian sensitive locations across the full study area is expected to be suitable for the anticipated uses without mitigation. Additionally, wind conditions over the outdoor amenity areas are expected to be suitable for sitting throughout the year without mitigation.

Housing - Unit Mix and Unit Sizes

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe and the City's Official Plan 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.

Downtown Plan 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 City's Growing Up Guidelines includes performance standards which represent tangible measures to accommodate the growing demand for family-oriented housing in vertical communities. The Guidelines recommend that a building provide a minimum of 25% large units: 10% of the units should be 3-bedroom units and 15% of the units should be 2-bedroom units.

The applicant is proposing 82 (13%) bachelor units, 369 (60%) one-bedroom, 102 (17%) two-bedroom and 62 (10%) three bedroom units, the implementing by-law will include a similar unit mix. Staff are of the opinion that the proposed unit mix supports the unit mix objectives of the Growing Up Guidelines, OPA 406 and applicable Official Plan and provincial policies in order to accommodate, within new developments, a broad range of households including families with children.

Housing - Supportive Housing

The application proposes both the retention, in-situ, of the existing 3-storey Nishnawbe Homes Inc. aboriginal supportive housing facility located on the south portion of the site and, in the new building, the development of one floor with a dedicated entrance for 16 new units with amenity space for an expansion of Nishnawbe Homes. These new units will be owned and operated by Nishnawbe Homes and will not form part of the Section 37 contribution as they are being provided by the applicant as part of their own business plan to develop the property. The existing 3-storey aboriginal supportive housing facility will not be retained or secured as part of the Section 37 Agreement.

Tenant Relocation and Assistance Plan

Policy 3.2.1.12 states that new development resulting in the loss of one or more rental units or dwelling rooms shall secure an acceptable tenant relocation and assistance plan to lessen hardship for existing tenants. The subject site contains five (5) existing rental housing dwelling units. The owner has agreed to provide tenant relocation and assistance which will be to the satisfaction of the Chief Planner and secured through the Section 37 Agreements with the City. The tenant relocation and assistance plan will assist tenants in finding and securing alternative accommodation. As part of this plan, eligible impacted tenants will receive the following:

- At least 6 months' notice of the date that they must vacate their rental dwelling unit;
- Compensation equal to 3 months' rent pursuant to the Residential Tenancies Act;
- A move-out moving allowance;
- A rental leasing agent available upon request;

- Additional compensation based on length of tenure; and
- Any special needs compensation as determined by the Chief Planner.

City Planning staff are satisfied with the applicant's proposed tenant relocation and assistance plan as it is in line with the City's standard practices and City Council's direction as per OPA 453 and Policy 3.2.1.12.

Amenity Space

Official Plan Built Form Policy 3.1.2.11 states that new indoor and outdoor amenity spaces be provided as part of multi-unit residential developments and consider the needs of residents of all ages and abilities over time and throughout the year. 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. Downtown Policy 9.30 to 9.36 encourage amenity space to be designed in an appropriate form. Downtown 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 1230 m² (2 m² per dwelling unit) of indoor and 738 m² (1.2 m² per dwelling unit) of outdoor space proposed for a total of 1,968 m² (3.2 m² per dwelling unit). The amenity space has been designed so that the indoor space is adjacent to the outdoor space. A separate pet amenity space has also been provided on the 8th floor. The proposed indoor amenity space provision is appropriate. Although the outdoor amenity space is less than the standard 2 m², it is similar to what has been approved in other developments in the area and so is acceptable in this instance.

Traffic Impact, Access, Parking and Loading

A Transportation Impact Study was submitted with the application and has been reviewed by staff. Vehicular access and egress to the site would be from the City lane on the west side of the site 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 they concur with the applicant's assertion that anticipated traffic impacts will have minimal impacts on the overall study area network.

The proposal includes 74 parking spaces, 615 bicycle parking spaces and 1 Type G loading space. The proposed parking and loading space standards are also acceptable and have been incorporated into the implementing draft by-law.

Site Servicing

The applicant submitted a Functional Servicing Report, Hydrogeological Report, Stormwater Management Report and Geotechnical Report. 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 require, as a condition of approval, that the owner will pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that improvements to such infrastructure is required to support this development.

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 4-12 m² of parkland per person. 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.

Parks, Forestry and Recreation staff have also commented on the need to maintain and enhance existing parks' vibrancy and access to sunlight. Additionally, given the current rise in dog-owning populations, the applicant is expected to provide on-site dog amenities to help alleviate pressure on existing parks.

Urban Forestry

The applicant has submitted a Tree Inventory and Preservation Plan Report which states that there are 3 trees on and within 6 metres of the site, one of which will be required to be removed. Urban Forestry requires a total of three new large-growing shade trees to be planted within the City road allowance in compensation for the removal of the existing street tree. The landscape plans propose three new trees within the public realm which satisfies this requirement.

Urban Forestry commented that any concerns they may have may be addressed as part of a subsequent Site Plan application. As part of that subsequent application, they

would need detailed landscape plans, sections, and details with sufficient information to assure Urban Forestry that the required City tree plantings and associated soil volumes and soil infrastructure is feasible.

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. Downtown Policy 10.2 states that development will be encouraged to contribute to the delivery of community facilities as a community benefit and in Downtown Policy 10.3.1 that they be located in highly visible locations.

The applicants submitted a Community Services and Facilities Study as part of their Planning Rationale. Staff have reviewed the report and commented on the need for a range of community facilities including on-site multi-purpose community space. Section 37 funds from this project will assist in providing Community Service and Facilities in the broader neighbourhood which will also serve the needs of residents in this building.

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.

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 cash contribution of six million three hundred thousand dollars (\$ 6.3 million) dollars to be allocated toward:

- i. \$2,000,000.00 to new and existing capital improvements for City owned affordable housing in Ward 13;
- ii. \$2,000,000.00 to new and existing capital improvements in City owned community, cultural, and recreational centres in Ward 13;
- iii. \$2,000,000.00 to establishing a new non-profit City owned childcare centre in Ward 13; and
- iv. \$300,000.00 to local area streetscape and park improvements

at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor 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:

- a) an acceptable tenant relocation and assistance plan shall be developed and implemented to mitigate hardship for existing tenants of the existing five (5) rental dwelling units proposed to be demolished. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division,
- b) as part of a site plan application for the lands, the owner shall, at the owner's sole expense:
 - i. submit a revised Functional Servicing Report including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Review, including Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - ii. secure the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services should it be determined that improvements or upgrades and/or new infrastructure are required to support the development satisfactory to the Chief Planner and

Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor; and

- iii. make satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the municipal infrastructure, should it be determined that new infrastructure and/or upgrades/ improvements are required to the existing infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;
- c) as part of a site plan application for the lands, the owner shall, at its sole expense, submit an updated wind study and implement any wind mitigation measures required as identified, satisfactory to the Chief Planner and Executive Director, City Planning;
- d) as part of a site plan application for the lands, the owner shall, at its sole expense, submit detailed landscape plans, sections, and details with sufficient information to assure Urban Forestry that the required City tree plantings and associated soil volumes and soil infrastructure is feasible
- e) prior to final Site Plan Approval for any part of the site, the owner shall submit a construction management plan for the development with the general matters included in the Section 37 Agreement, including but not limited to, 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, coordination with adjacent on-going development construction, 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;
- f) the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is

consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal conforms to 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 generally conforms with the guidelines and importantly addresses both on-site heritage resources and housing affordability. Staff worked with the applicant and the community to address and resolve various massing issues including appropriate setbacks and stepbacks while providing for a generous public realm where feasible. The provision of on-site Indigenous non-profit affordable housing and a range of dwelling unit types as well as a Section 37 contribution will help address both community services and housing issues. Staff recommend that Council support approve the Zoning By-law Amendment application.

CONTACT

Derek Waltho, Senior Planner
Tel. No. 416-392-0412
E-mail: Derek.Waltho@toronto.ca

SIGNATURE

A handwritten signature in black ink, appearing to read "Macdonald", written in a cursive style.

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Application Data Sheet

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

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

Attachment 6: Draft 569-2013 Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 7: Site Plan

Attachment 8: 3D Model of Proposal in Context

Attachment 9: North Elevation

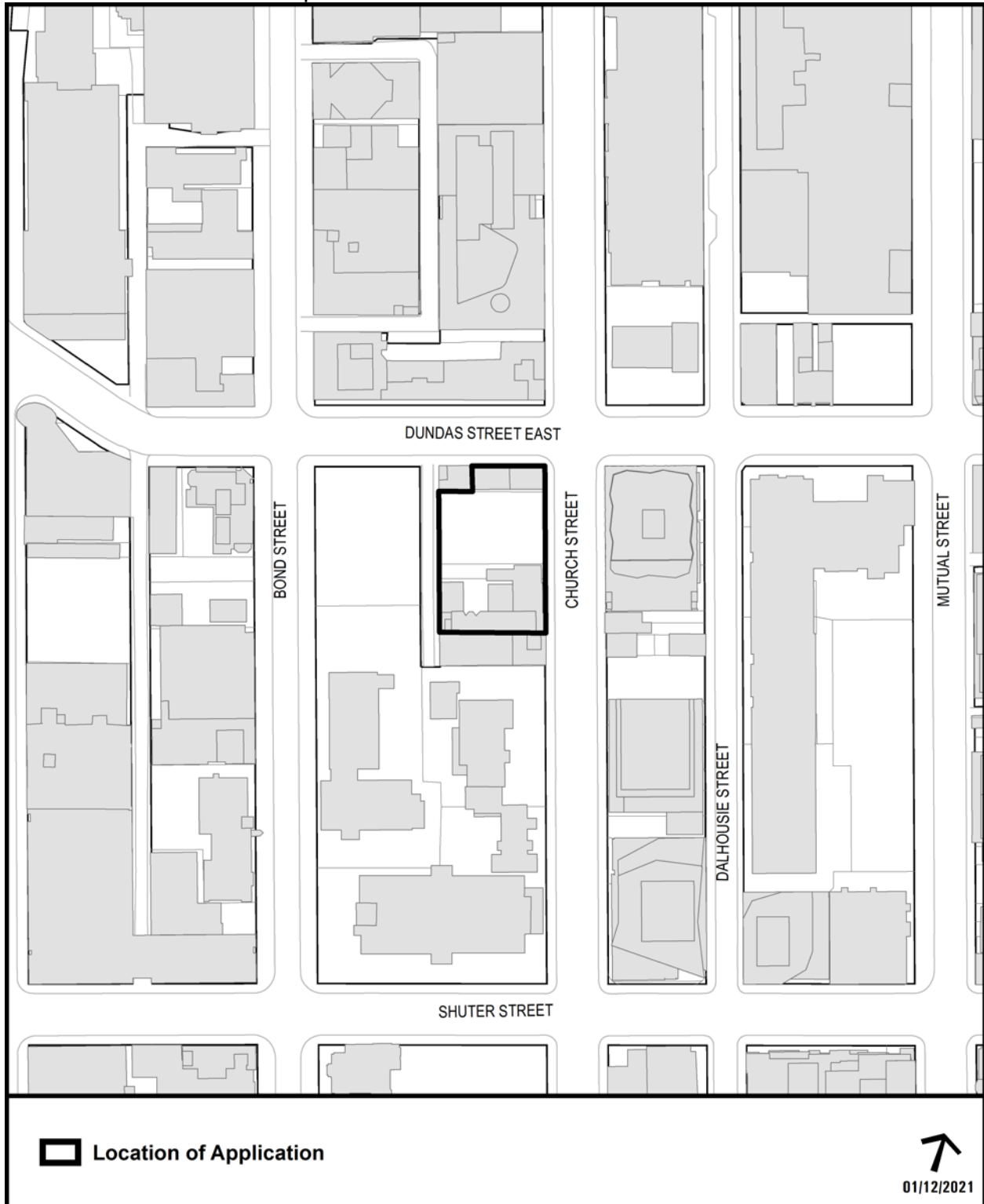
Attachment 10: South Elevation

Attachment 11: West Elevation

Attachment 12: East Elevation

Attachment 13: Interface with 91 Dundas

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 244 CHURCH ST Date Received: March 10, 2020

Application Number: 20 124315 STE 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: 52-storey, 615 dwelling units, building with retail space at grade

| | | | |
|--------------------------------|-------|-----------|---------------|
| Applicant | Agent | Architect | Owner |
| 250 CHURCH LIMITED PARTNERSHIP | | IBI | VIKESH SHARMA |

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

| | | |
|---------|---------------------------------|-----------------------|
| Zoning: | CR 4.0 (c2.0; r4.0) SS1 (x2161) | Heritage Designation: |
|---------|---------------------------------|-----------------------|

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

PROJECT INFORMATION

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

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|----------|----------|----------|--------|
| Ground Floor Area (sq m): | 902 | 640 | 905 | 1,545 |
| Residential GFA (sq m): | 1,830 | 1,563 | 38,050 | 39,613 |
| Non-Residential GFA (sq m): | 315 | | 315 | 315 |
| Total GFA (sq m): | 2,145 | 1,563 | 38,365 | 39,928 |
| Height - Storeys: | 3 | 3 | 54 | 54 |
| Height - Metres: | 11 | 11 | 162 | 162 |

Lot Coverage Ratio (%): 80.47 Floor Space Index: 20.8

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

Residential GFA: 39,613

Retail GFA: 315

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure

| | Existing | Retained | Proposed | Total |
|---------------------|-----------|-----------|------------|------------|
| Rental: | 16 | 16 | | 16 |
| Freehold: | | | | |
| Condominium: | | | 615 | 615 |
| Other: | | | | |
| Total Units: | 16 | 16 | 615 | 631 |

Residential Units by Size

| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|---------------------|-------|-----------|------------|------------|------------|
| Retained: | | 16 | | | |
| Proposed: | | 82 | 369 | 102 | 62 |
| Total Units: | | 98 | 369 | 102 | 62 |

Parking and Loading

Parking Spaces: 74 Bicycle Parking Spaces: 615 Loading Docks: 1

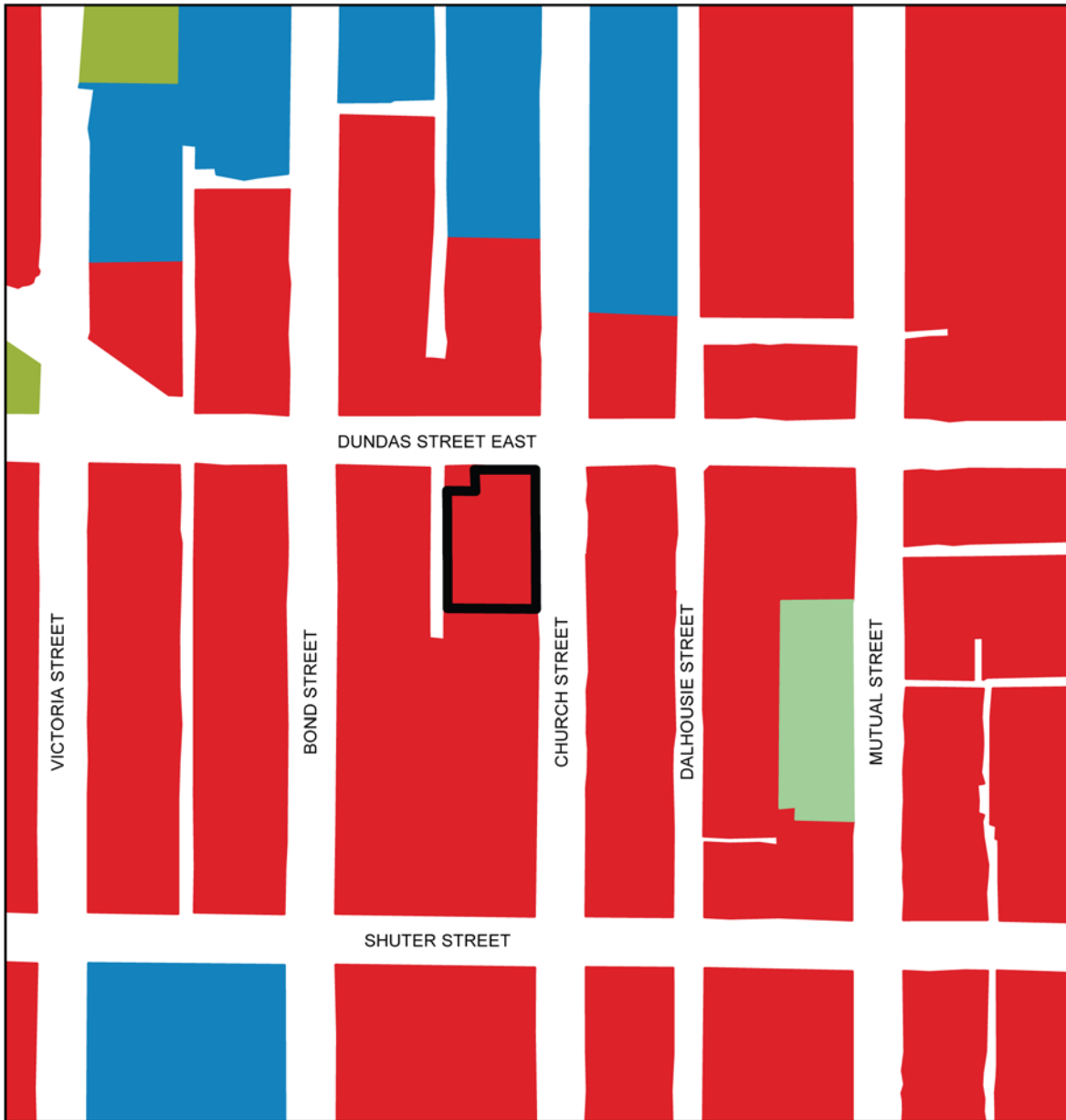
CONTACT:

Derek Waltho, Senior Planner

416-392-0412

Derek.Waltho@toronto.ca

Attachment 3: Official Plan Land Use Map



244-260 Church Street

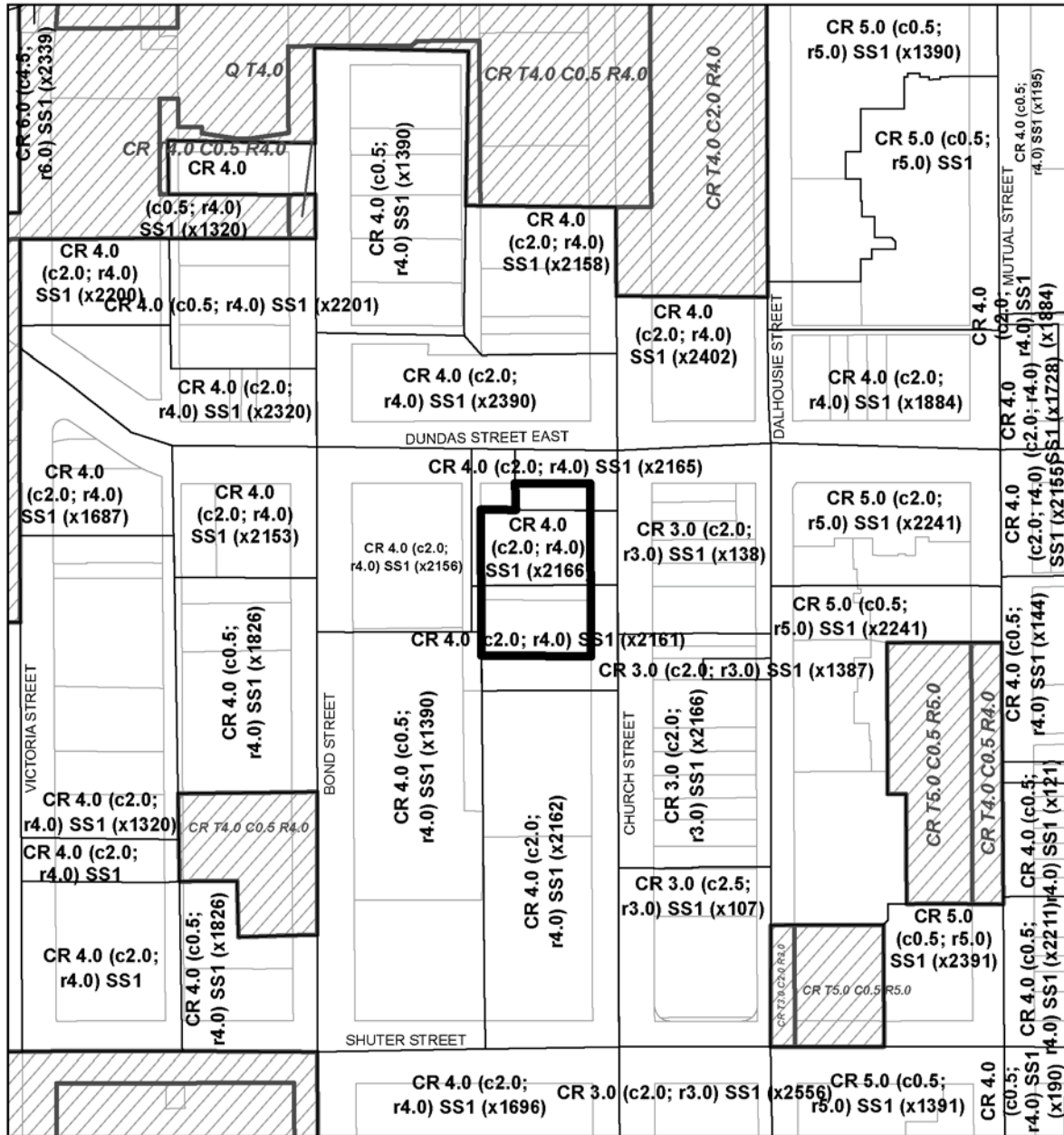
Official Plan Land Use Map #18

File # 20 124315 STE 13 OZ



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Not to Scale
03/16/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

244 - 260 Church Street

File # 20_124315 STE 13 0Z

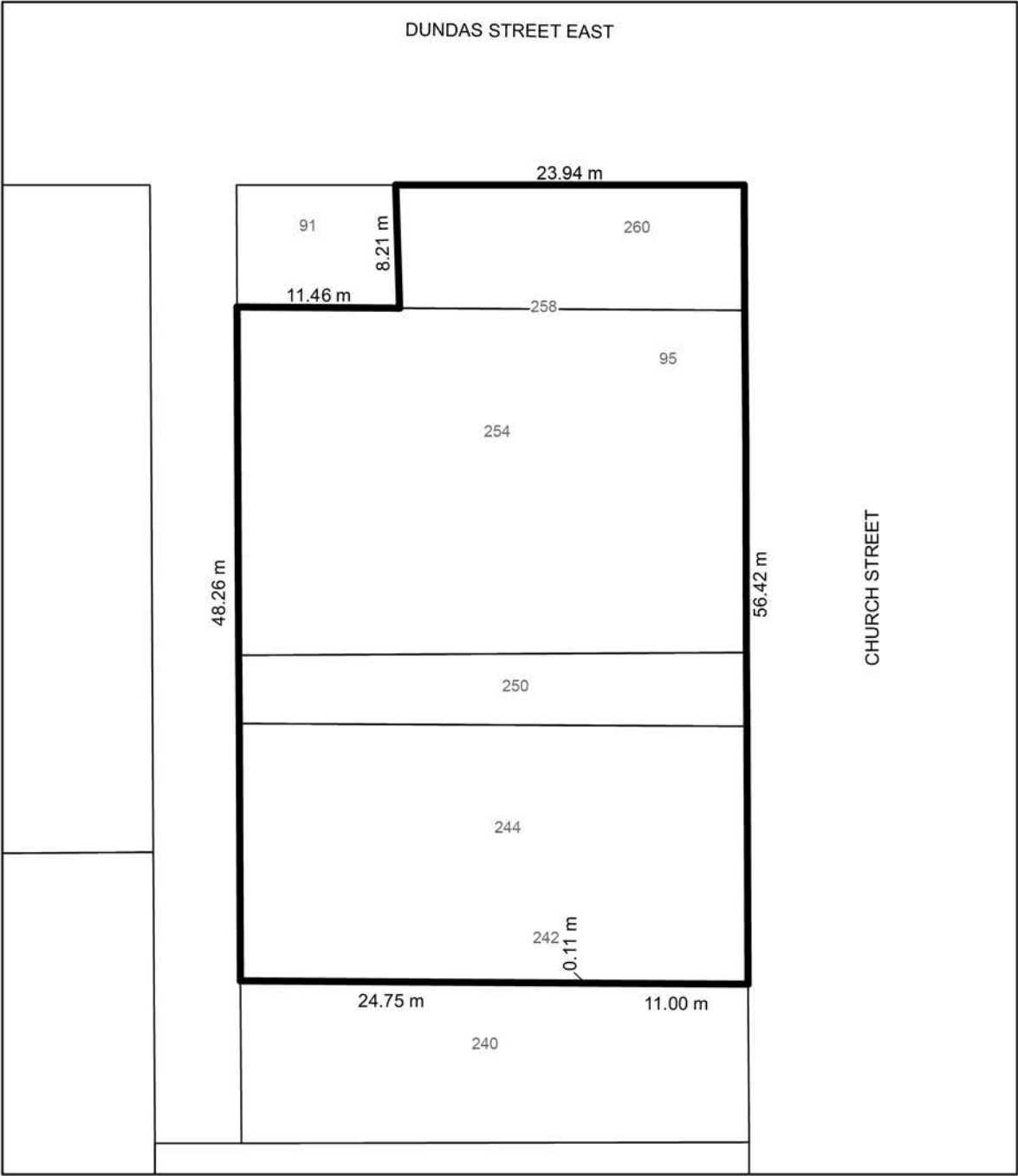
Location of Application
CR Commercial Residential

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

Not to Scale
Extracted: 01/13/2021

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

To be provided prior to April 21, 2021 Toronto East York Community Council.



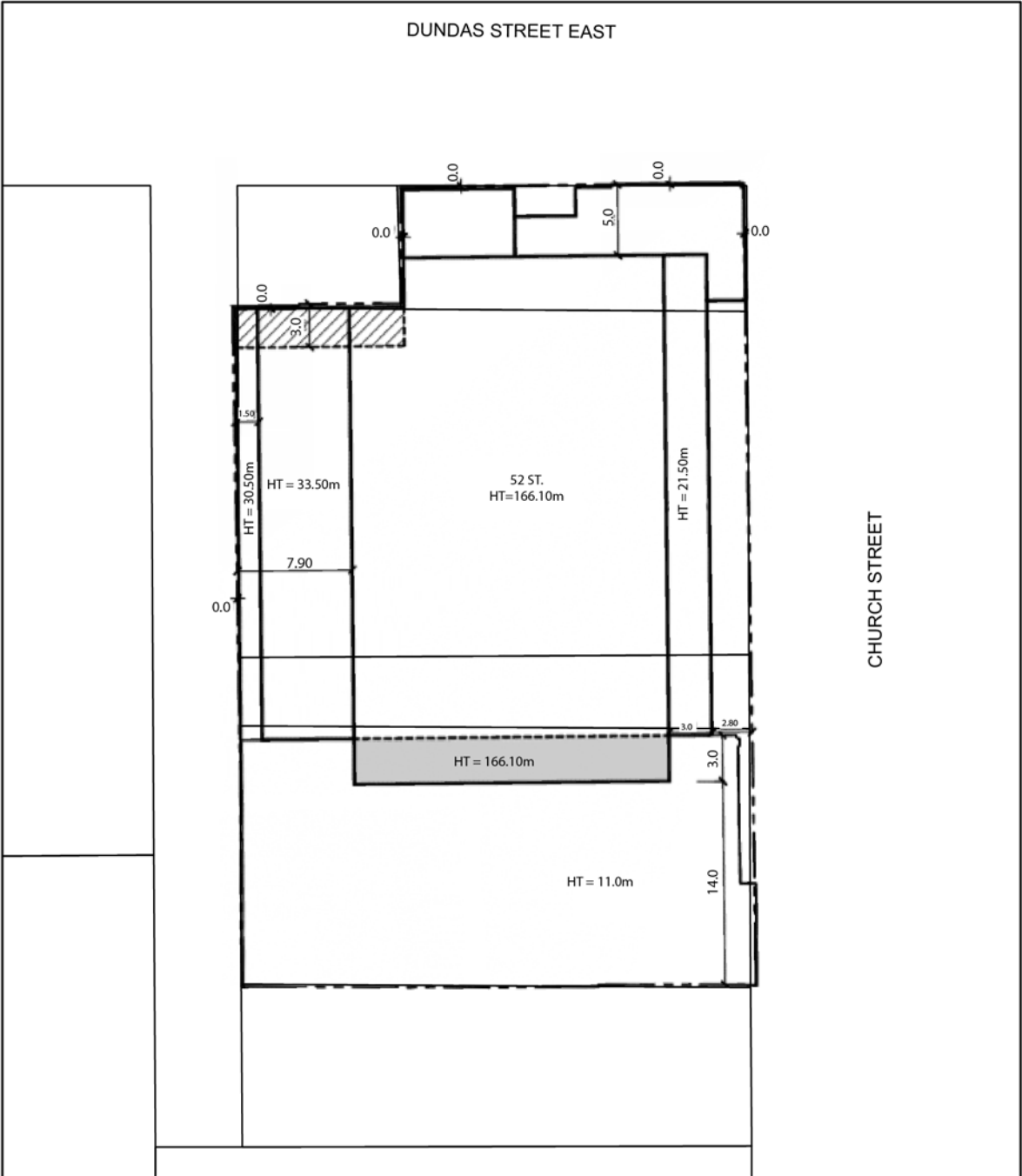
 **TORONTO**
Map 1

**244, 250, 254, 258, 260 and
262 Church Street**

File # 20 124315 STE 13 0Z






City of Toronto By-law 438-86
Not to Scale
03/22/2021

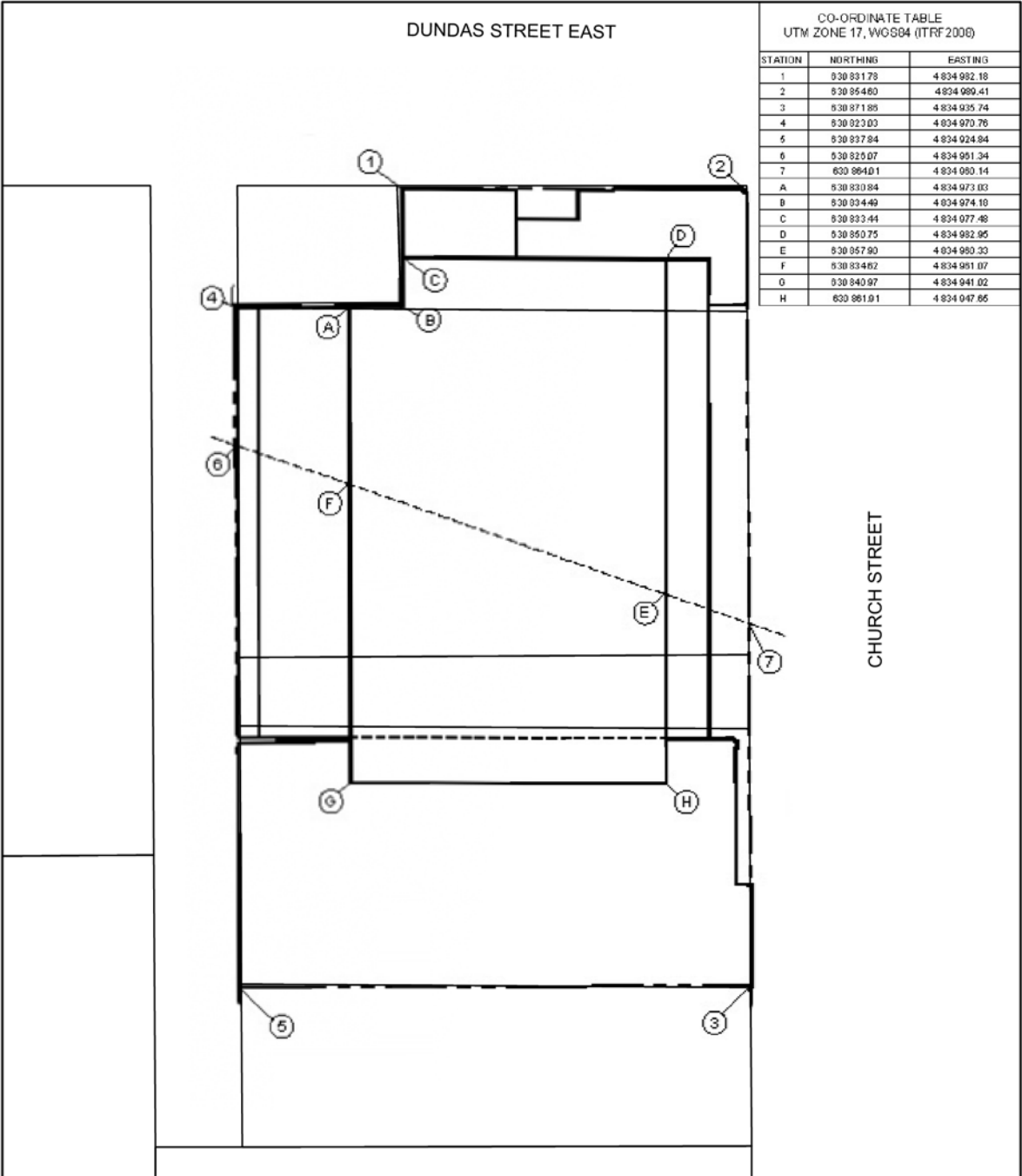


TORONTO
Map 2

**244, 250, 254, 258, 260 and
262 Church Street**
File # 20 124315 STE 13 0Z

 No Building may be constructed between HT = 11.0m and 18.8m
 No Building permitted between HT = 3.6m and HT = 9.0m
 Note: Podium is partially at zero lot line North and East lot line and at zero lot line on the West lot line.


 City of Toronto By-law 438-86
 Not to Scale
 03/22/2021




CO-ORDINATE TABLE
UTM ZONE 17, WGS84 (ITRF 2000)

| STATION | NORTHING | EASTING |
|---------|------------|--------------|
| 1 | 830 831 78 | 4 834 982 18 |
| 2 | 830 854 80 | 4 834 989 41 |
| 3 | 830 871 85 | 4 834 935 74 |
| 4 | 830 823 03 | 4 834 970 76 |
| 5 | 830 837 84 | 4 834 924 84 |
| 6 | 830 825 07 | 4 834 981 34 |
| 7 | 830 864 01 | 4 834 980 14 |
| A | 830 830 84 | 4 834 973 03 |
| B | 830 834 49 | 4 834 974 18 |
| C | 830 833 44 | 4 834 977 48 |
| D | 830 850 75 | 4 834 982 95 |
| E | 830 857 90 | 4 834 980 33 |
| F | 830 834 62 | 4 834 981 07 |
| G | 830 840 97 | 4 834 941 02 |
| H | 830 861 91 | 4 834 947 85 |

Toronto
Map 3

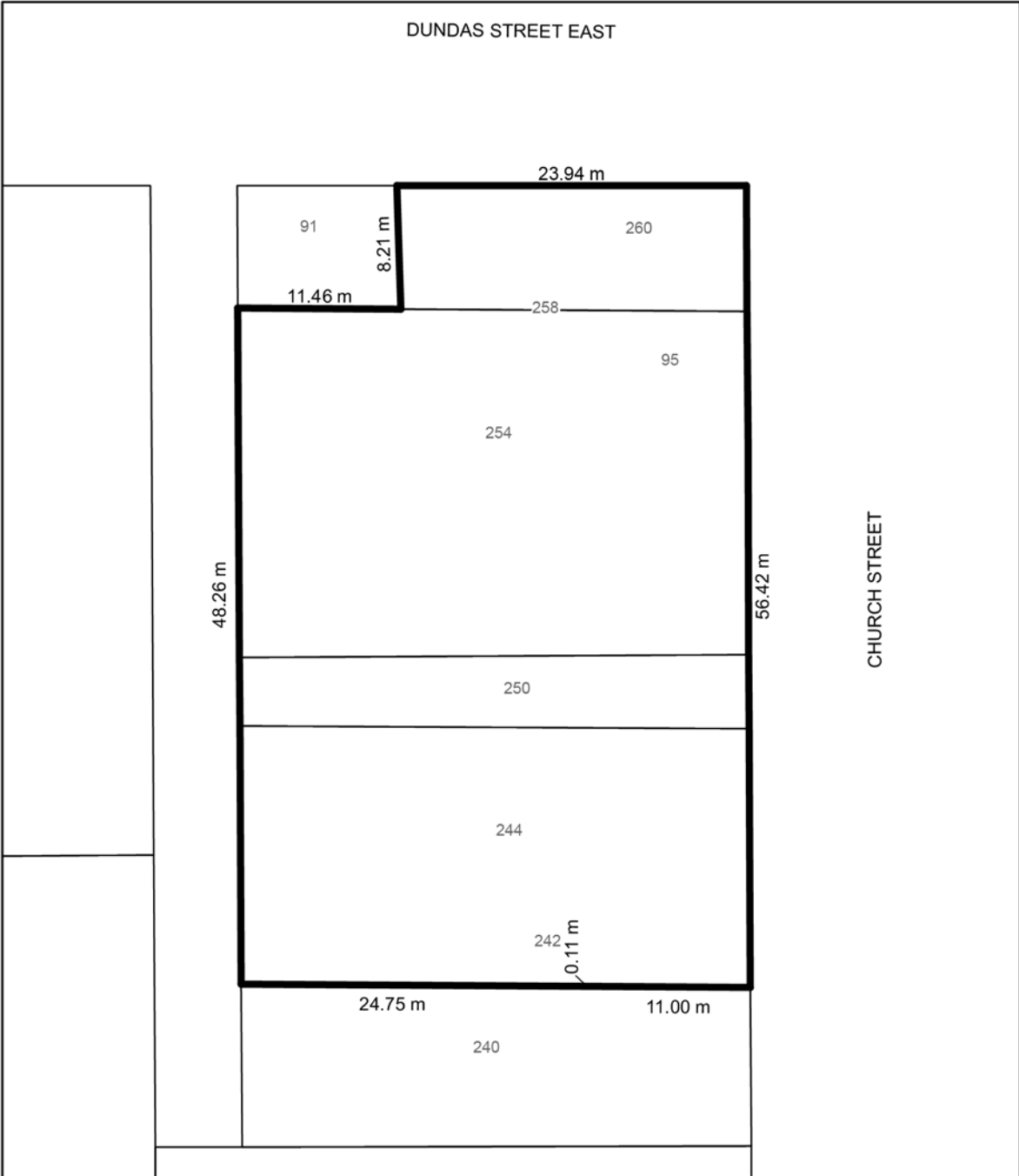
**244, 250, 254, 258, 260 and
262 Church Street**
File # 20 124315 STE 13 0Z

*The elevation benchmarks are published as per CVGD-1928:Pre1978
In the event where CVGD-1928:1978 benchmarks are used, the CVGD2013 datum would be 0.527m lower


 City of Toronto By-law 438-86
 Not to Scale
 03/22/2021

Attachment 6: Draft 569-2013 Zoning By-law Amendment


To be provided prior to April 21, 2021 Toronto East York Community Council.

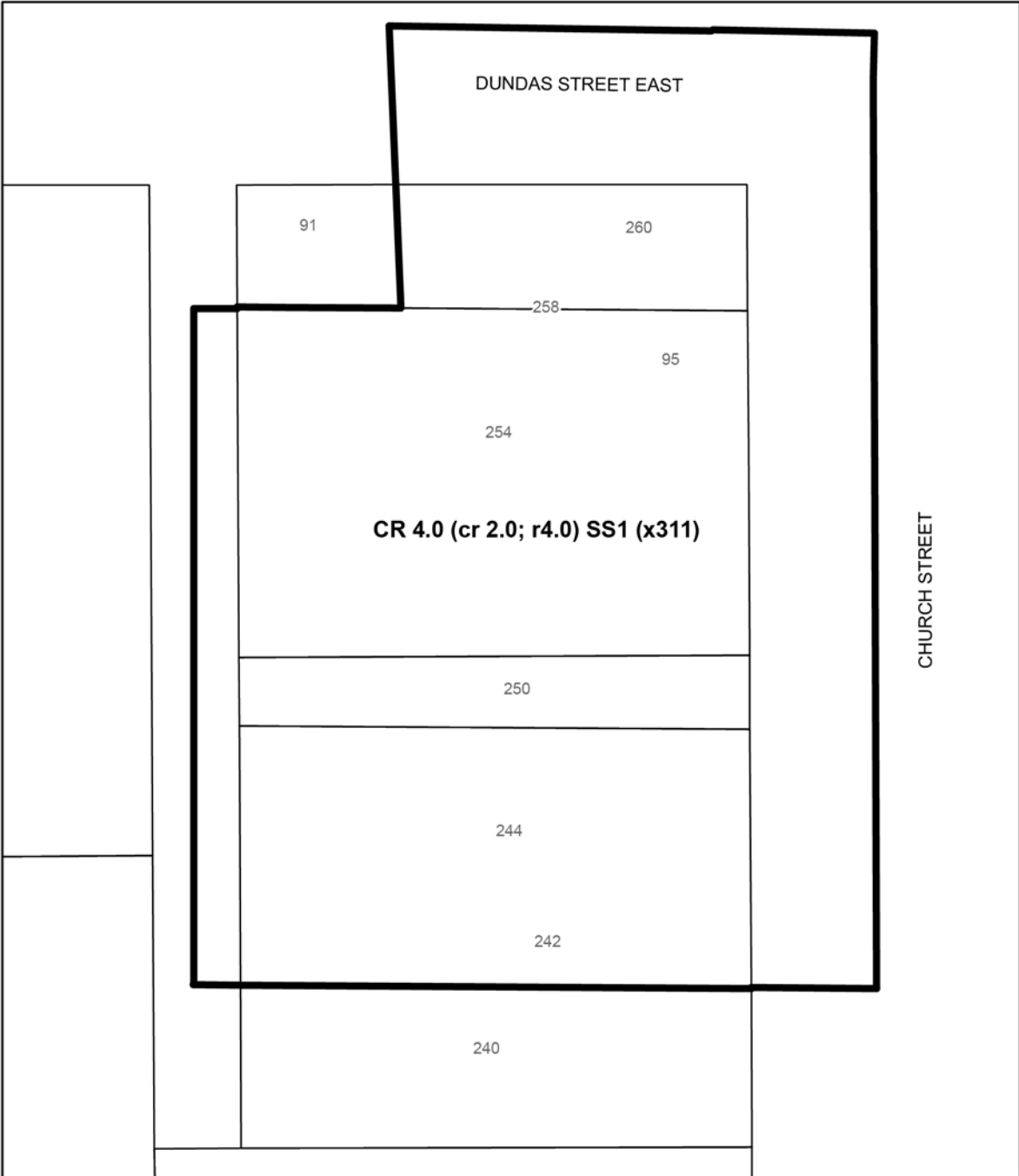


 **TORONTO**
Diagram 1

**244, 250, 254, 258, 260 and
262 Church Street**

File # 20 124315 STE 13 0Z


City of Toronto By-law 569-2013
Not to Scale
03/22/2021



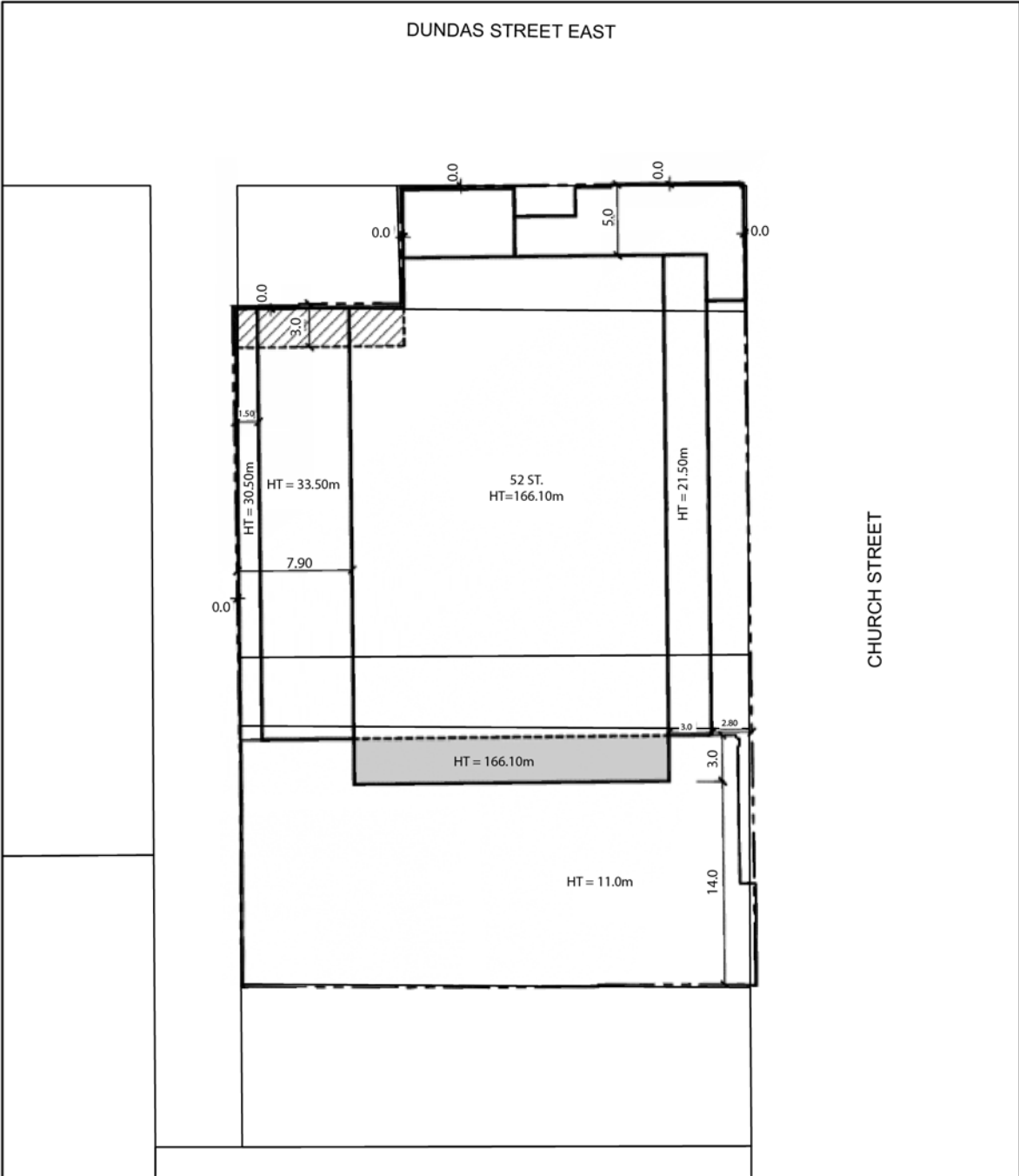
 **TORONTO**
Diagram 2

**244, 250, 254, 258, 260 and
262 Church Street**

File # 20 124315 STE 13 0Z




City of Toronto By-law 569-2013
Not to Scale
03/26/2021



TORONTO
Diagram 3

**244, 250, 254, 258, 260 and
262 Church Street**

File # 20 124315 STE 13 0Z

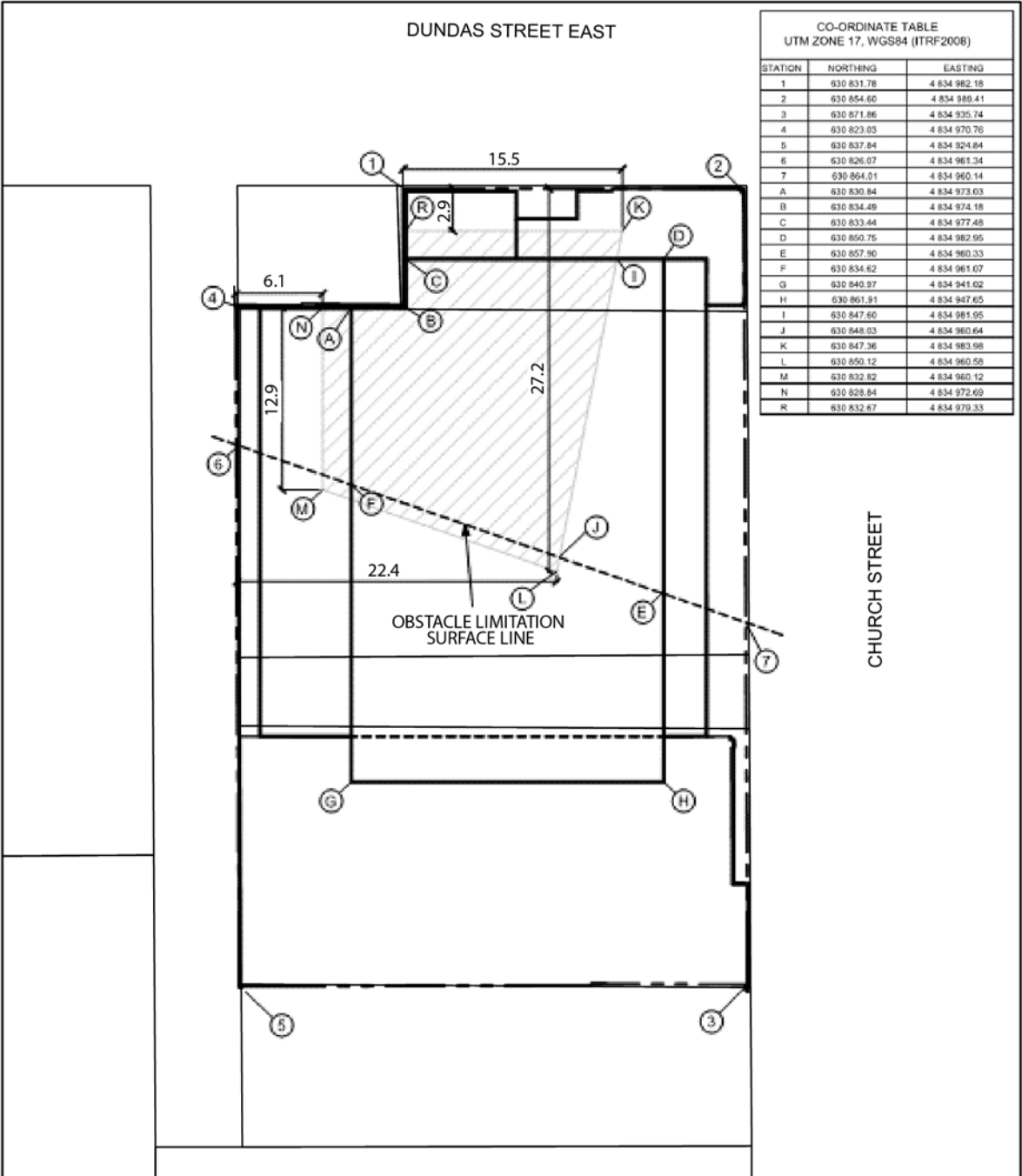
 No Building may be constructed between HT = 11.0m and 18.8m

 No Building permitted between HT = 3.6m and HT = 9.0m

Note: Podium is partially at zero lot line North and East lot line and at zero lot line on the West lot line.



City of Toronto By-law 569-2013
Not to Scale
03/22/2021



CO-ORDINATE TABLE
UTM ZONE 17, WGS84 (ITRF2008)

| STATION | NORTHING | EASTING |
|---------|------------|--------------|
| 1 | 630 831.78 | 4 834 982.18 |
| 2 | 630 854.60 | 4 834 989.41 |
| 3 | 630 871.86 | 4 834 935.74 |
| 4 | 630 823.03 | 4 834 970.76 |
| 5 | 630 837.84 | 4 834 924.84 |
| 6 | 630 826.07 | 4 834 981.34 |
| 7 | 630 864.01 | 4 834 960.14 |
| A | 630 830.84 | 4 834 973.03 |
| B | 630 834.49 | 4 834 974.18 |
| C | 630 833.44 | 4 834 977.48 |
| D | 630 850.75 | 4 834 982.95 |
| E | 630 857.90 | 4 834 960.33 |
| F | 630 834.62 | 4 834 981.07 |
| G | 630 840.97 | 4 834 941.02 |
| H | 630 861.91 | 4 834 947.65 |
| I | 630 847.60 | 4 834 981.95 |
| J | 630 848.03 | 4 834 960.64 |
| K | 630 847.36 | 4 834 983.98 |
| L | 630 850.12 | 4 834 960.58 |
| M | 630 832.82 | 4 834 960.12 |
| N | 630 828.84 | 4 834 972.69 |
| R | 630 832.67 | 4 834 979.33 |

TORONTO
Diagram 4

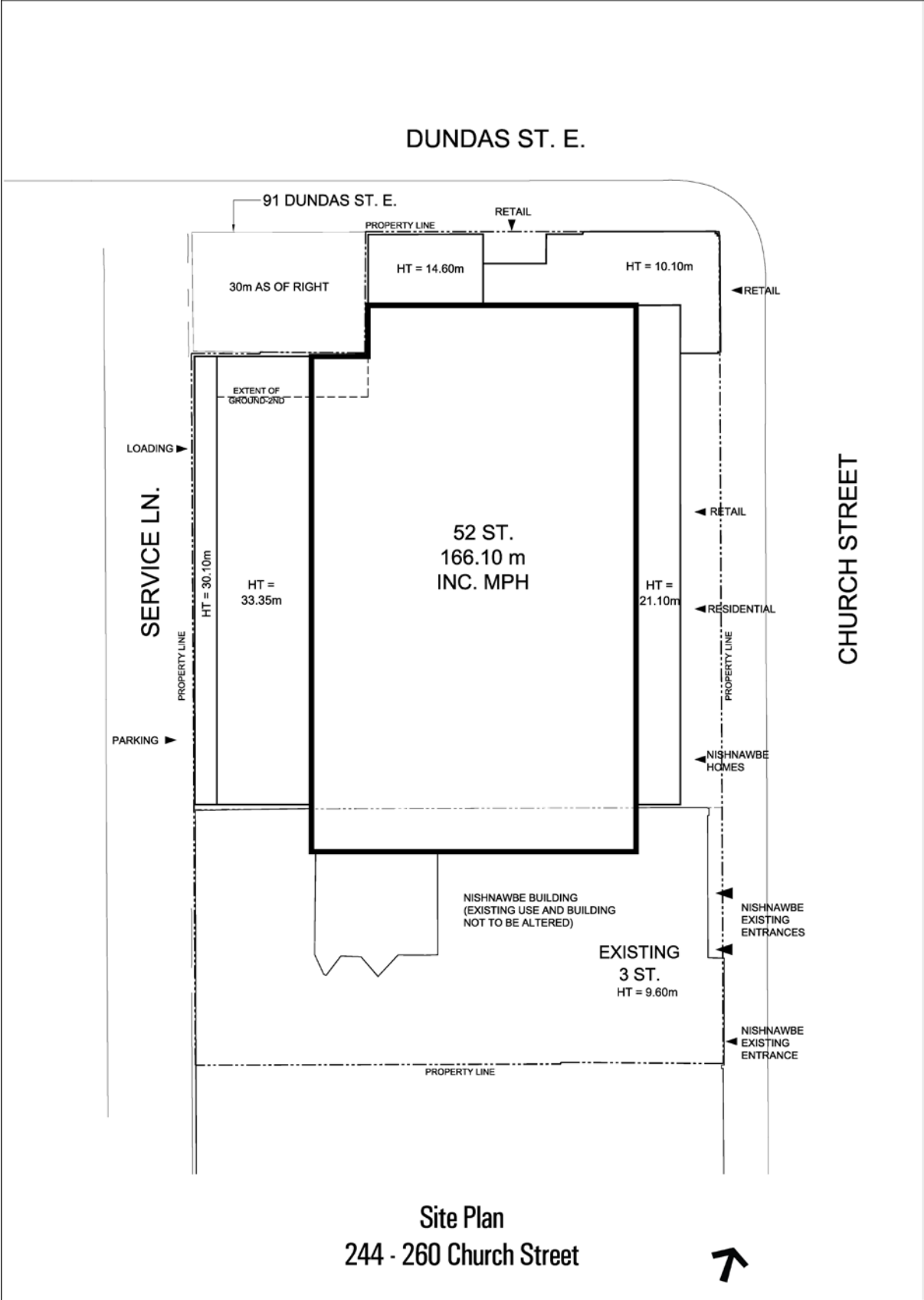
**244, 250, 254, 258, 260 and
262 Church Street**
File # 20 124315 STE 13 0Z

No projection zone

*The elevation benchmarks are published as per CVGD-1928:Pre1978
In the event where CVGD-1928:1978 benchmarks are used, the CVGD2013 datum would be 0.527m lower

City of Toronto By-law 569-2013
 Not to Scale
 03/31/2021

Attachment 7: Site Plan



Attachment 8: 3D Model of Proposal in context



View of Applicant's Proposal Looking Northeast



01/13/2021



View of Applicant's Proposal Looking Southwest



01/13/2021

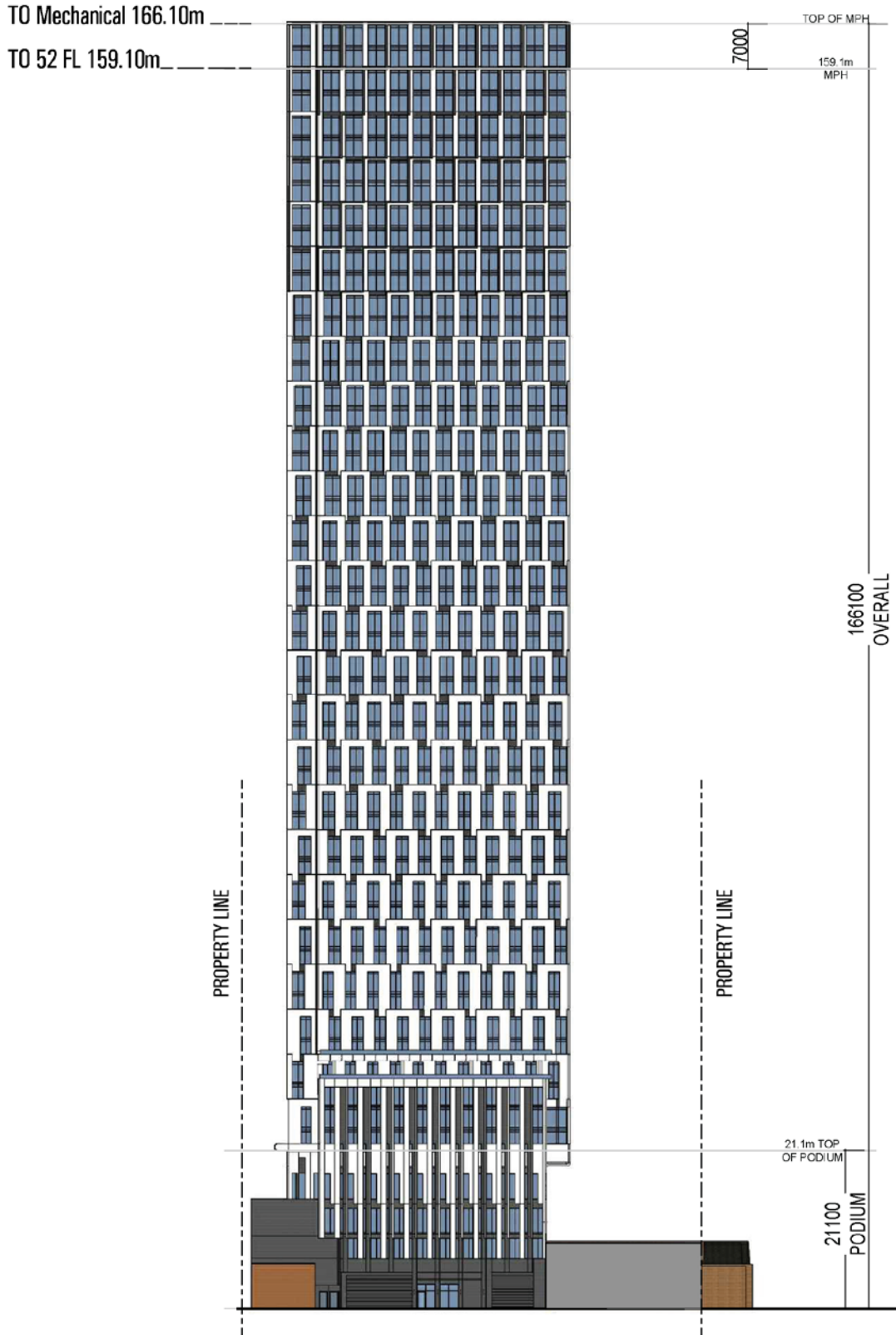
Attachment 9: North Elevation



Attachment 10: South Elevation



Attachment 11: West Elevation



West Elevation

Attachment 12: East Elevation



Attachment 13: Interface with 91 Dundas



91 Dundas Setback with Dimensions