

## **625 Church Street – Zoning Amendment Application – Request for Direction Report**

Date: April 29, 2021

To: Toronto and East York Community Council

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

Ward 11 - University-Rosedale

**Planning Application Number:** 19 263839 STE 11 OZ

### **SUMMARY**

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The owner of the site at 625 Church Street has appealed its Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT) citing Council's failure to make a decision within the time required by the *Planning Act*. A case management conference has been scheduled for June 28, 2021.

This application proposes the redevelopment of the site at 625 Church Street with a 59-storey (201.9 metres, inclusive of the mechanical penthouse) mixed-use building that partially retains the existing on-site 6-storey Traders Building. The proposed development includes 10,660 square metres of office and retail uses, 651 residential units, and 260 parking spaces. The total gross floor area proposed is 56,499 square metres.

The proposed development in its current form is consistent with some, but not all of the policies in the Provincial Policy Statement (2020), conforms with some, but not all of the policies in the Growth Plan (2020), and does not conform to the City's Official Plan. The height and massing of the proposed development is not appropriate within the existing and planned context and does not provide adequate transition between areas of different intensity and scale. Furthermore, the extent of the proposed heritage conservation strategy is insufficient and the applicant has not sufficiently addressed outstanding servicing, transportation and waste disposal matters.

This report recommends that the City Solicitor, together with City Planning staff and other appropriate City staff, attend the LPAT in opposition to the proposal in its current form, and continue discussions with the applicant in an attempt to resolve outstanding matters as identified in this report.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and appropriate City Staff to attend the Local Planning Appeal Tribunal hearing to oppose the Zoning By-law Amendment application in its current form.

2. City Council direct City Staff to continue discussions with the applicant in an attempt to resolve outstanding matters as identified in the report (April 29, 2021), from the Director, Community Planning, Toronto and East York District.

3. City Council direct the City Solicitor to request the Local Planning Appeal Tribunal, in the event the Local Planning Appeal Tribunal allows the appeal and permits additional height or density, or some variation, to:

a) Secure the following community benefits with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, and enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the *Planning Act*:

i) A financial contribution payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential 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, and calculated from the date of the Section 37 Agreement to the date of payment; the funds to be directed as follows or to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor:

A) Provision of on-site affordable housing and/or financial contributions towards affordable housing;

B) Financial contributions towards area parks and facilities;

C) A non-profit, licensed child care facility to be integrated within the proposed development in accordance with the Child Care Development Guideline and/or financial contributions towards a child care facility in the local vicinity;

D) A minimum of 5,000 square feet of flexible, multi-purpose community agency space in an accessible and visible location at the ground floor of the proposed development in accordance with the City's Community Space Tenancy policy;

E) Financial contributions towards a new Community Recreation Centre to serve growth in the North Downtown area; and/or

F) Financial contributions towards capital improvements of local library branches.

ii) In the event the financial contribution referred to in Recommendation 3(a)(i) has not been used for the intended purpose within three years of the date of the Section 37 Agreement, the financial contribution may be directed for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, 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.

iii) In the event the owner provides in-kind benefits pursuant to Section 37 of the *Planning Act*, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

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

i) The owner construct and maintain a 126.6 square metre privately-owned publicly accessible space (POPS) and a mid-block connection through the site, with specific configuration and design of the POPS and the mid-block connection to be determined and secured for public access in the context of Site Plan approval, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

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

iii) The owner design and install new traffic control signals at the intersection of Church Street and Hayden Street, at no cost to the City, to the satisfaction of the General Manager, Transportation Services, details to be secured as part of the Site Plan application.

c) Withhold its Order allowing the appeal in whole or in part of the Zoning By-law Amendments until:

i) The owner has entered into an Agreement under Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to secure appropriate community benefits and the Section 37 Agreement has been registered on title to the site to the satisfaction of the City Solicitor;

ii) The Local Planning Appeal Tribunal has been provided with proposed Zoning By-law Amendments by the City Solicitor together with

confirmation the proposed Amendments are in a form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

iii) The owner has addressed all outstanding issues identified by Engineering & Construction Services, Transportation Services, and Solid Waste Management, as outlined in the memo dated January 14, 2021 from Engineering and Construction Services relating to the Zoning By-law Amendment application, including submitting a revised Functional Servicing and Stormwater Management Report, site plan, and landscape plan, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and

iv) The owner has entered into an agreement or agreements with the City securing the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or provision of new municipal infrastructure identified in the approved engineering reports referenced in Recommendation 3(c)(iii), 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;

4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **DECISION HISTORY**

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A pre-application meeting was held with the applicant on October 9, 2019 to discuss the proposed development concept and identify application requirements. City Planning staff provided comments with respect to the proposed height, built form transition, heritage preservation, and other matters and identified the necessary supporting studies and materials for the application.

The current Zoning By-law Amendment application was submitted on December 20, 2019 and deemed complete as of that date.

A Preliminary Report on the application was adopted by Toronto and East York Community Council on March 12, 2020 authorizing staff to conduct a community consultation meeting. The preliminary report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE14.30>

The community consultation meeting occurred on September 23, 2020. An additional consultation took place with the applicant and a community working group on December 7, 2020. These community consultations are summarized in the Comments section of this report.

## PROPOSAL

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This application proposes to amend the Zoning By-law for the property at 625 Church Street to permit the development of a 59-storey (201.9 metres inclusive of the mechanical penthouse) mixed use building with a gross floor area of 56,499 square metres, resulting in a density of 18.25 times the area of the lot. The proposed development would retain the entire west elevation of the existing 6-storey building, as well as portions of the north and south elevations.

The ground floor includes 559 square metres of retail, a residential lobby, an office lobby, a parking ramp entrance, and loading facilities. The 2nd to 5th floors inclusive, are dedicated to office uses (10,101 square metres in total), while the 6th to 59th floors contain residential units and residential amenity space. Additional residential amenity space is located on the mechanical penthouse level. A total of 651 residential units are comprised of 66 studio (10%), 319 one-bedroom (49%), 200 two-bedroom (31%), and 66 three-bedroom (10%) units. The residential units are proposed to be rental tenure. A 126.6 square metre privately-owned publicly accessible space (POPS) is proposed along the Charles Street East frontage of the site, and a mid-block connection is proposed along the east side of the site. Refer to Table 1 and Attachment 2 for other details of the proposal, Attachment 7 for the Site Plan, Attachment 8 for the 3D model of the proposal in context, and Attachment 9 for the Elevations.

Table 1 - Summary of Application

	<b>Proposed</b>
<b>Site Area</b>	3,096 square metres
<b>Height</b>	
Podium	25.3 metres (5 storeys)
Tower (including podium)	191.9 metres (59 storeys)
Mechanical penthouse	10.0 metres
Total	201.9 metres
<b>Density</b>	18.25 FSI

	<b>Proposed</b>
<b>Gross Floor Area<sup>(1)</sup></b> Residential Retail Office Total	46,292 square metres 559 square metres 10,101 square metres 56,499 square metres  Note: The total Gross Floor Area listed on the Project Data Sheet submitted with the application and used in the City's evaluation is not equal to the sum of the residential, retail and office GFA.
<b>Unit Mix</b> Studio One bedroom Two bedroom Three bedroom Total	66 (10%) 319 (49%) 200 (31%) 66 (10%) 651 (100%)
<b>Amenity Space</b> Indoor Outdoor	1,745 square metres (2.68 m <sup>2</sup> /unit) 1,444 square metres (2.22 m <sup>2</sup> /unit)
<b>Privately-Owned Publicly Accessible Space (POPS)</b>	126.6 square metres
<b>Setbacks<sup>(2)</sup></b> West East North South	3.05 metres 7.74 metres 0 metres 3.40 metres
<b>Tower Stepback from Podium<sup>(3)</sup></b> West North South	5.10 metres 4.19-5.24 metres 9.04 metres

	<b>Proposed</b>
<b>Tower Setback from Property Line<sup>(3)</sup></b>	
West	7.69 metres (Levels 6-11) 10.09 metres (Levels 12-41) 7.01 (Levels 42-59)
East	10.44-12.28 metres (Levels 6-11) 12.84-14.68 metres (Levels 12-59)
North	4.19-5.24 metres (Levels 6-59)
South	9.50 metres (Levels 6-11) 22.90 metres (Levels 12-38) 24.90 metres (Levels 39-41) 20.15 metres (Levels 42-59)
<b>Tower Floorplate (Gross Construction Area)</b>	
Levels 6-11	1,152-1,198 square metres
Levels 12-38	874 square metres
Level 39	571 square metres
Levels 40-41	788 square metres
Levels 42-59	900 square metres
<b>Vehicular Parking</b>	
Residential	228
Retail and office	32
Total	260
<b>Bicycle Parking</b>	
Office	24
Residential residents	592
Residential visitor	90
Total	706
<b>Loading Spaces</b>	
Type G	1
Type B	1
Type C	2

(1) Gross Floor Area per Project Data Sheet

(2) Setbacks per Project Data Sheet

(3) Setbacks per Architectural Plans

The site is located on the east side of Church Street, between Hayden Street and Charles Street East. The site is rectangular-shaped with frontages of approximately 69.1 metres on Church Street, 48.9 metres on Hayden Street, and 43.7 metres on

Charles Street East, and a total site area of 3,096 square metres. Refer to Attachment 1 for the site location and surrounding lands and streets.

The site currently contains a 6-storey commercial office building (the "Traders Building"), which has been identified as having cultural heritage value. As discussed further in the Comments section of this report, the Heritage Impact Assessment submitted in support of the application determines that the subject property meets the provincial criteria for designation under Part IV of the *Ontario Heritage Act*. The existing building contains approximately 8,100 square metres of office gross floor area.

The surrounding uses and buildings are as follows:

North: Hayden Street, and on the north side of Hayden Street is a 17-storey office building with commercial at-grade.

South: Charles Street East, and on the south side of Charles Street East is a 16-storey residential building.

East: Multiple residential buildings ranging in height from 8 to 9 storeys.

West: Church Street and on the west side of Church St, an approved and under-construction 47-storey mixed use development.

### **Reasons for Application**

The proposal requires an amendment to Zoning By-laws 438-86 and 569-2013 for the property at 625 Church Street to vary performance standards, including: increase in gross floor area, increase in building height, and reduced parking standards, among others.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- Arborist Report
- Architectural Plans
- Draft Zoning By-law Amendments
- Energy Strategy Report
- Functional Servicing and Stormwater Management Report
- Geotechnical Study
- Heritage Impact Assessment
- Hydrogeological Report
- Landscape Plans
- Pedestrian Wind Study
- Planning and Urban Design Rationale
- Public Consultation Strategy Report



- Renderings
- Shadow Studies
- Survey Plans
- Toronto Green Standards Checklist
- Transportation Impact Study
- Tree Preservation Plan

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. Based on the responses received to date, these have assisted in evaluating the application and to formulate appropriate recommendations.

## **POLICY CONSIDERATIONS**

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### **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.

It is important to note that the PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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 May 16, 2019, with Amendment 1 to the Growth Plan coming into effect on August 28, 2020 (the "Growth Plan (2020)"). 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* that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

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

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, 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 MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan. Major Transit Station Area boundaries will not be delineated until such time as the City initiates and completes an MCR in conformity with the Growth Plan 2020.

At its meeting on April 22, 2021, the Planning and Housing Committee adopted the Draft Delineations for the Protected Major Transit Station Areas within the Downtown Secondary Plan and Draft Citywide Major Transit Station Areas (MTSA) Policy Directions as a basis for consultation. The draft sixteen Site and Area Specific Policies under consultation contain individual delineations, policies, and minimum density targets for each station area. The Minister of Municipal Affairs and Housing is the approval authority for the delineation of Protected Major Transit Stations Areas and the Minister's decision is not appealable. The staff report (Item PH22.6) can be accessed here: <https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-165469.pdf> and the draft SASPs can be here: <https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-165470.pdf>.

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/>.

The *Planning Act* and Policy 4.6 of the PPS, 2020 requires the City to update its Official Plan and keep it up to date. 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 original 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, Official Plan Amendment 406 (Downtown Plan), including OPA 231, and OPA 352 (and implementing By-laws 1106-2016 and 1107-2016), as follows:

## **Chapter 2 - Shaping the City**

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

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

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

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

Policy 2.2.1.6 refers to design guidelines being applied to ensure new development respects the context of such districts.

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

### **Section 3.1.1 The Public Realm**

This section provides guidance on the roles and key relationships between elements of the public realm as well as direction on the expansion, enhancement and maintenance of the public realm through development review and capital projects.

Policy 3.1.1.2 states that the public realm will provide the organizing framework and setting for development; foster complete, well-connected walkable communities; and support active transportation and public transit use.

Policy 3.1.1.12 states that mid-block connections will be designed to complement and extend, but not replace, the role of the public streets, parks and open spaces as the main place for civic life and pedestrian activity. They should be designed for users of all ages and abilities, comfortable, safe and integrated into the local network of pedestrian movement with direct access from the public sidewalk and clear wayfinding within.

Policy 3.1.1.13 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages and abilities, by: a) providing well designed and co-ordinated tree planting, landscaping, amenity spaces, setbacks, green infrastructure, pedestrian-scale lighting, street furnishings and decorative paving as part of street improvements; b) locating and designing utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural, pedestrian and visual environment and enable the planting and growth of trees to maturity; and c) providing unobstructed, direct and continuous paths of travel in all seasons with an appropriate width to serve existing and anticipated pedestrian volumes.

Policy 3.1.1.16 states that the preservation, long-term growth and increase in the amount of healthy trees will be a priority for all development.

Policy 3.1.1.20 states that Privately Owned Publicly-Accessible Spaces (POPS) are to have high public visibility, be seamlessly integrated and connected into the broader public realm, and be designed and programed for users of a variety of ages and abilities to serve the local population.

### **Section 3.1.2 Built Form**

This section provides principles on key relationships of the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.1 states that development will be located and organized to fit with its existing and planned context. Development will frame and support the adjacent public realm to promote civic life and the use of these spaces, and to improve the safety, pedestrian comfort, interest and experience, and casual views to the public realm from the development.

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 containing windows.

Policy 3.1.2.4 states that development will 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 states that development will 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 by: a) providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and b) stepping back building mass and reducing building footprints above the streetwall height.

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 contexts of neighbouring properties and the public realm, and in Policy 3.1.2.7 transition in scale will be provided within the development site and measured from shared and adjacent property lines.

Policy 3.1.2.11 states that new indoor and outdoor shared amenity spaces provided as part of multi-unit residential developments are encouraged to be high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year.

### **Section 3.1.3 Built Form - Building Types**

This section provides policy direction for three scales of building types – Townhouse and Low-Rise Apartments, Mid-Rise, and Tall – for residential, office and mixed-use intensification.

Tall buildings are the most intensive form of growth that come with both opportunities and challenges. Tall buildings play a role in achieving residential and employment growth ambitions in the Downtown; however, not every site is appropriate for a tall building. Tall buildings should only be considered where they can fit into the existing or planned context, and where the site's size, configuration and context allows for the appropriate design criteria to be met.

Policy 3.1.3.8 states that tall buildings should typically be designed to consist of three parts – a base, a tower and a top – carefully integrated into a single whole.

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 3.1.3.11 states that Policy 3.1.3.10 should be achieved by:

- a) stepping back the tower from the base building;
- b) generally aligning the tower with, and parallel to, the street;
- c) limiting and shaping the size of tower floorplates above base buildings;
- d) providing appropriate separation distances from side and rear lot lines as well as other towers; and
- e) locating and shaping balconies to limit shadow impacts.

Policy 3.1.3.12 states that the top portion of a tall building should be designed to:

- a) integrate roof top mechanical systems into the building design;
- b) contribute to the surrounding skyline identity and character; and
- c) avoid up-lighting and excessive lighting.

### **Section 3.1.5 Heritage Conservation**

This section provides policy direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties. The subject site is located adjacent to several properties that are either included on the City's Heritage Register and/or designated under Part IV of the *Ontario*

*Heritage Act*. These include the properties at 68-70 Charles Street East and 628, 634 and 636 Church Street. The subject site has also been identified as having cultural heritage value, based on the Heritage Impact Assessment submitted in support of the application which determines that the subject property meets the provincial criteria for designation under Part IV of the *Ontario Heritage Act*.

Policy 3.1.5.2 states that properties of potential cultural heritage value or interest will be identified and evaluated to determine their cultural heritage value or interest consistent with provincial regulations, where applicable, and will include the consideration of cultural heritage values including design or physical value, historical or associative value and contextual value, and in Policy 3.1.5.3 heritage properties of cultural heritage value or interest will be protected by being designated under the *Ontario Heritage Act* and/or included on the Heritage Register.

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 3.1.5.6 states the adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

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

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

### **Section 3.2.1 Housing**

This section provides direction to encourage the provision of a full range of housing, in terms of form, tenure and affordability

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.

### **Section 3.2.2 Community Facilities and Services**

This section calls for adequate and equitable access to community services and local institutions, and sets out a policy framework, that encourages the inclusion of community service facilities as part of a private development.



Policy 3.2.2.1 c) states adequate and equitable access to community services will be encouraged by ensuring that an appropriate range of community services and facilities are provided in areas of major or incremental physical growth.

Policy 3.2.2.7 states the inclusion of community service facilities will be encouraged in all significant private sector development.

### **Section 3.2.3 Parks and Open Spaces**

This section refers to Toronto's system of parks and open spaces and their important city-building role as the City grows and changes.

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**

### **Section 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 f) states development will provide an attractive, comfortable and safe pedestrian environment.

Policy 4.5.2 i) refers to development that will provide good site access and circulation and 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 on adjacent streets and residences.

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 4.5.2 l) states development will provide opportunities for energy conservation and in 4.5.2 m) provide opportunities for green infrastructure including tree planting, stormwater management systems and green roofs.

## **Chapter 5 - Implementation**

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

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

### **Section 5.2.1 Secondary Plans: Policies for Local Growth Opportunities**

The site is located within the Downtown Plan area.

Policy 5.2.1.3 states Secondary Plans will promote a desired type and form of physical development resulting in highly functional and attractive communities and plan for an appropriate transition in scale and activity between neighbouring districts.

### **Section 5.6 Interpretation**

This section establishes how the policies are to be understood and interpreted.

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 406 - The Downtown Plan**

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council on May 22, 2018 and approved by the Minister of Municipal Affairs 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 Plan. (Refer to Attachment 4) It applies to all applications deemed complete after June 5, 2019. This application was deemed complete after June 5, 2019 and as such the plan is in full force and effect for this application.

The Downtown 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 352 - Downtown Tall Building Setback Area**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. 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, which provide the detailed performance standards for portions of buildings above 24 metres in height.

OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 were appealed to the Local Planning Appeal Tribunal (LPAT) following City Council's adoption of the planning instruments and the owner of 625 Church Street has submitted a site-specific appeal. On November 25, 2020 and February 2, 2021, City Council approved modifications to OPA 352 and the Zoning By-laws with the intention of resolving the general appeals and all but a few site-specific appeals. On March 15, 2021, City Legal, together with the appropriate City Staff, presented the modifications to the LPAT for approval. At the time of this report, a written decision from the LPAT on the modified policies and regulations has not been issued.

The Official Plan Amendment can be found here:

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

### **Official Plan Amendment 231 - Office Replacement Policies**

Official Plan Amendment (OPA) 231, adopted by City Council on December 18, 2013, received approval by the Minister of Municipal Affairs and Housing on July 9, 2014 and remains partially under appeal before the Local Planning Appeal Tribunal. As an outcome of the Official Plan and Municipal Comprehensive Reviews, OPA 231 contains new economic policies and designations to stimulate office growth in the Downtown, Central Waterfront and Centres, and all other Mixed Use Areas, Regeneration Areas and Employment Areas and also contains new policies with respect to office replacement in transit-rich areas.

In force policies require the stimulation of transit-oriented office growth in the Downtown and within walking distance of existing and approved and funded higher order transit. Policies currently under appeal would require the promotion of new office development in Downtown Mixed Use Areas and within 500 metres of existing or approved and funded subway, light rapid transit or GO stations, and require an increase in office space on any site containing 1,000 square metres or more of existing office space where residential development is proposed.

### **Site and Area Specific Policy 211 - Bloor Yorkville / North Midtown Area**

Site and Area Specific Policy (SASP) 211 recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes Neighbourhoods, Apartment Neighbourhoods, Areas of Special Identity, Mixed Use Areas, and open space provided by parks and ravines.

The Bloor-Yorkville/North Midtown Area forms the north edge of the Downtown and provides for transition in density and scale to surrounding lower rise areas. This transition is important to reinforce the diversity of built form and use, to foster the stability of Neighbourhoods, and to minimize conflicts between commercial or mixed use areas and residential neighbourhoods.

The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak area in the vicinity of the intersection of Bloor/Yonge Streets. Buildings will step down from the Bloor/Yonge intersection within the Mixed Use Area in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church. Height and density permissions generally diminish the further one gets from Bloor Street. These height ridges provide a transition in scale from the Height Peak at Yonge/Bloor and will be developed at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas.

The subject site is located within the Church Street Height Ridge, which is the furthest ridge from the Height Peak and on the periphery of the SASP area. (Refer to Attachment 5)

### **Site and Area Specific Policy 382 - North Downtown Yonge**

On October 8, 9, 10 and 11, 2013, City Council amended the Official Plan to include the North Downtown Yonge Site and Area Specific Policy (SASP) 382 (Official Plan Amendment (OPA) 183) which set out a planning framework for new development in the area generally bounded by Charles Street to the north, Church Street to the east, College/Carlton Street to the south, and Bay Street to the west. SASP 382/OPA 183 was appealed to the Ontario Municipal Board and was partially approved by the Ontario Municipal Board in a Phase I hearing. The remaining parts of SASP 382/OPA 183 remain under appeal and will be addressed through a Phase II hearing, which is not yet scheduled.

The subject site is not located within the SASP 382/OPA 183 area, although it is adjacent to the northern limit of the Church Street Village Character Area on the south side of Charles Street East. Within the Church Street Village Character Area, development and redevelopment should reinforce the core village area as a low to mid-rise pedestrian oriented main street. Policy 5.7.2 requires that new development within this character area is located within a 44 degree angular plane drawn from the Church Street lot line, commencing at a height of 16 metres above the street level.

The outcome of staff analysis and review of relevant Official Plan policies and designations and the Downtown Plan are summarized in the Comments section of this report.

### **Zoning**

The site is zoned CR T4.0 C1.0 R4.0 in the former City of Toronto Zoning By-law 438-86, as amended, which permits a mix of commercial and residential uses. The maximum permitted height is 30 metres and the maximum permitted density is 4 times the lot area. Other site specific permissions and exceptions apply, including Section 12(2)80 which limits the use of parking facilities, Section 12(2)132 which prohibits

commercial parking garage uses, and Section 12(2)260 which contains development on the property within a 44 degree angular plane measured from a base height of 16 metres at the Church Street lot line.

The site is zoned CR 4.0 (c1.0; r4.0) SS1 (x2550) in the City of Toronto Zoning By-law 569-2013 (Refer to Attachment 6). The CR zone permits a range of uses similar to the former designation under Zoning By-law 438-86 and a maximum permitted height of 30 metres. The (x2550) provisions indicate site specific permissions and exceptions that are carried over from Zoning By-law 438-86.

The City's Zoning By-law 569-2013 may be found here:

<https://www.toronto.ca/citygovernment/planning-development/zoning-by-law-preliminary-zoning-reviews/zoningby-law-569-2013-2/>

## **Design Guidelines**

Policy 5.2.5.6 of the Growth Plan indicates supporting documents will direct the development of a high quality public realm and compact built form in achieving minimum intensification and density targets of the Plan.

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the following 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/bgrd/backgroundfile-57177.pdf>.

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

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings.

Map 1 from the Downtown Tall Building Guidelines identifies the east side of Church Street as a High Street and Map 2 identifies a height range of 47-77m (15-25 storeys). Hayden Street and Charles Street East are identified as Secondary High Streets on which tall buildings are an appropriate form of development, though at a lower scale

than the surrounding High Streets. The Downtown Tall Building Guidelines also outline several factors which would mitigate the potential height of a tall building, including small site size and negative impacts on heritage properties, sunlight on parks and open spaces, and views of prominent and heritage properties, structures and landscapes.

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-TallBuilding-Web.pdf>.

### **Bloor-Yorkville/North Midtown Urban Design Guidelines**

The Bloor-Yorkville/North Midtown Urban Design Guidelines were approved by City Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development.

The main planning objectives of the Design Guidelines include:

- enhancement of Areas of Special Identity and historic buildings;
- protection of residential areas from adverse impacts of commercial and/or higher density development;
- improvement of public realm and publicly accessible areas; and
- excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject site is located within the Hayden-Church Precinct and within the Church St/Hayden St subarea gateway.

### **Growing Up: Planning for Children in New Vertical Communities 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 Guidelines can be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities/>

## **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 link to the guidelines is here:

<https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf>

## **Retail Design Manual**

On October 27, 2020, City Council adopted the 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. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses.

The Retail Design Manual can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

## **Site Plan Control**

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

## **Community Consultation**

A community consultation meeting was held on September 23, 2020 as a webex event which was attended by approximately 55 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:

### Architectural Design

- In other nearby proposals/applications, it was stressed that heights would be tapered down, as one moves eastwards from Yonge Street;
- Excessive height and density;
- Shadow and skyview impacts on neighbouring residential buildings;
- Compatibility and transition to adjacent buildings;
- Inadequate green space and parks for the community;
- Preservation of all facades of the Traders Building;



#### Transportation and Servicing

- Concern with a residential entrance on Hayden Street and associated traffic impacts (passenger, loading-servicing, delivery, and rideshare) as well as connectivity and congestion issues (Hayden Street is a cul-de-sac style street);
- Noise and traffic impacts resulting from construction;
- Suggesting signaled intersection at Church Street and Hayden Street to accommodate the increase in traffic from this development; and

#### Other

- Extent of community benefits for this rezoning proposal.

On December 7, 2020, the Office of the Ward Councillor, convened a working group via web conferencing, to discuss various issues relating to the proposal. The working group was attended by approximately 20+ members of the public. At the meeting, the applicant's team presented certain revisions to the proposal in response to comments from both the community and staff (some of these changes have not been formally submitted as part of the current application). Following the presentation, the Ward Councillor facilitated an open discussion of issues. Specific comments related to the zoning amendment component of the development were:

- Discussion of the mid-block connection as a pedestrian walkway in the private driveway;
- Reduction of the development footprint to provide more ground-level open space and to preserve the Traders Building east façade;
- Configuration of on-site vehicular and loading traffic to be one-way to reduce traffic impacts on Hayden Street and Charles Street East;
- Minimizing street curb cuts, truck manoeuvres, and designating a location for vehicular drop-offs and pickups;
- Height and density reduction to reduce the traffic and servicing impacts on east adjacent properties;
- Preservation or replacement of existing on-site trees;
- Need for more parkland, green space, and outdoor amenities;
- Wind, privacy, and shadow impacts on the rooftop terraces of properties to the east of the development;
- Maintaining all sides of the Traders Building façade and further tower stepbacks for aesthetics, shadow mitigation, and light pollution reduction; and
- Construction impact management.

A number of individuals and groups also contacted City staff with specific questions, concerns and suggestions. Additional comments provided through written submissions include:

- Overdevelopment of tall buildings in the vicinity;
- Concerns with a new vehicular access from Hayden Street (including impacts on the use and character of the street, vehicles blocking access to the existing buildings on Hayden Street, and impacts from large service vehicles accessing the site);



- Too many parking spaces and paid public parking proposed as part of the development;
- Noise and air quality impacts from the loading areas on the east side of the proposed development;
- Concerns with the mid-block connection; and
- Impacts on Al Sparrow Lane.

## COMMENTS

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### **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.

The Preamble section further speaks to how the PPS provides policy direction on matters of provincial interest related to land use and development and how there is a provincial goal to enhancing the quality of life for all Ontarians. The PPS policies can also be complemented by provincial plans or by locally generated policies regarding matters of local interest. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

It is also this section, together with Section 4.0 Implementation, that states that municipal official plans are the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long term planning. Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

As such, it is the expectation of the Province that many of the policies in the PPS rely on direct actions by a municipality, through its official plan, zoning by-law and other related documents. This would include such matters as identifying settlement areas, intensification corridors, setting growth and environmental targets, determining specific

land uses, housing types and densities, protecting valuable resources such as agricultural lands and environmental areas.

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 types;

- Policy 1.1.1(g) refers to healthy communities ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- 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 where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs;
- 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 1.3.1(d) encourages compact mixed-use development that incorporate compatible employment uses to support livable and resilient communities;
- Policy 1.3.1(e) speaks to planning authorities ensuring the provision of necessary infrastructure to support current and projected needs for economic development and employment;
- 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, (c) directing new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs, (e) requiring transit-supportive development and prioritizing intensification in proximity to transit, and in (f) establishing development standards for residential intensification;
- Policy 1.6.7.4 refers to the promotion of land use patterns, densities and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation;
- Policy 1.7.1 e) which states that long-term economic prosperity should be supported by placemaking, well-designed built form, cultural planning, and conservation of 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 states that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The proposed mix of residential, office and commercial uses is appropriate and conforms with those PPS policies that refer to liveable and transit-supportive communities that include compatible employment uses (policies 1.3.1(d), and 1.6.7.4).

The site is located in a designated Growth Area, being the Downtown as identified in the City of Toronto Official Plan. The site is also in walking proximity to three rapid transit stations. The proposed development will intensify the density of the site, and conforms with PPS policies that refer to intensification in general (policies 1.1.3.3, 1.4.3(e)).

The appropriate level of intensification for the site must be consistent with the PPS as a whole, including policies concerning well-designed built form, heritage conservation, and an appropriate range and mix of residential types.

The City has identified where development should be directed within the designated growth area and provides guidance through the Official Plan and associated guidelines with respect to how development should proceed in these areas while achieving the intensification objective in the PPS (policies 1.1.3.3 and 1.1.3.4) and promoting well-designed built form and encouraging a sense of place (policy 1.7.1.e).

The proposed built form, as assessed in the following sections of this report, does not conform to the City's Official Plan and does not meet the intent of its associated guidelines. The height and massing of the proposal are not appropriate within the existing and planned context, and the proposal does not provide a suitable transition to its surroundings.

Furthermore, City staff have identified a number of issues with the proposal including: unresolved issues with the proposed site servicing in the submitted reports and studies (policies 1.1.1.g, 1.3.1.e, and 1.4.3.c), the lack of appropriate dwelling unit sizes to accommodate a diverse range of future residents (policies 1.1.3.3 and 1.4.3), and the inadequacy of the heritage conservation strategy submitted in support of the proposal (policies 1.7.1.e, 2.6.1, and 2.6.3).

It is City Planning staff's opinion that the proposal in its current form is consistent with some, but not all of the policies in the PPS.

### **Growth Plan**

The key Growth Plan policies applicable to this development are:

- Guiding Principle 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;
- Policy 2.2.1.4(a) refers to complete communities that feature a diverse mix of land uses including residential and employment uses;
- Policy 2.2.1.4(c) refers to the achievement of complete communities that provide a diverse range and mix of housing options to accommodate the needs of all household sizes and incomes;

- Policy 2.2.1.4(e) which provides for a more compact built form and a vibrant public realm;
- Policy 2.2.2.3(b) which refers to the appropriate type and scale of development in strategic growth areas 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 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes and incomes; and
- Policy 4.2.7.1 which states cultural heritage resources will be conserved.

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

The development site is located in an Urban Growth Centre which is identified as an appropriate location for intensification. The proposal provides a mix of retail, office and residential uses which contribute to a complete community (policy 2.2.1.4(a)).

However, Staff have determined that the proposal does not conform with other important policies in the Growth Plan.

The residential component contains a mix of dwelling units with varying number of bedrooms; however the dwelling unit mix, particularly 2-bedroom units, do not have unit sizes that are conducive to accommodating a broad range of household sizes. Furthermore the proposed development does not currently propose the inclusion of affordable housing (policies 1.2.1, 2.2.1.4(c), and 2.2.6.3).

The massing and form of development is not of an appropriate scale to provide a suitable transition to the surrounding existing and planned built context (policy 2.2.2.3(b)). Policy 2.2.2.3(f) specifically references intensification to be implemented through Official Plan policies and other supporting documents.

Additionally, the property has been identified as meeting the provincial criteria for designation under Part IV of the *Ontario Heritage Act*. As the property has cultural heritage value, it is Heritage Planning staff's opinion that it must be conserved as part of the development. The proposed heritage conservation strategy does not sufficiently conserve the Traders Building within the base building and as such does not conform to the Growth Plan.

In the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, do not conform with the policy direction of the Growth Plan for the Greater Golden Horseshoe (2020) which directs that many of the policies surrounding complete communities, directing growth to intensification areas,

heritage conservation, appropriate development standards are to be implemented through the Official Plan and other supporting documents.

### **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 Downtown 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.

According to our Toronto Employment Survey Bulletin, with the latest completed in 2019 and presented to the Planning and Housing Committee on January 2020, Downtown employment in 2016 was 511,200 or 23,888 jobs per square kilometre and in 2019 was 584,660 jobs or 27,320 jobs per square kilometre, i.e. the density of jobs in Downtown has risen from 239 jobs per hectare to 273 jobs per hectare, an increase of 34 jobs per hectare. So, if the City's density was 354 people and jobs per hectare in 2016, and if population in Downtown has not declined over the next three years to 2019, than based on employment alone, the Downtown's density would have increased, potentially to 388 people and jobs per hectare in 2019, all other things being unchanged.

The proposed development is not required in order 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).

### **Official Plan and Guidelines**

Policy 4.7 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS. The City of Toronto Official Plan, which includes its Secondary Plans and Site and Area Specific Policies, provides further guidance in realizing provincial policies and objectives. The proposal has been evaluated with respect to the Official Plan, the Downtown Plan (OPA 406), OPA 352 (including implementing By-laws 1106-2016 and 1107-2016), OPA 231, and OPA 479 and 480 as these amendments were completed by the City in order to keep the Official Plan up to date, in keeping with legislation and provincial policy requirements. Site and Area Specific Policy (SASP) 211 - Bloor Yorkville / North Midtown, provides area-specific direction for this site. Staff have also evaluated the proposal with respect to the SASP 382 policies which apply south of Charles Street East and form part of the existing and planned context for the site.

### **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.

The proposed land use is a mixed-use building with retail at grade, office uses on levels 2 to 5 and residential units above, which conforms with the Mixed Use Area policy for

permitted land uses. Official Plan Policy 3.2.2.7 states that significant private sector development is also encouraged to include community service facilities, which is not part of this proposal. City Planning staff recommend that opportunities for the provision of community service facilities within the proposed development be considered as a Section 37 community benefit for this proposal, as discussed in the Community Services Assessment section of this report.

Policy 3.5.1.9 in OPA 231 requires net new increase in office gross floor area in any new Downtown and Central Waterfront residential development where the site contains at least 1,000 square metres of existing office gross floor area. This requirement also applies to sites within 500 metres of an existing or approved rapid transit station.

The site currently contains approximately 8,100 square metres of existing office uses, and proposes 10,101 square metres of office gross floor area, to replace and expand the existing office gross floor area, thereby conforming with this office replacement policy.

### **Built Form**

The proposed built form has been reviewed against the Official Plan, the Downtown Plan, and OPA 352 (Council-approved but under appeal), as well as the relevant design guidelines described in the Policy Considerations section of this report.

Policy 1.1.3.4 of the PPS states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form. Policy 2.2.2.3 b) of the Growth Plan states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas. The Official Plan and urban design guidelines provide the City's strategy for identifying the appropriate height and massing of development.

### **Built Form - Height**

Policy 3.1.2.1 of the Official Plan states that development will be located and organized to fit with its existing and planned context. 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 contexts of neighbouring properties and the public realm. Similarly, Policy 4.5.2 c) states that 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.

Map 2 of SASP 211 provides a height structure plan for the Bloor-Yorkville/North Midtown area, comprising of a "Height Peak," "Height Ridges," and "Low-Rise Areas." The site is located at the eastern edge of the Church Street Height Ridge. The policies of SASP 211 state that the tallest buildings in the Bloor-Yorkville/North Midtown area will be located in the Height Peak, located in the vicinity of the intersection of Yonge Street and Bloor Street, with height and density permissions generally diminishing the further one gets from Bloor Street. Development along the Height Ridges will be at a

lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas. Building heights will step down from the Bloor/Yonge intersection within the Mixed Use Area in descending ridges of height along the major streets, including Church Street.

Many of the newest tall buildings within the southeast quadrant of the Bloor/Yonge intersection are on Charles Street East west of Church Street. The Planning & Urban Design Rationale submitted in support of the application notes that there isn't a site-by-site stepping down of heights on Charles Street East; however, City Planning staff note that there is a decrease in building heights from the north side of the street to the south side of the street, and from west to east along the north side of the street.

Given that the subject site is located further from the Bloor/Yonge intersection than the other recent developments on Charles Street East as well as the site's location at the edge of a Height Ridge, it is City Planning staff's opinion that the proposed building height of 59 storeys (201.9 metres) is not consistent with the policy direction for "diminishing" and "descending" heights.

The site is also designated Mixed Use Areas 2 in the Downtown Plan. The scale and massing of buildings in the Mixed Use Areas 2 designation will be compatible with the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type (Policy 6.26). In order to establish a reasonable neighbourhood context, City Planning staff have applied the Tall Building Guidelines which uses a 250 metre radius to study the site in context with the surrounding block and to establish the existing and planned building heights.

Further, in order to determine the existing and planned context, City Planning staff have also examined the existing policy framework that applies to the properties on the south side of Charles Street East. These properties are subject to the Church Street Village Character Area policies of SASP 382. These policies permit only sensitive low-scale infill that complies with a 44 degree angular plane from Church Street, commencing at a height of 16 metres. While these policies do not apply to the subject site, they do provide context for the anticipated form of adjacent development which this application should demonstrate consideration for. The Built Form policies in the Downtown Plan state that development may be required to incorporate transition in scale to achieve built form compatibility when it is of a greater intensity and scale than the adjacent and surrounding planned context, and when it is adjacent and nearby to lands that have a planned context that does not anticipate tall buildings (Downtown Plan Policy 9.24). Policy 9.25 of the Downtown Plan provides further guidance with respect to the types of transition which are required for various built form adjacencies, including the application of a separation distance and stepping down of heights.

The use of an angular plane that is specific to the subject site is also found in Zoning By-laws 438-86 and 569-2013. This standard is consistent with the 44 degree angular plane that is applied to the other Church Street properties that are within SASP 382 on the south side of Charles Street East.



Accordingly, it is City Planning staff's opinion that the height of the proposed development does not conform with the applicable policies of the Official Plan, the Downtown Plan, and SASP 211 with respect to the proposed height and transition between areas of different intensity and scale, and the consideration of prevailing building heights within the existing and planned context.

Between Yonge Street and Church Street, buildings heights for newly constructed or approved buildings range from 290 metres at the southeast corner of Yonge Street and Bloor Street East (within the Height Peak) to 152 metres at the northwest corner of Charles Street East and Church Street (within the Height Ridge), with other existing buildings even lower in height.

On the east side of Church Street, building heights are also lower with the tallest building at a height of 161 metres at the southwest corner of Jarvis Street and Charles Street East.

The height of the proposed building at 201.9 metres is not compatible with the SASP 211 policy direction as it is not in line with the "diminishing" or "descending" heights experienced within this area of the SASP based on recently constructed or approved buildings, particularly along Charles Street East. Heights should be descending further from the building at 68 Charles Street East which is at 152 metres. Also, the 201.9 metre height is not consistent with the policy direction in the Downtown Plan (Policy 6.26) that speaks to prevailing heights as a policy consideration for establishing compatibility with the existing and planned context of the neighbourhood. Prevailing heights within 250 metres of the property are significantly lower than the 201.9 metres proposed.

This would also include considering the adjacent policy framework of SASP 382 or the existing zoning by-laws that establish a 44 degree angular plane. Planned heights dramatically decrease within the SASP area along Church Street and south of Charles Street East. These properties make up part of the existing and planned context. The proposal has not responded appropriately as the overall height of the building is drastically different than the existing and planned heights on the south side of Charles Street East that would envision a much lower scale of development in the range of 12 storeys (approximately 36 metres).

A reduction in the overall height would bring the building into a more acceptable range that could meet the policy intent of SASP 211, the Downtown Plan, and the existing policy framework that applies to the area south of Charles Street East.

### **Built Form - Base Building**

The base building, or podium, is the lower portion of the building which defines its relationship to the public realm. Policy 3.1.3.9 of the Official Plan states that the base portion of tall buildings should respect and reinforce good street proportion and pedestrian scale, and be lined with active, grade-related uses. Policy 3.1.2.5 adds that the building massing should provide streetwall heights and setbacks that fit harmoniously with the existing and/or planned context, and step back the building mass above the streetwall height.

The base building for the proposed development will be defined by the existing height and placement of the retained portions of the Traders Building, which would be extended to the east. As discussed further in the following sections, Heritage Planning staff have determined that the extent of conservation proposed is insufficient and the proposal should be revised to include the in situ retention of the north and south elevations as well as the west elevation.

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 containing windows. The east side of the base building is set back approximately 5.7-5.9 metres from the neighbouring properties from levels 2-5.

### **Built Form - Tower Placement, Separation Distances, and Floorplates**

Policy 3.1.3.10 of the Official Plan states that the tower portion of a tall building should be designed to reduce the physical and visual impacts of the tower onto the public realm by limiting shadow and wind impacts, and maximizing sunlight and open views of the sky. The tower design should also provide access to daylight and protect privacy in interior spaces within the tower. Policy 3.1.3.11 states that Policy 3.1.3.10 should be achieved through measures such as stepping back the tower from the base building, limiting and shaping the size of tower floorplates, and providing appropriate separation distances from side and rear lot lines as well as other towers.

Policy 9.15 of the Downtown Plan states that residential towers will generally have a maximum floorplate size of 750 square metres above the base building. Increases to the 750 square metre floorplate size may be appropriate where the impacts of the larger floorplate, including but not necessarily limited to shadow, sky-view and wind, are addressed.

Policy B) i) of OPA 352 (Council approved but under appeal) states that development will provide setbacks from the lot lines to the tower portion of the building so that individual tall buildings on a site and the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities by fitting in with the existing and/or planned context. By-laws 1106-2016 and 1107-2016 require tower to be setback the greater of 3.0 metres from a lot line that abuts a street and 12.5 metres from the centre line of that abutting street; 12.5 metres from the centre line of an abutting lane; and 12.5 metres from a lot line having no abutting street or lane.

The Tall Building Design Guidelines, which provide further direction in order to implement Official Plan policies related to built form and tall buildings, limit the tower floorplate to 750 square metres (Guideline 3.2.1), direct the stepping back of a tower 3 metres or greater from the face of the base building along street frontages (Guideline 3.2.2), and direct that towers provide a setback of 12.5 metres or greater from side and rear property lines or the centre line of an abutting lane (Guideline 3.2.3).

A stepback of 5.10 metres is proposed above the base building on the east side, 4.19-5.24 metres on the north side, and 9.04 metres on the south side. The Tall Building Design Guidelines encourage tower stepbacks greater than 3 metres where sites contain heritage buildings.

Above the base building, the proposed tower floorplate is 1,152-1,198 square metres from levels 6-11, 874 square metres from levels 12-38, 571-788 square metres from levels 39-41, and 900 square metres from levels 42-59. It is City Planning staff's opinion that the proposed tower floorplates in excess of 750 square metres should be reduced in size to maximize access to sunlight and open views of the sky from the public realm and limit shadow impacts on the public realm and surrounding properties. Reductions to the tower floorplate from levels 6-10 in particular would also further improve the relationship between the tower and the heritage building.

The tower is positioned to provide a 10.44-12.28 metre setback from the east property line from levels 6-11, and 12.84-14.68 metres from levels 12-59. Given the need for appropriate transition to the surrounding built form, particularly with respect to the contrasting scale of the proposal in relation to neighbouring buildings, it is City Planning staff's opinion that the entire tower starting from level 6 must be setback at least 12.5 metres from the east property line.

The proposed tower is setback more than 3 metres from the lot lines abutting Charles Street East, Church Street, and Hayden Street. The plans submitted with the application do not show the setback from the center line of these streets to confirm whether the minimum of 12.5 metres is provided, particularly for Hayden Street.

Taken together, City Planning staff's opinion is that the proposed height and massing of the tower is not appropriate for the site as it relates to the applicable Official Plan policies and guidelines. The proposal does not fit with its existing and planned context and does not provide good transition in scale between areas of different building heights and intensity.

### **Shadow Impact**

Policy 4.5.2 e) of the Official Plan states that development in Mixed Use Areas will maintain sunlight for pedestrians on adjacent streets, parks and open spaces. Policy 3.1.3.10 b) of the Official Plan states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties.

Policy 9.13 of the Downtown Plan states that tall building floorplates should be designed to adequately limit shadow impacts of the tower on the public realm and neighbouring properties. Policy 9.17 states that development will seek to adequately limit shadows on sidewalks, parks, open spaces, natural areas, and institutional open spaces as necessary to preserve their utility.

Shadow Studies were submitted in support of the application which show that the proposal will cast shadows on the surrounding streets and sidewalks, as well as neighbouring properties and privately-owned open spaces, at various times throughout

the year. The Shadow Studies show that the proposal would not cast new shadows on any lands designated Parks or Neighbourhoods.

### **Wind Impact**

Policy 3.1.2.1 f) of the Official Plan states that development will provide comfortable wind conditions and air circulation at the street and adjacent open spaces to preserve the utility and intended use of the public realm, including sitting and standing. Similarly, Policy 4.5.2 e) states that development in Mixed Use Areas will maintain comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

A Pedestrian Wind Study was submitted with the application. The report indicated that with the addition of the proposed development, wind speeds are predicted to be suitable for the intended uses on and around the subject site, including the outdoor amenity areas subject to mitigation.

### **Amenity Space**

Policy 4.5.2 k) of the Official Plan states that multi-unit residential developments will provide indoor and outdoor recreation space for building residents. Policy 3.1.2.11 adds that new indoor and outdoor shared amenity spaces are encouraged to be high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year.

Policies 9.30 to 9.34 of the Downtown Plan contain policies related to the appropriate design of residential amenity space including, designing the space to provide elements and programming that respond to a variety of users, providing for appropriate sky-views and sunlight, including trees and other landscaping, and including pet amenity areas.

Zoning By-law 438-86 requires a minimum of 2.0 m<sup>2</sup> of indoor and 2.0 m<sup>2</sup> of outdoor amenity space for each dwelling unit, and Zoning By-law 569-2013 requires a minimum of 4.0 m<sup>2</sup> of amenity space for each unit (of which at least 2 m<sup>2</sup> shall be indoor).

The proposed development includes 1,745 square metres of indoor amenity space (2.68 m<sup>2</sup> per dwelling unit) and 1,444 square metres of outdoor amenity space (2.22 m<sup>2</sup> per dwelling unit) located on levels 6 and 39, and at the mechanical penthouse floor. The proposed area of amenity space is acceptable to City Planning staff. The location, layout and design of the amenity space would be reviewed as part of the Site Plan Control application, should the proposal be approved in some form.

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

Policy 3.1.2.4 of the Official Plan states that development will 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 4.5.2 i) of the Official Plan states that in Mixed Use Areas development will provide good site access and circulation and an adequate supply of parking for residents and visitors

Vehicular access to the parking garage and loading spaces is proposed via a private driveway extending between Hayden Street and Charles Street East abutting the east limit of the site.

The proposed development will provide 228 parking spaces for residents and 32 parking spaces for visitors and the retail and office uses.

One shared Type G/B, one Type B and two Type C loading spaces are proposed to serve the building, accessed from the driveway on the east side of the property.

A total of 706 bicycle parking spaces are proposed for residents, visitors, and the office use.

A Transportation Impact Study was submitted in support of the application. The study concludes that the proposed parking and loading supply is adequate for the proposed building. The proposed development will have minimal traffic impact on the study area intersections and all intersections are expected to operate at an acceptable overall level of service during the analyzed peak hours with the exception of the unsignalized intersection at Church Street and Hayden Street which is expected to have similar delay issues as in the existing and future background traffic conditions.

Transportation Services staff have reviewed the Transportation Impact Study and have accepted the study's conclusions with respect to the proposed parking and loading supply. Transportation Services staff recommend the installation of traffic control signals at the intersection of Church Street at Hayden Street as a condition of approval for this application.

Additional comments related to site access, site circulation and layout, the design of the proposed site entrance driveway, and the layout of the proposed parking areas will be provided through review of the Site Plan Control application, should the proposal be approved in some form.

## **Public Realm**

Policy 3.1.1.2 of the Official Plan states that the public realm will provide the organizing framework and setting for development; and foster complete, well-connected walkable communities; and support active transportation and public transit use. Policy 4.5.2 f) states that development will provide an attractive, comfortable and safe pedestrian environment.

Policy 3.1.1.12 states that mid-block connections will be designed to complement and extend, but not replace, the role of the public streets, parks and open spaces as the main place for civic life and pedestrian activity. They should be designed for users of all ages and abilities, comfortable, safe and integrated into the local network of pedestrian movement with direct access from the public sidewalk and clear wayfinding within.

The proposal includes a 2.1 metre wide mid-block connection running north-south on the east side of the site connecting Charles Street East and Hayden Street. The mid-block connection is proposed to be flush with the abutting driveway and delineated through the use of pavers. City Planning staff recommend that the mid-block connection be secured in a Section 37 Agreement and its final design be secured through the Site Plan Control application, should the application advance to approval in some form.

Policy 3.1.1.20 of the Official Plan states that Privately Owned Publicly-Accessible Spaces (POPS) are to have high public visibility, be seamlessly integrated and connected into the broader public realm, and be designed and programmed for users of a variety of ages and abilities to serve the local population.

A 126.6 square metre POPS is proposed on the south side of the building along the Charles Street East frontage of the site. City Planning staff recommend that the POPS be secured in a Section 37 Agreement and its final design be secured through the Site Plan Control application, should the application advance to approval in some form.

### **Servicing and Stormwater Management**

A Functional Servicing and Stormwater Management Report, Geotechnical Study, and Hydrogeological Report were submitted in support of the application. Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding deficiencies including capacity tests for the proposed infrastructure connections and confirming that the building will be designed with acceptable clearances for solid waste collection vehicles. As a condition of development, it is therefore recommended that the owner be required to pay for and construct any improvements to the municipal infrastructure should it be determined that upgrades are required to the infrastructure to support this development. Should the LPAT approve the application in some form, staff recommend that the final order be withheld until these issues are resolved to the satisfaction of Engineering and Construction Services.

### **Housing**

The PPS and the Growth Plan 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 for 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 Plan Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities, and 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 provide appropriate unit sizes for multi-unit developments.

The applicant is proposing 66 (10%) studio, 319 (49%) one-bedroom, 200 (31%) two-bedroom and 66 (10%) three bedroom units. The proposed unit mix supports the unit mix objectives of the Growing Up Guidelines, the Downtown Plan and applicable Official Plan and Growth Plan policies in order to accommodate, within new developments, a broad range of households including families with children. However, the unit sizes do not meet the unit size objectives of the Growing Up guidelines, and as such should be reconfigured.

The proposed development does not include affordable housing, which would support the City's and Growth Plan's housing policy objectives to provide a full range of housing (tenure and affordability) within new developments. City Planning staff recommend should LPAT approve this or a modified version of this application, on-site affordable housing form part of any Section 37 package.

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

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

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

## **Heritage Impact & Conservation Strategy**

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 and Policy 3.1.5.27 encourages whole building retention.

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 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.

The subject site is located adjacent to several properties that are either included on the City's Heritage Register and/or designated under Part IV of the *Ontario Heritage Act*. These include the properties at 68-70 Charles Street East and 628, 634 and 636 Church Street.

A Heritage Impact Assessment (HIA) was submitted in support of the application. The HIA determines that the subject property meets the provincial criteria for designation under Part IV of the *Ontario Heritage Act*. As the property has cultural heritage value, it must be conserved as part of the development.

The application proposes to retain the west elevation and the north and south returns of the Traders Building. Heritage Planning staff have determined that the extent of conservation proposed in the HIA is insufficient. The conservation strategy should be revised to include the in situ retention of the west, north, and south elevations.

Heritage Planning staff are researching and evaluating the property using the criteria prescribed under the *Ontario Heritage Act* for determining significance. The Toronto Preservation Board will be considering a report at its meeting on May 12, 2021 recommending that the property be designated under the *Ontario Heritage Act*.

In the event that the application, or a version thereof, is approved by LPAT, as a condition of approval, Heritage Planning would seek a detailed Conservation Plan based on a conservation strategy outlined within an approved HIA. The conservation plan would identify all work required on the retained and rehabilitated building at 625 Church Street. Heritage Planning would also require an Interpretation Plan, Signage Plan and Lighting Plan, and a Heritage Easement Agreement to secure the long-term conservation of the property.

### **Tree Preservation**

An Arborist Report and a Tree Preservation Plan were submitted in support of the application. The report indicates 19 trees were surveyed on or within 6 metres of the site. The proposal contemplates the removal of 4 private trees on site that qualify for regulation under the provisions of the Private Tree By-law, 3 City-owned street trees within the Charles Street East right-of-way, and 10 trees on the eastern edge of the site which will require consent from the neighbouring property owners to remove. Removal of these trees will be subject to approval by Urban Forestry should the proposal advance to approval in some form.



## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through the Site Plan Agreement. The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features to be secured through the Zoning By-law process include: automobile infrastructure; cycling infrastructure; and storage and collection of recycling and organic waste. Other applicable TGS performance measures will be secured through the Site Plan approval process, including opportunities to achieve Tier 2 or higher as detailed design is advanced if the project advances to approval in some form.

## **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.

City Planning staff have determined that the development will create demand and capacity pressures on existing CS&F facilities. Therefore the following priorities have been identified for consideration as Section 37 community benefits, should the application be approved in some form:

- Exploring the potential for securing a non-profit, licensed child care facility to be integrated within the proposed development in accordance with the Child Care Development Guideline and/or financial contributions towards a child care facility in the local vicinity;
- Exploring the potential for securing a minimum of 5,000 square feet of flexible, multi-purpose community agency space in an accessible and visible location at the ground floor of the proposed development in accordance with the City's Community Space Tenancy policy;
- Securing financial contributions towards a new Community Recreation Centre to serve growth in the North Downtown area; and/or
- Securing financial contributions towards capital improvements of local library branches.

## 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*.

Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. The community benefits must bear a reasonable planning relationship to the proposed development. Discussions with the applicant concerning Section 37 benefits did not occur as there was no agreement on appropriate development for the site. This report recommends that if the LPAT approves this or a modified form of this application, that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan a contribution should be required to be provided by the Owner under Section 37 of the *Planning Act* for the following community benefits within the vicinity of the site with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor:

- Provision of on-site affordable housing and/or financial contributions towards affordable housing;
- Financial contributions towards area parks and facilities;
- A non-profit, licensed child care facility to be integrated within the proposed development in accordance with the Child Care Development Guideline and/or financial contributions towards a child care facility in the local vicinity;
- A minimum of 5,000 square feet of flexible, multi-purpose community agency space in an accessible and visible location at the ground floor of the proposed development in accordance with the City's Community Space Tenancy policy;
- Financial contributions towards a new Community Recreation Centre to serve growth in the North Downtown area; and/or
- Financial contributions towards capital improvements of local library branches.

The range of community benefits are comparable to those secured for similar developments in the area. The contribution should be indexed upwardly in accordance with the Non-Residential 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 execution of the Section 37 Agreement to the date of payment of such funds by the owner to the City.

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

- The owner construct and maintain a 126.6 square metre privately-owned publicly accessible space (POPS) and a mid-block connection through the site, with specific configuration and design of the POPS and the mid-block connection to be determined and secured for public access in the the context of Site Plan approval;
- The owner construct and maintain the development of the site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will

be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate; and

- The owner design and install new traffic control signals at the intersection of Church Street and Hayden Street, at no cost to the City, to the satisfaction of the General Manager, Transportation Services, details to be secured as part of the Site Plan application.

## **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 in its current form is consistent with some, but not all of the policies in the PPS (2020) and conforms with some, but not all of the policies in the Growth Plan (2020). The proposal does not conform with the intent of the Toronto Official Plan and the Downtown Plan, particularly with respect to policies related to built form, transition to areas of a lower intensity within the existing and planned context, and heritage conservation.

Staff recommend that City Council direct the City Solicitor, and appropriate City Staff, to attend the LPAT to oppose the application in its current form. Staff also recommend that City Council direct City Planning and other appropriate staff to continue discussions with the applicant in an attempt to resolve outstanding matters as identified in this report. Should the proposal be approved in some form, staff recommend that the final LPAT order be withheld to ensure outstanding technical, zoning, and Section 37 matters are satisfied.

## **CONTACT**

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Katherine Bailey, Planner  
Tel. No. (416) 397-1761  
E-mail: Katherine.Bailey@toronto.ca

## **SIGNATURE**

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

## **ATTACHMENTS**

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City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Application Data Sheet

Attachment 3: Official Plan Land Use Map

Attachment 4: Official Plan Amendment 406 – Downtown Plan

Attachment 5: Site and Area Specific Policy 211 – Bloor Yorkville / North Midtown Area

Attachment 6: Existing Zoning By-law Map

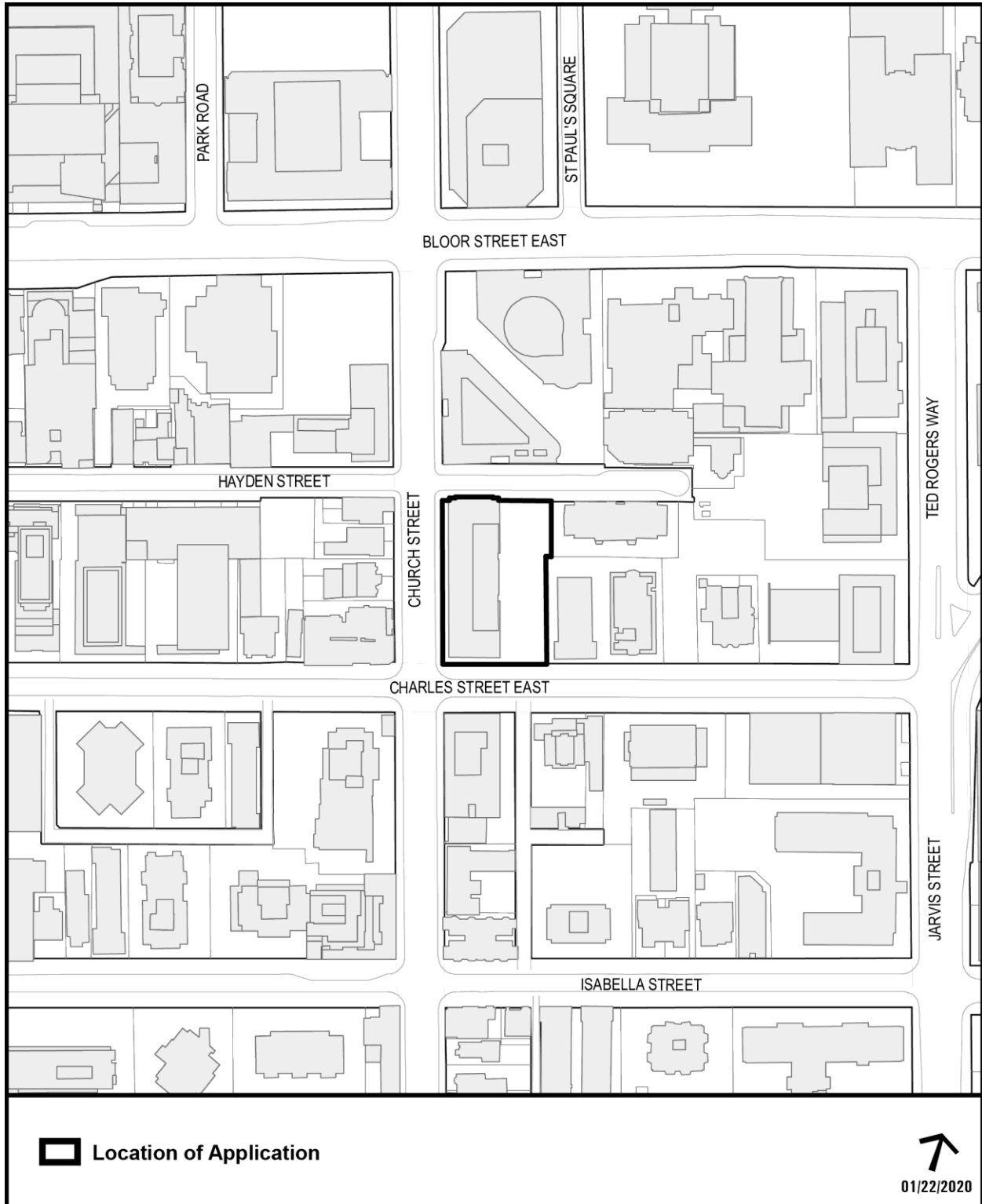
Applicant Submitted Drawings

Attachment 7: Site Plan

Attachment 8: 3D Model of Proposal in Context

Attachment 9: Elevations

Attachment 1: Location Map



### APPLICATION DATA SHEET

**Municipal Address:** 625 CHURCH ST      **Date Received:** December 20, 2019

**Application Number:** 19 263839 STE 11 OZ

**Application Type:** OPA / Rezoning, Rezoning

**Project Description:** A Zoning By-law Amendment application for a new 59-storey (201.9 metres including the mechanical penthouse) mixed-use building. The development proposes to retain the west elevation of the existing 6-storey building in its entirety, as well as a portion of the north and south elevations. The proposed development includes 10,660 square metres of office and retail uses, 651 dwelling units, and 260 parking spaces.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
COLLIERS PROJECT LEADERS		RAW DESIGN	MANULIFE FINANCIAL

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR T4.0 C1.0 R4.0	Heritage Designation:	No
Height Limit (m):	30	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq m): 3,096.1      Frontage (m): 69      Depth (m): 44

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	1,459		1,394	<b>1,394</b>
Residential GFA (sq m):			46,282	<b>46,282</b>
Non-Residential GFA (sq m):	8,100		10,660	<b>10,660</b>
<b>Total GFA (sq m):</b>	<b>8,100</b>		<b>56,499</b>	<b>56,499</b>
Height - Storeys:	6		59	<b>59</b>
Height - Metres:			201.9	<b>201.9</b>

Lot Coverage Ratio (%): 61.46      Floor Space Index: 18.25

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	46,282	
Retail GFA:	559	
Office GFA:	10,101	
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:			651	<b>651</b>
Freehold:				
Condominium:				
Other:				
<b>Total Units:</b>			<b>651</b>	<b>651</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		66	319	200	66
<b>Total Units:</b>		<b>66</b>	<b>319</b>	<b>200</b>	<b>66</b>

**Parking and Loading**

Parking Spaces: 260      Bicycle Parking Spaces: 706      Loading Docks: 4

**CONTACT:**

Katherine Bailey, Planner  
(416) 397-1761  
Katherine.Bailey@toronto.ca

Attachment 3: Official Plan Land Use Map



625 Church Street

Official Plan Land Use Map

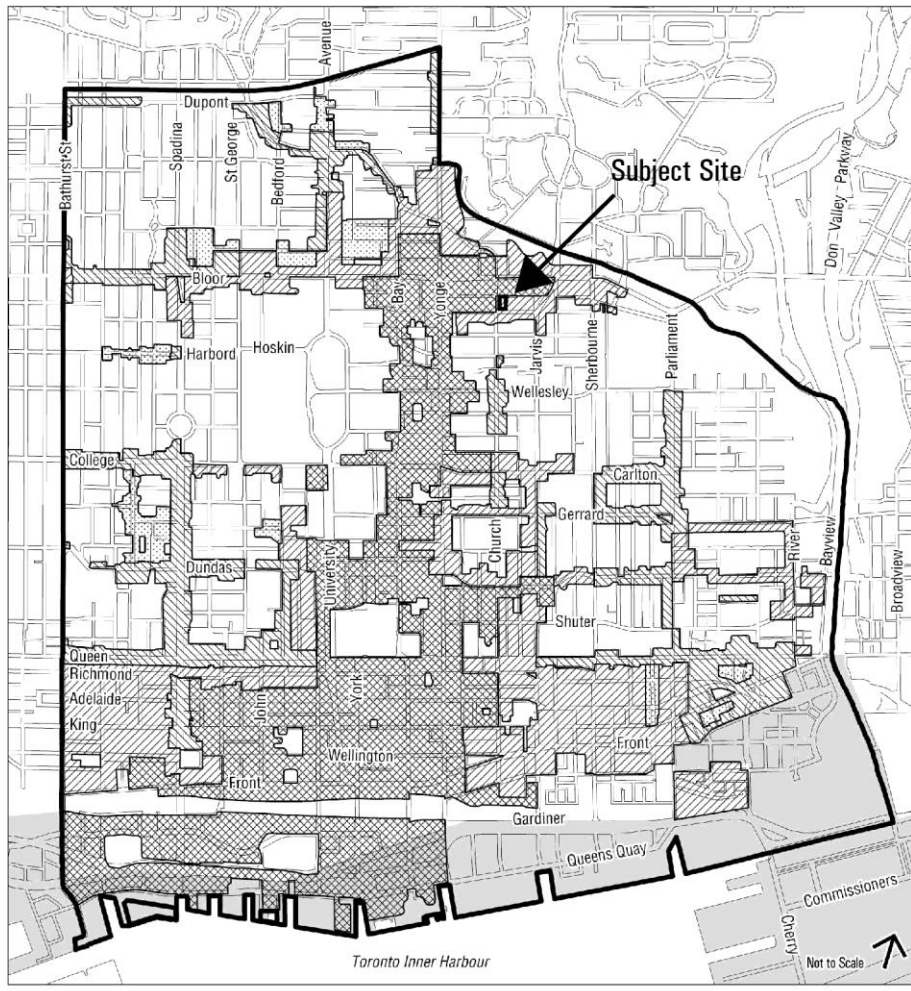
File # 19 263839 STE 11 0Z

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

↑  
Not to Scale  
04/23/2021



Attachment 4: Official Plan Amendment 406 – Downtown Plan



**Downtown Plan**  
MAP 41-3 Mixed Use Areas

- Downtown Plan Boundary
- Mixed Use Areas 1 - Growth
- Mixed Use Areas 2 - Intermediate
- Mixed Use Areas 3 - Main Street
- Mixed Use Areas 4 - Local
- Central Waterfront Secondary Plan

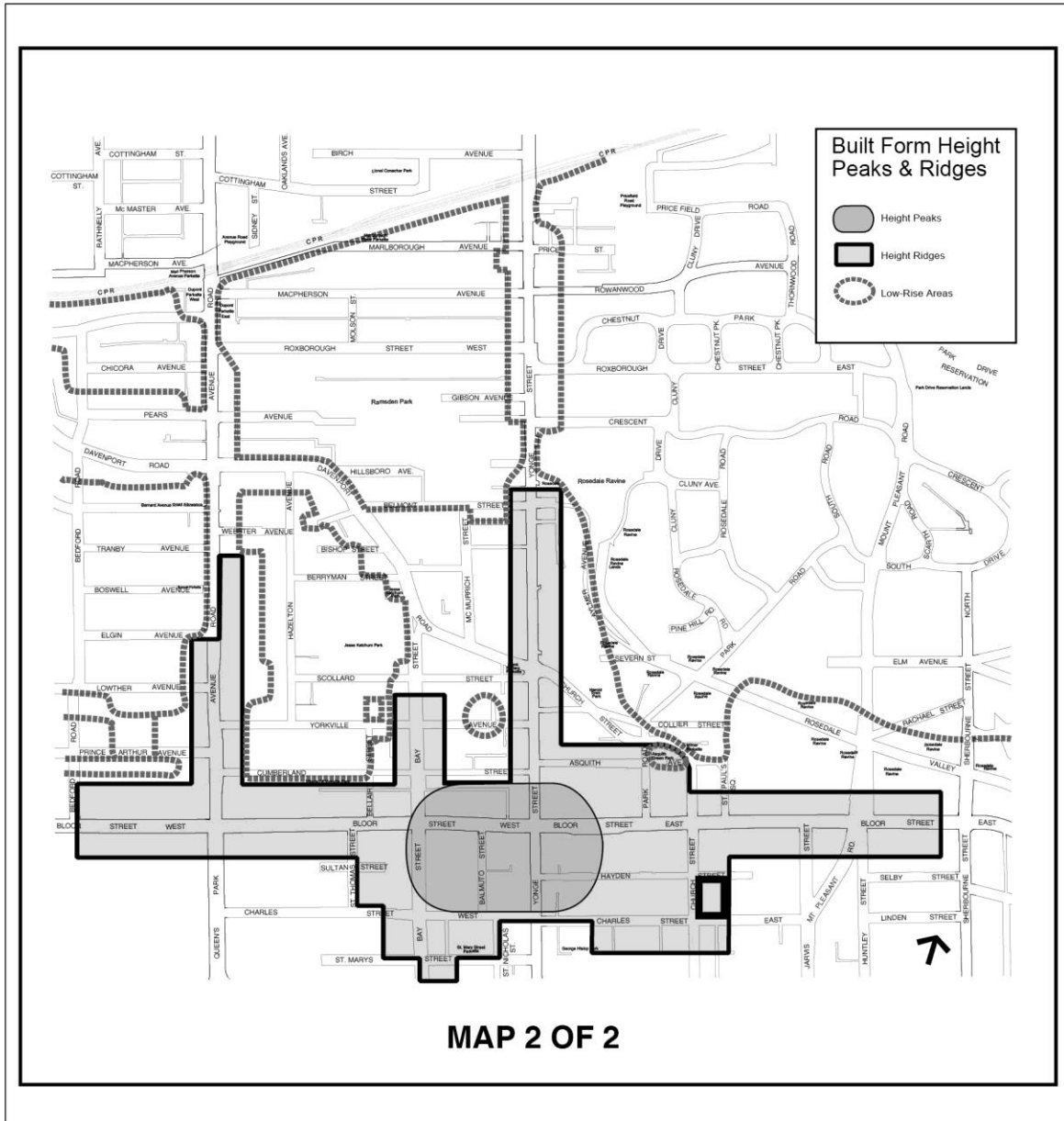
**Downtown Plan Map 41-3 (Mixed Use Areas)**

Location of Application

**625 Church Street**  
File # 19 263839 STE 11 0Z

Not to Scale  
04/14/2021

Attachment 5: Site and Area Specific Policy 211 – Bloor Yorkville / North Midtown Area



MAP 2 OF 2

**TORONTO** City Planning  
 Official Plan - SASP211 Map 2of2

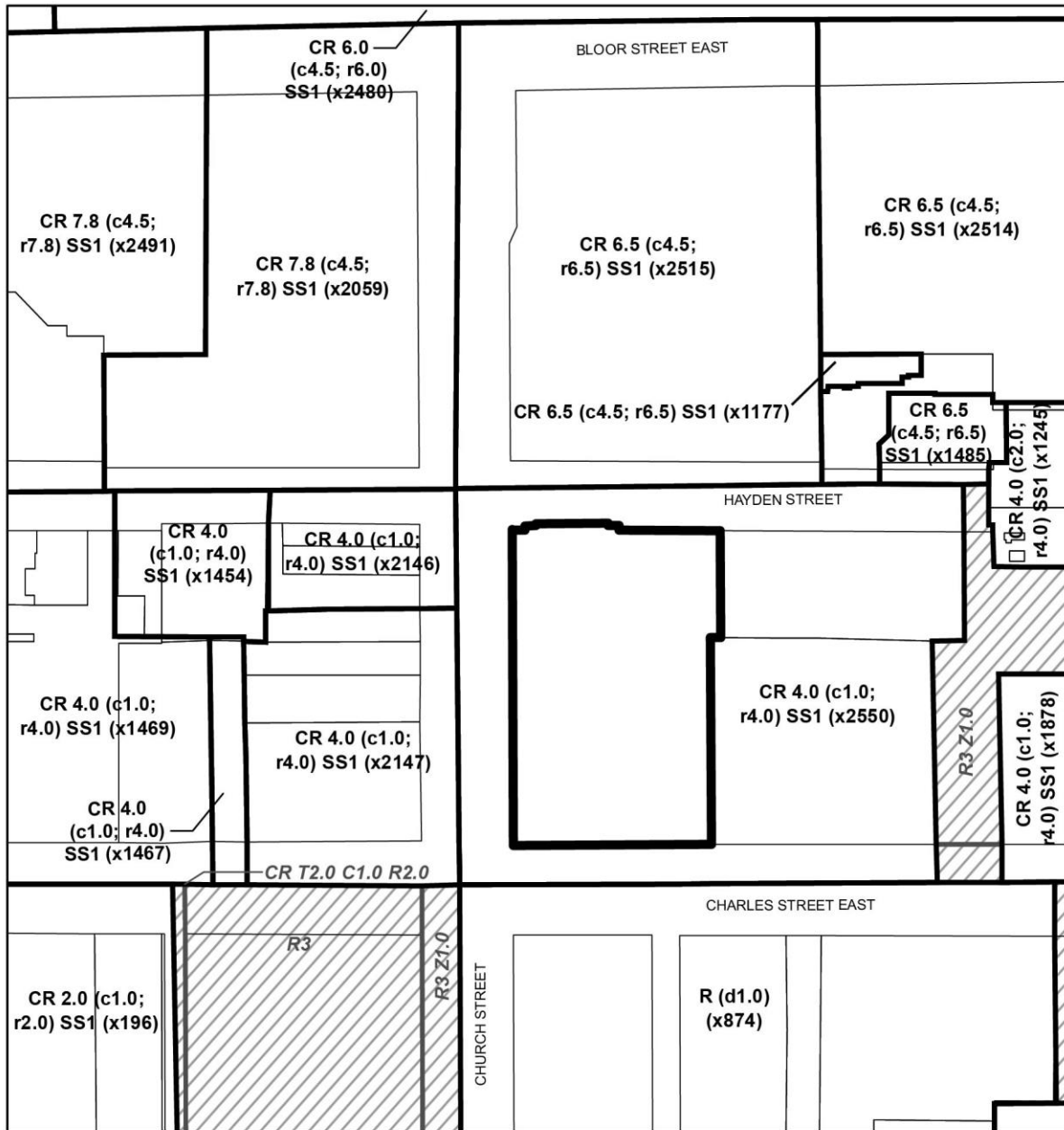
625 Church Street

File # 19 263839 STE 11 0Z

 Location of Application

  
 Not to Scale  
 04/14/2021

Attachment 6: Existing Zoning By-law Map



Zoning By-law 569-2013

625 Church Street

File # 19 263839 STE 11 0Z



Location of Application

R Residential CR Commercial Residential



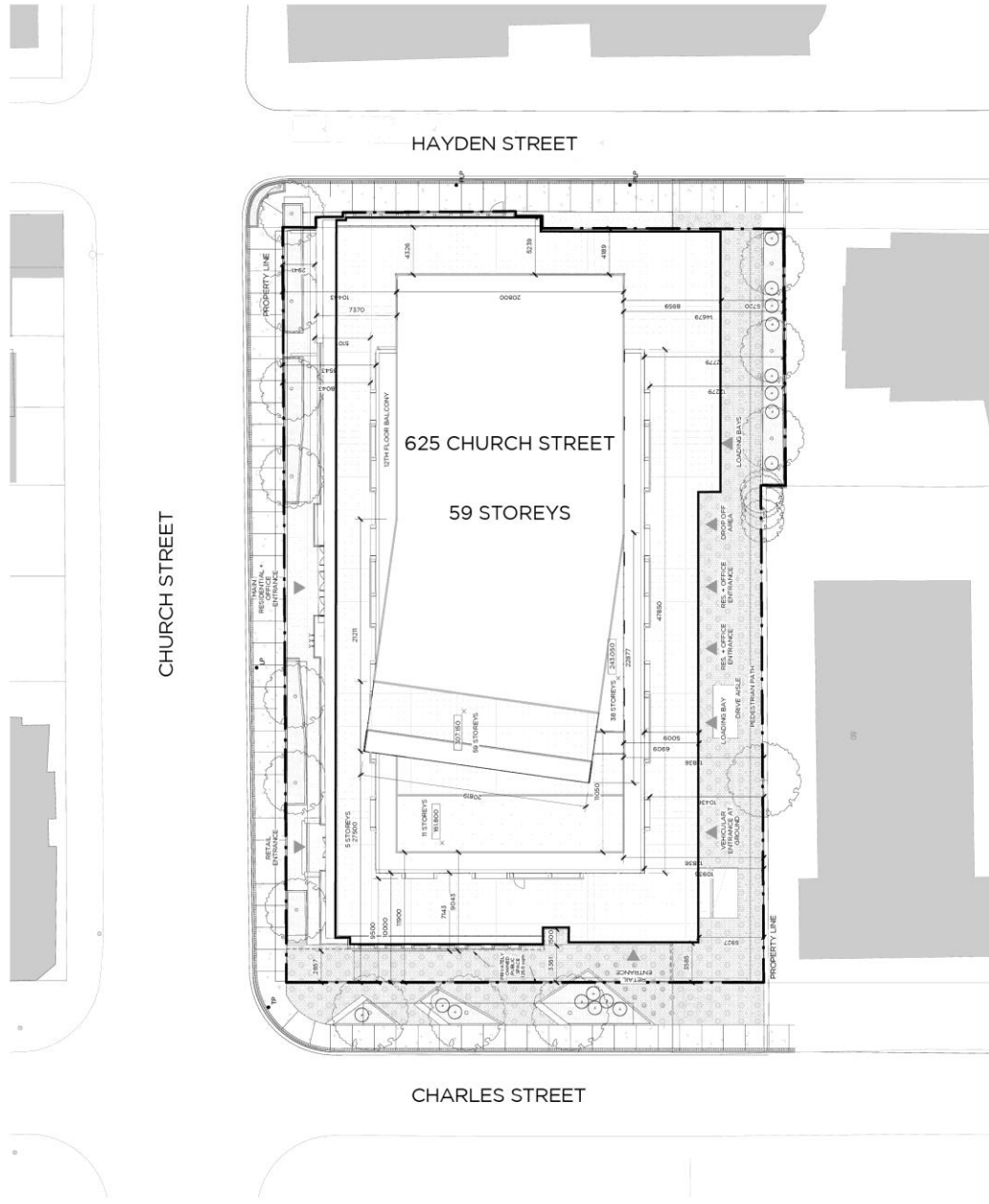
See Former City of Toronto By-law No. 438-86

R3 Residential District  
CR Mixed-Use District



Not to Scale  
Extracted: 04/13/2021

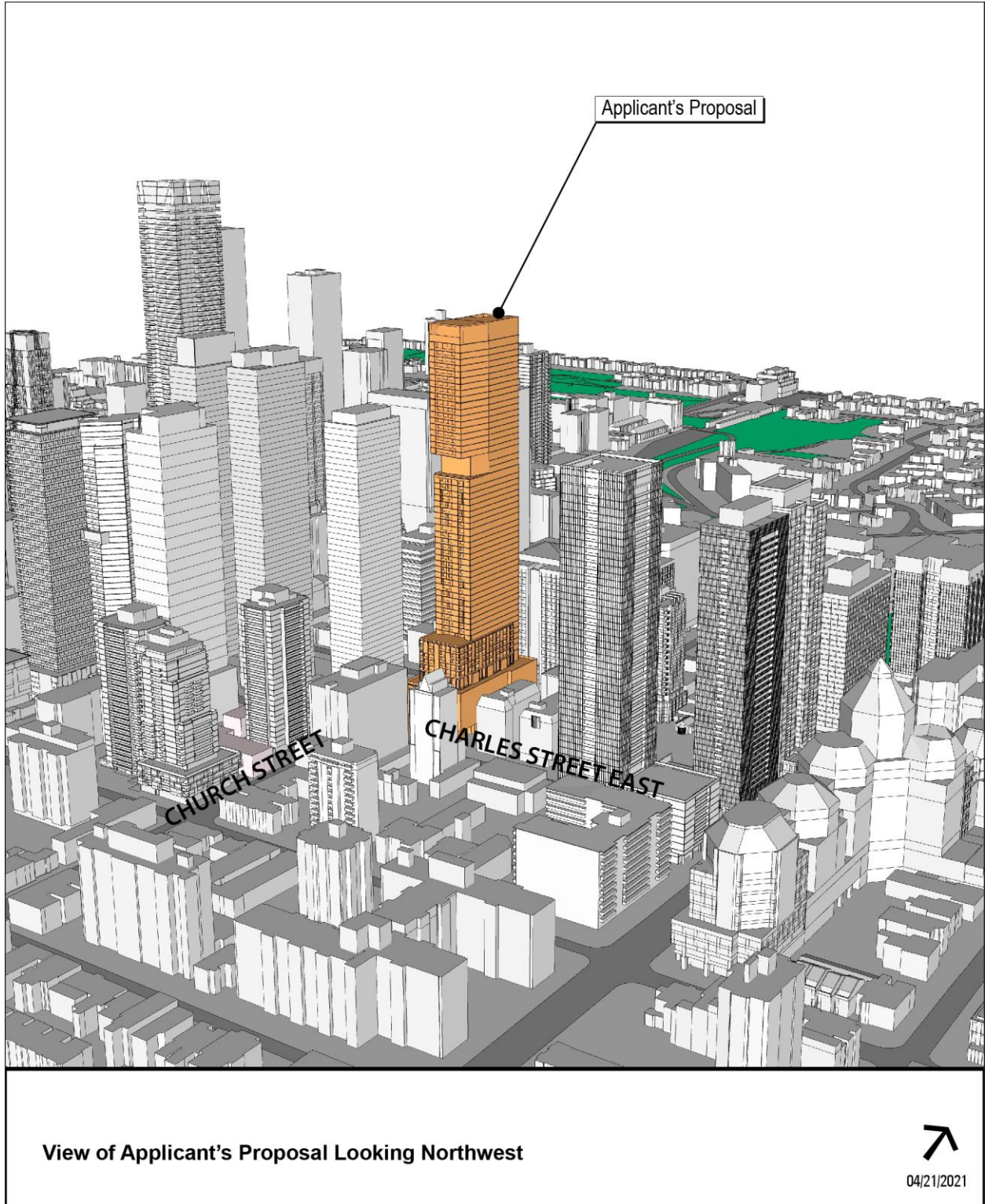
Attachment 7: Site Plan



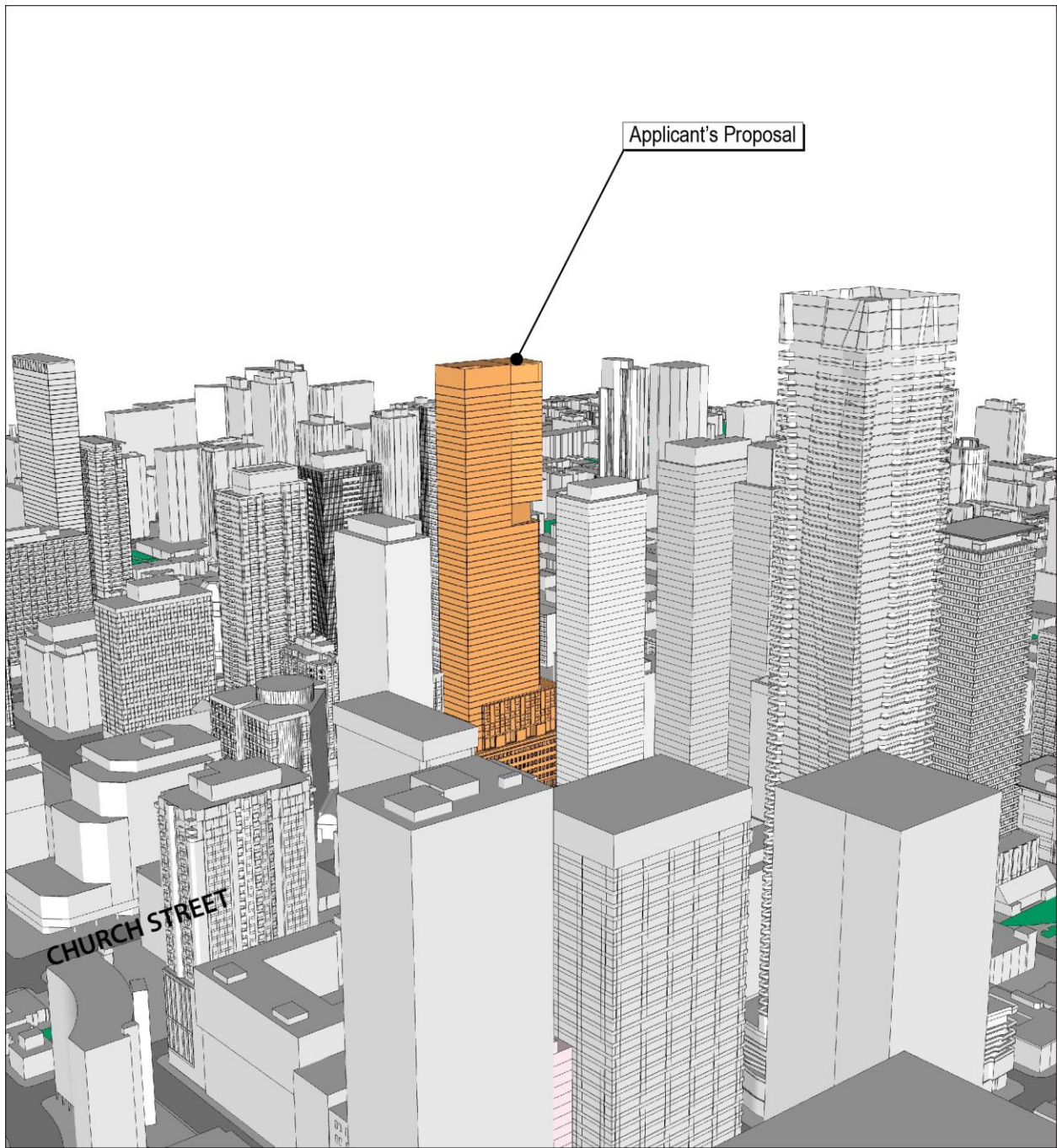
Site Plan



Attachment 8: 3D Model of Proposal in Context





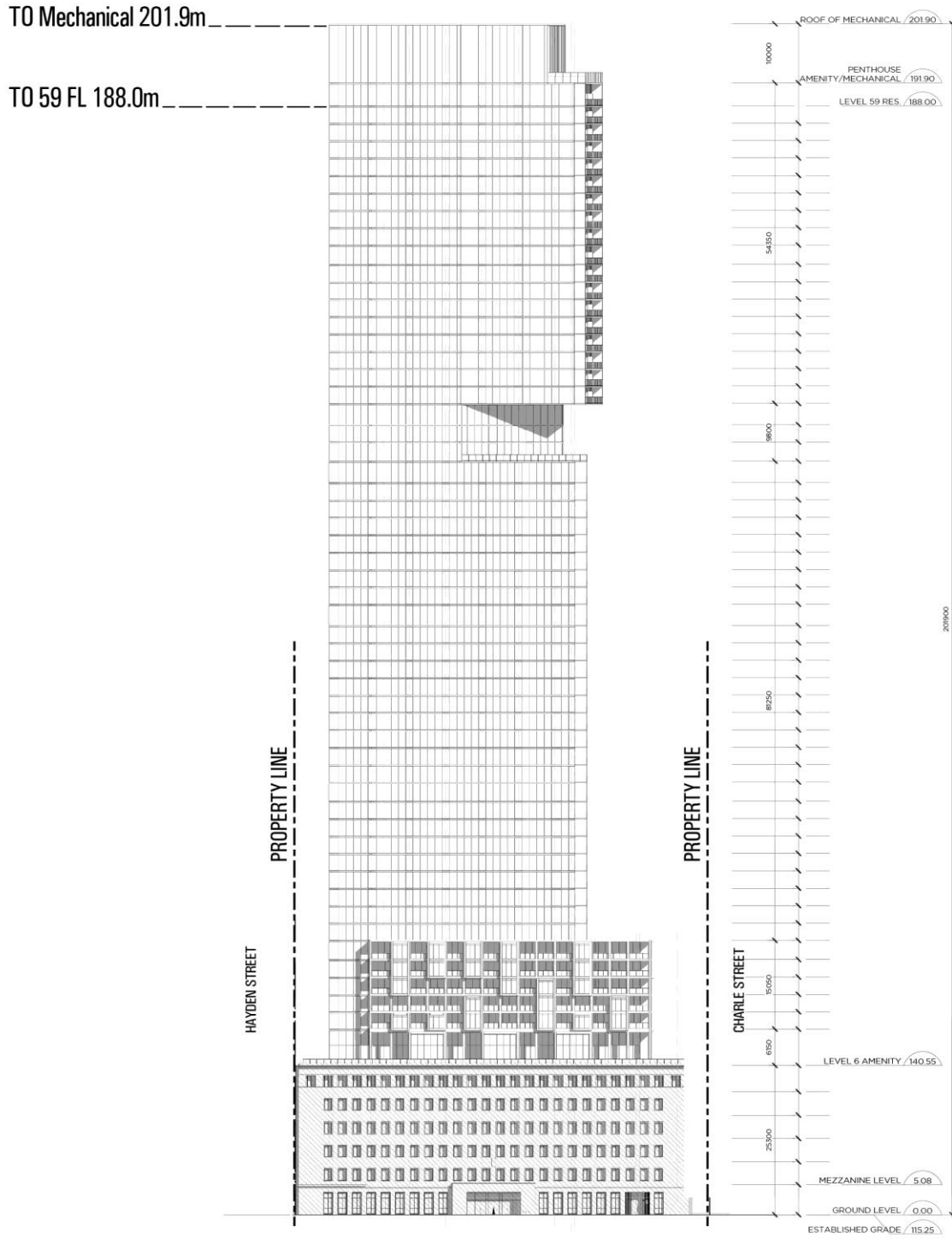


**View of Applicant's Proposal Looking Southeast**



04/21/2021

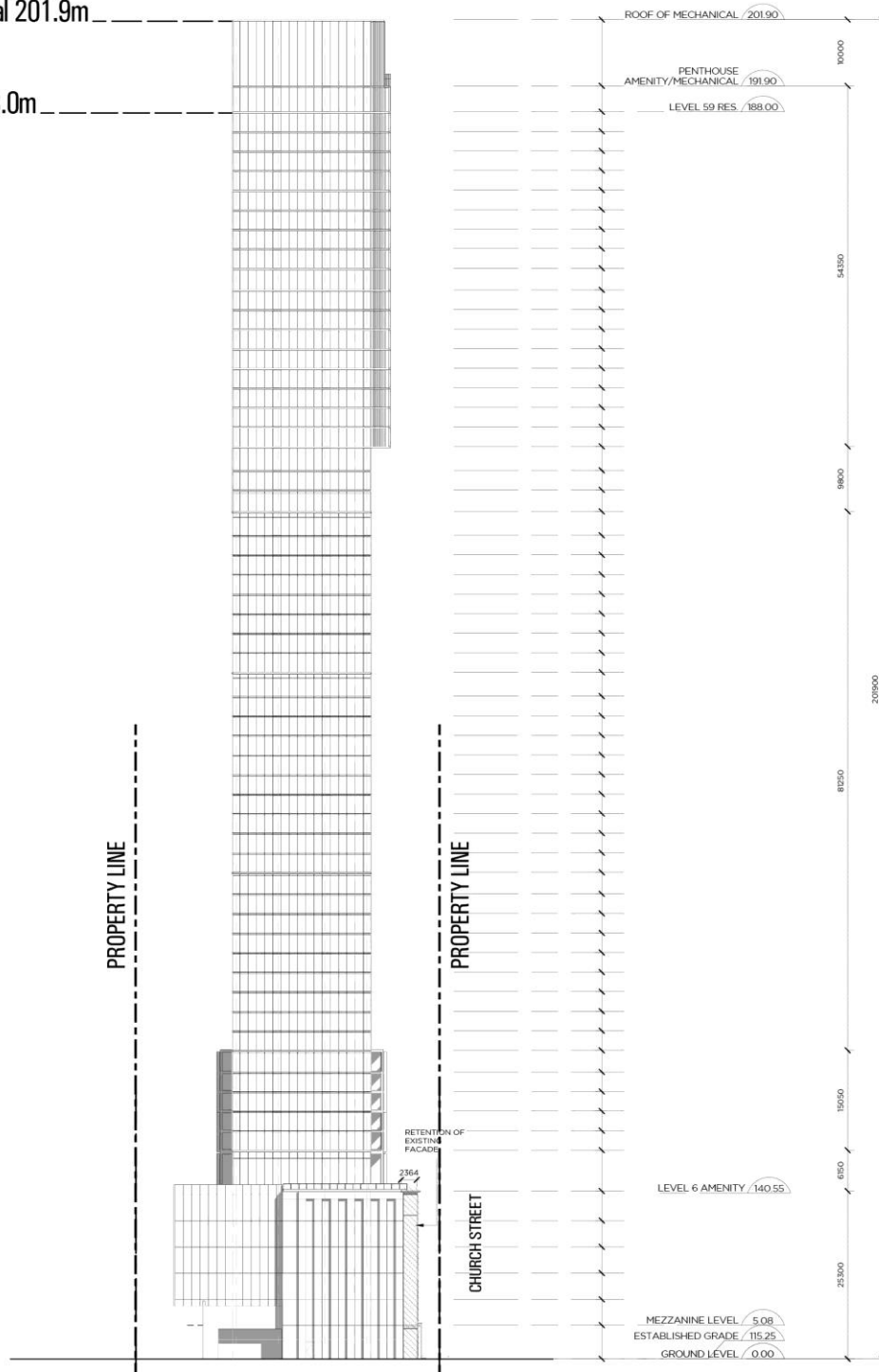
# Attachment 9: Elevations



West Elevation

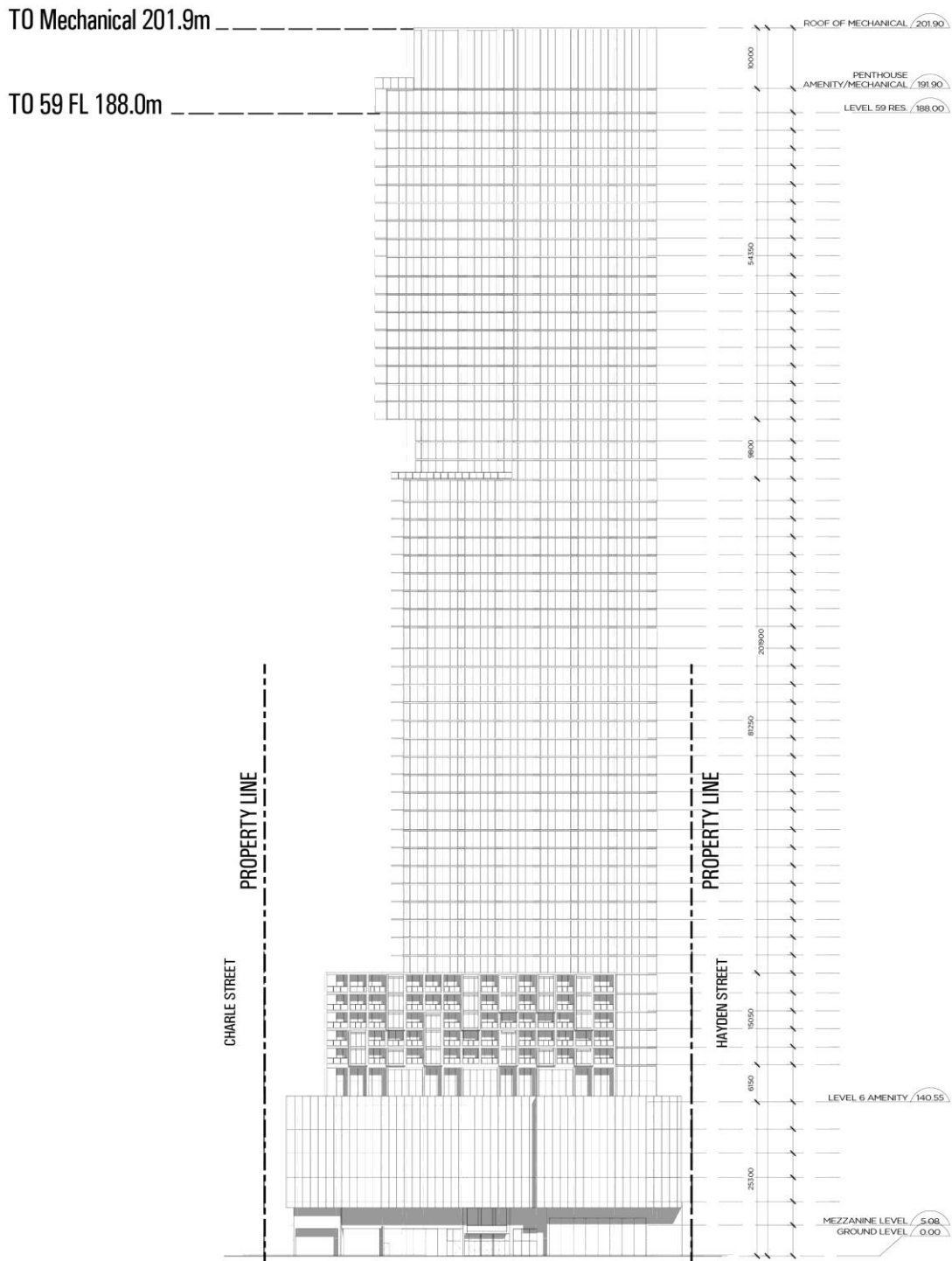
TO Mechanical 201.9m

TO 59 FL 188.0m

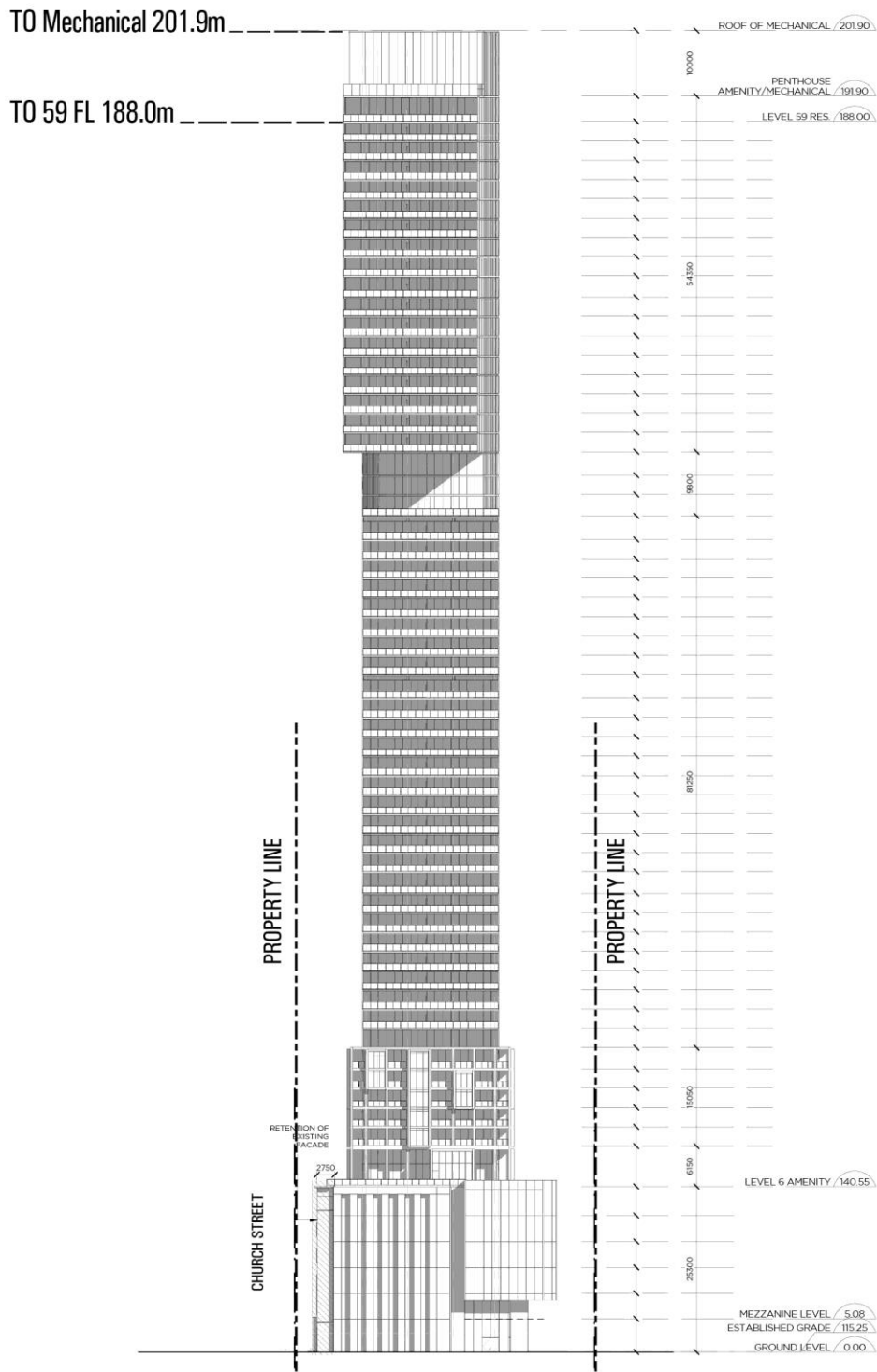


### North Elevation





East Elevation



South Elevation