

## **137-149 Church Street – Zoning Amendment Application – Request for Direction Report**

Date: April 1, 2022

To: Toronto and East York Community Council

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

Ward 13 - Toronto Centre

**Planning Application Number: 18 174573 STE 27 OZ**

### **SUMMARY**

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On June 8, 2018, a Zoning By-law Amendment application was submitted to permit a 49-storey mixed use development at 139-149 Church Street. The application was revised to include the property at 137 Church Street and now proposes on a larger site a 54-storey mixed use development with ground floor commercial uses, 469 dwelling units with a total gross floor area of 31,688 square metres. The proposed building would have a height of 173.51 metres including the mechanical penthouse.

On September 1, 2021 the applicant appealed the application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the 120-day time frame under the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to support the application in its current form and to continue discussions with the applicant to resolve any issues should they arise.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in support of the revised Zoning By-law Amendment application for the lands at 137-149 Church Street as generally described in this report.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor advises that:
  - a) the proposed Zoning By-law Amendment is in a final form and content satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor; and

b) the owner has entered into a Section 37 agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor and has been executed and registered on title to the lands to the satisfaction of the City Solicitor, securing the benefits and various matters required to support the development

3. City Council authorize the City Solicitor to enter into an agreement pursuant to Section 37 of the Planning Act, securing the following community benefits as follows:

a) a cash contribution in the amount of six million and five hundred thousand (\$6,500,000.00) dollars allocated as follows within the local ward:

i. two million dollars (\$2,000,000.00) directed towards eligible cultural, community and recreation space;

ii. two million dollars (\$2,000,000.00) directed towards new affordable housing;

iii. two million dollars (\$2,000,000.00) directed towards local streetscape improvements and park improvements; and

iv. five hundred thousand dollars (\$500,000.00) be directed towards public art;

b) the cash contribution referred to in Recommendation 3 a. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135, or its successor, calculated from the date of the Agreement to the date of payment;

c) in the event the cash contribution referred to in Recommendation 3 a. above cannot be directed for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the amount of funds allocated towards a community benefit may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;

4. City Council direct that the following matters are also to be secured in the Section 37 Agreement as matters required to support the development of the lands, including:

a) prior to the issuance of the first building permit on the site, the owner shall provide confirmation from the St. Michael's Hospital, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected flight path, as per By-law 1432-2017, to the satisfaction Chief Building Official and Executive Director, Toronto Building;

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

the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site;

c) requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneways uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor;

d) as part of Site Plan approval, that the owner has, at its sole cost and expense:

i. secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted engineering reports to support the development should it be determined that improvements or upgrades and/or new infrastructure are required to support the development satisfactory to the Chief Engineer and Executive Director Engineering and Construction Services and City Solicitor;

ii. made satisfactory arrangements with Chief Engineer and Executive Director Engineering and Construction Services for the construction of new infrastructure or any improvements to the existing municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure, to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;

e) as part of the Site Plan application, the owner shall, at their sole cost and expense, implement any required wind mitigation measures in the accepted Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning

5. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## **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 Request for Interim Directions Report was adopted by City Council on February 26, 2019 authorizing staff to continue to review the application, resolve any outstanding issues and direct the City Solicitor and appropriate City Staff to attend and oppose the

application in its current form should the application be appealed. The decision of the City Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.5>

## **SITE AND SURROUNDING AREA**

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**Site Description and Dimensions:** The site is rectangular in shape and located mid-block between Shuter Street and Queen Street East with 45.7 metres of frontage on both Church and Dalhousie Streets. The lot area is 1545 square metres.

**Existing Use on Site:** On-site there are 2 and 3-storey commercial buildings built to the lot lines.

### **Surrounding Uses:**

**North:** A mix of 2 to 3 storey predominantly commercial buildings are located immediately north of the site. Further north at 65 Shuter Street is the 28-storey "Jazz" tower mixed use development with its associated podium ranging from 3 to 7-storeys (65 Shuter).

**South:** Presently a mix of 1 to 3 storey predominantly commercial buildings subject to an approved zoning amendment application for a 54-storey residential tower with commercial uses at grade (60 Queen Street East, File 18 111294 STE 27 OZ).

**East:** On the east side of Dalhousie Street three mixed use towers of 27, 28 and 49-storeys which are currently under construction.

**West:** On the west side of Church Street the Metropolitan United Church which includes a public park on the south side of the church building (designated as Other Open Space Areas in the Official Plan).

## **THE APPLICATION**

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### **Description**

#### **Gross Floor Area**

total gfa: 31,688 square metres  
residential gfa: 31,397 square metres  
non-residential gfa: 291 square metres

#### **Height**

27-storey element (84.41 metres).  
54-storey element (167.55 metres excluding mechanical, 173.51 metre including mechanical penthouse).



## **Density**

Floor Space Index (FSI) of 20.51 times the area of the lot.

## **Uses**

Residential with commercial uses at grade.

## **Unit count**

The application proposes 469 dwelling units: 36 studio (8%), 294 one-bedroom units (63%), 85 two-bedroom units (18%) and 54 three-bedroom units (12%).

As an alternative, the application includes convertible units which if converted would result in 451 dwelling units: 36 studio (8%), 240 one-bedroom units (53%), 121 two-bedroom units (27%) and 54 three-bedroom units (12%).

## **Additional Information**

See Attachments: 1-5 of this report for a location map, application data sheet, three dimensional representations of the project in context, and a site plan of the proposal. The application data sheet contains additional details on the proposal, including the site area and dimensions, floor area, unit breakdown, and parking counts.

Detailed project information, including all plans and reports submitted as part of the application, can be found on the City's Application Information Centre at:  
<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

## **Reasons for Application**

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

## **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted and is under review.

## **POLICY CONSIDERATIONS**

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### **Official Plan Designation**

Mixed Use Areas. The site is also designated Mixed Use Areas 2 - Intermediate in the Downtown Plan.

## **Zoning**

The site is subject to City-wide Zoning By-laws 569-2013. Under By-law 569-2013 the site is zoned CR 3.0 (c2.0; r3.0) SS1 (x2165). This By-law permits a variety of commercial and residential uses with a maximum density of 3.0 times the area of the site and a maximum building height of 18 metres (refer to Attachment 4). Exception 2165 includes provisions concerning: a prohibition of commercial parking garage or private commercial garage, required street related retail uses and angular plane provisions.

## **Additional information**

See Attachment 5 for applicable policy documents.

## **COMMUNITY CONSULTATION**

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A Community Consultation Meeting was hosted by City staff on June 19, 2018. Approximately 17 members of the public participated, as well as the Ward Councillor. Following a presentation by City staff and the applicant, the following comments and issues were raised:

- Comment that the proposal has double the number of parking spaces compared to the proposed development at 60-64 Church Street;
- Request for clarification concerning the north and south tower setbacks;
- Concern the proposal would prejudice any potential development of adjacent sites;
- Concern with how the loading would function.

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal is consistent with the PPS and conforms with the Growth Plan. 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 to provincial plans.

### **Land Use**

The site is designated Mixed Use Areas in the City of Toronto Official Plan. Policy 4.5.1 of the Official Plan states that Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The text of Section 4.5 of the Official Plan clarifies that not all Mixed Use Areas will experience the same scale or intensity of development.

In the Downtown Plan the site is designated Mixed Use Areas 2 – Intermediate. Policy 6.25 and 6.26 state that building typologies will respond to their site context and that scale and massing will be compatible with the existing and planned context of the neighbourhood including prevailing heights, massing, scale, density and building type.

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

## Built Form

The proposed development is massed in a podium tower form with a 54-storey tower and a base building ranging in height from 3 to 8 storeys while conserving the existing on-site heritage properties. The tower component of the development has a 27 and a 54-storey element. The lower 27-storey element has a floor plate of 755 square metres, the upper levels of the tower have a floor plate ranging from 503 square metres to 579 square metres. The lower floors of the tower stepback 3 metres (floors 4 to 9) and 2 metres (floors 10 and above) from the Church Street podium edge. Along Dalhousie Street, the lower floors of the tower stepback 3 metres (floors 4 to 8) and 2 metres (floors 9 and above) from the base building.

The existing and planned context features a mix of built forms including multiple towers and a range of tower heights. Heights for recently approved towers in conformity with the St. Michael's Hospital helicopter flight path bylaw and within 250 metres of the subject site include: 52-stories (215 Church), 60-stories (197 Yonge), 57-stories (60 Queen East), 39-stories (191-201 Church) and 52-stories, (244-260 Church). Within this context, the application proposes a 54-storey tower with the following tower separation distances.

	Tower setbacks to adjacent towers or mid-point of right-of-way
North	45 m to adjacent "Jazz" tower at 65 Shuter Street
South	20 m to approved but not built tower at 60 Queen Street East
East	19.9 m setback to the tower element at 25 Dalhousie Street
West	12.5 m (floor 8-27) setback to mid-point of Church Street 10.5 m (floor 28-54) setback to mid-point of Church Street

The tower setback to the north conforms to the recommended 25 metre separation distance requirement between towers. The other setbacks have been reduced from the recommended minimums and reviewed against the criteria in SASP 517 (OPA 352) to permit such reductions. Policy ii) of SASP 517 establishes a set of criteria in considering the reduction of tower setbacks from property lines. As described below, the proposed development will provide a high-quality, comfortable public realm, appropriately limit shadow impacts on various parks and open spaces; provides appropriate access to natural light and pedestrian level sky views and limits and mitigates uncomfortable wind conditions. The adjacent lands to the north between the subject site and 65 Shuter Street have also been evaluated and, in the opinion of staff, are not suitable for a tall building. Therefore a reduced setback to the north is

appropriate as a 45 metre separation distance is provided to the tower at 65 Shuter Street. The proposed 27-storey tower element and 54-storey tower element fits within the planned and existing built form context and achieves appropriate tower separation distances.

The development site includes the property at 147 Church Street (including the entrance address of 149 Church Street) which contains a 3- storey mixed-use/commercial building that was constructed circa 1910. It is a representative example of the Edwardian Classicism architectural style that was popular for commercial buildings in Toronto in the early 20th century. At its meeting on December 15, 2021 the City Council agreed to issued a Notice of Intention to Designate for this property under Part IV, Section 29 of the Ontario Heritage Act.

The proposed alterations to 147 Church Street include retaining and restoring the front façade while demolishing the rear portion of the building. The north facing exterior wall would be reconstructed with matching brick and the tower would be set back from the front façade by 3 metres and from the north side of the building by 9.5 metres. The restored portion of the building would include a 3-storey street wall that has been designed to relate to the surrounding context of this part of Church Street and the height and step backs of the proposed tower would relate to that of the development that was approved for adjacent site at 131-135 Church Street and 60-64 Queen Street East in 2020. Staff intend to report to Toronto Preservation Board to recommend that Toronto City Council approve the proposed alterations to the heritage building at 147 Church Street and enter into a Heritage Easement Agreement to secure the long-term conservation of the property consistent with a detailed Conservation Plan.

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register including St. James Cathedral. The existing protected view is looking north to the spire of St. James Cathedral. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies related to St. James Cathedral and other sites. Heritage Planning have reviewed the proposal and determined that the proposed tower does not impact the existing or proposed St James Cathedral view corridors.

Official Plan Policy 4.8.4, Airport Zoning Regulation (By-law 1432-2017) and Downtown Policy 9.29 requires new buildings to be sited and massed to protect the helicopter flight paths. Any development including all temporary and permanent structures would have to be below or outside the protected flight path. The proposal is within the Obstacle Limitation Surface for the St. Michael's Hospital. St. Michael's Hospital has confirmed the building and any permitted projections would not intrude into the flight path.

The applicant has submitted shadow studies illustrating the shadow impacts on nearby parks. March 21 shadows are similar to September 21 shadows but are approximately 14 minutes later.

- Moss Park: shadow at 5:18 pm September 21;
- Arena Gardens: no net new shadows;
- 45 Dalhousie Street Park: shadow at 2:18 September 21;

There are no net new shadows on the Park at Metropolitan United Church (park is on the south side of church, the east side of church is approved for a future mid-rise development). The shadows cast by the proposal on Moss Park are outside the shadow protection times identified by SASP 461, the Downtown Plan and outside the times identified by the Downtown Tall Building Guidelines. Within the protected times identified for non-signature parks by the guidelines, there is no net new shadows.

The proposed massing and setbacks are largely in response to: the location of adjacent towers and the need to secure appropriate separation distances; the conservation of existing on-site heritage buildings and the proposed St. James view corridor; the protection of the St. Mikes helicopter flight path; and, ensuring no net new shadows on Moss Park at the times identified by SASP 461. The proposed development is an appropriate built form which conforms to the Official Plan and relevant design guidelines.

### **Public Realm**

The Tall Building Design Guidelines include a minimum 6 metre sidewalk zone from curb to building face. The applicant is proposing a sidewalk zone of 4.4 metres on Church Street and 6.0 metres on Dalhousie Street. The setback on Church Street reflects the retention in-situ of the heritage buildings and as such, the reduced setback in these locations is acceptable. The remaining setbacks conform to the recommended 6 metres provision from the Tall Building Design Guidelines.

### **Wind Impacts**

The applicant has provided a Pedestrian Level Wind Study which concludes that wind conditions are acceptable. Wind mitigation measures including windscreens, trellises, and raised planters are recommended for the 4th and 8th level outdoor amenity areas in order to achieve seasonally comfortable conditions, suitable for their intended uses. These wind mitigation measures would be secured through the site plan application process.

### **Affordable Housing and Unit Mix and Unit Sizes**

The Provincial Policy Statement 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. As part of the Section 37 Agreement, a contribution for affordable housing will be secured.

The application proposes 469 dwelling units: 36 studio (8%), 294 one-bedroom units (63%), 85 two-bedroom units (18%) and 54 three-bedroom units (12%). As an alternative, the application includes convertible units which if converted would result in 451 dwelling units: 36 (8%) bachelor units, 240 (53%) one-bedroom, 121 (27%) two-bedroom and 54 (12%) three bedroom units, the implementing by-law will include a similar unit mix. Staff are of the opinion that the proposed unit mix supports the unit mix objectives of the Growing Up Guidelines, the Downtown Plan and applicable Official

Plan and provincial policies in order to accommodate, within new developments, a broad range of households including families with children.

### **Amenity Space**

The proposal includes 938 square metres of indoor amenity space (2 square metres per dwelling unit) of indoor and 938 square metres of outdoor amenity space (2 square metres per dwelling unit) of outdoor space proposed for a total of 1,876 square metres (4 square metres of amenity space per dwelling unit). The amenity space has been designed so that the indoor space is adjacent to the outdoor space. A dog run and pet wash area have been provided on the ground floor and fourth floor. The proposed amenity space provision is appropriate.

### **Parking and Loading**

A Transportation Impact Study was submitted with the application and has been reviewed by staff. Vehicular access and egress to the site would be from Dalhousie Street with vehicles entering and leaving in a forward motion. The proposed development would provide vehicular parking and loading in a four-level underground parking garage with loading at-grade within the building podium.

The proposal includes 120 parking spaces, 479 bicycle parking spaces, 1 Type G and 1 Type C (level P1) loading space. Transportation Services staff have reviewed the proposal and commented that a minimum of 0.22 resident parking spaces and 0.03 visitor parking spaces per unit would be required. Additionally, one shared Type G and one Type C loading space would be required. These requirements are reflected in the draft by-law.

### **Site Servicing**

The applicant submitted Functional Servicing, Geotechnical study, Hydrogeological Assessment and Stormwater Management Reports in support of their application. Engineering and Construction Services have reviewed the reports and require the owner to enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development.

### **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 6 months. Payment will be required prior to the issuance of the first building permit.

### **Urban Forestry**

A Tree Declaration was submitted by the applicant and reviewed by Urban Forestry staff. There are no private or City owned trees on or within 6 metres of the subject site. Urban Forestry has indicated they have no concerns with respect to this application. The conceptual landscape plan submitted with the application proposes 6 large shrubs along the Dalhousie Street frontage within the subject lands which would be further assessed as part of the Site Plan application.

### **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 recommended to be secured in the Section 37 Agreement are a cash contribution in the amount of six million and five hundred thousand (\$6,500,000.00) dollars allocated as follows within the local ward:

- i. two million dollars (\$2,000,000.00) for eligible cultural, community and recreation space;
- ii. two million dollars (\$2,000,000.00) for new affordable housing;
- iii. two million dollars (\$2,000,000.00) for local streetscape improvements and park improvements; and
- iv. five hundred thousand dollars (\$500,000.00) for public art;

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

- a) prior to the issuance of the first building permit on the site, the owner shall provide confirmation from the St. Michael's Hospital, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected flight path, as per By-law 1432-2017, to the satisfaction Chief Building Official and Executive Director, Toronto Building;
- b) the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green

Standards applicable at the time of the site plan application for each building on the site;

c) requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneways uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor;

d) as part of Site Plan approval, that the owner has, at its sole cost and expense:

i. secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted engineering reports to support the development should it be determine that improvements or upgrades and/or new infrastructure are required to support the development satisfactory to the Chief Engineer and Executive Director Engineering and Construction Services and City Solicitor;

ii. made satisfactory arrangements with Chief Engineer and Executive Director Engineering and Construction Services for the construction of new infrastructure or any improvements to the existing municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure, to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;

e) as part of the Site Plan application, the owner shall, at their sole cost and expense, implement any required wind mitigation measures in the accepted Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning.

## **Further Issues**

City Planning may receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputations made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.



## **Conclusion**

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, and applicable City guidelines intended to implement Official Plan policies. The proposal is consistent with the PPS (2020), conforms with the Growth Plan (2020) and conforms to the Official Plan and maintains the intent of the applicable guidelines. This report recommends staff be directed to attend the OLT hearing in support of the Zoning By-law Amendment application for the property at 137-149 Church Street.

## **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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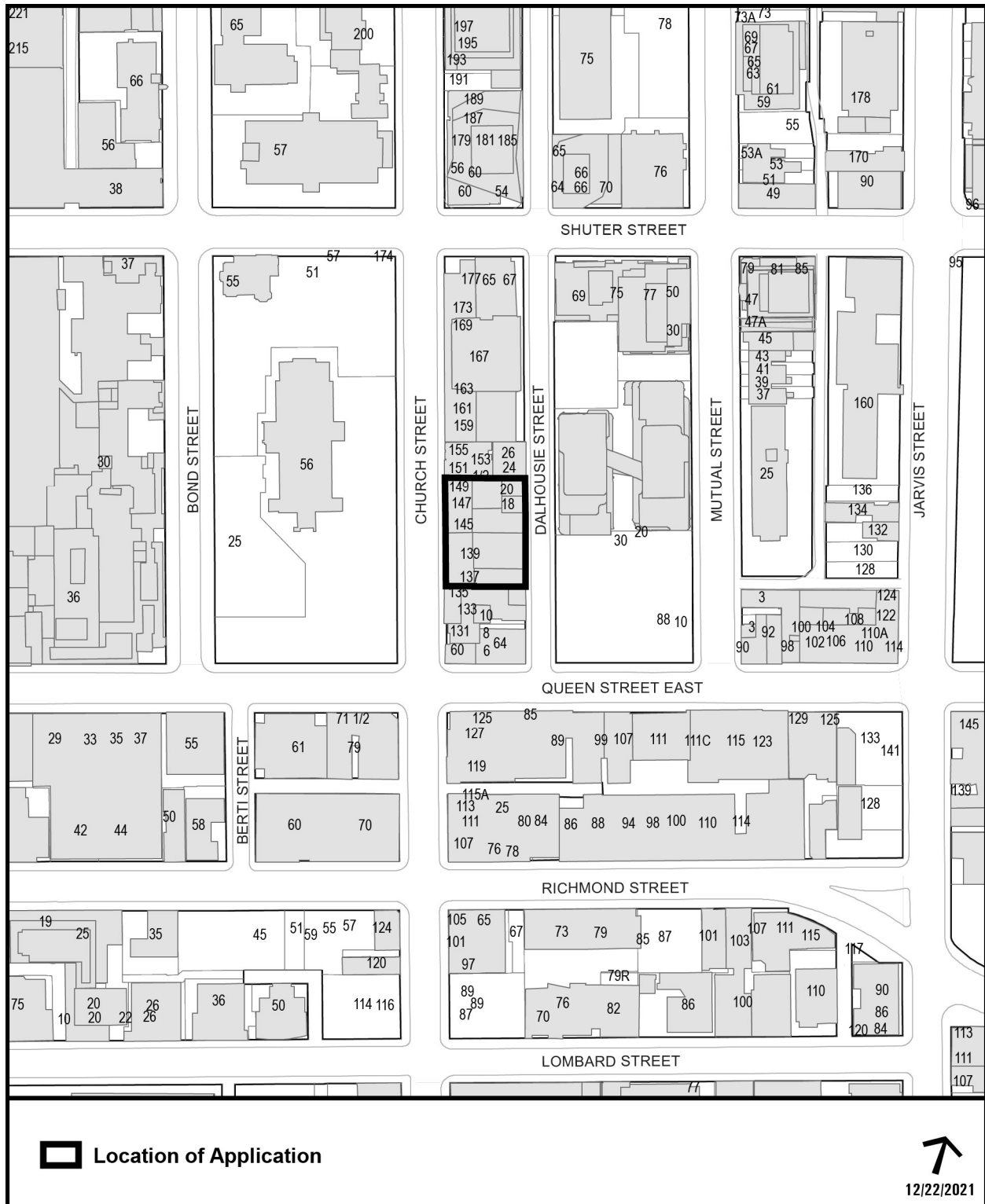
### **City of Toronto Data/Drawings**

Attachment 1: Location Map  
Attachment 2: Application Data Sheet  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map  
Attachment 5: Policy Considerations

### **Applicant Submitted Drawings**

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

# Attachment 1: Location Map



## Attachment 2: Application Data Sheet

Municipal Address: 137-149 CHURCH Date Received: June 8, 2018

Application Number: 18 174573 STE 27 OZ

Application Type: Rezoning

Project Description: Proposed 54-storey mixed-use building

Applicant	Agent	Architect	Owner
Bousfields Inc.		Graziani + Corazza	PEM (Church) Limited Partnership

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N

Zoning: CR T3.5 C2.0  
R2.0 Heritage Designation: Y

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

### PROJECT INFORMATION

Site Area (sq m): 1,545 Frontage (m): 46 Depth (m): 34

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,350	1,350
Residential GFA (sq m):			31,397	31,397
Non-Residential GFA (sq m):	3,178		291	291
Total GFA (sq m):	3,178		31,688	31,688
Height - Storeys:	3		54	54
Height - Metres:			168	168

Lot Coverage Ratio (%) : 87.38 Floor Space Index: 20.51

### Floor Area Breakdown

	Above Grade (sq m)	Below Grade (sq m)
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Residential GFA:	31,397	
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Retail GFA:	291	
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Office GFA:		
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Industrial GFA:		
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Institutional/Other GFA:		
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**Residential Units  
by Tenure**

	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			469	469
Other:				
Total Units:			469	469

**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		36	294	85	54
Total Units:		36	294	85	54

**Parking and Loading**

Parking Spaces:	120	Bicycle Parking Spaces:	479	Loading Docks:	2
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**CONTACT:**

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

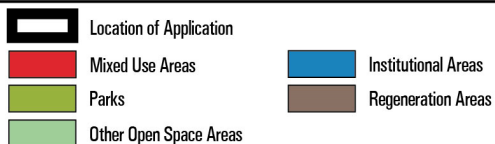
### Attachment 3: Official Plan Land Use Map



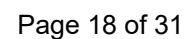
## Official Plan Land Use Map 18

137-149 Church Street

File # 18 174573 STE 27 OZ



Not to Scale  
01/18/2022

[illegible]

## **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.

## **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.

While decisions of Council shall be consistent with the policies of the PPS, it is also important to note that the PPS recognizes and acknowledges the Official Plan as an important document for implementing many of 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."

## **Provincial Plans**

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

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

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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

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



The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

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 the Report.

### **Toronto Official Plan**

The City of Toronto Official Plan (the "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.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities.

The site is designated *Mixed Use Areas* as shown on Land Use Map 18. See Attachment 3 of this report for the Official Plan Land Use Map.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **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.

The Official Plan Amendment can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

### **Official Plan Amendment 406 -The Downtown Plan**

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council May 22, 2018 and approved by the Ministry on June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new

Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019.

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

The Downtown Plan can be found here:

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

### **Official Plan Amendment to Further Protect Heritage Views of City Hall, Old City Hall and St. James Cathedral**

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, St. James Cathedral being one of those properties. The existing protected view is looking north to the spire of St. James Cathedral. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies to and beyond St. James Cathedral.

The draft Amendment can be found here

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

### **Airport Zoning Regulation - Helicopter Flight Path**

City Council at its meeting of December 5, 2017 adopted an airport zoning regulation for the hospital helicopter flight paths, By-law 1432-2017, which is in full force and effect as authorized by an agreement between the City of Toronto and Federal Minister of Transport under the Aeronautics Act. In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4 and Downtown Policy 9.29 any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities has to be below or outside the protected flight path. The proposal is within the Obstacle Limitation Surface for the St. Michael's Hospital

The by-law can be found here:

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

### **Design Guidelines**

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Policy 2.2.1.6 also refers to design guidelines to ensure new development respects context. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This

application was reviewed using the City-Wide Tall Building Design Guidelines, Downtown Tall Buildings: Vision and Supplementary Design Guidelines, Growing Up Draft Urban Design guidelines, Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings, Retail Design Manual, Best Practices for Bird-Friendly Glass; Best Practices for Effective Lighting; and Toronto Accessibility Design Guidelines.

### **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/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.

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

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

### **Growing Up Urban Design Guidelines**

On July 28, 2020, City Council adopted the updated Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines ("Growing Up Guidelines"). The update was based on the continued review and assessment from the draft guidelines adopted by Council in July 2017. The objective of the Growing Up Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing Up Design Guidelines was considered in the review of this revised proposal.

The guidelines can be found here: <https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

### **Retail Design Manual**

The Retail Design Manual is anticipated to be on a future Planning and Housing Committee agenda with an anticipated recommendation that the Retail Design Manual be applied in the evaluation of proposals with a retail presence. The Retail Design

Manual is a collection of best practices and is intended to provide guidance on developing ground floor retail spaces.

The Guidelines can be found here:

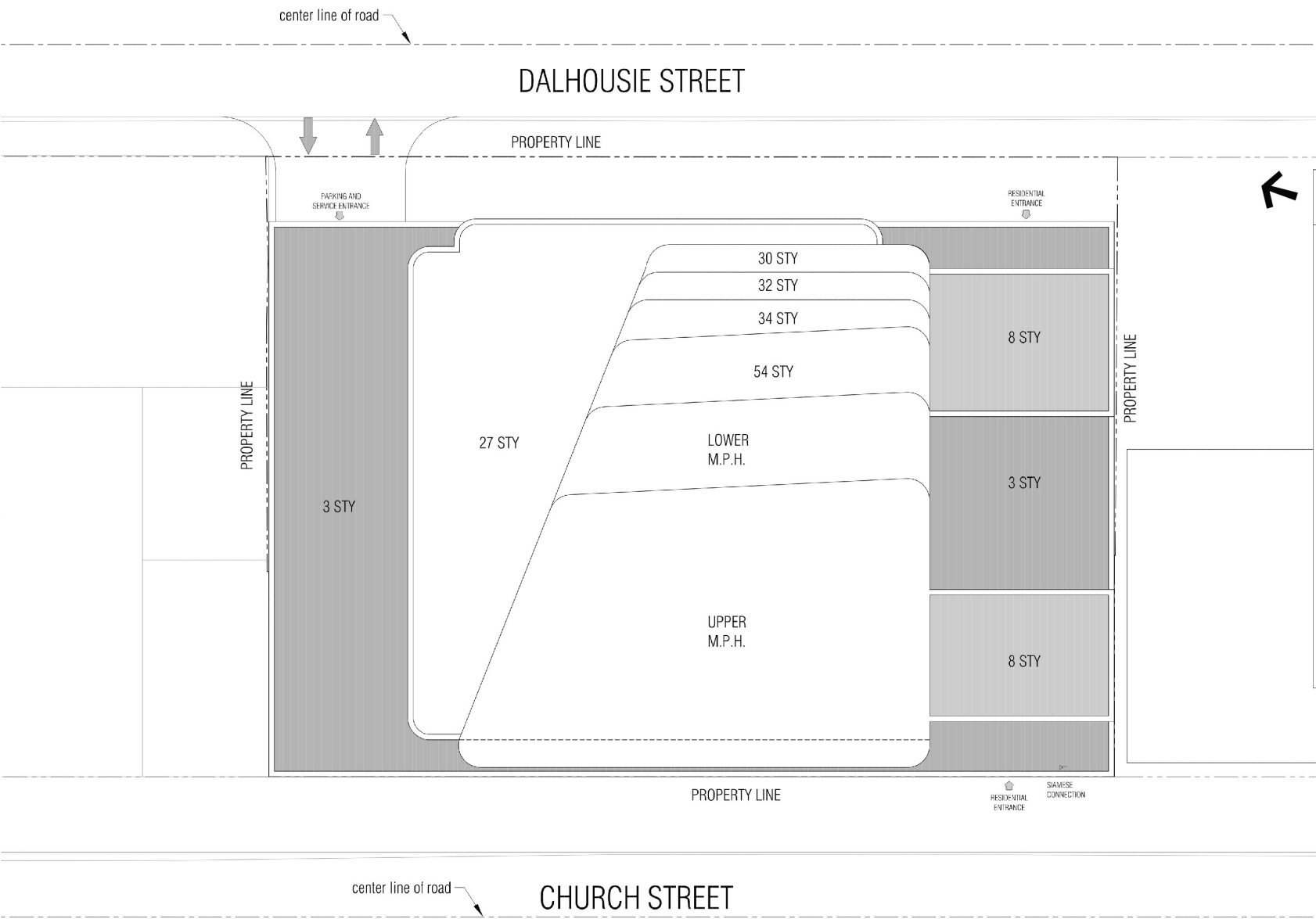
<https://www.toronto.ca/wpcontent/uploads/2020/01/960d-Toronto-Retail-Design-Manual-December-2019.pdf>

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

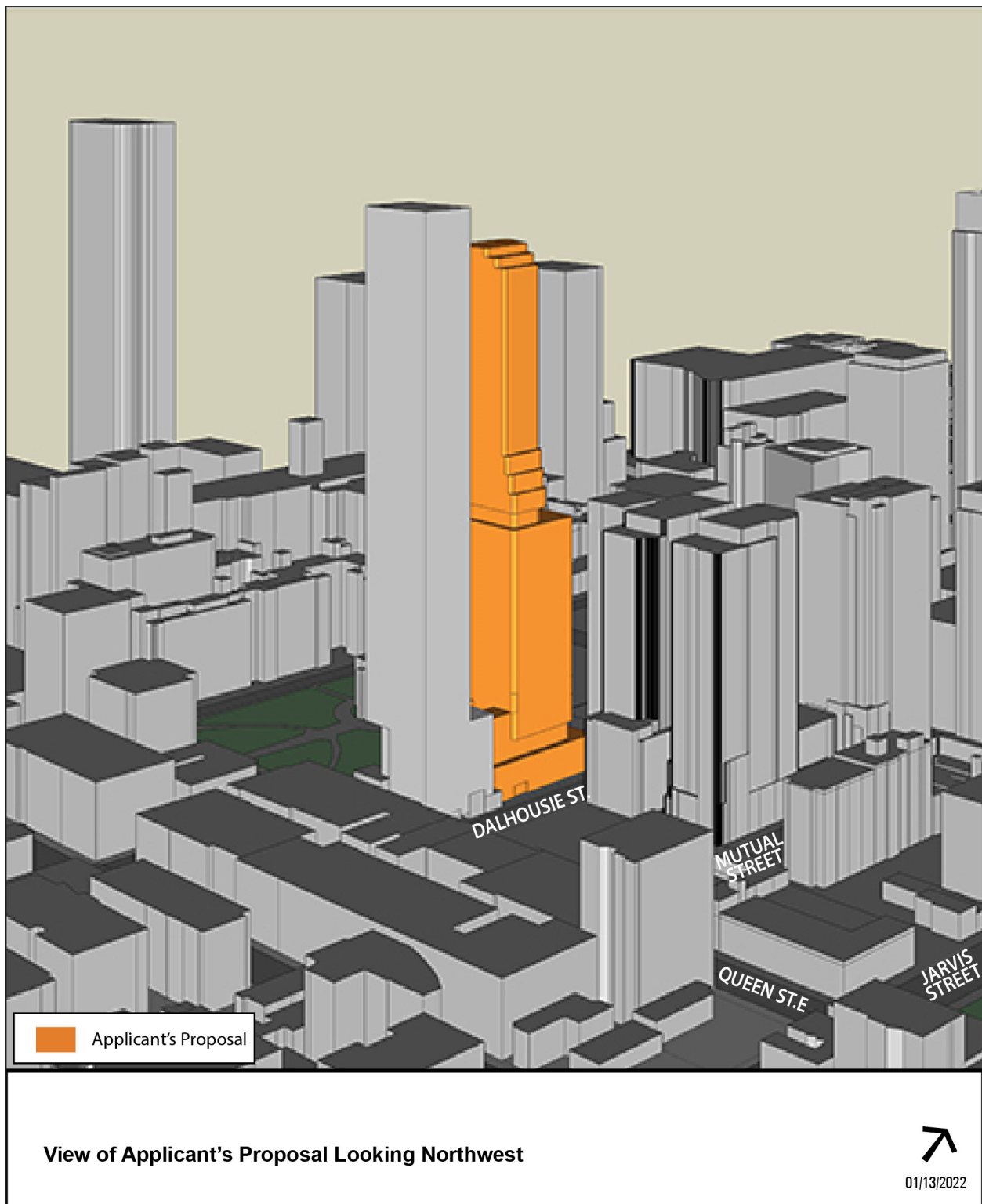
The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

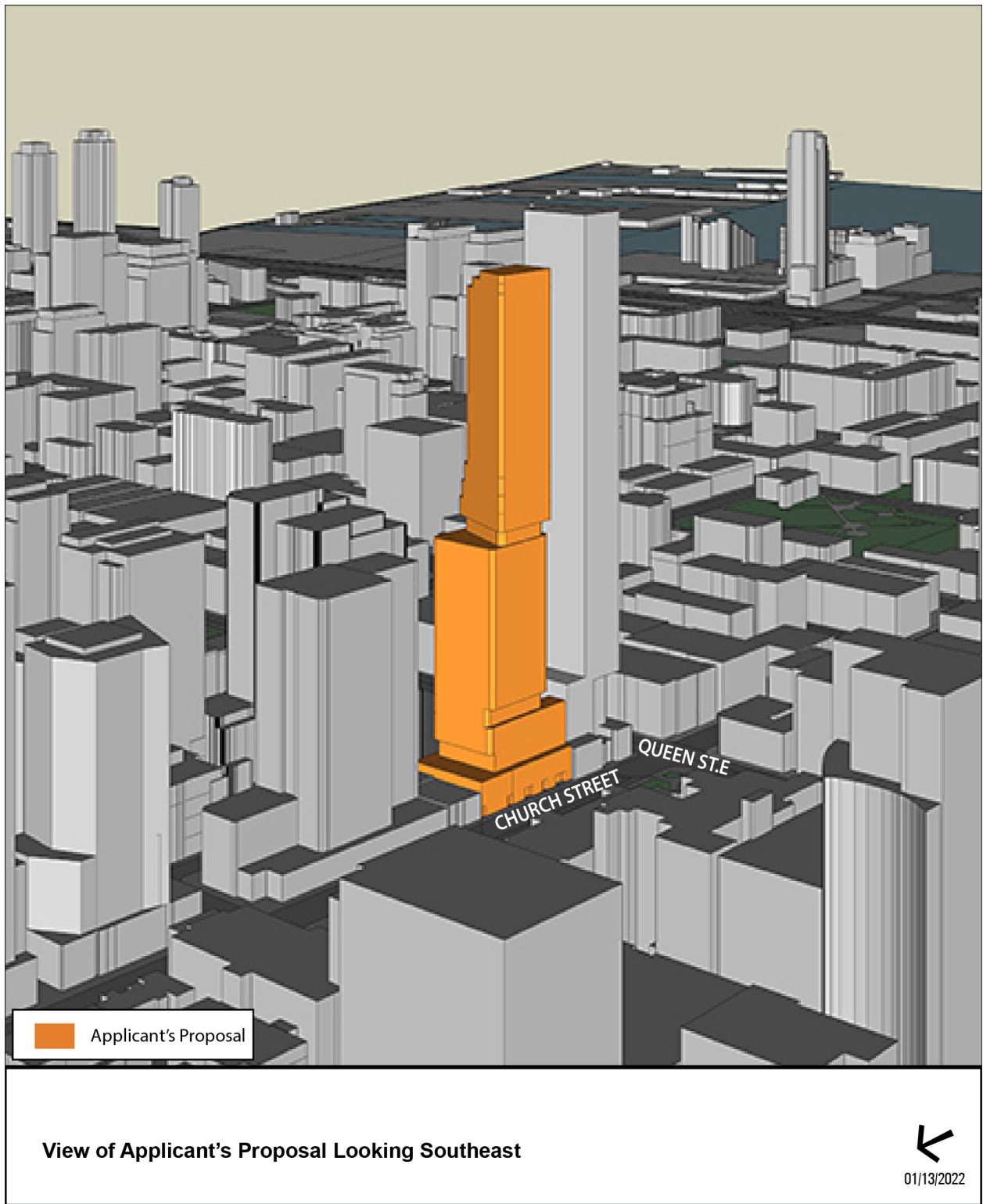
The Guidelines can be found here:

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

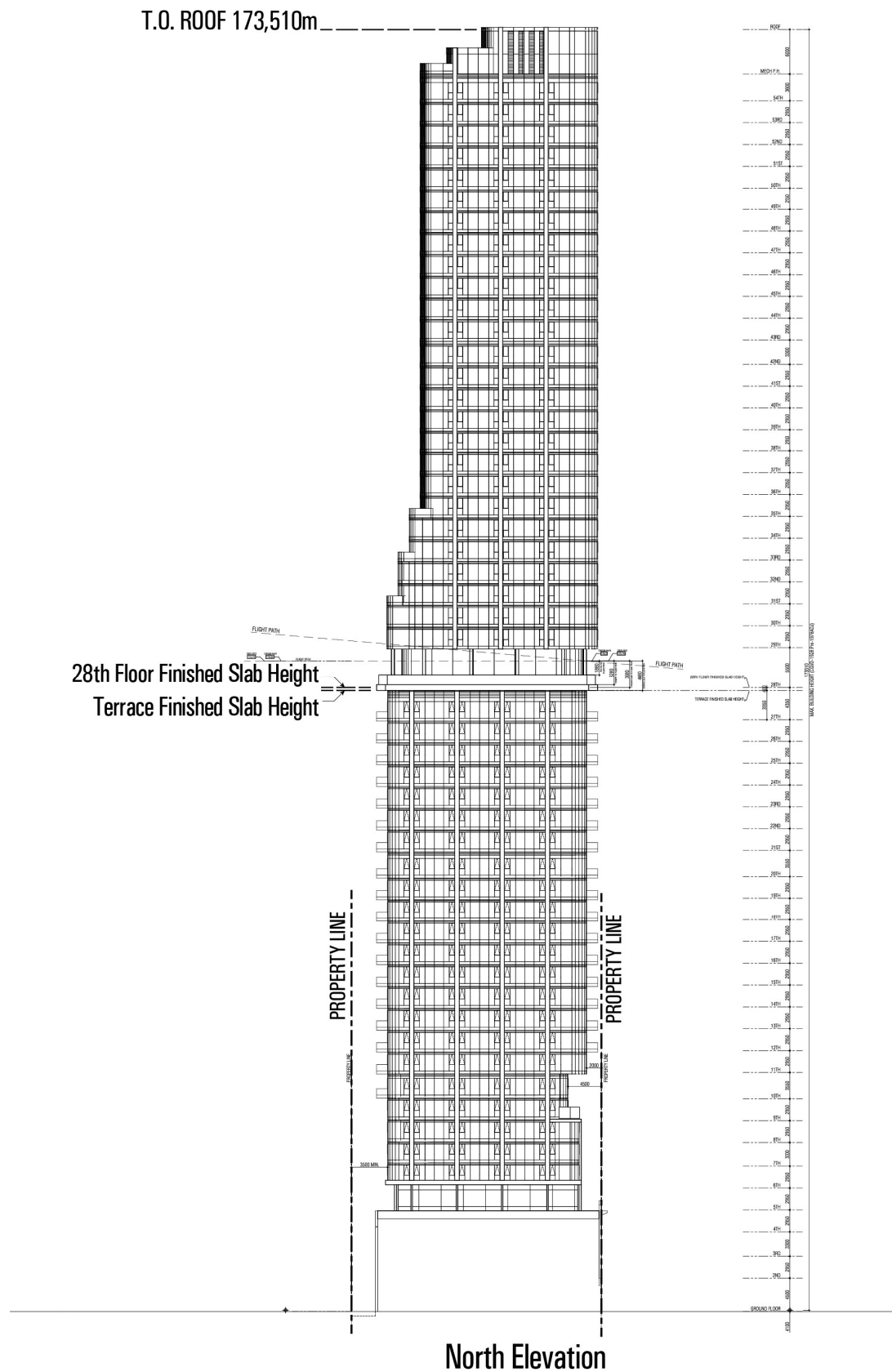


## Attachment 7: 3D Model of Proposal



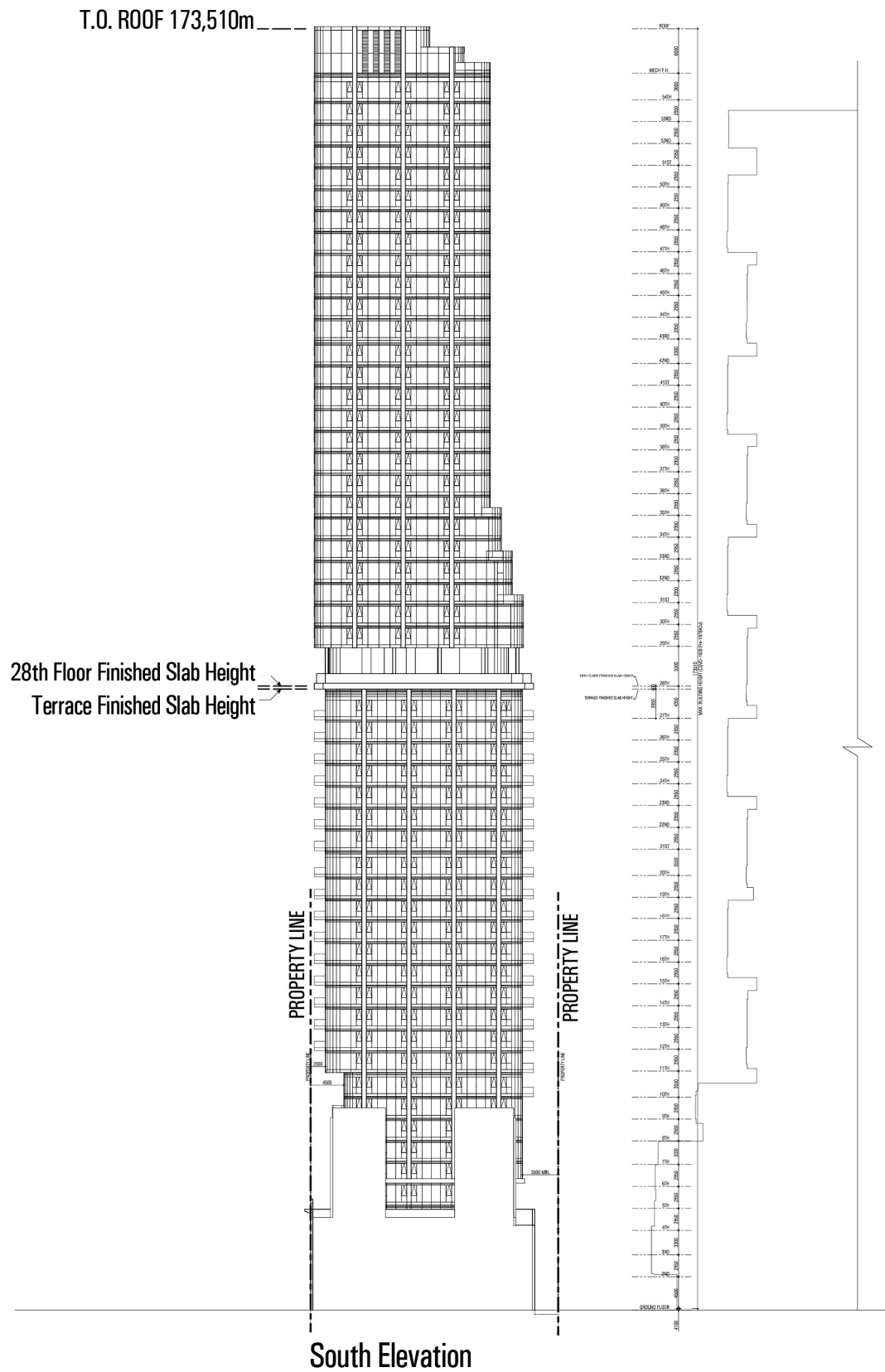


## Attachment 8: North Elevation

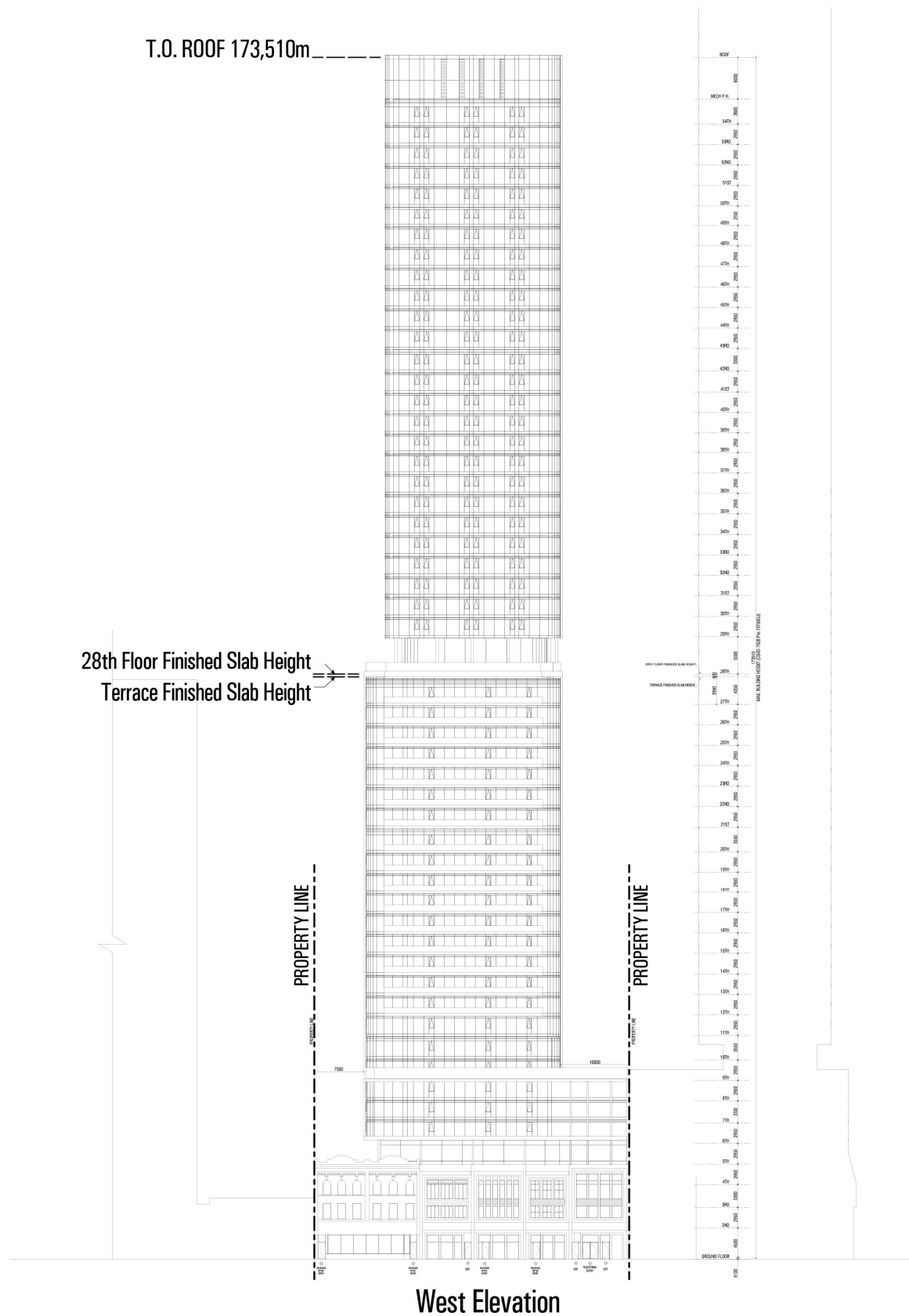




# Attachment 9: South Elevation



## Attachment 10: West Elevation



## Request for Direction Report - 137-149 Church

